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THE LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume IV, 1938

(8th August to 25th August, 1938)

EIGHTH SESSION OF THE FIFTH LEGISLATIVE ASSEMBLY, 1938



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Legislative Assembly.

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

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LEGISLATIVE ASSEMBLY.

Wednesday, 24th August, 1938.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

EFFECT OF THE SINO-JAPANESE WAR ON THE FOREIGN TRADE OF INDIA.

422. ***Mr. T. S. Avinashilingam Chettiar** : Will the Honourable the Commerce Member state :

- (a) the effect of the Sino-Japanese war on the foreign trade of India ;
- (b) whether Japan's purchase of Indian cotton or any other articles has suffered in consequence ; and
- (c) if so, whether Government have taken any steps to counteract the bad effects of the war on our trade ?

The Honourable Sir Muhammad Zafrullah Khan : (a) The effect of the Sino-Japanese hostilities on the total foreign trade of India is not capable of precise estimation.

(b) Japan's purchases of Indian cotton and certain other articles have decreased and this decrease is apparently due to the Sino-Japanese hostilities.

(c) Government do not consider that any action is possible.

Mr. T. S. Avinashilingam Chettiar : May I know what is the estimate of the trade with Japan that has decreased ?

The Honourable Sir Muhammad Zafrullah Khan : In the first six months of 1937, the exports to Japan were Rs. 3,11 lakhs, and in the last six months only Rs. 96 lakhs,—though, in the first six months of this year, they have risen again to 1,22 lakhs.

Mr. T. S. Avinashilingam Chettiar : May I know if the imports from Japan have correspondingly increased, or decreased ?

The Honourable Sir Muhammad Zafrullah Khan : They first increased and then decreased.

Mr. S. Satyamurti : With regard to cotton, are Government in a position to give us figures of the reduction in the export of cotton from India to Japan ?

The Honourable Sir Muhammad Zafrullah Khan : If the Honourable Member will put down a question, I shall give him the figures.

Mr. S. Satyamurti : In view of the fact that cotton stocks are still accumulating in the godowns here, and in view of the next crop, will the Honourable the Commerce Member kindly see that some steps are taken with regard to the disposal of this cotton at reasonable prices ?

The Honourable Sir Muhammad Zafrullah Khan : To Japan or to some other country ?

Mr. S. Satyamurti : To Japan.

The Honourable Sir Muhammad Zafrullah Khan : I am prepared to consider any proposals that the Honourable Member may make.

Mr. S. Satyamurti : Have not Government consulted Indian interests, and have not these given the Government any proposals ?

The Honourable Sir Muhammad Zafrullah Khan : One proposal is to stimulate the exports of cotton to the United Kingdom.

Prof. N. G. Ranga : Have Government any proposal to call for another crop-planning conference with a view to persuading the Provincial Governments to take the necessary steps to bring down the acreage under cotton ?

The Honourable Sir Muhammad Zafrullah Khan : That question ought to be addressed to the Secretary, Department of Education, Health and Lands.

Mr. T. S. Avinashilingam Chettiar : In view of the fact that the export of cotton has decreased, are Government taking any specific steps to increase the export of cotton ?

Mr. President (The Honourable Sir Abdur Rahim) : That is not in the question.

Mr. T. S. Avinashilingam Chettiar : I am asking whether Government have taken any steps to counteract the bad effects of the Sino-Japanese war and one of the effects is the decrease of cotton ?

Mr. President (The Honourable Sir Abdur Rahim) : He has answered that.

Mr. T. S. Avinashilingam Chettiar : I asked if steps were taken and there was no answer ?

The Honourable Sir Muhammad Zafrullah Khan : I read out the answer.

Mr. S. Satyamurti : Sir, if you take (b) and (c) together, there was no answer to the question whether steps were being taken to stimulate the export of cotton ?

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

COMPANIES SUPPLYING PETROL.

423. ***Mr. T. S. Avinashilingam Chettiar** : Will the Honourable the Commerce Member state :

- (a) how many companies are supplying petrol needed by India ;
- (b) whether he is aware of any understanding amongst those companies about the price at which they sell it, thus amounting to a virtual monopoly ; and
- (c) whether Government are satisfied that they do not make unconscionable profits out of this position ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Eleven.

(b) Government are not aware of any such understanding.

(c) Does not arise.

Mr. T. S. Avinashilingam Chettiar : May I know whether Government are aware of petrol sales being made at the same price by the various companies at the same place ?

The Honourable Sir Muhammad Zafrullah Khan : I have answered that question before.

Mr. T. S. Avinashilingam Chettiar : He has answered about petrol being sold at the same price at the same place by the same companies. Does that happen without any understanding ?

Mr. S. Satyamurti : We want to know if it is within the knowledge of the Government, after inquiry, whether there is, or there is not, an understanding amongst all these companies to sell petrol at a particular price ?

The Honourable Sir Muhammad Zafrullah Khan : I have given a reply to that.

Sardar Sant Singh : Are Government aware that the price of petrol at the port of entry is one anna and six pies per gallon ?

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member ought to find out the facts by some other means.

Mr. T. S. Avinashilingam Chettiar : On the question whether the companies are making, or are not making, any unconscionable profits as a result of the combine, have the Government inquired into the matter ?

The Honourable Sir Muhammad Zafrullah Khan : There was no necessity to make an inquiry. The Honourable Member's question in this part was dependent upon there being a reply in the affirmative to his previous question.

Mr. President (The Honourable Sir Abdur Rahim) : This matter has been fully dealt with. Next question.

HELP TO THE HANDLOOM INDUSTRY.

424. ***Mr. T. S. Avinashilingam Chettiar** : Will the Honourable the Commerce Member state :

- (a) whether Government have examined the views expressed in the last Industries Conference with regard to the help to be given to the handloom industry (reference starred question No. 241, dated the 14th February, 1938) ; and

(b) if so, what conclusions they have come to in this matter ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes, Sir.

(b) Orders have been issued accepting the various recommendations of the Conference except in one case, namely, that relating to competition between the mills and the handloom weavers. The views expressed at the Conference on this subject are still under examination.

Mr. S. Satyamurti : May I know if Local Governments are going to be consulted before the Government of India come to a decision in this matter ?

The Honourable Sir Muhammad Zafrullah Khan : With regard to all recommendations made by the Conference, Local Governments are always consulted.

Prof. N. G. Ranga : Will Government place on the table of the House the conclusions reached and the action to be taken thereon ?

The Honourable Sir Muhammad Zafrullah Khan : The matter is under examination.

Prof. N. G. Ranga : I am asking in regard to the other recommendations accepted by the Government ?

The Honourable Sir Muhammad Zafrullah Khan : I will consider that.

Mr. T. S. Avinashilingam Chettiar : May I know what is the financial effect of the recommendations that have been accepted ?

The Honourable Sir Muhammad Zafrullah Khan : I am unable to say.

Prof. N. G. Ranga : Is it not a fact that the Conference wanted the subvention to be increased, and if so, what is the conclusion of the Government of India on that ?

The Honourable Sir Muhammad Zafrullah Khan : I am afraid I will require notice.

Mr. T. S. Avinashilingam Chettiar : Have Government accepted some of these recommendations without knowing the financial effect ?

The Honourable Sir Muhammad Zafrullah Khan : I said I would require notice.

CONSIDERATION OF THE RESOLUTION *re* CONSULTING THE LEGISLATIVE ASSEMBLY ON TRADE AGREEMENTS.

425. ***Mr. T. S. Avinashilingam Chettiar :** Will the Honourable the Commerce Member state :

- (a) whether Government have considered the Resolution passed by the House on 1st April, 1938, that no steps should be taken to conclude a fresh Indo-British Agreement, or any trade agreement of a similar nature without first consulting the Assembly ; and

(b) if so, what conclusion they have come to ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes, Sir.

(b) The Honourable Member's attention is invited to the speech made on the 1st April, by the Government spokesman during the debate on the Resolution in question. Government have nothing further to add to what was said on that occasion.

Mr. T. S. Avinashilingam Chettiar : May I know whether Government have considered this Resolution *after* it was passed and *after* the speech to which he refers was made ?

The Honourable Sir Muhammad Zafrullah Khan : The position, as stated there, was that Government must first know whether there is going to be a trade agreement before they can decide what they will do about it.

Mr. S. Satyamurti : May I know what the latest position is in the matter ?

The Honourable Sir Muhammad Zafrullah Khan : The latest position is—as probably the Honourable Member is aware—that certain proposals which were placed before the unofficial advisers are being considered by them.

Mr. T. S. Avinashilingam Chettiar : Do they expect to come to a conclusion before the end of the session ?

The Honourable Sir Muhammad Zafrullah Khan : The unofficial advisers have intimated that they will probably be in a position to place their views before Government after the 3rd September.

Prof. N. G. Ranga : Have Government taken sufficient care to see that the interests of the handloom weavers are properly safeguarded in these discussions ?

The Honourable Sir Muhammad Zafrullah Khan : As I have stated on previous occasions, Government are keeping in mind all the factors which have been placed before them.

CHARTERED ACCOUNTANTS IN INDIA.

426. ***Mr. T. S. Avinashilingam Chettiar :** Will the Honourable the Commerce Member state :

(a) whether they have considered the question of instituting the enquiry promised by the Honourable the Law Member on the 6th October, 1936, with regard to establishing in India a class of higher accountants, who will be designated as Chartered Accountants (reference his answer to starred question No. 1196, dated the 6th April, 1938) ;

(b) if so, whether the enquiry has been made ; and

(c) with what effect ?

The Honourable Sir Muhammad Zafrullah Khan : (a) The question is under consideration.

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

DEPUTATION REPRESENTING COCOANUT INTERESTS FROM TRAVANCORE.

427. ***Seth Govind Das** : Will the Honourable Member for Commerce please state :

- (a) whether a deputation from Travancore waited on him for the protection of the cocoanut industry ;
- (b) whether he agreed to the demand, raising the import Tariff duty to Rs. 100 per ton ; and
- (c) the result of the deputation ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (c). I would refer the Honourable Member to the answers given by me on the 15th August to Mr. K. Santhanam's starred question No. 202 and its supplementaries.

(b) No, Sir.

Prof. N. G. Ranga : Has any progress been made since then ?

The Honourable Sir Muhammad Zafrullah Khan : It is now only a few days since then.

REPORT OF THE NON-OFFICIAL DELEGATION ON THE TRADE TALKS IN SIMLA.

428. ***Seth Govind Das** : Will the Honourable Member for Commerce please state :

- (a) whether it is a fact that some commercial organisations requested Government to publish the report submitted by the non-official delegation during the recent Simla trade talks ;
- (b) the reason for not publishing the report ;
- (c) whether Government now consider the desirability of publishing the report ; and
- (d) whether he will lay a copy of the report on the table ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes, Sir.

(b) to (d). Government are not prepared during the course of the negotiations to make public the nature or details of the advice tendered by the unofficial advisers.

Mr. S. Satyamurti : Is it a fact that the unofficial advisers themselves recommended that the Government should publish their memorandum ?

The Honourable Sir Muhammad Zafrullah Khan : I believe so.

Mr. S. Satyamurti : May I know the reason why the Government of India turned down the recommendations ?

The Honourable Sir Muhammad Zafrullah Khan : Because it would not be in the interest of the negotiations to publish any portion of the recommendations piecemeal.

Mr. S. Satyamurti : Have the non-official advisers given their consent to this non-publication ?

The Honourable Sir Muhammad Zafrullah Khan : I do not think it is necessary to get their consent. That point of view has been explained to them.

Seth Govind Das : Is it not a fact that the views of the people in England who are interested in these negotiations are generally published in the newspapers of that country ?

The Honourable Sir Muhammad Zafrullah Khan : I am not aware of that.

Prof. N. G. Ranga : May I ask why the Government of India did not protest to the Lancashire Delegation for publishing their criticism on the views of the Indian Delegation ?

The Honourable Sir Muhammad Zafrullah Khan : There was no occasion for a protest. Publication was given to the views of the interests concerned in both countries.

Mr. M. Ananthasayanam Ayyangar : Will Government have any objection if the non-official advisers publish their views of their own accord ?

The Honourable Sir Muhammad Zafrullah Khan : I should leave it to the non-official advisers to ask the Government about it.

LEGISLATION TO PROTECT THE INTERESTS OF INDIAN SHIPPING IN THE COASTAL TRAFFIC OF INDIA.

429. ***Seth Govind Das :** Will the Honourable the Commerce Member please state :

- (a) whether Government are aware of the strong feeling of the people of the country expecting Government to bring forward a comprehensive measure for legislation to protect the interests of Indian shipping in the Coastal Traffic of India ;
- (b) whether he has considered the desirability of framing such a measure ; and
- (c) the result of such consideration of Government in this matter ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Government are aware that in some quarters there is a desire for such legislation.

(b) and (c). The attitude of Government on this question was explained recently during the debate on Sir Abdul Halim Ghuznavi's Bill to control the coastal traffic of India.

Mr. S. Satyamurti : With regard to the answer to part (a) of the question, may I know whether it is in the knowledge of Government that there are any Indian quarters which do not want a measure of legislation to protect the interests of Indians in the coastal traffic of India ?

The Honourable Sir Muhammad Zafrullah Khan : My information does not extend to the possession of views of all quarters.

Mr. S. Satyamurti : In answer to the question 'whether Government are aware of the strong feeling of the people of the country expecting Government to bring forward a comprehensive measure, etc.', the Honourable Member said 'in some quarters', the suggestion being that other quarters do not entertain that feeling. I am asking whether, to his knowledge, there is any Indian feeling in this country which is against the legislation to protect the Indian interests in coastal shipping.

The Honourable Sir Muhammad Zafrullah Khan : It is very difficult to answer that question unless opinions are called for.

Mr. T. S. Avinashilingam Chettiar : In view of the feelings in the country, do Government propose to bring any legislation on this behalf ?

The Honourable Sir Muhammad Zafrullah Khan : This question was put during the course of the debate and it was answered.

Mr. S. Satyamurti : The answer was in the negative, but may I ask whether the Government propose to take any steps, legislative or otherwise, or by convening a Conference, to increase the proportion of Indian interests in the coastal shipping ?

The Honourable Sir Muhammad Zafrullah Khan : I believe the proportion is increasing as it is.

Mr. S. Satyamurti : What is the proportion now ?

The Honourable Sir Muhammad Zafrullah Khan : I am unable to say specifically what the proportion is without notice.

Mr. T. S. Avinashilingam Chettiar : Are the Government satisfied about the extent of the trade of Indians ?

The Honourable Sir Muhammad Zafrullah Khan : That is not the kind of question that Government could undertake to answer.

Mr. Manu Subedar : May I ask whether the Government will arm themselves with legal powers where there is cut-throat war ?

The Honourable Sir Muhammad Zafrullah Khan : I think there is a question with regard to that which has been put down for Monday next.

REPORT OF THE TARIFF BOARD ON THE SUGAR INDUSTRY.

430. ***Seth Govind Das :** Will the Honourable the Commerce Member be pleased to state :

- (a) whether the Sugar Tariff Board have submitted their report ;
- (b) whether Government have come to any decision on the findings of the Board ;
- (c) whether he intends publishing Government's views on the findings of the Committee by means of a resolution ; and
- (d) whether he intends bringing in a new Bill during this or the next Session, or whether the present Act is to be extended ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes, Sir.

(b) No. The Report is still under consideration.

(c) and (d). Government cannot anticipate their decision before they have finished consideration of the Report.

Seth Govind Das : May I ask why there is such a delay in the publishing of this report ?

The Honourable Sir Muhammad Zafrullah Khan : Because it is still under consideration and it is not usual to publish these reports before Government have come to a decision regarding the recommendations.

Seth Govind Das : Is it a fact that this report is not being published because it has said something which the Government do not want to adhere to ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir.

Mr. S. Satyamurti : Apart from the practice on which my Honourable friend relies, may I know what are the specific reasons which have prompted the Government not to publish the Tariff Board Report before they make up their mind on the report ?

The Honourable Sir Muhammad Zafrullah Khan : The main reason is, that it would start a controversy and would disturb the industry under consideration if it was not known at the same time what action Government proposed to take.

Mr. Manu Subedar : May I ask whether the Government will consider the advisability of publishing the report *minus* one or two paragraphs of a financial nature which they may not think advisable to publish just now ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir.

Dr. Sir Ziauddin Ahmad : May I ask whether the Government are contemplating to reduce the quantum of protection on sugar ?

The Honourable Sir Muhammad Zafrullah Khan : It is perfectly obvious that if the Government are not in a position to publish the report, they cannot answer that question.

Mr. N. V. Gadgil : Will the report be published before the presentation of the Budget ?

The Honourable Sir Muhammad Zafrullah Khan : I am unable to say when it will be published.

Mr. T. S. Avinashilingam Chettiar : Is it not a fact that the non-publication of this report has left the industry in great doubt and difficulty ?

The Honourable Sir Muhammad Zafrullah Khan : It is a very difficult question to answer. I suppose the interests that are affected would naturally wish to know what is likely to happen.

Seth Govind Das : Are Government aware that in view of the fact that the sugar season is approaching, it would be extremely unfair to the factory owners if this report is not published at an early date ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir.

Mr. S. Satyamurti : Are Government aware that the extension of the sugar tariff only to the end of this financial year has caused a great anxiety in the industry ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir : Government are not so aware.

CREATION OF PROVINCES ON LINGUISTIC BASIS.

431. *Seth Govind Das : Will the Honourable the Law Member please state :

- (a) whether Government's attention has been drawn to the agitation in the country with regard to the creation of provinces on linguistic basis ;
- (b) whether they have corresponded with the Secretary of State, denoting the public opinion in the matter ;
- (c) if so, whether he will lay a copy of the entire correspondence on the table ;
- (d) if not, whether he will give a gist of the communication on the subject ; and
- (e) whether he will make a statement on the floor of the House about the attitude of Government and that of the Secretary of State in the matter ?

The Honourable Sir Muhammad Zafrullah Khan : This question should have been addressed to me and not to the Honourable the Law Member.

I have nothing to add to the reply given by me to Mr. Santhanam's question No. 62 on the 9th August, 1938.

Prof. N. G. Ranga : Will Government have any objection to the creation of self-maintaining provinces ?

The Honourable Sir Muhammad Zafrullah Khan : I am afraid I am unable to follow the question.

Prof. N. G. Ranga : Have Government any objection to the creation of those provinces which will pay their own way ?

The Honourable Sir Muhammad Zafrullah Khan : How will a province pay its own way ?

Prof. N. G. Ranga : It will balance its own budget.

Mr. M. Ananthasayanam Ayyangar : Will the Government communicate to the Secretary of State that there is a volume of opinion in this country for the creation of a separate province ?

The Honourable Sir Muhammad Zafrullah Khan : The questions and answers in this House are always available to the Secretary of State.

REFUSAL TO RENEW THE LEASES OF LANDS ACQUIRED BY INDIANS IN FIJI.

432. *Mr. Govind V. Deshmukh : (a) Will the Secretary for Education, Health and Lands please state if it is a fact that the Fijian chiefs have refused to renew the expiring leases of lands acquired by Indians ? If so, on what grounds ?

(b) Were these leases obtained by the Indians with the consent of the Fijian Government ?

(c) Have Government taken, or do they intend to take, any steps to see that these Indians are not put to any financial loss or thrown out of employment ?

Sir Girja Shankar Bajpai : (a) So far as the Government of India are aware, the answer to the first part is in the negative. The second part, therefore, does not arise.

(b) Yes.

(c) The question of safeguarding the interests of Indians in Fiji continues to engage the close attention of Government.

Mr. T. S. Avinashilingam Chettiar : Are the Government satisfied that the leases which have expired are being renewed satisfactorily from the point of view of the Indians ?

Sir Girja Shankar Bajpai : Recently I had an occasion to discuss this question with an *ex-Member* of the Fiji Legislative Council and he informed me that in many cases the leases have not yet fallen in and that the problem is likely to arise three years hence.

Mr. T. S. Avinashilingam Chettiar : May I know whether there is any propaganda going on in Fiji that those leases which have expired should not be renewed ?

Sir Girja Shankar Bajpai : I am not aware of such propaganda.

Mr. T. S. Avinashilingam Chettiar : Is it entirely at the option of the Fiji Chief to refuse to renew the lease ?

Sir Girja Shankar Bajpai : The provision in the lease is for a duration of 30 years. At the end of 30 years, it would be within the option of the Fijian Chiefs to renew it or not.

Mr. S. Satyamurti : Are Government keeping themselves in touch with things in Fiji ? Thirty years is a long time and anything may happen in the meantime. Are they keeping themselves in touch with events in Fiji, to see that no prospective loss occurs to Indians ?

Sir Girja Shankar Bajpai : There is another question on the same subject by my Honourable friend, Mr. Joshi. My friend might wait till that question is reached.

Mr. K. Santhanam : May I ask if the Government of India are pressing upon the Government of Fiji to enact a tenancy law to perpetuate these tenancies ?

Sir Girja Shankar Bajpai : The whole question of land tenure is, I believe, engaging the attention of the Secretary of State for the Colonies.

Mr. K. Santhanam : I want to know whether the Government of India have made any representations in the matter ?

Sir Girja Shankar Bajpai : When the matter is engaging the attention of the Secretary of State for the Colonies and the Government of India, as I have said in reply to part (c), are safeguarding the interests of Indians as far as they can, my Honourable friend may very well infer that the Government of India are also in touch with the Colonial Office.

REFUSAL TO RENEW THE LEASES OF LANDS ACQUIRED BY INDIANS IN FIJI.

433. *Mr. N. M. Joshi : Will the Secretary for Education, Health and Lands be pleased to state :

- (a) whether the Government of India are aware that Indian tenants of Fijian landlords are in great apprehensions regarding the renewal of leases of their lands, a great many of which are due to fall in at the present time ;
- (b) whether Government are aware that the Council of Fijian Chiefs had recommended that the control of land should vest in the Government of Fiji ;
- (c) whether Government are aware if the request has been complied with ; and
- (d) whether Government propose to depute some of their officers to watch the situation on the spot in Fiji and keep the Government of India informed promptly of developments ?

Sir Girja Shankar Bajpai : (a) and (b). Yes.

(c) Government understand that the matter is under consideration by His Majesty's Government.

(d) The question is engaging the attention of the Government of India.

PUBLICATION OF A MEMORANDUM REVIEWING THE POSITION OF INDIANS OVERSEAS.

434. *Mr. N. M. Joshi : Will the Secretary for Education, Health and Lands be pleased to state whether Government propose to publish every year a memorandum reviewing the position of Indians overseas somewhat on the lines of the " Colonial Empire in 1937-38 ", published by the British Colonial Office recently ?

Sir Girja Shankar Bajpai : Government already publish an annual review of important events affecting Indians in different parts of the British Empire and also make available to the press other reports which give more detailed information regarding Indians who have settled in certain colonies. They have just received a copy of the report ' The Colonial Empire in 1937-38 '. After examining it they will decide whether their own Annual Review requires revision in the light of the British publication.

Mr. T. S. Avinashilingam Chettiar : Will Government consider the advisability of circulating these copies of reviews to all Members of the House ?

Sir Girja Shankar Bajpai : I will consider the suggestion.

Mr. M. Ananthasayanam Ayyangar : Is there any truth in the report that the highlands of Kenya are likely to be given to the Jews ?

Sir Girja Shankar Bajpai : There is a short notice question on that subject and I will deal with it in due course.

REDUCTION IN THE WAGES OF INDIAN LABOURERS IN MALAYA.

435. ***Mr. N. M. Joshi :** Will the Secretary for Education, Health and Lands be pleased to state :

- (a) whether it is a fact that wages of Indian labourers in Malaya have been cut down and further reductions are contemplated ;
- (b) whether it is a fact that the wages of Chinese labourers on the rubber estates have not been adversely affected, or, at any rate, not equally with those of Indians ; and
- (c) what are the comparative fluctuations in the wages of Indian and Chinese labourers since the publication of the Sastri Report ?

Sir Girja Shankar Bajpai : (a) The wages of Indian labourers in Malaya have been reduced by ten per cent. but the further reductions which were contemplated have not been carried out.

(b) and (c). No definite information is available but it is understood that the average minimum rates paid to Chinese tappers at present are 20 per cent. less than those paid in 1937. The decrease in the rates of wages for Indian labourers over the same period is ten per cent.

Mr. T. S. Avinashilingam Chettiar : May I know whether the further reduction which was contemplated and which was not carried out has been simply postponed or has been given up altogether ?

Sir Girja Shankar Bajpai : As far as I know it has been postponed.

Prof. N. G. Ranja : Taking the basic figures, was there any difference in the wages paid between the Chinese labourers and the Indian labourers ?

Sir Girja Shankar Bajpai : The position as regards that is this. There is no such thing as basic wages fixed for the Chinese and they are not paid by the day either. They are paid according to piece-work rates and I believe that they used to get something like 25 per cent. more than Indians.

Mr. T. S. Avinashilingam Chettiar : The Honourable Member said that the contemplated further reduction in wages was postponed. May I know if it is going to come after some time ?

Sir Girja Shankar Bajpai : I cannot really prophesy as to what the effect or the ultimate result of the postponement is going to be.

Pandit Lakshmi Kanta Maitra : What was the reason for this reduction being given effect to ?

Sir Girja Shankar Bajpai : The reduction in wages as far as I know was given effect to from 1st May, 1938, and if my Honourable friend wishes to know the reason for it, I would refer him to the communiqué which the Government of India issued sometime ago dealing generally on the subject. I cannot give the details at present.

Mr. M. Ananthasayanam Ayyangar : What steps have been taken to avoid discrimination between the wages paid to the Chinese and those paid to Indians ?

Sir Girja Shankar Bajpai : There is no discrimination at all. The Chinese tapper, according to the information which our Agent has sent us, turns out roughly 25 per cent. more work than the Indian.

EMIGRATION OF INDIAN LABOURERS TO MALAYA.

436. ***Mr. N. M. Joshi :** (a) Will the Secretary for Education, Health and Lands be pleased to state whether Government will kindly give information on the following points since the publication of the Sastri Report :

- (i) the number of Indian labourers who emigrated to Malaya by recruitment ;
- (ii) the number of those who migrated voluntarily ;
- (iii) the number of those who were assisted to return to India ;
- (iv) the number of those who returned on their own, and
- (v) the extent of unauthorised but assisted emigration of Indian labourers to Malaya ?

(b) Do Government contemplate the prohibition of the emigration of Indian labour, assisted or otherwise, to Malaya unless a minimum living wage is guaranteed to Indian labourers ? If not, why not ?

Sir Girja Shankar Bajpai : (a) I place a statement on the table.

(b) Government have already prohibited assisted emigration to Malaya. No action in regard to unassisted emigration is feasible until the present law is changed.

Statement.

(a) (i) 54,849 labourers were assisted to emigrate in 1937 and 4,410 between January and June, 1938.

(ii) 50,128 in 1937 and 13,501 between January and June, 1938.

(iii) Repatriates in 1937 were 6,566 and 13,247 between January and June, 1938.

(iv) Labourers who returned paying their own passages in 1937 were 23,054 and 17,874 between January and June, 1938.

(v) No definite information is available.

ARCHAEOLOGICAL EXCAVATIONS TO BE MADE BY SIR LEONARD WOOLLEY.

437. ***Mr. S. Satyamurti :** Will the Secretary for Education, Health and Lands please state :

- (a) whether Sir Leonard Woolley is being imported in connection with the recent activities of the Archæological Department ;

(b) what the reasons are for that importation ; and

(c) what the terms, conditions, and period of his appointment are ?

Sir Girja Shankar Bajpai : (a) Yes.

(b) I would invite the Honourable Member's attention to the Press communiqué issued by Government on the 16th June, 1938.

(c) For the terms of the engagement, I would refer the Honourable Member to the statement laid by me on the table of this House on the 9th August, 1938, in reply to part (a) of starred question No. 52 by Mr. Brojendra Narayan Chaudhury. Sir Leonard's services have been secured for a total period of 3½ months.

Mr. S. Satyamurti : With reference to part (b) of the question, may I know whether the Government were satisfied and, if so, how, that there was no Indian capable of doing this work and that therefore this gentleman should be imported ?

Sir Girja Shankar Bajpai : The invitation to Sir Leonard Woolley was issued after consultation with the head of the department of Archaeology who, as my Honourable friend is aware is a very distinguished Indian—Dr. K. N. Dikshit. His opinion was that considering the kind of work that Sir Leonard Woolley had been doing, it would be really an advantage to those engaged in archaeological work in India to get him out to this country for a short time.

Mr. S. Satyamurti : May I know whether during these 3½ months Sir Leonard Woolley will merely advise Indian archaeologists or will do any work here ?

Sir Girja Shankar Bajpai : He will visit the archaeological exploration work in particular which is in progress now and advise the Director General of Archaeology in general. He is not going to undertake any excavation work himself.

Mr. S. Satyamurti : Will the Government call for a report from him at the end of 3½ months on the work he has done, and place it on the table of the House ?

Sir Girja Shankar Bajpai : My Honourable friend may rest assured that Sir Leonard Woolley will have to submit a report to the Government of India and my Honourable friend's suggestion whether to keep it on the table of the House or in the Library will receive due consideration.

Mr. M. Ananthasayanam Ayyangar : Who started the idea of bringing in this expert ?

Sir Girja Shankar Bajpai : The Department itself.

POSITION OF INDIAN LABOUR IN MALAYA.

438. ***Mr. S. Satyamurti :** Will the Secretary for Education, Health and Lands be pleased to state :

(a) the latest position of Indian labour in Malaya ;

- (b) whether Government propose to take any steps to prevent unauthorised emigration of labour to Malaya ;
- (c) whether Government propose to legislate so as to give themselves the power to prevent unauthorised emigration by amending the Emigration Act, and, if so, when ; and
- (d) whether Government propose to take prompt and effective steps to see that the interests of Indian labourers in Malaya are adequately protected ?

Sir Girja Shankar Bajpai : (a) The wages of Indian labour on plantations in Malaya were recently reduced owing to the reduction in the export quota of rubber from 90 per cent. in 1937 to 45 per cent. in 1938. The Government of India are not aware of any other change.

(b) Strict orders have already been issued by the Government of Madras in this connection.

(c) As the Honourable Member is aware, Government have already introduced a Bill to amend the Indian Emigration Act, 1922, with a view to the control of voluntary or unassisted emigration for unskilled work.

(d) The Honourable Member may rest assured that the Government of India will, as in the past, do their utmost to safeguard the legitimate interests of Indian labour in Malaya.

Mr. S. Satyamurti : With reference to part (c), may I know if this legislation will be put through this Simla session ?

Sir Girja Shankar Bajpai : That is the intention of the Government.

Mr. S. Satyamurti : With reference to part (a), apart from wages, on the other questions, such as educational facilities, sex ratio, medical relief, general treatment, etc., contemplated in Mr. Sastri's report, have Government made enquiries and satisfied themselves that improvements have been or are being effected ?

Sir Girja Shankar Bajpai : I have had occasion on previous occasions to answer questions in this House on the action taken on Mr. Sastri's report. I think it would be rather difficult for me to specify here and now all the answers which the Malayan Government have given with regard to each of the recommendations of Mr. Sastri.

Mr. S. Satyamurti : Will Government issue a communiqué now or sometime later on as regards the general position of Indians in Malaya apart from wages on which my Honourable friend has made a categorical statement ?

Sir Girja Shankar Bajpai : I think that it is not necessary to issue a communiqué about the general position of Indians in Malaya because we publish, in the Annual Report of the Agent in Malaya, sufficient information regarding the condition of Indian labour generally. And over and above that, there is this publication, a Review of important events relating to or affecting Indians in different parts of the British Empire of which the next issue will be published in the course of the next fortnight or so. That would give all the information.

Dr. Sir Ziauddin Ahmad : Did the Malayan Government invite the Indian labour officially or did the labourers go there of their own accord ?

Sir Girja Shankar Bajpai : There are two categories of labourers in Malaya. There are those who have been recruited by an agency which is maintained by the Government of Malaya and then there are a number of people who go there at their own expense and become labourers.

Prof. N. G. Ranga : Are there any Trade Unions protecting the interests of the Indian labourers in Malaya and if there are none, will the Government of India see that their Agent in Malaya takes steps to promote the formation of these Trade Unions ?

Sir Girja Shankar Bajpai : I believe Indian labour in Malaya is eagerly awaiting the arrival of my Honourable friend to organise Trade Unions.

Prof. N. G. Ranga : That does not give any specific answer to my question. I want to know whether there are any Trade Unions in Malaya. If I have to go there, then certainly it is my own business. I do not require any prompting from the Government of India.

Sir Girja Shankar Bajpai : I am sorry that my Honourable friend has not taken my joke in good humour. My own answer does provide material for the inference, namely, that so far as the Government of India are aware at the present moment there are no Trade Unions among Indian labourers.

Mr. M. Ananthasayanam Ayyangar : Is it the policy of Government to restrict non-labourers from going there for the purpose of settlement ?

Sir Girja Shankar Bajpai : I do not know really that there are very many people going to Malaya for the purpose of settlement.

TRAINING OF OFFICIALS TO SERVE AS AGENTS IN BRITISH COLONIES, ETC.

439. **Mr. S. Satyamurti :** Will the Secretary for Education, Health and Lands please state :

- (a) whether there is a proposal to build up a corps of trained officials who would serve as agents for India in the different colonies and British possessions ;
- (b) whether Government propose to appoint only officials to these jobs ; and
- (c) if so, whether they propose to train officials for this purpose specially ?

Sir Girja Shankar Bajpai : (a), (b) and (c). There is no specific proposal to train a corps of officials for these posts, nor are the posts reserved for officials only. Selection for each post and on each occasion is made with due regard to all the relevant circumstances. A person who has done well in one post will, other things being equal, be liable to preference for subsequent appointment to another similar post.

Mr. S. Satyamurti : I want to ask whether Government have considered that after all Agents for India must possess specially good qualifications as they have to represent the whole country and if so, whether Government have any proposals to train officials for that work ?

Sir Girja Shankar Bajpai : The position is this : at the present moment, there are only three Agents maintained by the Government of India, one for South Africa, one for Ceylon, and one for Malaya. Now, Sir, the South African problem is generally a political problem and my Honourable friend will agree that the selections of the Government of India which were made in the past have been quite satisfactory ones. As regards Ceylon and Malaya, the problem is primarily a problem of labour and Government naturally choose persons who have had some experience in dealing with such problems in this country and who, what is more important, are familiar with the language and habits of the labourers with whom they have to deal.

Mr. S. Satyamurti : In view of the fact that Government have proposals before them, as they have said in reply to questions in this House, to appoint Agents in other places also, will they consider the desirability of training a corps of men, about half a dozen or even a fewer number, for this purpose, with special qualifications ?

Sir Girja Shankar Bajpai : My Honourable friend will appreciate the fact that training under conditions in the colonies can only be given to a person after he reaches the colony. He cannot have that training here in India ; but in so far as general acquaintance dealing with overseas problems is concerned, seeing that the institution of Agents has been now in existence since 1923, the Government of India have no doubt that they have now a sufficient reserve of people with adequate qualifications for these posts.

Mr. M. Ananthasayanam Ayyangar : May I know if they are all persons serving in the Government of India ?

Sir Girja Shankar Bajpai : They have served under the Government of India, yes.

Mr. M. Ananthasayanam Ayyangar : May I know what are the qualifications of the person to be appointed Agent in Burma ?

Sir Girja Shankar Bajpai : Adequate qualifications, Sir.

REPORT ON STATE AID TO INDUSTRIES IN THE BRITISH EMPIRE.

440. ***Mr. S. Satyamurti :** Will the Honourable the Commerce Member please state :

- (a) whether there is a publication known as " Report on State Aid to Industries in the British Empire (excepting India), France, Germany, etc.," by A. Y. G. Campbell, issued for official use only ;
- (b) whether the Southern Indian Chamber of Commerce applied for a copy of that publication to the Government ;

- (c) whether the Commerce Department replied stating that it could not be supplied, as it was intended for official use only ;
- (d) whether Government are prepared to consider the advisability of giving copies to all commercial associations and others interested in the matter ; and
- (e) if not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : (a), (b) and (c). Yes, Sir.

(d) No, Sir.

(e) The matter was carefully gone into when the Report was completed in 1922, and from an examination of the Report and the method of its compilation the Government of India came to the conclusion that it was not likely to be of any use to the general public. It was, therefore, marked ' For official use only '. As the enquiry was completed in 1922 and the Report is nearly 16 years old, it is not likely to be of any use now to the general public or to commercial associations.

Mr. S. Satyamurti : In view of the answer that Government's objection is only based on the fact that it is not useful and also in view of the fact that the South Indian Chamber of Commerce which is a big commercial body has applied for it, will Government revise their decision and give them a copy ?

The Honourable Sir Muhammad Zafrullah Khan : That was the original question.

Mr. S. Satyamurti : I have followed the answer, and so I am asking a supplementary question. Government said that they are not issuing the publication because it will not be useful. But since an important body like the South Indian Chamber of Commerce has asked for a copy, may I know whether in view of that fact Government will reconsider their decision and send them a copy ?

The Honourable Sir Muhammad Zafrullah Khan : The mere fact that somebody has asked for a publication which will be of no use to them is no ground for giving them a copy.

Mr. S. Satyamurti : The South Indian Chamber of Commerce which represents all the commercial bodies in Southern India has asked for a copy, and if there is nothing confidential, may I know what the objection is to sending them a copy ?

The Honourable Sir Muhammad Zafrullah Khan : As I have said, it is likely to prove of no use to them.

Mr. S. Satyamurti : Is it of any use to Government ?

The Honourable Sir Muhammad Zafrullah Khan : Yes, Sir.

Mr. S. Satyamurti : How does it prove of use to Government after 16 years, and how do they come to the conclusion that merchants interested in commerce cannot make some use of it ?

The Honourable Sir Muhammad Zafrullah Khan : As I have said, the method of its compilation is such that it may be useful as a reference book to Ministers and Directors of Industries, but it is not likely to be of any interest to the general public or to the Chambers of Commerce.

Mr. Manu Subedar : May I know whether a copy will be placed in the Library of the House so that Members of this House who are competent to judge whether it is of any use to them or not may judge for themselves ?

The Honourable Sir Muhammad Zafrullah Khan : Government are equally competent to judge.

Mr. Manu Subedar : Will a copy be placed in the Library ?

The Honourable Sir Muhammad Zafrullah Khan : No, for the reason given.

Mr. S. Satyamurti : In view of the fact that several non-officials including my friend are just now on the Treasury Benches, will he consider the fact that some of us can also usefully use this book, and place a copy in the Library ?

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

Mr. K. Santhanam : Are Government afraid that Members may make some use of it ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir.

FACILITIES TO INDIAN APPRENTICES FOR PRACTICAL TRAINING IN FACTORIES AND WORKSHOPS, ETC.

441. ***Mr. S. Satyamurti :** Will the Honourable the Commerce Member please state :

- (a) whether his attention has been drawn to the action of the Bombay Government in accepting the recommendation contained in the Resolution passed by the Bombay Legislative Assembly to issue instructions to all Departments of the Government, semi-Government bodies, municipal corporations and all manufacturers and suppliers, that the manufacturers and suppliers shall afford every facility to Indian apprentices for practical training in their factories, workshops, or offices ;
- (b) whether the Government of India propose to take similar action ; and
- (c) if not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes, Sir.

(b) No, Sir.

(c) The Government of India do not consider it either feasible or desirable to include such a clause in contracts for the supply of stores. In this connection I would invite the attention of the Honourable Member to the answer given in this House to part (e) of Mr. Muthuradas

Vissanji's question No. 662, dated the 19th February, 1936, and also to the answer to the Honourable Mr. G. S. Motilal's question in the Council of State, No. 186, dated the 28th September, 1937. I may explain that in practice a large number of firms offer training facilities irrespective of whether they have or have not actually received contracts. The names of firms with whom contracts are placed are regularly forwarded by the High Commissioner to the Advisers to Indian students at local centres who make such use of them as is possible when approaching local firms for training facilities. The names of firms who provide such facilities are published in the Reports of the High Commissioner's Education Department and the important purchasing Departments in India are required to consult this list when placing contracts in foreign countries. Particulars of important orders placed by the purchasing authorities in India (the Indian Stores Department, the Defence and Railway Departments) either directly or through manufacturers' agents or representatives in India are also forwarded to the High Commissioner for India annually to enable him to approach such firms when training facilities are required for Indian students.

Mr. S. Satyamurti : May I know the reasons why Government consider it not desirable to issue instructions to all contracting bodies to put a condition that manufacturers and suppliers shall afford every facility of the kind mentioned in the question ?

The Honourable Sir Muhammad Zafrullah Khan : For the reason that I have explained, that is to say, that such facilities are at present available, that they meet the situation, and that if such a clause were put in the contract itself Government would probably have to pay a much higher price for the article ordered than they would otherwise have to do. And it will also create complications in carrying it out.

Mr. S. Satyamurti : Have Government examined this matter by means of negotiations with any of these contractors and are their apprehensions about the increased cost based on facts or fears ?

The Honourable Sir Muhammad Zafrullah Khan : An examination of the question by Government indicates that such a clause would not be workable.

Mr. S. Satyamurti : May I know whether Government have ascertained from the Government of Bombay as to the reasons why they have accepted this resolution and whether they find any difficulties in the actual working of this resolution ?

The Honourable Sir Muhammad Zafrullah Khan : I cannot give a specific answer as to whether there has been any inquiry or not but I should imagine not.

Mr. S. Satyamurti : Then will Government inquire of the Bombay Government, which after all is a Provincial Government and as good as themselves, to find out whether they have found any difficulty in the working of this resolution ?

The Honourable Sir Muhammad Zafrullah Khan : It would be too early to address an inquiry of that kind to the Bombay Government but, as I have explained in the last part of the answer, the same object is being secured in a different way by the Government of India in regard to this matter.

Mr. S. Satyamurti : Will Government give some figures with regard to some typical industries on which Government have come to the conclusion that the facilities for the training of Indian apprentices are adequate ?

The Honourable Sir Muhammad Zafrullah Khan : If the Honourable Member will put down a specific question to that effect, I will try to give him the information.

Mr. Manu Subedar : The Honourable Member stated that there was a list of firms which give facilities and which was published. May I ask whether there is a list of firms which have refused facilities and which are still receiving high orders and patronage from the Government of India and whether there is any discontent among Indian students going to learn technical subjects in the United Kingdom on account of this refusal of facilities ?

The Honourable Sir Muhammad Zafrullah Khan : It is a very composite kind of question. The Honourable Member must put down a specific question.

Pandit Lakshmi Kanta Maitra : Sir, may I know what is going on in that part of the House ?

The Honourable Sir Muhammad Zafrullah Khan : Questions and answers.

Maulana Zafar Ali Khan : Sir, we have been persistently complaining that we cannot hear anything on this side and still the difficulty continues.

Mr. President (The Honourable Sir Abdur Rahim) : I am fully aware of the difficulty and I fully sympathise with the Honourable Members sitting at the other end. We have tried our best to improve the acoustics of this House but unfortunately the result has not been satisfactory so far. I really do not see whether we can do anything unless further measures are taken by Government to see whether any further improvement is possible.

Mr. M. Ananthasayanam Ayyangar : May I know if in the list of firms which have afforded facilities for apprentices to undergo training, there is a single firm which manufactures steam engines ?

The Honourable Sir Muhammad Zafrullah Khan : I would require notice of that question.

FAILURE OF BANKS.

†442. ***Sri K. B. Jinaraja Hedge :** (a) Will the Honourable Member for Commerce be pleased to state how many banks with above Rs. 50,000 subscribed capital, registered in British India and Indian States, have failed since the year 1914 ?

(b) What are the main causes for such failures ?

(c) What steps have Government taken and contemplate taking to safeguard the interests of the constituents ?

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

(d) Do Government propose to remedy the defects of the present law as to banking with regard to banks registered in British India and those registered in Indian States and operating in British India ?

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

APPOINTMENT OF MR. JOHN SARGENT AS THE EDUCATIONAL COMMISSIONER WITH THE GOVERNMENT OF INDIA.

443. ***Seth Govind Das :** Will the Secretary for Education, Health and Lands please state :

- (a) whether it is a fact that Mr. John Sargent is appointed as the Educational Commissioner with the Government of India ;
- (b) whether Government could not find an Indian with the requisite qualifications for the post ;
- (c) whether Government considered the advisability of engaging the services of Indian educationists like the Right Honourable Srinivasa Sastri, Dr. Paranjpye, Sir Radha Krishnan ; and
- (d) the reasons of Government for not engaging the services of Indian educationists for the post ?

Sir Girja Shankar Bajpai : (a) to (d). I would invite the attention of the Honourable Member to the answer given to Mr. S. Satyamurti's starred question No. 85 in this House on the 9th August, 1933.

Prof. N. G. Ranga : Was the Advisory Committee for Education consulted over this appointment ?

Sir Girja Shankar Bajpai : The appointment rests with the Government of India : it is not the function of the Advisory Board of Education.

Dr. Sir Ziauddin Ahmad : May I ask whether it is not a fact that the Honourable Secretary wrote notes against all these Indian candidates who were brought up for this appointment ?

Sir Girja Shankar Bajpai : I did not write a note against any candidate—Indian or British.

Mr. S. Satyamurti : With reference to the answer to clause (b) of the question—my question was not reached the other day and only the answer was printed in the proceedings—may I ask whether Government did make every attempt in their power to get an Indian with the requisite qualifications for the post and came to the conclusion that there was no such Indian available and if so, on what grounds.

Sir Girja Shankar Bajpai : Government considered carefully the question of filling this post before deciding to invite somebody from outside. The main function of the Educational Commissioner now is to advise the Central Advisory Board of Education on matters relating to educational reconstruction. My Honourable friend is perhaps aware that at its very first meeting the Central Advisory Board passed a resolution for educational reconstruction in the school stage with special reference to technical and vocational education.

We wanted a man with first-hand knowledge and experience of the latest methods in technical and vocational education and that was why we found we could not secure a suitable candidate in India.

Prof. N. G. Ranga : In view of the fact that the Central Advisory Board of Education has decided in favour of the Wardha Scheme which concentrates upon vocational education, why is it that the Government of India did not try to obtain the services of a man who has had some experience of that scheme ?

Sir Girja Shankar Bajpai : As far as I know that scheme has not been in operation at all for any length of time ; but the point is that the Central Advisory Board of Education has not yet decided in favour of or against the Wardha Scheme. The Central Advisory Board appointed a sub-committee to go into the Wardha Scheme and the report of that sub-committee will be submitted to the Board next December.

Mr. M. Ananthasayanam Ayyangar : Will this gentleman, Mr. Sargent, have a hand in shaping the decision of the Central Advisory Board of Education so far as the Wardha Scheme is concerned ?

Sir Girja Shankar Bajpai : The decision will be the decision of the Board : Mr. Sargent will merely place his views before the Board : he can do nothing else.

COMPOSITION AND ACTIVITIES OF THE INDUSTRIAL RESEARCH BUREAU.

444. ***Mr. Mohan Lal Saksena :** (a) Will the Honourable Member for Commerce be pleased to state whether the Industrial Research Bureau is composed of a Director, Assistant Director, Research Officer, Assistant Research Officer and 16 technical assistants and a fairly big clerical staff ? If so, what are their respective qualifications and emoluments ?

(b) Is it a fact that the bulk of the Research Bureau grant is spent on the Director, Assistant Director and their establishment ? If so, will Government make a statement outlining the research done by them during the last two years ?

(c) Is the research work published ? If so, where ? Has it been examined and approved by independent scientists ? Is it ever published in any of the scientific journals ?

(d) Why is the Director posted at Delhi, while real research work is done at Alipore ? Where is the main laboratory situated ?

(e) Do Government propose to consider the feasibility of removing the office of the Director from Delhi to Calcutta ?

The Honourable Sir Muhammad Zafarullah Khan : (a) A statement showing the sanctioned strength of the Industrial Research Bureau with the scales of pay attached to the various posts was placed on the table in reply to part (c) of the Honourable Member's starred question No. 615, dated the 3rd March, 1938. No alterations have been made in the sanctioned strength or scale since. A statement showing qualifications of the technical staff is placed on the table.

(b) No, Sir. The latter part of the question does not arise.

(c) The results of important researches are published in bulletins issued by the Industrial Research Bureau. A review of the activities of the Research Bureau is also published in the Annual Administration Reports. Copies of the bulletins and Administration Reports are available in the Library of the House.

The work of the Research Bureau comes under review by the Industrial Research Council. Many activities of the Bureau also have a direct connection with other Scientific and Technical Departments of Government.

The answer to the last part of the question is in the affirmative.

(d) The Director of the Bureau is stationed at Delhi so that the new organisation is able to derive the fullest possible benefit from the accumulated experience, technical knowledge and resources of the Indian Stores Department and works under the direct control and supervision of the Chief Controller of Stores, Indian Stores Department. The Director is also closely associated and works in collaboration with certain other Technical Departments and Committees at the Headquarters of the Government of India.

No separate laboratory has been established for the Research Bureau. The laboratory work is carried out at the Government Test House, Alipore, where the major portion of the staff of the Bureau is stationed.

(e) Not at present.

Statement of Qualifications of Officers of the Industrial Research Bureau, Indian Stores Department.

- | | | |
|-----------------------|--|---|
| 1. Director | .. Mr. N. Bordie | .. M.Sc. in pure Science (Durham University) joined the Government Test House, Alipore, as Assistant Chemist in 1913 and held charge of the Government Test House for more than 10 years before appointment to the post. |
| | Mr. E. F. G. Gilmore
(officiating Director vice
Mr. Brodie). | B.Sc. in Engineering (1st class Hons.), Manchester University. Ten years previous experience including 6½ years service on the Technical Staff of the British Admiralty. Joined the Government Test House as Physicist in 1924 and held charge of the Government Test House for four years before appointment to the post. |
| 2. Assistant Director | Mr. E. Dixon | .. Institute of Civil Engineers (Preliminary Examination)* A. M. I. Mech. E., Structural Diploma. Seven years apprenticeship with a British Engineering firm. Three years experience in British firms and eight years service in the Indian Stores Department before appointment to the post (Selected by the Public Service Commission). |

* Associate Member of the Institution of Mechanical Engineers.

Mr. S. S. Iyengar (official-
ing Assistant Director
vice Mr. Dixon).

B.E. (Mech.), A.M.I.E. (India)*, A.M.I.
Mech. E. (Lond.)†, M.I. Brit. F. (London).‡
Two years apprenticeship and five
years service as Assistant Works Manager
in Government Central Workshop, Dapuri,
Bombay Presidency, before joining the
Indian Stores Department and eight
years service as Assistant Engineer (Ins-
pection) in the Indian Stores Department
before appointment to the post.

3. Research Officer Dr. L. C. Verman

Bachelor of Science, Electrical Engineering
(Hons.) (Michigan) M.S. (Physics) (Cor-
nell) Ph.D. (Physics) (Cornell), Fellow of
the Institute of Physics, Fellow of the
Physical Society, London, Associate of
the Institute of Radio Engineers. Re-
search fellow or Research Assistant in
Universities of Michigan and Cornell 7
years, Indian Institute of Science 1½
years. Research Physicist, London Shel-
lac Research Bureau for 3 years, before
appointment (selected by High Commis-
sioner).

4. Assistant Research Officer. Dr. Ikramullah

.. B.Sc., Ph.D. (Eidn.), Ph.D. (Heid-Germany)
worked as Demonstrator in Edinburg
University for 2 years and as apprentice
in Bengal Chemical and Pharmaceutical
Works, Calcutta, for 1 year before appoint-
ment. (Selected by Federal Public Ser-
vice Commission.)

5. Eight Chemical Assistants.

.. One Doctor of Science } with previous
Six Master of Science } Research experience.
One post—vacant at present. [Incumbent
of this post (an M.Sc.) resigned and
another Assistant is being recruited
through Federal Public Service Com-
mission.]

6. Seven Physical Assistants.

.. One Doctor of Science } with previous
One Master of Science and } Research ex-
Ph. D. (London). } perience.
One Master of Science and }
Ph.D. (Aligarh). }
One Master of Science, Certificate of Pro-
ficiency in Electrical Communication
Engineering (Indian Institute of Science)
Associate Member of the Institute of
Radio Engineers with 2 years practical
experience.
One B.Sc.—with Certificate of Proficiency
in Electrical Technology (Indian Institute
of Science) and previous experience in
Research work.
One Bachelor of Engineering (Mech.) with
practical training in Electrical Engineer-
ing.
One Licentiate of Textile Manufacture
(Victoria Jubilee Technical Institute,
Bombay) with 7 years practical experience
in cotton weaving.

* Associate Member of the Institute of Engineers (India).

† Associate Member of the Institution of Mechanical Engineers.

‡ Member of the Institute of British Foundrymen.

7. Two Technical Assistants.

One M.Sc.—with one Year's apprenticeship training.

One M. Sc.—Associate of the Indian Institute of Science. Holder of certificate in soap manufacture.

Mr. T. S. Avinashilingam Chettiar : May I know whether this Research Bureau undertakes work which it may think of, or whether it advises industrial concerns over matters that may be referred to it ?

The Honourable Sir Muhammad Zafrullah Khan : I would require notice of that.

Mr. Mohan Lal Saksena : May I know what proportion of research work is done by the Assistant Director at Delhi ?

The Honourable Sir Muhammad Zafrullah Khan : I am unable to say without notice.

Pandit Lakshmi Kanta Maitra : How many bulletins on research were issued last year ?

The Honourable Sir Muhammad Zafrullah Khan : Does the Honourable Member really expect that I should remember these details ?

Pandit Lakshmi Kanta Maitra : May I know whether these bulletins are supplied gratis or whether they are saleable publications ?

The Honourable Sir Muhammad Zafrullah Khan : I would require notice of that.

Mr. Manu Subedar : May I know whether the conferences held under the auspices of this Bureau attended by Directors of Industries do not issue a full account of their agenda or proceedings and why all this is kept secret and full reports are not published ?

The Honourable Sir Muhammad Zafrullah Khan : Such information as is likely to be useful is issued in the form of bulletins.

Mr. Manu Subedar : What are the serious objections to the issue of the full report ?

The Honourable Sir Muhammad Zafrullah Khan : If the Honourable Member puts down a question, I shall try and give an answer.

Mr. Mohan Lal Saksena : May I know how long the Director stays at Calcutta and works in the laboratory there ?

The Honourable Sir Muhammad Zafrullah Khan : I could not say that without notice.

Mr. Mohan Lal Saksena : Does he ever go to Calcutta or has he to do anything with the test laboratory ?

The Honourable Sir Muhammad Zafrullah Khan : I have no doubt he does.

Pandit Lakshmi Kanta Maitra : May I know whether, beyond publishing certain bulletins they issue any publications embodying the researches they make ?

The Honourable Sir Muhammad Zafrullah Khan : I have said that the results of these researches are often published in scientific journals.

Mr. Mohan Lal Saksena : Has the Director anything to do with the laboratory at Calcutta ?

The Honourable Sir Muhammad Zafrullah Khan : If the Honourable Member wants a specific answer, he must put down a question.

REORGANISATION OF THE INDIAN RESEARCH BUREAU.

445. ***Mr. Mohan Lal Saksena :** (a) Will the Honourable the Commerce Member please state why the Indian Research Bureau is working under the Indian Stores Department ?

(b) Is it a fact that when the Director, or Assistant Director, of Research goes on leave, persons not connected with Research Bureau are posted in their places ? If so, why ?

(c) Do Government propose to consider the feasibility of separating the Research Bureau from the Stores Department and of appointing only persons connected with the Research Department to fill up the aforesaid vacancies ?

(d) Do Government propose to consider the feasibility of appointing a committee consisting of independent scientists and others to examine the working of industrial research in this country and to make recommendations regarding the reorganisation of the Research Bureau to bring it in line with the Department of Scientific Industrial Research in Great Britain in order to help the development of Indian industries ?

The Honourable Sir Muhammad Zafrullah Khan : (a) The Honourable Member is presumably referring to the Industrial Research Bureau. His attention is invited to pages 8, 14—16, 24 and 26 of the Bulletin of Indian Industries and Labour, No. 52, containing the reasons for attaching the Bureau to the Indian Stores Department. A copy of the Bulletin is available in the Library of the House.

(b) As the Bureau is a part of the Indian Stores Department selections to fill leave vacancies are made from the Department as a whole, and those considered most suitable are selected to fill the vacancies. I may add that the officer officiating as Director at present was closely connected with research work as Superintendent of the Government Test House, Alipore, before his present appointment.

(c) First part—the matter is under consideration. The second part does not arise in view of the answer to part (b).

(d) No, Sir. For the reasons given in answer to part (g) of the Honourable Member's question No. 615, dated the 3rd March, 1938, Government do not consider that any useful purpose will be served by referring at present to a committee the question of the re-organisation of the Bureau with the object mentioned by him. The Honourable Member is no doubt aware that a Committee, called the Industrial Research Council, is already in existence to control and direct the activities of the Industrial Research Bureau.

Mr. Mohan Lal Saksena : May I know how often this council meets in a year ?

The Honourable Sir Muhammad Zafrullah Khan : The Honourable Member can put down a question to that effect.

Mr. M. Ananthasayanam Ayyangar : With reference to clause (b), may I ask whether in the absence of the Director or the Assistant Director, only persons connected with research work and are capable of doing research work are posted to this work ?

The Honourable Sir Muhammad Zafrullah Khan : No doubt.

Mr. Muhammad Azhar Ali : Are there any non-officials on this Council ?

The Honourable Sir Muhammad Zafrullah Khan : I do not know. I would require notice of that question.

STATEMENT OF MR. GANDHI *re* UNWRITTEN COMPACT BETWEEN THE
BRITISH GOVERNMENT AND THE CONGRESS.

446. ***Dr. Sir Ziauddin Ahmad :** (a) Will the Honourable the Leader of the House please state whether Government have read the following statement of Mr. Gandhi :

“ The unwritten compact between the British Government and the Congress is a gentleman's agreement in which both are expected to play the game ” ?

(b) what is this unwritten compact ?

(c) Does the unwritten compact include a promise by the British Government that no Governor will use his special power to protect the Muslim minority, however tyrannical the Government may be ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). Government have seen Mr. Gandhi's statement referred to by the Honourable Member but the Honourable Member will surely not expect me to explain what Mr. Gandhi had in his mind.

(c) The exercise of his special powers by the Governor is regulated by section 52 of the Government of India Act read with his Instrument of Instructions.

Dr. Sir Ziauddin Ahmad : May I know, Sir, whether there is any compact between the Government of India and the Congress regarding any matter connected with the Indian administration ?

The Honourable Sir Muhammad Zafrullah Khan : That is too large a question for me to answer.

Dr. Sir Ziauddin Ahmad : May I know if the Government of India was consulted by the British Government as regards the particular compact ?

The Honourable Sir Muhammad Zafrullah Khan : Which particular pact ?

Dr. Sir Ziauddin Ahmad : I mean the compact which is mentioned in this question :

The Honourable Sir Muhammad Zafrullah Khan : I have said I do not know what Mr. Gandhi had in his mind.

Maulvi Abdur Rasheed Chaudhury : May I know whether there is any pact between the Government of India and the Congress regarding communal considerations ?

The Honourable Sir Muhammad Zafrullah Khan : What kind of pact ?

Maulvi Abdur Rasheed Chaudhury : Any pact ?

The Honourable Sir Muhammad Zafrullah Khan : I am not aware of any.

Sir Muhammad Yamin Khan : May I know, Sir, if anybody is negotiating with the British Government to bring about any changes in the present Government of India Act ?

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

Maulana Zafar Ali Khan : In view of the fact that this statement has been made by Mr. Gandhi, does the Government mean to say that they have not been able to probe into the depths of Mr. Gandhi's mind ?

The Honourable Sir Muhammad Zafrullah Khan : Has anybody ever been able to do so ?

Dr. Sir Ziauddin Ahmad : May I know, Sir, if the Government of India or His Excellency the Viceroy was ever consulted as regards any agreement between the British Government and the Congress ?

The Honourable Sir Muhammad Zafrullah Khan : I am not aware of any agreement.

Maulana Zafar Ali Khan : In view of the fact that this statement has been made, may I know if Mr. Gandhi has not been guilty of untruth, and, in the historic words of Mr. Balfour, it has been a cold, calculated and frigid lie ?

The Honourable Sir Muhammad Zafrullah Khan : Surely, Sir, I am not expected to answer a question like that.

Maulana Zafar Ali Khan : Am I to understand that Mr. Gandhi did not make a statement ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir, I have said that the statement is published in the press, I do not know whether he made it or not. As I have said before, I cannot interpret it and say what was in the mind of Mr. Gandhi when he made that statement.

Maulana Zafar Ali Khan : His mind was as he spoke it. He said that there has been a pact between the British Government and the Congress, and he said that it was a gentleman's agreement ?

The Honourable Sir Muhammad Zafrullah Khan : I am here to answer questions on behalf of the Government of India, and not on behalf of His Majesty's Government.

Maulana Zafar Ali Khan : Sir, I ask this question in the name of a gentleman and from you as a gentleman ?

(No reply.)

Dr. Sir Ziauddin Ahmad : May I know, Sir, whether the Government of India was a party in coming to this gentleman's agreement mentioned in the sentence quoted in the question ?

The Honourable Sir Muhammad Zafrullah Khan : What the agreement referred to, is, I do not know.

Maulana Zafar Ali Khan : Our point is, whether there has been a gentleman's agreement between the British Government and Mr. Gandhi and if there has been no such pact or agreement, will Government contradict it ?

The Honourable Sir Muhammad Zafrullah Khan : I have said I do not represent His Majesty's Government in this House.

Dr. Sir Ziauddin Ahmad : Will the Government of India ask the Secretary of State about the terms of this gentleman's agreement ?

The Honourable Sir Muhammad Zafrullah Khan : No specific agreement has been mentioned and I do not see what inquiries we can make from the Secretary of State.

Dr. Sir Ziauddin Ahmad : Will they make inquiries now since the question of the agreement has been raised on the floor of this House ?

The Honourable Sir Muhammad Zafrullah Khan : Nothing has been brought to the notice of the Government of India except this statement which has appeared in the press.

Mr. K. Ahmad : Will Government be pleased to state that if "a gentleman's agreement in which both are expected to play the game, and they are playing the game all right", may I know if there is any use for Honourable Members to put these irrelevant questions without any tyranny being exposed ?

RATE WAR BETWEEN SHIPPING COMPANIES CARRYING HAJ PILGRIMS.

447. ***Dr. Sir Ziauddin Ahmad (a)** Will the Honourable the Commerce Member please state whether the Government of India invited representatives of various shipping companies carrying on traffic to Jeddah to discuss the question of ending the rate war ?

(b) What was the result of the conference ?

(c) Did Government lay any proposal before those representatives ? What were those proposals ?

(d) Is the question of rate war settled ? If not, what further action do Government propose to take ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes, representatives of the interests concerned were invited to discuss the matter with Government.

(b), (c) and (d). No final decision has yet been arrived at and Government are not therefore prepared to make any statement as to what took place during the discussion.

Dr. Sir Ziauddin Ahmad : May I know, Sir, why, in view of the fact that the Government of India have fixed maximum and minimum rates in the case of Railways, and they are now going to fix maximum and minimum charges in connection with motor vehicles in the new Bill, they have not fixed charges in the case of steamship companies ?

The Honourable Sir Muhammad Zafrullah Khan : As I have said in reply to parts (b), (c) and (d), no decision has been arrived at yet.

Qazi Muhammad Ahmad Kasmi : May I know, Sir, how long it will take to come to a decision ? Will Government be able to come to a decision before the next Haj season ?

The Honourable Sir Muhammad Zafrullah Khan : It is very difficult to fix a date, but Government will try to come to some decision before the next Haj season commences.

Mr. Muhammad Azhar Ali : May I know, Sir, if the Government propose to appoint a Committee or Commission to go into this question ?

The Honourable Sir Muhammad Zafrullah Khan : There is no such intention at present.

Mr. Mann Subedar : Is it a fact, Sir, that the representative of the European Shipping Companies refused to take part in this conference or even to lay before it any proposals of any kind ?

The Honourable Sir Muhammad Zafrullah Khan : I have already said that I am not prepared to make any statement as to what took place during the discussion so long as the matter is under consideration.

Maulvi Abdur Rasheed Chaudhury : Have the Government proposed or suggested any special rate at this conference ?

The Honourable Sir Muhammad Zafrullah Khan : That also falls within the same category, and it would not be desirable to make a statement so long as the matter is under consideration.

Mr. S. Satyamurti : Sir, in view of the fact that a public statement has been made by one of the parties that the European representatives

took up a *non possumus* attitude and would not co-operate with the conference, may I know if the Government are contradicting it or confirming it ?

The Honourable Sir Muhammad Zafrullah Khan : The other party has also made a statement.

Mr. Manu Subedar : May I know, Sir, if Government are pursuing this matter and are in communication with both sides ?

The Honourable Sir Muhammad Zafrullah Khan : They are certainly pursuing the matter, but communication is not a continuous process.

ESTABLISHMENT OF A DEPRESSED CLASSES SETTLEMENT IN DELHI.

448. ***Mr. Sham Lal :** (a) With reference to the answer to question No. 1176, on the 12th March, 1936, regarding the scheme proposed by the Shradhanand Depressed Classes Mission to establish a Depressed Classes Settlement in Delhi, will the Secretary for Education, Health and Lands kindly state how many plots have so far been distributed to members of the depressed classes, since the Mission ceased to be recognised for recommendations ?

(b) How many plots have so far been allotted to members of the depressed classes since April, 1936, when Government declared, in reply to the question referred to above, that the allotment of plots to members of the depressed classes had not been stopped ?

(c) What is the number of the pending applications of the depressed classes for allotment of the plots in question ?

(d) Is it a fact that Government have been granting comparatively relaxed conditions, relating to the time-limit, for erection of the buildings on plots in New Delhi ?

(e) Did Government consider the desirability of relaxing or extending the time-limit for erection of buildings on the plots in question ? If not, why not ?

(f) When do Government propose to allot the plots to persons belonging to the depressed classes, who have already applied for them ?

Sir Girja Shankar Bajpai : (a) to (f). Enquiries have been made and the result will be communicated to the House in due course.

ALLOWANCES GIVEN TO CERTAIN PERSONS IN THE GEOLOGICAL SURVEY OF INDIA.

449. ***Mr. Amarendra Nath Chattopadhyaya :** (a) Apropos the reply given by the Honourable Member for Commerce and Labour to question No. 347, part (b) to (f) of the 7th September, 1937, regarding allowances given to certain persons in the Geological Survey of India, will

the Honourable Member be pleased to state if there is any use of keeping Petrologists, Curator, Chemist with well equipped laboratory and Palæontologist with extra allowances, when the work is being done abroad ?

(b) Does the Honourable Member propose to stop getting this work done abroad ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). No part of the Work of the Petrologist, Curator or Chemist is done abroad. Palæontological work is sent abroad only when its specialised nature necessitates such a course. There is sufficient work, however, to keep the Palæontologist in the Department fully employed.

COUNTRIES WITH CONSULS OR TRADE COMMISSIONERS APPOINTED BY
THE GOVERNMENT OF INDIA.

450. ***Mr. M. Ananthasayanam Ayyangar :** Will the Honourable Member for Commerce be pleased to state :

- (a) the countries to which Consuls or Trade Commissioners have been appointed by the Government of India ;
- (b) the amounts of expenditure incurred on them in each country ;
- (c) if a Consul or Trade Commissioner has been appointed for Burma ;
- (d) if the answer to part (c) be in the affirmative, what representations he made to prevent or arrest the progress of rioting and clash between Indians and Burmans in Burma, and with what result ?

The Honourable Sir Muhammad Zafrullah Khan : (a) I would invite the attention of the Honourable Member to the reply given by me to Sardar Mangal Singh's starred question No. 222 on the 15th August, 1938.

(b) The budget estimates for 1938-39 are as follows :

	Rs.
Indian Trade Commissioner, London ..	1,81,000
Indian Trade Commissioner, Hamburg ..	80,000
Indian Trade Commissioner, Milan	47,000
Indian Trade Commissioner, New York ..	76,000
Indian Trade Commissioner, Japan	45,400
Indian Trade Commissioner, Mombasa	34,500
Indian Trade Agent, Kabul ..	23,300

(c) No.

(d) Does not arise.

Prof. N. G. Ranga : Will Government consider the advisability of reducing the prices of their reports ?

The Honourable Sir Muhammad Zafrullah Khan : What exactly has it got to do with the question.

Mr. M. Ananthasayanam Ayyangar : In view of the large interests involved between India and Burma, why does not Government propose to appoint a Trade Representative in Burma ?

The Honourable Sir Muhammad Zafrullah Khan : There is an Agent to the Government of India in Burma.

Mr. M. Ananthasayanam Ayyangar : Does he carry out all these functions ?

The Honourable Sir Muhammad Zafrullah Khan : I cannot answer that.

Prof. N. G. Ranga : In view of the fact that the Government are spending so much money with a view to see that commercial interests in this country are benefited from the work of these Trade Commissioners, may I know if Government will consider the advisability of reducing the prices of their reports ?

The Honourable Sir Muhammad Zafrullah Khan : I said that this did not arise out of the question.

Mr. K. Santhanam : May I know whether the Agent in Ceylon is carrying out the duties of a Trade Commissioner ?

The Honourable Sir Muhammad Zafrullah Khan : I will require notice of that question.

Mr. T. S. Avinashilingam Chettiar : When the Honourable Member
12 NOON. was asked whether the Agent in Burma will carry out the duties of Trade Commissioner he said that that question must be addressed to another Government Member. But the subject of Trade Commissioner is one over which my Honourable friend has control, and we want to know whether the Agent at Burma is going to do the duties of a Trade Commissioner also ?

The Honourable Sir Muhammad Zafrullah Khan : If the Honourable Member wants to know it from one he can put down a question to that effect.

(b) WRITTEN ANSWERS.

RATE WAR BETWEEN SHIPPING COMPANIES CARRYING HAJ PILGRIMS.

451. ***Mr. Abdul Qaiyum** : (a) Will the Honourable Member for Commerce be pleased to state if his attention has been drawn to a state-
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c'

ment issued by Messrs. Turner Morrison and Company, which appeared in the issue of the *Bombay Chronicle* of the 3rd August, 1938, and the statement issued by Mr. Walchand Hirachand, which appeared in the issue of the *Bombay Chronicle* of the 4th August, 1938, in regard to what happened at the Haj Conference recently convened by them ?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state whether the representatives of the Mogul Line had the authority from their Board to discuss the question of the rate war and to put forward proposals to end it ?

(c) If the answer to part (b) be in the negative, will Government be pleased to state with what authority and for what purpose the representatives of the Mogul Line attended the Conference convened by the Government of India ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Government have seen a copy of the statements referred to.

(b) and (c). No final decision has yet been arrived at and Government are, therefore, not prepared to make any statement on the subject.

ARCHÆOLOGICAL EXCAVATIONS TO BE MADE BY SIR LEONARD WOOLLEY.

452. ***Mr. C. N. Muthuranga Mudaliar :** (a) Will the Secretary to the Department of Education, Health and Lands be pleased to state whether it is a fact that Sir Leonard Woolley has been invited to tour India shortly ?

(b) What will be his duties ?

(c) Will one of his duties be to select sites to be taken up for excavation ?

(d) What is the estimated expenditure on his visit ?

(e) Wherefrom is it proposed to meet the expenditure ?

(f) Is it a fact that it is to be met from funds already allotted to the various Archæological Surveys ?

(g) To what extent will the allotment made to the Southern Circle be affected by the proposed visit of Sir Leonard Woolley ?

(h) If the answer to part (c) above be in the affirmative, could not the selection of sites be made by members of the Archæological Survey itself ?

Sir Girja Shankar Bajpai : (a) to (c) and (h). I would invite the Honourable Member's attention to the Press Communique issued by Government on the subject on the 16th June, 1938.

(d) I would refer the Honourable Member to the reply to part (d) of Mr. Santhanam's starred question No. 63 on the 9th August, 1938.

(e) The expenditure will be met from provision made for the purpose in the current year's budget.

(f) No.

(g) Not at all.

DETAILS OF ALLOTMENT MADE TO VARIOUS CIRCLES OF THE
ARCHAEOLOGICAL SURVEY.

453. ***Mr. C. N. Muthuranga Mudaliar** : (a) Will the Secretary to the Department of Education, Health and Lands be pleased to place on the table a statement containing the details of allotment during 1938-39 to the various Circles of the Archaeological Survey under different heads ?

(b) To what extent will the allotment made for the several circles in India be affected by Sir Leonard Woolley's proposed visit ?

Sir Girja Shankar Bajpai : (a) The required statement is laid on the table.

(b) The allotment will not be affected by Sir Leonard Woolley's visit.

G. Archaeological Exploration.	2,000	575	2,128	4,942	6,165	500	..	..	2,870	4,000	..	..	..
Excavation Charges ..	2,000	575	2,128	4,942	6,165	500	..	..	2,870	4,000	..	..	..
H. Central Archaeological Museums.—													
Pay of Officers ..		..		..	..				4,700	9,800	..	..	..
Pay of Establishment		(a) 6,500		(Nalanda) 3,200	(c) 4,800				4,800	15,000	..	..	8,000
Other Charges ..	..	(b) 2,300		(Nalanda) 500	(d) 1,000				4,000	6,500	..	..	1,000
Total ..	62,922	1,93,709	1,55,311	89,126	1,66,309	35,959	33,094	22,718	15,970	35,100	6,721	9,000	9,000
(a) Delhi Fort Museum		..	..	4,100	(b) Delhi Fort Museum	..	..	1,100					
Sarnath Museum		..	..	2,300	Sarnath Museum	..	..	1,100					
Taj Museum ..		..	..	100	Taj Museum ..	..	..	100					
				6,500				2,300					
(c) Harappa Museum				3,200	(d) Harappa Museum,	..	..	700					
Lahore Fort Museum				1,300	Lahore Fort Museum	..	..	300					
				4,500				1,000					

**TRANSFER OF THE OFFICES OF THE GOVERNMENT EPIGRAPHIST FROM
OOTACAMUND.**

454. ***Mr. C. N. Muthuranga Mudaliar** : (a) Will the Secretary to the Department of Education, Health and Lands please state whether any arrangement has been made to shift the offices of the Government Epigraphist from Ootacamund either to Madras or to Delhi ?

(b) If so, when will the transfer be effected ?

(c) If the answer to part (a) be in the negative, will Government state whether they propose to consider the question of its removal at an early date ?

(d) Has not the Office of the Superintendent of Archæology, Southern Circle, been recently shifted to Madras from Ootacamund ? If so, what are the reasons for continuing the Office of the Government Epigraphist at Ootacamund ?

Sir Girja Shankar Bajpai : (a) No.

(b) Does not arise.

(c) Owing to the scarcity of office accommodation at Delhi, it is not possible to do anything in the matter at present.

(d) The reply to the first part is in the affirmative. As regards the latter part of the question, I would refer the Honourable Member to the reply just given by me to part (c).

DUTIES OF THE GOVERNMENT EPIGRAPHIST AND HIS ASSISTANT.

455. ***Mr. C. N. Muthuranga Mudaliar** : (a) Will the Secretary to the Department of Education, Health and Lands be pleased to state the duties of the Government Epigraphist and his Assistant ?

(b) What is the work done by them in connection with South Indian Epigraphy ?

(c) Is it one of their duties to decipher South Indian inscriptions ? If so, what are their qualifications for the job ? Is it a fact that they do not know any one of the South Indian languages ? If so, how do they perform their duties ?

(d) Is it a fact that much work is in arrears ? If so, why and how do Government propose to improve the position ?

Sir Girja Shankar Bajpai : (a) The Government Epigraphist supervises all epigraphical work except that in connection with Moslem inscriptions. His assistant helps him in these duties.

(b) No special work is done by the Government Epigraphist in connection with the South Indian epigraphy apart from general supervision.

(c) There is a separate officer, viz., the Superintendent for Epigraphy, Madras, for dealing with South Indian inscriptions. The latter parts of the question do not therefore arise.

(d) The arrears are due to retrenchment in the Epigraphical Branch. Government regret that it is not possible to provide additional staff until the financial position improves.

NEGOTIATIONS FOR INDO-BRITISH TRADE AGREEMENT.

456. ***Pandit Sri Krishna Dutta Paliwal** : Will the Honourable Member for Commerce please state :

- (a) whether the Indo-British trade negotiations will be concluded before the close of the present Session of the Assembly ; and
- (b) whether this House will be consulted before the Indo-British Trade Agreement is entered into ?

The Honourable Sir Muhammad Zafrullah Khan : (a) The Honourable Member's attention is invited to the answers given to part (a) of Sardar Mangal Singh's question No. 40 and its supplementaries on the 9th August.

(b) I would refer the Honourable Member to the answer given today to part (b) of question No. 425 by Mr. Avinashilingam Chettiar.

RESOLUTIONS OF THE PROVINCIAL LEGISLATURES ABOUT FEDERATION.

457. ***Mr. M. Ananthasayanam Ayyangar** : Will the Leader of the House please state if any action has been taken by the Government of India on the resolutions of the Provincial Legislatures that federation ought not to be imposed in India ? If so, what is it ? If not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : The Government of India have forwarded the resolutions adopted by the Provincial Legislatures together with the debates thereon to the Secretary of State.

EXHIBITIONS OF INDIAN INDUSTRIAL PRODUCTS IN FOREIGN COUNTRIES.

458. ***Mr. M. Ananthasayanam Ayyangar** : Will the Honourable Member for Commerce be pleased to state :

- (a) if the Government of India have been arranging any exhibitions of Indian industrial products in foreign countries, or taking part in any fairs or exhibitions held in foreign countries ;
- (b) if so, in how many, and which fairs or exhibitions during the last ten years ;
- (c) how much money was spent for each such fair or exhibition by the Government of India ; and
- (d) the main categories of articles from India which were exhibited ?

The Honourable Sir Muhammad Zafrullah Khan : (a) The Government of India have participated in certain fairs and exhibitions by exhibiting Indian industrial and other products.

(b), (c) and (d). I would invite the attention of the Honourable Member to the annual and quarterly reports of the Indian Trade Commissioners in London, Hamburg and Milan, which contain all the avail-

able information. Copies of the annual reports are in the Library. The quarterly reports are reproduced in the *Indian Trade Journal*, copies of which also are in the Library.

LETTER OF THE MADRAS GOVERNMENT ABOUT LINGUISTIC PROVINCES.

459. ***Mr. M. Thirumala Rao :** In further elucidation of the statement made by him on the 9th August, 1938, in reply to starred question No. 62 put by Mr. K. Santhanam, will the Honourable the Leader of the House be pleased to state :

- (a) the date on which the resolution of the Madras Legislature, together with the forwarding letter of the Madras Government, on the question of linguistic provinces was received by the Government of India ;
- (b) the date on which the Government of India forwarded the above papers to the Secretary of State ; and
- (c) whether the Government of India have expressed any opinion on the resolution of the Madras Legislature, while forwarding the same to the Secretary of State ?

The Honourable Sir Muhammad Zafrullah Khan : (a) 27th April, 1938.

(b) 7th May, 1938.

(c) I regret I am unable to reply to this part of the Honourable Member's question.

ESTABLISHMENT OF A SEPARATE ANDHRA PROVINCE.

460. ***Mr. M. Thirumala Rao :** (a) Is the attention of the Honourable the Leader of the House drawn to the piece of news published in the *Hindustan Times* of the 7th August, 1938, that the Madras Premier had promised the Andhras that he would address the Government of India on the constitution of a separate administrative Province for the Andhra districts ?

(b) Has any such communication been received from the Madras Government ?

(c) Is the Government of India's attention drawn to the agitation in the press and on the platform in the Telugu districts of the Madras Presidency on the question of a separate linguistic province ?

(d) Have Government noted the resolution passed by the Congress Working Committee at its last meeting at Wardha, held in the last week of July, 1938, on the question of linguistic provinces ?

(e) Are Government aware that the present Madras Legislative Assembly includes four linguistic areas, and that a large number of members do not know any other language except their mother tongue ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes.

(b) No.

(c) and (e). I accept the Honourable Member's statement.

(d) Government have seen the resolution adopted by the Congress Working Committee.

WASTAGE AMONG THE MUSLIMS AND SALARIES OF TEACHERS IN THE COMMERCIAL INSTITUTE, DELHI.

461. ***Maulvi Muhammad Abdul Ghani** : Will the Secretary for Education, Health and Lands be pleased to state :

- (a) the reasons for 75 to 85·9 per cent. wastage among the Muslims admitted in the Commercial Institute, Delhi, during 1932-33, 1933-34, 1935-36 and 1936-37 as is apparent from the statement laid on the table on the 8th August 1938 in reply to unstarred question No. 180 put by Khan Bahadur Nawab Siddique Ali Khan on the 11th April, 1938 ;
- (b) whether Government propose to take any action to remedy such a huge wastage as shown in part (a) ; and
- (c) the monthly salaries of the Teachers and Instructors of the Commercial Institute, Delhi ?

Sir Girja Shankar Bajpai : Enquiries have been made and a reply will be furnished to the House in due course.

DUTIES AND FUNCTIONS OF THE SUPERINTENDENT OF EDUCATION, DELHI, AJMER-MERWARA AND CENTRAL INDIA.

462. ***Maulvi Muhammad Abdul Ghani** : Will the Secretary for Education, Health and Lands be pleased to state :

- (a) the duties and functions of the Superintendent of Education, Delhi, Ajmer-Merwara and Central India ; and
- (b) the total mileage travelled by him by road and rail during 1937-38 ?

Sir Girja Shankar Bajpai : (a) The Superintendent of Education, Delhi, Ajmer-Merwara and Central India administers the Education Departments of these three areas, inspects educational institutions both Government and aided, and attends meetings of the academic and public bodies of which he is an *ex-officio* member.

(b) Information has been called for and will be furnished to the House in due course.

REGISTRATION OF FOREIGN COMPANIES IN INDIA FOR SELLING THEIR GOODS AS MADE IN INDIA.

463. ***Mr. Satya Narayan Sinha** : (a) Will the Honourable the Commerce Member be pleased to state whether his attention has been drawn to the leading comment in the *Aj* of Benares, dated the 6th August, 1938, under the caption "currency of foreign goods in the name of Indian

goods " in which the following observation is made—" For the last few years the foreign concerns have been registering their companies in India and selling their goods as made in India " ?

(b) How many of such companies are there in India which have established themselves in India and in which no Indian capital is involved ?

(c) Has it been brought to the notice of Government that foreign owned concerns are proving unfair competitions to Indian concerns ?

(d) What steps, if any, do Government propose to take to save the Indian enterprise from such competition ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes, Sir.

(b) The information is not available.

(c) and (d). I would invite the attention of the Honourable Member to the answers given in this House by Mr. H. Dow on the 21st March, 1938, to Seth Govind Das's starred question No. 836.

SHORT NOTICE QUESTION AND ANSWER.

JEWISH SETTLEMENT IN KENYA.

Seth Govind Das : Will the Secretary for Education, Health and Lands please state :

- (a) whether his attention has been drawn to an article published in today's issue of the *Statesman*, on page 6, by their special correspondent, under the caption " Jewish Settlement in Kenya " ;
- (b) whether he will lay on the table a copy of the statements made by Earl Winterton, on the decision of His Majesty's Government with regard to settlement of Jewish refugees in Kenya Highlands, either at the Evian Conference, or elsewhere ;
- (c) whether His Majesty's Government have officially apprised the Government of India of their views in this connection ;
- (d) whether the East African Indian Congress sent a communication to Government, expressing great apprehension about the result of a scheme of this nature ;
- (e) whether Government propose urging on His Majesty's Government not to take any steps in this connection which might be prejudicial to Indian interests without consulting the Indian opinion of East Africa ;
- (f) whether Government propose to move His Majesty's Government with a view to securing a revival of " the administrative practice " of prohibiting Indians from obtaining lands in Kenya Highlands which is now proposed to be legalised in the draft Orders in Council due to come before the Kenya Legislature shortly ; and

- (g) whether Government are aware of the desire of the East African Indian Congress to send a deputation to London to wait on His Majesty's Government in this connection and whether Government propose giving the deputation any assistance and facilities ?

Sir Girja Shankar Bajpai : (a) Yes.

(b) Government have not received a copy of the statement.

(c) No.

(d) The East African Indian Congress has drawn Government's attention to Press reports of the intentions of His Majesty's Government.

(e) and (f). Government of India have made enquiries from His Majesty's Government and will take such action as may appear desirable when the result of these enquiries becomes available.

(g) The answer to the first part is in the affirmative. The question of giving assistance to the deputation can arise only after the Congress has decided to send one.

Seth Govind Das : Is the Honourable Member aware that an expert was deputed to Kenya from England who reported that Kenya was very suitable for Jewish settlement ?

Sir Girja Shankar Bajpai : My Honourable friend will have already gathered from the reply which I have given to parts (e) and (f), that the Government of India have no official information with regard to this scheme at all and have made enquiries from His Majesty's Government. From the press reports which the Government of India have seen it would appear that it was not His Majesty's Government who deputed any expert but some private organisation.

Seth Govind Das : Will the Honourable Member place the reply on the table of the House as soon as he receives it from His Majesty's Government ?

Sir Girja Shankar Bajpai : I shall consider my Honourable friend's suggestion.

Seth Govind Das : Is it a fact that something like an informal Balfour declaration, which has created the huge Jewish problem in Palestine, and in the Near East in general, would be issued concerning the Jewish settlement in Kenya under Evian dispensation ?

Sir Girja Shankar Bajpai : I am not aware of any such intention on the part of His Majesty's Government.

Seth Govind Das : Is the Honourable Member aware that the European farming community welcome a Jewish settlement on the ground that on account of their settlement the Indian ratio would be reduced to the European population ?

Sir Girja Shankar Bajpai : It may be that some newspaper has expressed views to that effect, but I would ask my Honourable friend really to wait until the Government of India have official information from His Majesty's Government as to what their intentions are.

Seth Govind Das : Is it a fact that the Europeans of Kenya are anxious to have this Jewish settlement in Kenya so that they will be able to get ample capital out of them and Indians will no longer be required there ?

Sir Girja Shankar Bajpai : I was not aware that Indian capital was being used by the European settlers in Kenya to any extent. In any case, I am not aware that the European settlers are very anxious to welcome Jewish settlers. On the contrary, I gather that an association has been formed to oppose such a settlement scheme.

STATEMENT BY THE HONOURABLE THE FINANCE MEMBER
RE THE DELETION OF A REPLY TO A SUPPLEMENTARY
QUESTION.

The Honourable Sir James Grigg (Finance Member) : Two or three days ago, in the course of my replies to supplementary questions on the subject of the sugar excise, I made what must have appeared to some Members a rather hasty answer to a supplementary question by Mr. Manu Subedar. In the course of my reply, I suggested that the Honourable Member had been inconsistent in two of the supplementary questions which he had asked, but as soon as I saw the actual shorthand report of the question and answer, it became quite clear that I had misheard what the Honourable Member said and that there was no inconsistency in his questions. I have already expressed my regret to the Honourable Member, and I would ask permission to delete from the official report my answer on that occasion.

Mr. Manu Subedar (Indian Merchants' Chamber and Bureau : Indian Commerce) : It is very decent of the Honourable the Finance Member to acknowledge his error, and I for myself, and I am sure that every Non-Official Member of the Opposition, appreciate the good parliamentary spirit, which has prompted his action. I am agreeable to the deletion of the objectionable portion.

Mr. President (The Honourable Sir Abdur Rahim) : Is it the desire of the House that that answer should be deleted from the proceedings of the House ?

The Assembly agreed.

THE CRIMINAL LAW AMENDMENT BILL—*concl'd.*

Mr. President (The Honourable Sir Abdur Rahim) : The House will now resume consideration of the motion :

“ That the Bill to amend the criminal law, as amended, be passed.”

Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhamadan Rural) : Mr. President, when you were pleased to adjourn the House last evening, I had just come to the arguments of my Honourable friend, Syed Ghulam Bhik Nairang, and I was saying that just as the Honourable the Deputy Commissioner from the Punjab has condemned British rule when he said that the people in the countryside have been so impoverished that they are looking for illegitimate methods of making

more money, so did my Honourable friend, the Syed Sahib, also condemn that rule when in a graphic way he described what would be the fate of our country if the British Empire were broken to pieces. If, after so many years of association we have come to this pass that we are totally unable to defend ourselves though we number 350 millions and we are threatened with another 50 millions at our next census,—though our numbers are so large, our power is so small—who is to blame except those who are in charge of the affairs of this country ? In order not to pursue the point much farther I should like to assure my Honourable friend, the Syed Sahib, that the power, the inherent power of our people when it has grown to such dimensions that it can break British Imperialism, will also be sufficiently strong to protect the country from any further imperialism. He need not have any doubt about that.

But I come to another, and what I feel a more important part of his speech, namely, his reference to some incidents in Madras and his statement that some power was being misused there. I am at one with the Syed Sahib in that matter. But who is to blame ? Did we not in this House move heaven and earth in order to end that Act ? Did not Mr. B. Das fight from Session to Session to delete that obnoxious measure : and did not this Government support that measure ? If only we had deleted that measure, this power would not have been in the hands of the Madras Government to be abused. Sir, I will remind Honourable Members of the speech of Sir Muhammad Yakub on that occasion. He definitely said that Provincial Governments in the then coming Provincial Autonomy would require this power. And did I not then say—the proceedings will show—that we ought not to trust the coming Provincial Governments with so much power ? Then Sir Muhammad Yakub turned round and said : ‘ Are you not going to trust your own people ? ’ Certainly not. What does all morality and all religion in this world teach—Trust not thyself. I know that when power is in my hands I am likely to abuse it. Did not the great Cambridge historian of freedom, Lord Acton, say that power demoralises and absolute power demoralises absolutely. If I am put into power, I should see to it that I am hedged all round with rules and regulations lest I should be tempted to abuse that power. Therefore, if any one is to blame, we here are to blame for not having erased that Act from the Statute-book. It is no use crying when you have put a dangerous toy in the hands of a child—and, after all, our ministers are only children in the act of administration. When you have put this power in their hands, they are most likely to abuse it ; and, therefore, Sir, I say that we don’t want to give any further power to Provincial Governments or any Government. I feel that we were not going to go very far on the right path when we were entrusting, under the cover of the amendments passed yesterday, Provincial Governments with certain powers.

We know the Punjab. The Punjab Government consists of many military officers, I understand ; and they naturally want recruits, so that others may go and be fodder for the cannon, when they themselves live in comfort. Sir, the background of this Bill is very nice. There is the case of Captain Lamba, for instance.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member cannot discuss that.

Mr. Sri Prakasa : I am not discussing his case. What I am saying is this, and if you will bear with me for a minute, I shall illustrate my point. I am just saying this that the background of this Bill is that the Government does not want any Indian officers. What it wants is recruits—humble men in order that they may be sent to war to be killed ; but when it comes to officers, they have another story to tell ; and it is only in that connection that I was referring to Captain Lamba's case. I am not going to discuss that case at all.

Then, Sir, after that, there is a letter in my hand from the Private Secretary to the Air Ministry in England, addressed to Mr. A. Deshmukh. It says :

“ The Secretary of State for Air desires me to acknowledge and thank you for your letter of the 30th July. Under the existing regulations for the Royal Air Force entry is strictly limited to candidates of European descent, and the Secretary of State much regrets that for various reasons it would not be practicable to depart from these regulations in a particular instance.”

These two instances show that they want our men only as food for cannon. They do not want our men to be leaders in war.

Now, Sir, I will come to two parts of the Bill itself. The Statement of Objects and Reasons says that a large number of public speeches have been made of a particular variety and then, Sir, Exception 2 of the Bill says, that if persons in good faith give particular advice to particular persons this Act will not apply. Now, I am going to tell the House exactly what the speeches were and what the speeches are going to be, Bill or no Bill. I have no need of the 155 excerpts that my Honourable friend opposite has culled from various speeches. I am going to say what my friends have said, what I have said, what we are all going to say. What have we said ? We have said it since the Madras Congress of 1927 that in case the British Empire is involved in any war we, on our part, are not going to help it ; and in fact, if at all possible, we are going to take advantage of the situation to wring our own freedom. This is all that we have said and this is all that we have continued to say and shall continue to say. We are not ashamed of what we have said.

My Honourable friend, the Leader of the Muslim Party, said, that there are crooks and cranks in every country. Sir, crooks certainly do not behave in the manner in which we have been behaving. We have been honestly and in a most straightforward manner telling people that we shall do this and shall not do that, if certain eventualities occur. I think the methods of crooks are very different. There is no pacifism here ; there is no militarism here. We say to all : “ don't go to war ; England, France, Germany, Italy, Japan and Spain—don't go to war ; but if you do and ask us to help you in any way, we shall not help ; and, further, if possible, we shall avail of your difficulties to get back our freedom.” We do not want them to go to war but we say quite honestly and frankly that if they do we shall utilise the situation for our own good. The Britishers say they are here for our good. We have found that they are here for our goods ! We only want our good and the good of the world ; and we do not want the goods of any one else. It is enough if we can save our own goods : we are not worried about others ! What we wanted and badly needed was a Bill which

would say that any one going to the countryside and hectoring, bullying, beseeching, appealing and bribing our people to join the war shall be shot at sight. That is exactly what we wanted.

I vividly remember the methods that were followed in recruiting during the last Great War. I remember a meeting in my own home town of Benares where old women of both sexes gathered to preach the beauties of warfare ; and as they themselves were not to go there, they were naturally very eloquent. The Commissioner of the Division said—I am trying to use his exact language and even his intonation—‘ *Jo musibat main kam ata hai, vah dost hai* ’—a friend in need is a friend indeed. Though we were then all fit to go to war, we were all patriots and loyal subjects upholding the dignity of the British Empire, when the danger was past, what do we hear ? We hear that the type of men who come to our army is not the right one ! The Commissioner said : ‘ *Jo musibat main kam ata hai—dost hai* ’ and may I add : ‘ *jo aram main kam ata hai—dushman hai* ’. (A friend when not needed is an enemy.)

These old women of both sexes that assembled in the Town Hall at Benares sent recruits to the army from their villages ; and no Buddhu or Sukku, no Zafar or Abdul got anything except broken limbs : but these men got titles. In fact further permutations and combinations of the English alphabet were made and new honours and new titles were created so that their insatiable thirst for distinction and dignity might be satisfied and appeased. That is what is happening. These recruits will get nothing but “ knighthoods ” with eternal darkness, will descend upon many gentlemen who sent others to war and pretended that they themselves have been in the war. They will strut out in their uniforms, they will expect everyone to salute them properly, while they have no scratch on their bodies anywhere. That is why we regard it cowardly to ask others to go to war when we are not prepared to go to war ourselves, when we know full well, in spite of our pretensions, that we are of an age when nobody will care to recruit us.

My very lovable and Honourable friend, the Nawab of Dehra,—whom, Sir, I may safely call an eternal “ knight ” on which the dawn never breaks, (Interruptions) in his various interruptions tried to put what may be called a racial or shall I say a caste touch on the whole situation. My Honourable friend, Captain Sardar Sir Sher Muhammad Khan,—I do not know whether he was wounded in the Great War or not—

Captain Sardar Sir Sher Muhammad Khan (Nominated Non-Official) : I was five years in the Great War.

Mr. Sri Prakasa : was also sarcastically referring to a type of men whom he calls Banias. Well, Sir, so far as caste divisions go, I claim to be a Bania, and I am not ashamed to be that. But if my Honourable friend opposite wants to challenge me in single combat inside or outside this House.....

Mr. President (The Honourable Sir Abdur Rahim) : Order, order. No challenges are allowed in this House.

Mr. Sri Prakasa : Well, Sir, I can say this that Bania or no Bania, as good blue blood flows in my veins and as good red blood flows in my arteries as it does in his or in that of anyone else in this country. All Indians are one and the same. Whether tea-sellers in my friend's (Mr. Abdul Qaiyum's) constituency in the streets of Peshawar or men who live on unearned incomes, all of us are alike and all of us are war-like. All of us are always ready to fight to defend our homes. Sir, I said yesterday there was no law and order in this country and I said that in the countryside even little girls and little boys have to defend themselves with the strength of their arms because there are no defenders of their hearths and homes. What do the soldiers do? Only the other day in Muttra some soldiers tried to kidnap a girl and the villagers gathered round and despite their shots and their cannon they were captured and brought to justice, though the justice meted out to them was most inadequate. Sir, a shot was fired and a man was killed. Well, are these soldiers expected to defend us? They are there to eat us up or to molest us, to defile us and to disturb us.

Sir, the question of defence has been brought up in the course of this debate. I am as much interested in the defence of my country as anyone else. But I say this that, regard being had to the poverty of this country, I do not think we can ever have a mechanised army of such proportions on land, in the air and in the water which would be able to withstand the onslaughts of other nations. What we can depend upon is man-power and man-power alone. We must learn the art of war from bees. If any Honourable Member of this House were to go to the marble rocks of Jubbulpore he will find that there are the graves of many British soldiers who had unfortunately come to grief there despite their shots and cannons, because swarms of bees attacked them. Sir, my idea is that we had better learn from the bees the art of war. They do not trouble you unless you provoke them. We are not going to provoke anybody. But if we are provoked, we shall, in large numbers, fall on our enemy and the enemy will be nowhere. Sir, my friend, **Mr. Desmukh**, said that there was danger from the air. Very well, there is danger from plague and epidemics of all sorts. Well, if some persons fly over us and drop bombs, we shall regard that as an epidemic; and as soon as the aeroplane falls to the ground, heaps of people will fall upon it and there will be an end of it—pilot, soldier and all. That will be the only way in which we can fight our enemy.

Sir, the Honourable the Law Member said the other day that there was no law of this sort in this country and a new law was wanted. I am sorry he is not here, but if he would give me half an hour in the lobby, I could show him how the Government here, such as it is, can manage people any way they like, law or no law. They can put a person in prison in any way they like. They can kill any person in prison and do what they like in the name of discipline. Certainly, as the conditions in the country are today, given the Indian Penal Code and the Criminal Procedure Code and given the sort of magistrates that adorn the Opposite Benches, I could manage the country in any way I like without any other law.

I have been speaking like this only because I feel, Sir, that there is still time to do the right. I want to appeal to my Honourable friend,

Mr. Ogilvie, to relent even now and withdraw the Bill. We assure him we love him, we love him to desperation ; we assure him that we love his country, we assure him that we love his countrymen : only we do not love his dog, the British Empire. We cannot possibly love that dog ; but if Mr. Ogilvie will only please consider the situation even now and see his error in fathering this Bill. I hope he will relent and still withdraw his measure. Let him not take satisfaction like the Jat in the story who said that though he had been kicked all round, he had still saved his honour. When his friends asked him what happened, he replied : " Well, you see, some women assailed me, they shoe-beat me and those shoes fell thick and fast upon my head ; but I did not allow any shoes to fall on my *pagree*, which I left aloft." Sir, this measure has been attacked from this side and from that side and even from the side of those who may be regarded as the Government's natural friends : but let not Mr. Ogilvie say : " though we have been disgraced in every way, we have still kept our honour safe, because the Bill is on the Statute-book ".

Khan Bahadur Nawab Siddique Ali Khan (Central Provinces and Berar : Muhammadan) : Sir, I had decided not to take part in this debate, but my Honourable friend, Mr. Sri Prakasa, who is called the Prince of Humour by the Roy's Weekly and for whom myself and my Party have got great regard indulged in cheap jokes against the Leader of my Party, and the fun of it is that he said that Mr. Jinnah was like his father. Sir, I was taken by surprise to see a son ridiculing and misinterpreting his father in the manner he did yesterday.

Mr. Sri Prakasa : On a point of personal explanation. I did not say he was my father. I appealed to him as a father, that is the father of his children. I can say that he is my uncle.

Khan Bahadur Nawab Siddique Ali Khan : Sir, I do not know what our revered friend, Dr. Bhagavan Das, would have thought of his son if he had been here yesterday. I know that my Leader is strong enough to defend himself, but as a Member of this Honourable House, I am entitled to make some observations. I believe this incident was the first of its kind in the annals of this Honourable House. Will my Honourable friend feel happy if a Back-Bencher like myself gets up, ridicules and misinterprets the Leader of another Party for obtaining cheap popularity inside and outside this House ? I hope and trust that an incident of this nature will never happen on the floor of this Honourable House in future.

Sir, my Honourable friend, Mr. Sri Prakasa, yesterday said during the course of his speech that he will be the first to fight the Hindu Imperialism in India. May I invite him to visit my province and fight the Hindu Imperialism there ? May I tell him that the united efforts of the Mussalmans of the Central Provinces and Berar have failed in obtaining exemption for them from the forcible application of Vidya Mandir scheme ?

Mr. M. S. Aney (Berar : Non-Muhammadan) : May I just ask the Honourable Member what is there in the scheme of Vidya Mandir which adversely affects Muslims as such ?

Khan Bahadur Nawab Siddique Ali Khan : I will explain it to you afterwards. On this vital issue, several Muslim members of the Muslim Congress Mass Contact Committees have resigned the Congress membership and have joined the Muslim League. I will quote a portion of the speech of an *ex*-Member of this Honourable House—Dr. N. B. Khare—who is also the *ex*-Premier of the Central Provinces.

Mr. President (The Honourable Sir Abdur Rahim) : The speeches have gone very wide of the mark already and I think the Honourable Member had better try to make his speech relevant to the motion before the House.

Khan Bahadur Nawab Siddique Ali Khan : I humbly submit, Sir, that I am trying to give a reply to my Honourable friend, Mr. Sri Prakasa.

Mr. President (The Honourable Sir Abdur Rahim) : If it is with reference to the remarks of another Member, then he can go on.

Khan Bahadur Nawab Siddique Ali Khan : Dr. Khare, the *ex*-Premier of the Central Provinces and Berar, said this in a public speech at Nagpur on the 18th of August :

“ Provincialism, communalism and capitalism were entering the Congress in its present stage of development, and only when the Congress functioned as fully democratic organisation, these unhealthy tendencies would be held in check.”

May I request my friend, Mr. Sri Prakasa, once again to come to my province and fight against these three things ?

Sir, we heard a great deal during the last week about the trampling of civil liberty in India. May I give one illustration of civil liberty which is in force in this country ? Sir, the Congressmen have been ordered in Nagpur not to attend and speak in those meetings which are held to condemn the action of the Congress Working Committee for the injustice done to Dr. Khare. May I also say that some innocent Mussalmans were brutally murdered in Jubbulpore and the murderers have been let off against the wishes of the Mussalmans. It is said that this was done to bring about the Hindu-Muslim unity ! May I ask in all seriousness if this is civil liberty ? My Honourable friend, Maulvi Abdul Ghani, rightly said the other day :

“ *Chun bakhilwat mirawand, An kare digar mikunand.*”

But, Sir, I will go a step further and make it more clear. There is a common proverb in Urdu which admirably fits in here. It says :

“ *Hathi ke dant, khaneke aur dikhane ke aur.*”

Appeals have been made to us as a Party to reject this Bill. Our experience shows that the Muslim League Party is recognised as representing the Mussalmans, only when there is need of its help, but we are disowned the moment when it is believed that we will not serve any useful purpose. It is said, then, that we do not represent the Mussalmans. May I say that this game will not last long. If you want the white man to leave the shores of this country, the only remedy for you is to recognise the Muslim League as the representative of the Mussalmans of India and to come to a settlement with it about the Hindu-Muslim question. Then you will see that no earthly power will stop you from achieving the laudable object of attaining freedom. In the absence of any settlement, those who have accused us of selling the liberty of the country are surely strengthening the bondage of slavery

and are helping the British Raj to continue indefinitely. Sir, the amendments moved on behalf of my Party have made the Bill less harmful and I, therefore, commend it to the acceptance of the House.

Mr. Ram Narayan Singh (Chota Nagpur Division : Non-Muhamadan) : Sir, I thank you for the opportunity you have so kindly given me to express my views on the subject which is now under discussion. Along with you, Sir, I think I should thank many other people for this opportunity and I do thank them. At this fag-end of the discussion of the debate, I do not propose to make a long speech and to tire out the patience of this House. Throughout the debate, I have patiently listened to the speeches delivered by the Honourable Members, but I must confess that I have not been able to follow the true import of many of the speeches. The Bill has raised the question of the British Indian policies on all matters affecting this country and, consequently, the debate has brought the British Empire and its doings under examination. From the speeches of my friends here and outside the House, it appears that they do not realise the real position which we have in this country today. It appears that a misunderstanding still exists in the minds of many of our countrymen. I shall endeavour in my speech to clear those misunderstandings. A large number of grievances has been ventilated in the various speeches. I have not got so many grievances. I have only one grievance and that is not so much against the foreigners and the British rule in this country as against myself and my own countrymen. Sir, having known this British rule so long and so thoroughly, why do we then allow this Government to exist in this country even for a minute ?

Sir, it has been said that British people have made India poor and have destroyed the character and manhood of the people. I do not know why anybody should murmur against this natural process. This is quite a natural process. No foreign Government can be expected to do anything but this. The Britishers came to this country and are ruling here, not to make India rich, not to make the people of India honest and bold, but, to use the resources of India to make England rich and powerful. Sir, it is their business, by passing the Arms Act or otherwise, to make the people of India dishonest, cowardly and so on and so forth. Because it is very difficult to use honest people for selfish purposes. I hear the cry of Indianisation. I am really pained to hear this cry. I agree with my Honourable friend, Mr. Sri Prakasa, when he says that he does not like Indianisation. If you visit the jails, you will find that the general administration of the jails is conducted almost all by prisoners themselves. They have got almost home rule within the jail, but the key is in the hands of the jailor. In the same way, so long as the British rule is going to exist in this country, the key positions will be in their hands. It has been clearly stated by Government that to wholly Indianise the Indian army is an impossible thing. But still why this cry of Indianisation ? I feel that my countrymen do not understand the implication of this cry. As soon as we talk of Indianisation, we accept British rule in India. At the same time we also know what is the good of Indianisation. We know that half of the Government of India has been Indianised but has it brought any good to this country ? We have had three non-violent wars against the Government, in 1921, in 1930 and 1932. Who fought against us, not the military, not the British army, but the Indian police, the Indian C. I. D. and the Indian magistracy of this country. These three

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services, the police, the C. I. D. and the magistracy are almost wholly manned by Indians. It is, therefore, no good crying that the Indian army should be Indianised. I can say with conviction that Indians in the Government departments are more dangerous to the liberty movement of the country than foreigners themselves. I, therefore, say that we should be ashamed of this cry of Indianisation. The only thing we can do is to organise ourselves and to get rid of this foreign government. We have heard loud talks about our contribution in the last European war. It has been suggested that we, the people of India, made great sacrifices and saved the Empire. I do not agree with this. It is true that without Indian help the result of the war would have been quite different. Those of us who know the history of the last European war might remember the brilliant retreat of the British army from the field of Flanders. It was impossible for the British army to check the on-rushing torrent of German advance. Had there been no Indian Expeditionary Force at that time in the field of France to check the German advance, I think by this time Great Britain itself would have been a German dependency and my Honourable friend, Mr. Ogilvie, would have been at the most a county magistrate like my Honourable friend, Mr. Nur Muhammad, of the Punjab. It is quite true that without Indian help the British Government would have been nowhere in the world. But should we be proud of this achievement? Sir, I think we should be ashamed of this achievement. We should ponder how long we shall be so used by foreigners. Sir, further it has been said that as a reward of this contribution we have been given the Jallianwala Bagh, the crawling order and the bombs on the Frontier Province. Why should we expect from foreigners any better treatment? Let us know if we are going to be free and if we are going to call ourselves men and so long as we allow the Englishmen to remain on Indian soil, we must not expect boons but bombs. It has been said that the Punjab Government are anxious to have this measure. Here, in this House, we also find our Punjab friends being anxious for this measure. Sir, I remind my Punjab friends, especially those who form the present Punjab Government of the achievements they had in the first Indian War of Independence in 1857. From Delhi to Calcutta, the British Government was overthrown by the people there. It was the Punjabi soldiers who reconquered India for the British. So this sin or honour of saving the British rule in this country falls upon the Punjab. If they want to wash away this sin, it is their duty to cease to get recruits to the Indian army and to organise themselves into a national army and get rid of this Government. It has also been said by my Honourable friends that this question ought to have been approached in a spirit of co-operation. I do not understand what they mean by this. Is co-operation possible between India and England? Sir, is co-operation possible between a tiger and a goat? Co-operation can be had only between equals and between those who have common aims. To illustrate my point further, here I am a true Indian and there is my Honourable friend, Mr. Ogilvie, a true Britisher. So long as I am an Indian, I must be trying all the while, every minute of my life, to get rid of this Government. And so long as he is an Englishman he must always be thinking of keeping India under his control. How is co-operation possible? I, therefore, say that no sane man can talk of co-operation between India and England. I know there are people in this country who feel proud of calling themselves co-operators but I tell them

that they are not co-operators but only the property of the British people to be used by them for the good of the Britishers. And, if they do not accept this title and want a better title, I can say that they are nothing more than hirelings for the British people.

Sir, in the House a lot of jokes and gibes has gone against the principle of non-violence. I do not know what they understand by non-violence. We do not say that we are going to have Swaraj by non-violence ; we are going to have it by non-violent non-co-operation. If India as a whole and Indians to a man non-co-operate with this Government I think the Britishers will at once leave this country, even without their bag and baggage. Sir, non-violence is the sum total of all human virtues. When we talk of Swaraj by non-violent means we mean a nation-wide organisation and, as soon as we have that organisation, Swaraj will be possible. But when my Honourable friends say and talk of revolution by arms, where have they any arms for the purpose ? Revolution also requires an organisation in the country, but I say definitely that as soon as the country will be organised even by non-violent means we shall have the freedom of this country. Sir, the House has witnessed an exuberant exhibition of indignation at the bold and true speech of my Honourable friend, Mr. Abdul Qaiyum. They smelt nothing but racial hatred in that speech. Sir, by no stretch of imagination can I understand the audacity with which the cousins and countrymen of General Dyer and Michael O'Dwyer expect the love and regard from the people of this country. They see racial hatred in his speech. But is it not a fact that in matters of appointment racial discriminations are observed by the British people ? Is it for the love of India that they discriminate in matters of appointment ? It is nothing but distrust and hatred which prevent them from making appointments without any considerations of caste and creed. Sir, it is hatred on their part which makes them discriminate in matters of appointment and if the same discrimination creates hatred in our minds, it is but a natural thing and they must not expect anything more from the people of India. Sir, some of my Honourable friends have described the British Empire as an old woman and some have described it as an old man. I say the British Empire is dead, at least in this country. I shall elucidate my point. All people know that every living being has got a life and soul and so every Governmental organisation also has got a soul and that soul is the power of doing justice. Who will deny that this Government and this British Empire has lost the power of doing justice ? That having gone, the life and soul is gone. But there is one thing very peculiar and that is that though this Empire is dead and gone, it has not been buried. It is rotting and giving out a very bad smell causing suffering to humanity throughout the world. But I see that those who have been left behind in this Empire are now active in the way of performing its funeral ceremony. This measure is of the activities in this direction.

Sir, before I close I must express my regret at the attitude of some of my countrymen who are at this juncture helping this Government. Their attitude reminds me of a *maskatwa* in our parts which is a class of beggar who cuts his flesh to exact alms from onlookers and spectators. I think some of my countrymen are behaving in this manner in this House. I heard Mr. Jinnah, for whom I have the greatest regard, saying that throwing out this measure will not solve the problem of India and there is a better method which is available to all. I wish he had explained what he

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means by a better method. Sir, the Indian National Congress has already resolved not to help Britain in the coming Imperialist war. So far as I can see, this Bill is a challenge or ultimatum to the Congress to fight. I wish the Congress to take up the challenge and exert every nerve to put an end to all these forces. With these words as an honest man I oppose the motion that the Bill be passed, but as the *Narada* of ancient history I wish this Bill to be passed because I know that in the repression and oppression of the people of this country by Britain lies our salvation.

Mr. K. S. Gupta (*Ganjam cum Vizagapatam : Non-Muhammadan Rural*) : Sir, now that the Bill has been passed once and it requires another seal in a short time, I think India will not in any way be deterred from its determination to fight to the end for its independence. And the crisis which you refer to is not brought about by our disloyalty, but your post-war policy at home and abroad is responsible for the crisis of which you are afraid and shaking in your shoes. Let me say that you sent messages from His Majesty downwards to the people and Princes of India during the Great War and previous to the war. We supplied you with men and money and with everything that you wanted. Our men who fought in Flanders and other places and shed their blood saved you and your honour and the honour of the British Empire. If there had been a dash to Calais by the Kaiser what would have been the fate of the British Empire ? It would have been nowhere. Now, after the war, your policy in India was based on sheer injustice and you have driven to the winds all the Christian principles of charity, fairplay and justice.

The other day, you had the cheek to call Punjab, the gallant Punjab.

1 P.M. What have you done to the gallant Punjab after the war ? You made gallant Punjab crawl on its belly. No self-respecting Indian will ever fight for you for having done this injustice to the gallant Punjab. Now, you say that the Punjab wants such obnoxious measure as this. If you take a plebescite or referendum in the Punjab you will see that 99 per cent. of the Punjab will say nay to it. The indecent haste with which you have thrust the Bill on this House and want to pass it shows you are afraid of a national plebescite. You deny our right to vote on a future war, but you want our vote to pass this Bill. You have given two crores of rupees to the British army in India and now you want us to make a present of this Bill to the distressed and oppressed and compressed soldiers of the Indian army here. Are you justified in doing it ? Are you justified in insulting us and, at the same time, asking our support to this Bill ? You talk of loyalty. How on earth can we be loyal to you for having insulted our manhood not on one occasion but on several occasions ? The other day you took objection to some of us saying that the British Empire is like an old woman. I happened to see a caricature the other day that in the year 1857 when India was waging a war of independence, otherwise called the great Indian Mutiny, the English lion was falling upon the Bengal tiger. Now what is that lion doing ? It is no doubt a lion, but it is blind and is groping in the dark. What is it doing in respect of its foreign policy ? What has it done to the rape of Abyssinia. Have we forgotten Hoare's speech, Hoare-Laval agreement and your subsequent raising of the sanctions ? Are you justified in doing all that ? Your foreign policy is one of vacillation and oscillation. As regard

India what have you done ? In India 90 per cent. do not know what a full meal a day is, and yet you are giving your British armies a fifth meal, which you are not ashamed to take. Some of the Members on the Official Benches and others were questioning the efficacy of non-violence.....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member ought to address the Chair.

Mr. K. S. Gupta : I can understand.....

Mr. M. S. Aney : You address the Chair, but look at us.

Mr. K. S. Gupta : If the Ataturk does not believe in miracles, at least John Bull should realise that " the days of miracles are not yet gone." It was asked where is Indianisation in the army, when there is no army ? I am not afraid, if the army is raised from India. I depend on my weapon of non-violence : I depend on my weapon of truth. Every man and woman, old and young, will stand to the last to fight for the freedom of India ; and if every Englishman is to leave India tomorrow, we will not be sorry and we will not be the poorer for it. The other day a magistrate of the gallant Punjab, no doubt a very costly hiring, came and brought a message of peace and good-will from the badmashes and rowdies that they are ready for war. He has now appealed to his co-religionists ' The Muslim League ', saying that certain people are very anxious for war in order to get proper prices for their goods. During the last war they had proper prices : subsequent to the war it is the British Government that is responsible for the low prices and the low standard of living in India. It looks as if they are afraid of the masses and they encourage them in their clamour for war : but if such a war is waged, British imperialism will know its position by and by. Mr. Jinnah said that he was joining hands with the Government only because he chose the lesser evil : I suppose he sees something very bad when he says this is the lesser evil : but he still says he supports this obnoxious Bill with its intolerable and unwarranted penalties. He further says he is not going to cut his nose to spite his face. What else is it ? ' Eyes have they, yet they see not.' I can only say that it will be too late for him to see that his nose is cut in spite of all his earnestness to save his neck. As for the legal position, no doubt the Honourable the Law Member had a very easy delivery the other day without any pains or labour ; but his judgment was questioned by us on this side, by a redoubtable lawyer and supported by another redoubtable lawyer on the other side. If it is a judgment, we know that there is always a higher authority—the country, and let it be taken to that. We may see that there the law does not hold good and the decision may be reversed. Such a costly hiring as the Law Member had to come to the rescue of the Government to say that such a law is absolutely essential for the creation of a new crime befitting the imagination of the Government. Do you deny our right to say whether the future war should be fought or not and whether we are willing to partake or not ? For instance, you see at Geneva the Right Honourable Mackenzie-King saying on Tuesday, the 29th September, 1936 :

" I have in mind our experience as a member of the British Commonwealth of Nations. The nations of the British Commonwealth are held together by ties of friendship, by similar political institutions, and by common attachment to democratic ideals, rather than by commitments to join together in war...."

" I have in mind our experience as a member of the British Commonwealth of Nations."

[Mr. K. S. Gupta.]

We wanted you to treat us as your friends, but you scoffed at us and you have treated us as helots in our own country. The political institutions of England are different from the political institutions of India. Here our political institutions are an apology to those of England. Have we the same democratic ideals? I say no, an emphatic no. We want independence, but you want to suppress the very idea of independence in our mind, and you want us to commit ourselves to any war that may be fought at any time, at any place, on any occasion and on any account. Is this right?

The Canadian Representative says :

“ The Canadian Parliament reserves to itself the right to declare in the light of the circumstances existing at the time, to what extent, if at all, Canada will participate in conflicts in which other members of the Commonwealth may be engaged.”

Now, Sir, we have been under your suzerainty for over 150 years, and for having served you so faithfully and loyally, what has been the return to us? We have been treated as slaves. Is this the present to our manhood and to the gallantry of the gentlemen of the Punjab on the other side? No, Sir, I ask you to take into consideration all the services that India has rendered to the British Empire all these years to make you stand erect in the comity of nations and we ask you seriously to consider where would you have been but for India and its co-operation to you in times of need.

Now, Sir, at the same Conference His Highness the Aga Khan said this : “ A wise man learns from the past ; he does not let the past master him ”. What does the Honourable gentleman say the other day with regard to Palestine? “ We know now what is going on there, and yet we do not grow wiser.” Mr. Jinnah might not see the difference between an Indian of 1914 and 1938, but I see the difference between Mr. Jinnah and Maulana Shaukat Ali of 1916 and 1938. It is my great misfortune, and it is the misfortune of my country that we should have people who change their coats so freely. His Highness the Aga Khan further says : “ Follow the right as we see it.” Now, do you see that we have the absolute right to decide whether the impending war is to our advantage or disadvantage?

Lastly, Sir, I would say that the day of judgment is drawing nigh, and they will have to answer for their sins of omission and commission.

Mr. President (The Honourable Sir Abdur Rahim) : I understand Mr. Satyamurti wishes to speak.

Mr. S. Satyamurti : After Mr. Abdur Rasheed Chaudhury has spoken, I shall speak.

Mr. President (The Honourable Sir Abdur Rahim) : I don't think that was the arrangement that was presented to me.

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

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

Maulvi Abdur Rasheed Chaudhury (Assam : Muhammadan) : The Government have come out triumphant in so far as they have successfully piloted this Bill with the help of their supporters, but the fact remains that this Bill will be considered as one of the worst measures ever passed in this House. We have seen how Government can still exert their influence and can arrange pacts with individuals and groups in order to gain their objects. So long as this state of things continues, I am afraid all talk about the self-determination of India by different groups would remain as tall talk and nothing else. The Government Members must be amusing themselves and saying to themselves that so far as the Swaraj of India is concerned, Delhi *hinoz dur ast*.

Sir, I now come to the Bill itself. It is a plain fact that the Honourable the Defence Secretary could not make out a case for bringing in a Bill of this kind. It has been admitted even by the Leader of the Muslim League Group that no case was made out. The Honourable the Defence Secretary said something which I believe has been contradicted by Khan Bahadur Nur Muhammad. The Honourable the Defence Secretary said that there was a dearth of recruits, although he did not say by how much, or by what percentage the recruitment has fallen short. The Honourable the Khan Bahadur said that in the Punjab he has it in his experience that people are anxious to enter the army and there are any number of recruits available. Reading the statements of those two gentlemen, one comes to the conclusion that either the one or the other or both must be untrue. Then the Honourable the Defence Secretary could not show that there was any urgency for a Bill of this nature. He did not speak a word to show that there was any such urgency. In the face of this I fail to understand why this Bill is being rushed through so hurriedly without following the normal procedure, namely, sending it for eliciting public opinion. There were two or three motions for eliciting public opinion. Of course, one was for postponing it for a long period, perhaps *sine die*, but the other one was not like that. That wanted only two months' time and it was proposed that the Bill should be circulated for eliciting public opinion by the 31st October, 1938. The purpose of the Bill would not have been defeated if the ordinary procedure, namely, sending the Bill for eliciting public opinion, had been followed. So far as the supporters of this Bill are concerned, one conspicuous thing appears to me. I do not remember to have heard from any of the supporters of this measure about the aims and objects of this Bill. The Honourable the Defence Secretary is quite plain in his aims and objects. He has not put in his aims and objects inadvertently ; he has put them in wilfully, and the Statement of Objects and Reasons says that this Bill is intended to get recruits for fighting the battles of the British Empire and not of India. Such being the case, I do not understand why a message as suggested by the Leader of the Muslim Group....

Syed Ghulam Bhik Nairang (East Punjab : Muhammadan) : Leader of the Muslim League Party. Be respectful.

Maulvi Abdur Rasheed Chaudhury : Thank you. Why a message as suggested by him cannot be sent to the country,—

“ Here is a measure. The Government want recruits for fighting the battles of the British Empire and not of India. I am to tell you that it is your option. If you like, you may join ; if you do not like you may not join.”

I do not see what harm can be done in issuing such a message like that. More than one supporter of this Bill has said that they have preferred the lesser of the evils. Well, Sir, if that is so, if actually that is the fact, I think they have done well, but let us see whether that is the fact or not. The Bill is going to be passed, there is no doubt about that. After those amendments have been passed the Bill has been reduced to something with which the Government side will not remain satisfied. If my Honourable friend, Mr. Sri Prakasa, goes to the Punjab and preaches to the people that they should not join the army which is intended to fight the battles of the British Empire, the police, of course, will take notice of it and will send it to the Punjab Government. But I dare say that Sir Sikandar Hayat Khan for the sake of his existence will be able to.....

Syed Ghulam Bhik Nairang : I protest against any remarks against an Honourable Minister who is not here to defend himself.

Maulvi Abdur Rasheed Chaudhury : I am thankful to the Honourable Member. I say the Punjab Government. I do not think that the present Punjab Government for the sake of their very existence will dare to take a step against my Honourable friend, Mr. Sri Prakasa.

Syed Ghulam Bhik Nairang : Then do not worry.

Maulvi Abdur Rasheed Chaudhury : So far as the Government are concerned, they have simply been deceived ; they won't gain anything by this measure. So far as the people of the country are concerned, I agree with my Honourable friends, the supporters of this measure, that they have mitigated the rigour of the Bill, but whether by doing this they have mitigated the evil is the point to be considered in this connection. What will be the effect of this Bill. By having a measure like this passed the Government have not been able to gain anything, but their supporters are forcing the Government to bring in Ordinances in order to gain the object for which they intended this Bill. If that be so, I should say that my Honourable friends have preferred the greater of the two evils and not the lesser of the two.

Now, Sir, let us see what is this Indian army for which these recruits are wanted. I need not go into details. My friend, Dr. Deshmukh, gave a concrete example yesterday that in the Indian Air Force out of 2,000 officers only three are Indians. My friends will think within their heart of hearts what support they are giving to this Government for the interest of India. Now, as to the use of the Indian army in future, I gave an example the other day of Jallianwala Bagh and Kulcati. My friend, Maulana Zafar Ali, said in his speech that Government has changed its attitude. I wish that was the case but neither the Defence Secretary nor the Foreign Secretary said a word about the change. We find that the policy of the Government is just the same. We find they are killing the innocent Arabs day in and day out for what cause—because they do not like the partition of Palestine. We find the British army is killing innocent Muslim brethren in Waziristan by bombs and what for—because they do not like to be subjected by this British Government. I

must say that the policy of the Government has not changed and it cannot change, so far as I have been able to see all these years. When the Leader of the Muslim Group was telling this House that he has in his possession a weapon by which he would paralyse this Government if the army is used against India's interests, I asked him to explain what he meant so that the public may know. Secret or no secret, in a measure like this, the House should not be put in confusion. If anybody has got a weapon he should plainly tell the public what it is. Sir, I had no mind to speak on the third reading but after hearing the speech of my friend, Mr. Siddique Ali, I was tempted to speak. He told the House that if the majority party recognise the Muslim League to be the sole spokesman of the Mussalmans, then he is ready to co-operate. The grievances of the community and the remedies have been rightly and aptly put by the experts like Mr. Jinnah in his 21 points. It is only the experts who should handle these delicate matters. This is not the only grievance that the majority party does not recognise the Muslim League as the true representative of the Mussalmans. I, for myself, shall be satisfied if the majority party accepts all other demands and rejects this demand. The time is coming and the whole of India is watching what is going on between the Leader of the Muslim Group and the Leader of the Majority Party. The country is watching with interest what we are doing here and you soon have to give an account of this to the country. I am awfully sorry that the Government are still in a position to create their Mir Jaffers and Mir Sadiks. As long as they will be able to do this they can say : ' Hurrah, we are in India for ever, so long as these men exist '. Sir, that is what I wanted to say.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Mr. Satyamurti. May I hope that you will not be very long ?

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : Mr. Deputy President, I really want to make a very few points at the conclusion of this long-drawn debate. The first point I want to make is that the Punjab Government, as a Government, have not addressed the Government of India and asked for this Bill. I make this statement, with a full sense of my responsibility from my place in this House. I challenge the Government to produce the document or the despatch or the letter from the Punjab Government in which they have asked for this Bill. I suggest that this is a conspiracy between Sir Sikander Hayat Khan, His Excellency Sir Henry Craik, and His Excellency the Commander-in-Chief. My second point is that when you are going to legislate on a concurrent subject like this—and I submit it with all deference to my esteemed friend, the Honourable the Law Member—you ought to have placed before the House the opinions of all Local Governments. You have not done so. My third point is that the amendment which the Government have now accepted and the House has passed, leaving it to the Local Governments to enforce this Bill, as and when they require it, knocks the remaining bottom out of the case of the Government if ever they had any. They came to this House, as you will remember, Mr. Deputy President, with this statement that this Bill shall come into force in the Punjab at once, and both the Defence Secretary and the Honourable the Home Member, I believe, said that the evil is rampant in the Punjab and it ought to be checked immediately. Now in order to get a few votes, you have now gone back on your own statement. Sir, I have seen this Government at

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work for four years, but I have not seen a more humiliating position in which the Government has placed itself, when it came a week before and said that the Punjab was the place where they wanted this Bill at once, and a week later they collapse on that very issue and say, "we do not want it for any province, let them enforce it as and when they want it." The simple point is this. The Honourable the Defence Secretary wants a Bill; he does not want *his* Bill; it does not matter whether it satisfies his objects or not; let him have his paper victory.

The next point I want to make is this. The Statement of Objects and Reasons stated with great eclat that they are going to punish activities dissuading would-be soldiers from joining in any war in which the British Empire may be engaged; but, I think, I am right in saying that every elected Indian Member of this House has told this Government that when the next war comes the Indian Army will not participate in it, unless *we* decide to do so. This Bill, apart from its stated Statement of Objects and Reasons, is really an attempt to get the vote of this House in favour of India's participation in England's next war in order to impress Hitler, Mussolini and company. The Government will not walk away with that; even Reuter's ingenuity cannot prevent Germany, Italy and Japan knowing the real feelings of this House. Those countries' representatives are here, and in Simla and about this House. They have heard all the speeches of all the Indian elected Members and these speeches have warned Great Britain, even from those who support this Bill, that when the next war comes, we will not take part in it, unless and until we decide that it is in our interest. Therefore, Government are not getting the object with which they brought forward this Bill; they brought in one Bill, they are getting another Bill, and I wish them the joy of this pyrrhic victory.

So far as the subject of concurrent legislation is concerned, I have re-examined the matter, in the light of the observations of my distinguished Leader and of the equally distinguished Law Member; and I want to submit to him and to the Government that there is at least a *prima facie* case for saying that this is subject of criminal law, affecting as it does nobody in the Indian defence forces, since the instigator is an ordinary citizen and the instigated is an ordinary citizen, since the dissuador is an ordinary citizen and the dissuaded is an ordinary citizen, and none of them is a member of the defence forces. Therefore, it is simple and pure "criminal law" not touching His Majesty's forces, and I submit that it does not come under the Federal List. Assuming for argument's sake that we are wrong and the Honourable the Law Member and the Honourable the Leader of the Muslim League are right—I need not question that—I suggest that there is one section in the Government of India Act, section 213, which ought to be availed of. When any such question arises, the Governor General ought to refer this question to the Federal Court and get their opinion. The Federal Court is not now over-worked.....

An Honourable Member: They have no work at all.

Mr. S. Satyamurti: I suggest to the Government that they are shirking their duty and not availing themselves of the expert advice of this Statutory Federal Court; for, after all, Mr. Deputy President, whatever we may do with this Bill, if and when Federation does come, the relations between the Federal Government and the Provinces will have to

be managed very tactfully and delicately. And, in regard to a concurrent subject, I wish to lay down that we ought not to rush in, unless at least the majority of the Provincial Governments want it. In this case, I assert again that no Local Government as such has wanted this Bill, we may legislate if we want uniformity, or at the request of two or more Provincial Governments or if there is a supreme all-India purpose to be served. The fact is that Sir Sikander Hayat Khan one fine morning gets up and thinks that recruitment may be stopped and so he says, "I want the Bill" and the Government of India says: "yes". It does seem to me, Sir, that, in a matter of this kind, we are being rushed and we are establishing an unhealthy precedent for the future in the matter of the relation of the Federation towards the provinces.

As far as the case for this Bill is concerned, the Honourable the Leader of the Muslim League said that when he heard the Defence Secretary, he thought he had not made out his case but that our speeches made out a case for him.

Mr. M. A. Jinnah (Bombay City : Muhammadan Urban) : I do not think that is quite correct, Sir. I said that when the Member in charge finished his speech, naturally I was not satisfied but that when the other speeches were made, particularly, the Honourable the Home Member's speech, I came to the conclusion that a *prima facie* case had been made and I said that if there was any doubt at all left, that doubt of mine was removed because of certain speeches that were made.

Mr. S. Satyamurti : I accept that correction. If a doubt were there, he would not have voted with the Government, but the doubt was removed by various speeches of ours. Sir, who wanted the soldiers to mutiny ? I deny, emphatically and categorically, that any Member of this Honourable House has ever said that we want soldiers and sailors to mutiny ; we have too much respect for the safety and independence of our country to encourage any soldier or sailor to mutiny or to be insubordinate. Sir, there is no use taking one sentence and then building up a case for yourself. I ask my Honourable friend, the Leader of the Muslim League, to believe me when I say that we do not want mutiny or insubordination in the Army. Therefore, there is no case for this Bill.

Then, so far as the evidence for this Bill is concerned, no speeches have been produced at all. The Honourable the Home Member's speech was referred to. I look upon that speech as a very plausible, careful, and inoffensive one. I have no quarrel with the form of it. But, apart from giving some staggering numbers, I maintain that no speech has been placed yet before this House to convince any reasonable man that any attempt has been made in certain speeches to commit these "offences" as it is made out to be. Therefore, I suggest that so far as the case for this Bill is concerned, it is gone ; and so far as the actual contents of the Bill are concerned, you are creating offences of acts which no civilized Government ought to create. As our Leader said, we must have the liberty to go and tell our fellow-citizens, "do not join a mercenary army, do not be willing cannon-fodder for England's imperialistic ventures".

Sir, I was highly flattered yesterday when the Leader of the Muslim League did me the compliment of taking my speech and taking my six points one by one and saying one after the other, "I entirely agree". Sir, I have sometimes heard it said that in law courts judges occasionally

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say : " judgment for the plaintiff, decree for the defendant ". Sir, I find the Leader of the Muslim League has given all his arguments in my favour, and all his votes in favour of the Government. That is a dilemma which I want him to enjoy himself in ; but I want to warn him that, after the Bill becomes law in the Punjab if it does, if he makes a speech such as he has done in this House and in spite of the fact that he is Sir Sikandar Hayat Khan's friend, he will get one year !

Then, Sir, he asked us one rhetorical question. He said : " Yes, I want all these reforms. I want the Indian army to be Indianised. I want a Defence responsible Minister. I do not want to take part in all this, but why vote against this Bill " ? Is that a " lever " ? I am not a mechanical engineer, but may I ask my distinguished friend whether his speaking for me and voting for the Government is a lever at all. My lever may not be powerful, but it is at least a lever. His attitude is calculated to encourage the Government to go on in their present ways. It is not right for him to say that my lever is not a lever. He is too much of a Parliamentarian. We ought to know better. Why are Government so anxious to get this Bill through ? They know better than he the value of the vote of this House. That is why they are here constantly and that is why they readily accepted all his amendments. I do not know if Mr. Ogilvie even read those amendments. They were all simply moved and accepted by Mr. Ogilvie. The House never discussed them, and nobody understood what was in them. It is a kind of thing which I have not seen or heard of in any parliamentary House at all. No attempt was made to take the House into confidence and to argue the *pros* and *cons* of any amendment. ' Anything for your vote ; let me walk away with some kind of Bill '. That was the kind of transaction which I witnessed yesterday.

I suggest to the Honourable the Leader of the Muslim League that their voting with the Government on this Bill will not save them when the time comes. My friend said, we will paralyse them. I am not a doctor ; The Honourable Dr. Deshmukh is. I do not know how paralysis is produced. But I know this that if you feed your patient with good food, tonics, exercise, pleasant walks and always flatter him and keep him in good humour, paralysis and he will remain far apart.

Dr. G. V. Deshmukh : Paralysis in these circumstances will be impossible.

Mr. S. Satyamurti : You have the expert opinion of the Bombay Doctor, my esteemed friend, Dr. Deshmukh, that paralysis in that case is impossible, but somehow or other, by their intellectual legerdemain, the Honourable Members of the Muslim League have persuaded themselves that, while they will now vote for this Bill and help recruitment and stop genuine speeches in the exercise of the right of freedom of speech, they will be able to say when the time comes to the Defence forces that ' you shall not fight for others, but fight for your own country '. Sir, when actually the Frontier operations are going on, I want to attribute no motives, but my brain reels at the speeches of some of the friends of the Muslim League, when they say : " We do not want bombing in the

Frontier but we will vote for this Bill". It is going on, and yet they will vote for this Bill. I should like them to solve this dilemma for themselves.

As far as Palestine is concerned, their hearts bleed for the Palestine Arabs, and we know what is happening there. Day after day, the Arabs and the Jews are being killed and murdered, and yet, when something happens, they will get up and say to the Government of India 'Stop' and they will stop! That is childish. No responsible House can agree to a voting of this sort on this Bill. I have in my possession telegrams from the Alirars and other Mussalmans. I have also got telegrams from the Jamiat-i-Ulemas and, as my Leader reminds me, from the Muslim Students Federation. They have all asked us to oppose this Bill. (Ironical Laughter from the Muslim League Benches.) I know this laughter. At a time, in England, when they had Protestants, Dissenters and various other dissentients, one lady told some friends: "My husband and I are the only two Christians left in England, and I am not so sure of John either". I know my Mussalman countrymen better than you do. I know the Hindus and the Mussalmans. You may join with Government and help them to carry this Bill, but the days of reckoning are not far off. (Cries and Interruptions.) I am not yielding to these cries.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour): An Honourable Member wishes to raise a point of order.

Seth Haji Sir Abdoola Haroon (Sind: Muhammadan Rural): Sir, I rise to a point of order. The Honourable Member is addressing the Muslim League. I want to know whether you will allow us to give a reply to the Honourable Member.

Mr. S. Satyamurti: It is not a point of order. I am surprised that the Leader of the House was supporting such a point of order.

The Honourable Sir Muhammad Zafrullah Khan: Sir, I must protest against that remark. All that I said was that a Member wanted to raise a point of order and that the speaker ought to give way. I should like to know whether Mr. Satyamurti differs from that position.

Mr. S. Satyamurti: I do not. But, Sir, I merely want to point out this. So far as Palestine is concerned, when the next war breaks out there, and Indian soldiers are sent out to shoot down the Arabs in Palestine, what are my friends going to do? Let them face a Palestine Conference, if they dare.

Sir, I want to conclude on one note. I said that the British Empire's disappearance will mean happiness, peace, and prosperity to the world. I was provoked into that statement by the Honourable the Defence Secretary's rhetorical statement: 'What will happen if the British Empire disappears'? Let me make my position clear. I have no use for any Imperialism, British, German, French, Italian, Japanese or even Indian. although in some of my vain moments I imagine that I may conquer England and sit on those Treasury Benches and face all these gentlemen on these Benches and teach them how to treat the Opposition. I would like to have that power at least for the purpose of showing them how to

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govern a country better than they are governing men. I am against all Imperialism and I want the British Imperialism and all other Imperialisms to go.

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

Mr. S. Satyamurti : You may question me, because you do not know me and because you are so much an Imperialist yourself that you cannot understand me. So far as I am concerned, I am a profound and convinced democrat. I believe in democracy ; I believe in human personality ; I believe in human equality. Therefore, let me not be misunderstood.

My friend, the Honourable the Home Member, in spite of his somewhat conciliatory speech, tried to make fun of non-violence. I beg of him not to do it. After all, today there is peace in India because of Mahatma Gandhi's cult of non-violence. I think he knows the Mahatma, and I would ask him not to make fun of it. He said—and so far as this statement is concerned, I think he was right—that God is on the side of the big battalions. The British God always is. But, so far as non-violence is concerned, it was not on the side of the big battalions at all. During the civil disobedience movements when men, women and children were beaten like dogs in the streets of Bombay, Calcutta and Madras, when your brutal policemen beat them with their *lathis* and when we were shot, there was not one exhibition of violence on our part. The battalions were all on your side, non-violence was on our side. Therefore, this perpetual problem will always remain. We want to arm ourselves, we want a national army to defend our country and to enable us to attain our freedom and then to act as a force on the side of universal peace. That is what the League of Nations was founded for. That is what President Roosevelt wants to do. A free and self-governing India will be able to act as a powerful factor in favour of world peace.

To sum up, Sir, there is no case made out for this Bill, no speeches have been produced, no arguments have been advanced in support of the Bill, no figures have been given to show that recruitment has fallen on account of any propaganda, no Local Governments have asked for the measure, and we are now asked to abdicate our function, and to ask other Legislatures and Governments to enforce it. In these circumstances, Sir, I think the House ought to say that we reserve to ourselves and to our countrymen the full civil liberty of preaching to our people to be self-respecting and not to sell themselves as cannon fodder or as mercenaries. That is the kind of thing which this Bill seeks to punish.

I want to remind the House that those who do not vote with us against the Bill—I will not use the words which my Honourable friend, the Leader of the Muslim Group, complained of—I will tell them that this country is bound to attain her freedom sooner than you imagine. When a great people make up their mind to obtain freedom, there is no power on earth, no not even Great Britain, nor even the Muslim League,—which can stand in our way. This country will obtain her freedom. When after 20 or 30 or 40 years hence, our children and our children's children will be talking of these days when we were slaves of England, they

will ask themselves what their fathers and forefathers did in those days. For God's sake, please do leave them the heritage of saying : ' our fathers and forefathers fought a good non-violent battle for the freedom of India ' ; but do not leave them the ugly heritage of saying that their fathers or forefathers voted for this despicable Bill. Sir, I oppose this Bill.

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Sir, I had no desire to take part in this debate at this fog end of the day, but the onslaughts which have been hurled at my Party, the Muslim League, compel me to take part in the way of a reply as to why we, the Muslim League Group, thought it more reasonable to be a party to the passing of this Bill. I think the Congress Party ought to have congratulated us for having lessened the rigours of the Bill by a few important amendments, as the Honourable Member, Dr. Deshmukh, himself accepted a few hours before. The Bill was much worse without our amendments. We explained the position to the Government and the Government, after due consideration, thought it advisable and necessary to accept the amendments suggested by our Party, and so they did. This was the best we could do, and our distinguished Leader, the Honourable Mr. Jinnah, was certainly correct in saying that he chose the lesser of the two evils and that was why he agreed to support the Bill provided our amendments were accepted by the Government. Do Honourable Members of the Congress Party realise what would have been the position if this Bill had been rejected ? The Government would have enforced this measure by certification. In that case, the Bill would have been placed on the Statute-book with the same rigours containing the same drastic clauses as were originally introduced. If our Congress friends agree, as the Honourable Member, Dr. Deshmukh, of the Congress Party has agreed—that the Bill has been made less harmful, then the Congress Party ought to congratulate the Members of the Muslim League Party for having blunted the edge of the weapon, although we were not able to remove this obnoxious weapon altogether.

My Honourable friend, Dr. Deshmukh, then said : " Oh ! yes, death was inevitable, but why commit suicide ? ". There is no question of committing suicide at all. The only position according to him is this, that if you cannot improve the condition of your patient satisfactorily, you must kill him. Probably Dr. Deshmukh's experience in his medical profession is that if he cannot cure disease, he will kill the patient.

Dr. G. V. Deshmukh (Bombay City : Non-Muhammadan Urban) : No, no.

Mr. Muhammad Nauman : However, I must confess my feeling of surprise, when the best champions of the Congress Party like my Honourable friend, Mr. Satyamurti, who just said that the Congress felt so much for the Arabs killed in Palestine, and for the frontier tribes killed in Waziristan. He probably thinks that we do not feel so much. In our speeches we have deliberately said what our feelings have been and what they are. The unfortunate position is that, in all the provinces where the Congress is governing, there are communal riots. Fortunately, or unfortunately, that is the outcome of

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the responsible Government carried on in the seven Congress provinces. Every day we hear of communal riots. In the province of Bihar, where I come from, every day Muslims are killed on account of riots. The Congress do not care to feel for them, but they feel for our brothers outside ! When a member of the Muslim community is shot down, the Congress Government think that no harm is done. In Jubulpore, murderers have been allowed to go scot free. Congress Members do not feel for them.

An Honourable Member : Who caused the riots ?

Mr. Muhammad Nauman : Certainly the Congress used to say that there was the third party in the bargain, and that was why these communal riots occurred. But my unfortunate experience in Bihar, where the Congress Government is ruling for the last eleven months, is that there have been many more riots during the past few months of the Congress rule than there were ever before. I think my Honourable friends who come from Bihar will bear me out. When my Honourable friend, Maulana Zafar Ali Khan, was telling some bare truths about the Congress Imperialism and oligarchy, my Honourable friends of the Congress Party were very much annoyed. May I request them to examine the treatment meted out to Mr. Shariff, ex-Minister of Central Provinces, and also the treatment meted out to Dr. Khare ? These are outstanding instances of the way in which the Congress oligarchy, or, as it is called the " High Command ", has been behaving with this country and her people.

Another position which has been taken up by my Honourable friend, Mr. Satyamurti, just now in his speech is that the Congress Members alone are the champions of democracy. If this is the specimen of democracy under Congress rule, then, may God save us from this democracy ! This is a democracy of which nobody can be proud.

Then, again, my Honourable friend, Mr. Satyamurti, has accused us just now of being proud of holding the balance of power in this House. Ever since we entered this House in 1935, we have always voted for what we conscientiously thought was the correct and just position. It is we that were able to create prestige in this House and enhance the prestige of the Opposition in the country. In spite of our best intentions all these years, we now find that our position is not appreciated. Of course, we do not care for Congress appreciation. We are responsible to our constituencies for the way in which we conduct ourselves in this House, for the way in which we speak in this House, and for the way in which we vote in this House, and our Muslim friends in the Congress Group know what their position is and we challenge them.....

Mr. M. Asaf Ali (Delhi : General) : Sir, I want to take up this challenge.....

Mr. Muhammad Nauman : I am not giving way.

Mr. M. Asaf Ali : I want to explain, Sir,.....

Several Honourable Members : Order, order.

Mr. Deputy President (Mr. Akhil Chandra Datta) : I should like to know if the Honourable Member, Mr. Asaf Ali, wants to raise any point of order.

Mr. M. Asaf Ali : I wanted to put a question to the Honourable Member through you, Sir.

Mr. Deputy President (Mr. Akhil Chandra Datta) : But if the Honourable Member in possession of the House does not give way, you cannot do it.

Mr. Muhammad Nauman : Sir, I may say that I have tried to be as parliamentary as I can. If any Member really is offended with my telling the truth, unfortunately I cannot help it.

I was just on this point, Sir, that we were accused by my Honourable friend, Mr. Satyamurti, who spoke just before me, that we were proud of the position we held in this House, namely, that we were holding the balance of power between the Government and the Congress. We were never accused like this before when we helped the Congress Party. I may assure my Honourable friends of the Congress Group once again that we will probably hold this balance of power for all times to come in this country. The Leader of the Opposition, for whom I have the greatest respect, has told us that we can probably be proud of this position for some time, but I can assure him that, as the biggest minority in this country, we shall hold this position for all time to come and be the decisive factor in all matters where there will be difference ; and we shall always support the righteous cause.

Several Honourable Members : The question may now be put.

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

Mr. M. S. Aney : Sir, on a point of order, I submit that when a challenge has been thrown in a speech by a speaker to certain Muslim Members of this House, is it not right that those Members should be given a chance to reply before closure is accepted ?

Dr. Sir Ziauddin Ahmad : What was the challenge and to whom was it given ?

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhammadian Rural) : Sir, on a point of order. The point in this discussion is this. It is not a question of the last word at all. The question is whether this is the proper time when the Chair should accept a closure. I am not here to say that in so far as the actual subject of discussion is concerned, it would not be right for the Chair to accept closure at a stage like this. But the point that has now arisen is this. If the last speaker had only confined himself to making any strong case for himself he liked,—good, bad or indifferent,—you would have been entitled to accept closure. But you cannot allow closure in the circumstances in which he said : “ Muslim Members of the Congress know this and I challenge them to prove the contrary ”.

Mr. M. A. Jinnah : What was the challenge ?

Mr. Bhulabhai J. Desai : I have given as much as I was able to hear.

Mr. M. A. Jinnah : Then, what is the point of order ?

Mr. Bhulabhai J. Desai : That is for the Chair to hear.

Sir, my point of order on which you have to give your ruling is this that it is quite conceivable that when there is a full discussion of a subject, it is entirely for the Chair to judge whether the discussion has been reasonable and full for the purpose of accepting a closure. But when, during the course of discussion, the last speaker deliberately throws out a challenge to another Party or a group of Members of another Party, it would be entirely invidious and improper for the Chair to shut out and allow that challenge to remain unanswered with the belief, at all events, of the kind that the challenge could not be answered. Even now, if the Chair decides against us, we certainly have the satisfaction of knowing that we have an answer which was shut out. Therefore, I ask that the Chair ought not to exercise its discretion.

Then, there is rule 58 to which I shall draw attention. It was also referred to by my friend, Mr. Asaf Ali.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The Honourable Member need not refer to that.

Mr. Bhulabhai J. Desai : Let me read it, Sir :

“ When, for the purpose of explanation during discussion or for any other sufficient reason, any member has occasion to ask a question of another member on any matter then under the consideration of the Assembly, he shall ask the question through the President.”

You in your discretion disallowed the question. That may well be, though I respectfully would have submitted then, as I respectfully submit now, that it is a proper question to be put. But out of deference to your ruling what we ask is that inasmuch as that particular question was shut out and inasmuch as the Member is willing and anxious to answer the challenge, closure should not be accepted.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Before I give my ruling.....

[At this stage, Captain Sardar Sir Sher Muhammad Khan stood up to say something.]

Order, order. When I am on my legs, no other gentleman should interrupt me.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : Is he a gentleman, Sir ?

Mr. Deputy President (Mr. Akhil Chandra Datta) : I will call the attention of the House to the law on the subject which is contained in Standing Order 34, paragraph 2 :

“ At any time after a motion has been made in respect of a Bill promoted by a Member of the Government, the Member may request the President to put the question, and unless it appears....”

Mr. K. Ahmed : That does not apply.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Mr. K. Ahmed should know that this is not the way to proceed in this House.

Captain Sardar Sir Sher Muhammad Khan : He is not a gentleman, Sir.

Mr. Bhulabhai J. Desai : Sir, on a point of order. The Honourable Member must withdraw that statement that any Member of this House is not a gentleman.

The Honourable Sir Muhammad Zafrullah Khan : But Mr. K. Ahmed said the same.

Mr. Bhulabhai J. Desai : I would have taken objection if I had heard it.

The Honourable Sir Muhammad Zafrullah Khan : I agree that such expressions should not be permitted and both Honourable Members should withdraw their expressions.

Mr. Bhulabhai J. Desai : Will Sir Sher Muhammad withdraw that word ?

Captain Sardar Sir Sher Muhammad Khan : If he withdraws, I will also do it.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The Honourable Member must withdraw. It does not matter whether another gentleman made the same remark previously. The Leader of the House has frankly admitted that it is unparliamentary and should not be used. The Honourable Member must withdraw.

The Honourable Sir Muhammad Zafrullah Khan : Did the Honourable Member to whom it was addressed take objection ?

Mr. Bhulabhai J. Desai : It is the dignity of the House which was offended.

The Honourable Sir Muhammad Zafrullah Khan : In that case, both of them should withdraw.

Mr. S. Satyamurti : Sir, I submit that objection to unparliamentary words cannot be taken long after the event. The objection must be taken then and there.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Both Honourable Members who used that unparliamentary expression must withdraw what they said.

Captain Sardar Sir Sher Muhammad Khan : He has said plainly.....

Mr. Deputy President (Mr. Akhil Chandra Datta) : I have given my ruling and the Honourable Member must first obey it.

Captain Sardar Sir Sher Muhammad Khan : Sir, he must withdraw first.

Mr. Deputy President (Mr. Akhil Chandra Datta) : I still ask the Honourable Member to withdraw, otherwise unpleasant results will follow.

Captain Sardar Sir Sher Muhammad Khan : Sir, he said first that I am not a gentleman.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Will the Honourable Member withdraw ?

(Cries of "Withdraw, withdraw.")

Captain Sardar Sir Sher Muhammad Khan : I am perfectly willing to withdraw if he withdraws.

Mr. Deputy President (Mr. Akhil Chandra Datta) : No ; it is for the Chair to dispose of the other matter. My ruling is quite unconditional so far as you are concerned. You must withdraw.

Captain Sardar Sir Sher Muhammad Khan : On that assurance I will withdraw.

Mr. Deputy President (Mr. Akhil Chandra Datta) : You must withdraw unconditionally without any assurance.

Captain Sardar Sir Sher Muhammad Khan : All right, Sir. I withdraw.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The other gentleman must also withdraw.

Mr. K. Ahmed : This is a comedy of errors, Sir. I have not said anything : I have not opened my mouth at all. I do not understand what I am to withdraw.

Mr. Deputy President (Mr. Akhil Chandra Datta) : I did not say that it was Mr. K. Ahmed : I said the other gentleman who used that unparliamentary expression must withdraw.

Mr. N. C. Chunder (Calcutta : Non-Muhammadan Urban) : Sir, I heard Mr. K. Ahmed use that expression : when somebody was referring to Captain Sher Muhammad Khan, he did say : " Is he a gentleman ? ".

Mr. K. Ahmed : Not at this stage : it might have happened about half an hour ago when somebody was speaking : that question does not arise now.

Mr. Deputy President (Mr. Akhil Chandra Datta) : I cannot allow the time of the House to be wasted like this. Mr. K. Ahmed must withdraw that expression immediately.

Mr. K. Ahmed : Will you tell me what I should withdraw ? I do not know.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The expression : " Is he a gentleman ? ".

Mr. K. Ahmed : I have not said anything of the kind that he is not a gentleman.

Mr. Deputy President (Mr. Akhil Chandra Datta) : I have myself heard. Will Mr. K. Ahmed withdraw that expression ? The Honourable Member must withdraw that expression.

Mr. K. Ahmed : All right, Sir. I withdraw those words. But may I bring to your notice that just now as we are sitting, he says " as soon as you come out, I shall see you ". If you will allow me, Sir,

I shall have to substantiate the turbulent character of the man who has been nominated by the Government and if the Government are not responsible for the doings of a Nominated Member.....

Mr. Deputy President (Mr. Akhil Chandra Datta) : What is the point of order?

Mr. K. Ahmed : Please allow me, Sir. I know the rules. The man in the street gets protection under the sections of the Indian Penal Code ; but here there is a man telling me that he will assault me as soon as I go out of the Chamber....

Mr. Deputy President (Mr. Akhil Chandra Datta) : If you want to raise a point of order, it must be in accordance with this Manual, not otherwise.

Mr. K. Ahmed : I am entitled to get protection from the Chair and the Chair must listen to the point of order I am raising.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Have you finished your point of order ?

Mr. K. Ahmed : Give me a chance, Sir, and I shall finish.

Mr. Deputy President (Mr. Akhil Chandra Datta) : If you want to raise a point of order, I warn you that it must be according to the rule, and not otherwise.

Mr. K. Ahmed : I am speaking according to the rules. In accordance with the rules and Standing Orders prepared by His Excellency the Viceroy on the model of the Houses of Parliament....

Mr. Deputy President (Mr. Akhil Chandra Datta) : Will you please sit down ? It is not a point of order.

Mr. K. Ahmed : If I cannot get the protection of the Chair inside the Assembly....

Mr. Deputy President (Mr. Akhil Chandra Datta) : Even God does not protect one who does not know how to protect himself. Coming back to the original point of order, I was inviting the attention of the House, before I give my ruling, to para. 2 of Standing Order 34 which reads :

“ At any time after a motion has been made in respect of a Bill promoted by a Member of the Government, that Member may request the President to put the question, and, unless it appears to the President that the request is an abuse of the rules or these standing orders, or an infringement of the right of a reasonable debate, the President shall then put the question.”

There are two cases where the President should not put the question : one is : “ if there has been an abuse of the rules and Standing Orders ”. So far as that is concerned, I do not think that the motion for closure was an abuse of the rules or Standing Orders : in fact it has been conceded by the Honourable the Leader of the Opposition that it was not so, and it was on that footing that I accepted the closure. Then the second exception is : “ infringement of the right of a reasonable debate ”. On that question I feel that ; if there was a challenge made on any particular point, it is only fair to give a chance to one Member of the Group assailed to answer. Subject to this only I accept closure. If not more than one Member....

An Honourable Member : And how long ?

Mr. Deputy President (Mr. Akhil Chandra Datta) : I was going to say that : if an Honourable Member wishes to reply and reply to that point only then I shall allow him to that extent and no further. This is a matter at the discretion of the Chair. I feel that the right of a reasonable debate will otherwise be infringed. My ruling once more to be precise is : that only one Member of the Party, if he so chooses to speak, shall speak, and that only on that one point.

The Honourable Sir Muhammad Zafrullah Khan : Will you kindly specify the point, Sir, so that there may be no misunderstanding.

Seth Haji Sir Abdoola Haroon : May we know, Sir, what was the challenge thrown out by this Party ?

Mr. Deputy President (Mr. Akhil Chandra Datta) : I should like the Honourable Member to specify the point as requested by the Honourable the Leader of the House.

Mr. M. Asaf Ali : I shall say it in a word or two, Sir. I am grateful to you, Sir, for allowing me an opportunity just to say a word or two in respect of a certain assertion made by my friend, Mr. Nauman, in the course of his speech just a few minutes ago. The assertion was more or less to the effect that the Muslim Members of the Congress Party knew what their position was in the Party, thereby insinuating all the time that we were in a most uncomfortable position. I merely wanted to give the lie direct to that assertion....

Mr. Muhammad Nauman : Sir, if you will allow me to say....

Mr. M. Asaf Ali : If you withdraw, then I shall say nothing.

Mr. Muhammad Nauman : I never said what Mr. Asaf Ali says I have said.

Mr. M. Asaf Ali : I am very glad that Mr. Nauman has withdrawn.

The Honourable Sir James Grigg : He said he did not say that.

Mr. M. Asaf Ali : The Honourable Member was perhaps not in the House then.

The Honourable Sir James Grigg : I said he said he did not say that.

Mr. M. Asaf Ali : It is a matter between me and Mr. Nauman, and not between you and me.

Mr. Muhammad Nauman : May I say, Sir,

Mr. Deputy President (Mr. Akhil Chandra Datta) : Is it a point of order ?

Mr. Muhammad Nauman : I want to make a personal explanation.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Yes, please state your point.

Mr. Muhammad Nauman : Sir, I only said that we Members of the Muslim League knew full well the position we hold and the responsibility we are taking for supporting the measure, and, at the same time, the Muslim Members of the Congress Party also well know their own position and what they are doing.

Mr. M. Asaf Ali : This is exactly what I said. Mr. Nauman had asserted,—I did not say a word beyond that, and I can assure him,—and all the Muslim Members of the House that our position, so far as the Congress Party is concerned, is one in which we exercise our responsibility with all the sense of responsibility that attaches to our position.

Mr. M. A. Jinnah : Sir, I should like to say....

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

(After a pause.) Oh, there was no President in the Chair at the moment.....

Mr. President (The Honourable Sir Abdur Rahim) : Will the Honourable Member please speak up.

(Mr. Jinnah sat down and did not proceed with his remarks.)

Mr. M. Asaf Ali : Mr. President, having explained that position....

The Honourable Sir Muhammad Zafrullah Khan : Sir, I should like to point out....

Mr. President (The Honourable Sir Abdur Rahim) : I think the Honourable Member is giving some explanation.

Mr. Bhulabhai J. Desai : He is asked to give an explanation on the point.

Mr. President (The Honourable Sir Abdur Rahim) : What is the point ?

Mr. Bhulabhai J. Desai : You cannot go back on the ruling.

The Honourable Sir Muhammad Zafrullah Khan : I am not going back on the ruling at all. I am merely explaining the position. After the Deputy President had given his ruling, I said : " May I request you, Sir, now that you have permitted one Honourable Member to address the House on a specific point, to also kindly state what the point is ", and the Deputy President said : " I do not know, will Mr. Asaf Ali state the point ", and I said we also do not know what the point is.

Mr. President (The Honourable Sir Abdur Rahim) : Perhaps the Honourable Member will explain the point..

Mr. M. Asaf Ali : I have already explained the point.

Mr. President (The Honourable Sir Abdur Rahim) : Will you kindly repeat it ?

Mr. M. Asaf Ali : The whole point was this, Sir. In the course of a speech which Mr. Nauman delivered a few minutes ago, he made a certain assertion, more or less to the effect, (*Some Honourable Members :* " Louder please ").—I am repeating what I have already said for the benefit of the President,—Mr. Nauman made an assertion more or less to the effect that the Muslim Members of the Congress Party were in a most awkward position or something to that effect.

Some Honourable Members of the Muslim League Party : No, no.

Mr. M. Asaf Ali : Mr. Nauman got up and first of all tried to suggest that he had not used those words which he had actually used, and later on he again repeated them. So I am now trying to assure

[Mr. M. Asaf Ali.]

him that in so far as the Muslim Members of the Congress Party are concerned, theirs is a position of responsibility in the party and they exercise their responsibility with due care,—it is not merely a matter of party discipline that we have voted against this Bill, but we have voted out of deep conviction....

Some Honourable Members of the Muslim League Party : So have we....

Maulana Zafar Ali Khan (East Central Punjab : Muhammadan) : We voted as representatives of the Muslim India.

Mr. M. Asaf Ali : I am as much a Muslim as my friend, Maulana Zafar Ali, and perhaps a better one.

Mr. President (The Honourable Sir Abdur Rahim) : Let the Honourable Member proceed.

Mr. Abdul Qaiyum (North-West Frontier Province : General) : We are not a pack of Knights and Khan Bahadurs.

Mr. M. Asaf Ali : I can assure my friends that all the Muslim Members of the Congress Party have been voting out of a deep conviction on this matter for the simple reason that, in the first place, we believe in preserving civil liberty for all and also for all the other reasons which I stated the other day in my speech. As regards the question of civil liberty, my Honourable friend, Mr. Satyamurti, was referring to telegrams from Jamait-ul-Ulema and from various other Muslim bodies. Those messages are in my possession. They are from Mussalmans whose *Fatwa* every Mussalman of India was following not very long ago. I still acknowledge them, I still acknowledge those Ulemas as Muslim religious leaders, although it is open to the Muslim League to repudiate them.

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

“ That the Bill to amend the criminal law, as amended be passed.”

The Assembly divided :

AYES—63.

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

Chatterjee, Mr. B. M.
Clow, The Honourable Mr. A. G..
Conran-Smith, Mr. E.
Dalal, Dr. R. D.
Dalpat Singh, Sardar Bahadur Captain.
Damzen, Mr. P. R.
Dutt, Mr. S.
Essak Sait, Mr. H. A. Sathar H.
Faruqui, Mr. N. A.
Fazl-i-Haq Piracha, Khan Bahadur Shaikh.
Ghulam Bhik Nairang, Syed.
Ghulam Muhammad, Mr.
Grigg, The Honourable Sir James.

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

NOES—55.

Abdul Qaiyum, Mr.	Lahiri Chaudhury, Mr. D. K.
Abdur Rasheed Chaudhury, Maulvi.	Lalchand Navalrai, Mr.
Aney, Mr. M. S.	Maitra, Pandit Lakshmi Kanta.
Asaf Ali, Mr. M.	Mangal Singh, Sardar.
Ayyangar, Mr. M. Ananthasayanam.	Misra, Pandit Shambhu Dayal.
Banerjea, Dr. P. N.	Muhammad Ahmad Kazmi, Qazi.
Chaliha, Mr. Kuladhar.	Paliwal, Pandit Sri Krishna Dutta.
Chattopadhyaya, Mr. Amerendra Nath.	Pande, Mr. Badri Dutt.
Chaudhury, Mr. Brojendra Narayan.	Parma Nand, Bhai.
Chettiar, Mr. T. S. Avinashilingam.	Raghubir Narayan Singh, Choudhri.
Chetty, Mr. Sami Vencatachelam.	Ramayan Prasad, Mr.
Chunder, Mr. N. C.	Ranga, Prof. N. G.
Das, Mr. B.	Rao, Mr. M. Thirumala.
Das, Pandit Nilakantha.	Saksena, Mr. Mohan Lal.
Datta, Mr. Akhil Chandra.	Sant Singh, Sardar.
Desai, Mr. Bhulabai J.	Santhanam, Mr. K.
Deshmukh, Dr. G. V.	Satyamurti, Mr. S.
Deshmukh, Mr. Govind V.	Sham Lal, Mr.
Gadgil, Mr. N. V.	Sheodass Daga, Seth.
Govind Das, Seth.	Singh, Mr. Gauri Shankar.
Gupta, Mr. K. S.	Singh, Mr. Ram Narayan.
Hans Raj, Raizada.	Sinha, Mr. Satya Narayan.
Hegde, Sri K. B. Jinaraja.	Som, Mr. Suryya Kumar.
Hosmani, Mr. S. K.	Sri Prakasa, Mr.
Jedhe, Mr. K. M.	Subbarayan, Shrimati K. Radha Bai.
Jogendra Singh, Sirdar.	Subedar, Mr. Manu.
Joshi, Mr. N. M.	Varma, Mr. B. B.
Kailash Behari Lal, Babu.	

The motion was adopted.

THE MOTOR VEHICLES BILL.

Mr. President (The Honourable Sir Abdur Rahim) : Before I call upon the Honourable Mr. Clow to move the motion which stands in his name, namely, that the Report of the Select Committee on the Motor Vehicles Bill be taken into consideration, I have to mention to the House that Honourable Members will notice that, on page 9 of the Select Committee's Report, there is a resolution passed by the Committee to the effect that the present arrangements regarding the supply to Select Committee of summaries of opinions and of memoranda relating to certain Bills are not satisfactory, and they make certain proposals. As this is a matter which has nothing to do with the Bill, what I propose to do is this. I will consider the suggestion that has been made, I will take it up with the Leaders of Parties and also with the Government and see what can be done.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Can I mention anything about this note at this stage ?

Mr. President (The Honourable Sir Abdur Rahim) : No. There will be no further mention of this matter. I want to consider it myself. It is not relevant to the present Bill.

The Honourable Mr. A. G. Clow (Member for Railways and Communications) : Sir, I move :

“ That the Bill to consolidate and amend the law relating to motor vehicles, as reported by the Select Committee, be taken into consideration.”

Honourable Members have only to glance at the Bill to realise the care with which the Select Committee has done its work. Every clause and every sub-clause has been scrutinised and the majority of them have been altered in one way or another. I think the House has reason to be grateful to its Deputy President who presided over the long and arduous sessions of this Committee and to all the Members for their careful work. It is a matter for satisfaction that in a Bill which undoubtedly is of a somewhat controversial character the final differences of opinion on points of substance, as disclosed by the Report and the Minutes of Dissent, should have been comparatively few. I notice that there are a few amendments, perhaps about 900, which have been tabled but I hope that when we come to examine the Bill in detail we shall find, that the points of importance on which we differ are not very numerous. The bulk of the changes have been explained in the Report of the Select Committee with the reasons for them, and in some cases the reasons against them, and I do not, therefore, propose to discuss the provisions in detail at this stage. But as there has been in some quarters a good deal of misapprehension about the Bill, I should just like to refer to its main features in the form which it now takes.

A number of criticisms which I have seen are based, I think, to a considerable extent, on a failure to realise what is the existing position. There seems to be an impression in some quarters that because the Act of 1914, which this Bill is designed to replace, is a rather short one and because this Bill is an unusually long one, we are imposing on the motor transport industry some kind of novel and strange code. That, of course, is not the position at all. The Bill is headed : “ A Bill

to consolidate and amend the law relating to motor vehicles" and I venture to suggest that of these two features, consolidation is the more important. There are, of course, a very large number of changes in the law but the main structure and principles of the Bill are to a very large extent reproduced in the law at present in force in varying parts of India. The fact, as those Honourable Members who have made a study of the subject are aware, is that there are in the provinces a series of elaborate codes of rules which are framed either under the Act of 1914 or under provincial legislation supplementing that law; and those codes form a corpus of law, which together with the Acts from which they are derived, is far more complicated than the Bill before the House. There are few points of real importance on which one cannot find parallels in some parts of India and I should like to illustrate that by running very briefly over the main heads of the Bill.

Chapter II provides for the licensing of drivers. This is at present a statutory requirement and the law in force is supplemented in every province by rules framed by the Provincial Governments. But there is no common system for the classification of vehicles and the conditions laid down for securing a licence tend to vary. What we are trying to do is to provide a uniform form for the license, to lay down uniform conditions on which it can be obtained and to provide that the license, when secured, shall be valid throughout British India and, subject to reciprocal arrangements, may even be valid beyond it.

Chapter III deals with the registration of vehicles and here the position is very similar. We are consolidating and trying to bring to some measure of uniformity provisions which vary from province to province but are absent in none. Some provinces, for example, link taxation with registration and regulate the period of validity of registration accordingly. Then there is some uncertainty regarding the necessity for re-registration. What we are seeking to provide is a uniform scheme of registration and a registration that will be permanent and will not require to be done again even if the ownership of a vehicle is transferred, although we have provided for re-registration in the case where a vehicle, so to speak, changes its domicile.

Chapter IV which deals with the control of transport vehicles and is regarded by the less well-informed critics of the Bill as a strange new code also has its parallels in the provinces. Here there is naturally a good deal more variation because the powers given to Provincial Governments under the Act of 1914 are limited; and it is only in provinces where it has been supplemented by provincial legislation such as Madras and the United Provinces that you can have anything like a complete code. Actually, the system proposed in the Bill does not differ very greatly from that which is now in force, for example, in Madras; and even in the other provinces where there is no provincial legislation there is a considerable body of rules which provides for a less adequate form of control.

Chapter V is virtually a single section providing rule-making powers and the matters to which it relates are already covered by provincial rules to a large extent.

Chapter VI which deals with the control of transport contains very little that can be claimed to be original. Most of it can be found in one form or another in the Provincial Codes.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Will you please also explain whether the Provincial Governments can legislate in this matter ? Does it not come under List No. III ? There is no reason why we should make all these rules here and give them the power by legislation.

The Honourable Mr. A. G. Clow : We are providing substantial powers to Provincial Governments to make rules. It is necessary in some cases for Provincial Governments to make rules. We cannot deal with every detail here. Chapter VII consists of a single section relating to motor vehicles coming from or going abroad.

Chapter VIII which relates to third party insurance is undoubtedly the most original part of the Bill ; but here again there are parallels in the provinces. Third party insurance, I believe, is statutorily enforced at the moment in the city and island of Bombay, in Karachi and, I think, in some other parts. Moreover, apart from the action taken by Governments is the influence that is being exercised by hire-purchase firms which in many, if not in all, cases insist on insurance in their own interests. The value of that influence will be realised when I tell the House that figures for Madras recently supplied to me indicate that, of the buses and lorries put on the roads in the last three years two-thirds have been sold on hire-purchase conditions.

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhammadan Rural) : Is not that an insurance of the vehicle only ? So far as I am aware, the hire-purchase sellers insist merely on the insurance of the vehicle and not against accident to the passenger or third party ?

The Honourable Mr. A. G. Clow : I think in a good many cases it is compulsory for the vehicle but I understand that in a good many cases they do take out policies covering a wider field. However, that does not really affect the point that I was trying to make, namely, that this is not something entirely novel to India. It is something that has been recognised as of value. The remaining two chapters are of an ancillary character and the Schedules contain very little that is not either consequential on the rest of the Bill or represented by existing provisions in the provinces. I have dealt at some length with this matter partly in the hope of clearing up misconceptions which exist, probably more outside the House than in it, and partly also to bring home the point that we are not experimenting here with something novel and strange. If I may adopt a metaphor, we are not exploring some uncharted country but are trying to provide a long metalled and bridged road where at present there is undoubtedly a route, good in parts and indifferent in others, and where in some places, as I know, it is not very easy to find one's way.

Now, the second big misapprehension which underlies some of the criticisms of the Bill is that it is a Bill which is aimed at stifling the motor transport in the interests of the Railways. I apologize for using that phrase but it is actually a phrase, I can assure the House, which has been used in a number of resolutions sent to me. I hope that the important changes made by the Select Committee will do a good deal to dissipate that impression. But it never was the truth, and it is not going to be at all easy to allay the fears of men, often ignorant men, which have been sedulously fanned by some people who ought to know better. Sir, the changes made by the Select Committee reduce the pro-

visions which have any reference to competition with the Railways to one phrase in one clause out of one hundred and thirty-six, and that section is one which depends for its operation on the Local Governments. I regret to see from the minutes of dissent that there is at least one Group in this House, the European Group, which does not appear to be prepared to accept this provision. I do not want to anticipate an argument which, I am afraid, is likely to arise at a later stage of the Bill. I will only say that, personally, I regard the provision as entirely sound in principle and think that the changes which have been made by the Select Committee remove all reasonable objections to the manner in which it was expressed.

The fact is that this Bill is designed to secure the safety and the convenience of the public, and, in a good number of cases, its provisions should benefit the motor industry itself. There are three main lines along which that is attempted. We are attempting, in the first place, directly to attack the problem of safety. A very large number of the provisions in the Bill are aimed directly at securing the safety of the public. We are trying, for example, to provide that drivers shall be both competent and careful, that the vehicles themselves shall be satisfactory, and that the manner of loading, whether with goods or passengers, shall not constitute a danger. In the second place, we are trying to protect the roads and to ensure that they shall be provided with adequate directions and adequate control. And in the third place, we are making some attempt to restrain the cut-throat competition which has prevailed and which still prevails in some parts of India, within the motor industry itself. The competition in many places has been carried on to such an extent that there have been numerous bankruptcies and there have been many other owners who have found it difficult or impossible to carry on efficiently.

Now in an ordinary industry that would hardly constitute a reason for interference or control. But in this particular industry you cannot cut costs below a certain level with grave danger to the public. The competition which has prevailed in this industry has too often been a competition in danger. It has been a competition in disablement and in death. This House and the public are rightly distressed by the accidents on the railways such as the one at Bihta and the lamentable accident early this week, and they rightly insist that we shall take all the steps we can to secure the safety of the public on the railways. But the numerous accidents which happen, day by day, on the roads tend to go almost unnoticed except by those who are bereaved or by those who are disabled by them, and there are those who are anxious to obstruct a Bill which is calculated to provide greater safety on the roads. I am afraid I cannot regard this argument as entirely sincere. I am a little reminded of the history of factory legislation in this country. When, sixty years ago, it was proposed to compel millowners to fence their machinery and to exclude infants from their mills, there were those who suggested that that legislation was undesirable because it would benefit Lancashire. Today there are those who suggest that this Bill is undesirable because our own railways might get some benefit from it. I must in justice to the leaders of the motor industry make it clear that they have not taken this plea and that many of them have given us full and generous co-operation. And I am fairly confident that that strange argument will make no big appeal to any important section of this House.

[Mr. A. G. Clow.]

I would like to allude, in conclusion, to what I described earlier as the most original feature of the Bill, that relating to third-party insurance. Actually, the main principle appears to have been accepted by all members of the Select Committee. Such differences as we have, apart from a difference regarding the agencies who should be entitled to provide insurance, are differences regarding the time and the manner in which this salutary reform should be introduced. I must say frankly that I think the amendment introduced in clause 1 by the majority of the Select Committee is calculated or rather is likely to have the effect of postponing in some areas at least the reform almost indefinitely. I know there are those who have doubts about compulsory insurance on the ground that it would involve adding to the burdens on the motor transport industry. I would commend to the study of the House a very valuable report by Professor Gadgil and Mr. Gogate on "Motor Bus Transportation". Although this report deals primarily only with a small part of India, many of its conclusions are of very general validity. They point out that this argument about the burden on the motor car industry is "fundamentally fallacious" because the charges are not a form of taxation but represent one of the legitimate costs in the industry. And they affirm that the effect of compulsory insurance would be to benefit not only the travelling public but, in the long run, the motor transport industry itself. I think it will be generally conceded that in a very large number of cases the compensation given at present is either inadequate or non-existent, and the moment you put to yourself the question, "who should pay, the person who is legally liable to pay or the person who is injured?", you expose the fallacy underlying this plea to spare the pocket of the poor motor-bus owner. I feel that the provision in the original Bill which made a five years' delay possible went as far as, if not further than, the industry could reasonably claim.

Sir, this measure is designed to secure the healthy development of a form of transport which has already done much to transform life in our towns and villages and which, properly regulated, can be of immense benefit to the community. It is a measure designed to protect the community from dangers which, unfortunately, have also been brought home to our towns and villages, and I commend it to the sympathetic consideration of the House.

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

"That the Bill to consolidate and amend the law relating to motor vehicles, as reported by the Select Committee, be taken into consideration."

Dr. Sir Ziauddin Ahmad : On a point of order, Sir,—there is a motion for circulation. Should it be formally moved now?

Mr. President (The Honourable Sir Abdur Rahim) : Does the Honourable Member (Mr. Umar Aly Shah) want to move that motion?

Mr. Umar Aly Shah (North Madras : Muhammadan) : Yes, Sir. I move :

"That the Bill, as reported by the Select Committee, be re-circulated for the purpose of obtaining further opinion thereon."

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

“ That the Bill, as reported by the Select Committee, be re-circulated for the purpose of obtaining further opinion thereon.”

The discussion will now be on the motion that has just been moved by the Honourable Member, Mr. Umar Aly Shah, and the main motion moved by the Honourable Mr. Clow.

Mr. K. Santhanam (Tanjore *cum* Trichinopoly : Non-Muhamadan Rural) : Sir, I rise to support the motion of the Honourable Mr. Clow that this Bill as it has emerged from the Select Committee be taken into consideration and to oppose the motion for circulation. As the Honourable Member for Communications has stated, the Bill has been scrutinised in almost every phrase by the Select Committee and it is very doubtful, in my view, if many changes can be made without practically scrapping the Bill. Therefore, there is no reason for sending it back to circulation or to the Select Committee. I have risen so early in this debate for a special reason. It will be apparent from the minutes of dissent that myself and other Members of the Congress Party, who served on the Select Committee, have taken less objection to the Bill as it has emerged from the Select Committee than even the Members representing the Government. That is to say, we are generally satisfied with the changes that have been made in the Select Committee and I wish to explain why we have come to this conclusion. I may also explain that I am not standing here now as the spokesman of the Party. It is the business of the Leaders of the Party to explain what the Party's position may be about the important clauses of the Bill. All that I want to do now is to explain to the House on what grounds we have advocated the changes made and come to the conclusion that the Bill, on the whole, is deserving of support of the House.

Sir, I do not wish to take the clauses of the Bill in detail as it is wholly unnecessary to do so. I will take some of the main features of the Bill. To begin with, I want to explain what my general mental attitude was in relation to this Bill. I took my stand, as I do take my stand today, on four cardinal principles. First of all, I am aware that motor transport offers new facilities to our people. Large parts of the country are still unopened by the railways or any other traffic, and even where there are railways, motor transport offers to the poor villager and to the poor businessman many facilities which they could not otherwise get. Therefore, I am personally in favour of a steady and continual development of this transport and I was determined that no undue hardship should be placed on its development. On the other side, I was also conscious that, while this motor transport offers great and new facilities to our people, it forms also a heavy drain on this country. We do not manufacture a single part of this motor transport. Every screw and every plate is manufactured outside and we have to import it. We have also to import the fuel and other materials of use. According to my rough calculation, the motor transport forms a drain of the order of 30 crores a year. When people compare the motor transport with the railways, they should also take into account the fact that, while the Indian railways import about 10 crores worth of foreign material every year, we have to import about 20 to 30 crores worth of foreign material in order to maintain this transport industry. So, it

[Mr. K. Santhanam.]

would not do to spend too much sympathy on the one and too little on the other. The third consideration which I had in my mind was the condition of our roads. Even the so-called metalled roads are very poor indeed. They cannot bear very heavy traffic and the resources of the Provincial Governments to maintain them are very limited.

Babu Baijnath Bajoria (Marwari Association : Indian Commerce) : What about the contributions which the Provincial Governments get from the Central Government for making roads and which amount they are not spending ?

Mr. K. Santhanam : If my Honourable friend can take up the Census book and find out the area of the country and the population and the amount which they get from the Central Government, he can realise that the contribution which they get from the Central Government is like a drop in the ocean. Unless the Central Government can give crores and crores of rupees, our roads cannot be fit to bear heavy traffic, and it is no use putting too many vehicles on these roads which cannot bear heavy traffic. The fourth principle which I had in my mind was that, with all their defects, the railways are still the property of the people of India.

Pandit Lakshmi Kanta Maitra (Presidency Division : Non-Muham-madan Rural) : Do you believe in that ?

Mr. K. Santhanam : Yes, in the same way as this country is the property of the people of India, the railways are also the property of India, though they may be exploited by the outside people for the time being.

An Honourable Member : They are heavily mortgaged.

Mr. K. Santhanam : It is true, but the property is ours. I do agree that the railways are heavily mortgaged, but, then, there is no way of getting rid of that mortgage. If there is any deficit, it is the tax-payers who have to pay. The foreigners are not going to pay ; they are not going to cut down their salaries. We shall be taxed either through customs or through income-tax and, therefore, any deficit in the Railway Budget would mean an additional taxation which every Member of this House, especially the non-official Members, will have to pay. I have also taken that matter into consideration. Sir, it is only from these four cardinal principles that I have looked at this Bill. Therefore, from the point of view of all these four principles, I wanted to see how the Bill can be altered and it is needless to say that we tried our best to do so. On the whole, all the members of the Select Committee, as it has been admitted, came to look at it from more or less the same standpoint and the result is the report.

Sir, I shall not deal in detail with the safety provisions. As has been already explained, they are largely a codification of the existing rules in the provinces with a view to some minimum degree of uniformity. We have, however, made some changes which, I hope, will be unanimously welcomed by the House. For instance, in the new clauses 9 and 28 which relate to reciprocity, it is provided that when British India recognises the licences and the registration certificates

in the Indian States and the French and the Portuguese Settlements, those States also should recognise the licences and the registration certificates issued in British India. This was a unanimous demand from almost every opinion which we received and we have incorporated it. Then, again, in the old Bill clauses 15 and 16 gave power of almost arbitrary disqualification to the Provincial Governments and to the regional transport authorities. The Provincial Governments were empowered to disqualify any driver for no reasons to be stated. Similarly, the regional transport authority was empowered to disqualify any driver of a public service vehicle without stating any reasons. If you look at the new clauses 15 and 16, you will find that we have made drastic changes in those two clauses. We have taken away the power of the Provincial Governments to disqualify. In its place the licensing authority is empowered to disqualify for the reasons specified in sub-clauses (a), (b) and (c) of clause 15 and if he is disqualified, we have provided a power of appeal. It was suggested that the power of disqualification should be with the Provincial Governments and an appeal might be preferred against the order of Provincial Governments. That point of view was considered, but we found that against the orders of Provincial Governments appeals should be preferred to High Courts and in the matter of such a minor thing as licensing, it is not fair to go to the High Courts and so this clause 15 was adopted. Again, Sir, we have provided appeals in almost all cases in which licenses are refused or registration certificates are cancelled.

I now come to the most important part of this Bill, namely, Chapter IV, dealing with control of transport vehicles. I shall deal with it in two aspects, namely, method of control and the machinery of control. In this connection it is necessary to have in view the scheme in the old Bill and the scheme in the Bill as it has emerged from the Select Committee. In the old Bill the regional transport authorities were given power to limit and control the issue of permits of all classes for four-fold reasons : on grounds of public convenience, on grounds of suitability of roads, on grounds of their effect on the railways and on grounds of their effect on motor transport itself. In the Bill as it has emerged from the Select Committee, Honourable Members will find that so far as railways are concerned, it has been laid down that the regional and provincial transport authorities will have nothing to do with this matter for the very simple reason that no complaints against railways can be laid before these authorities. If, for instance, a merchant goes and says : " the railways are charging very heavy freights, we cannot convey our perishables to certain parts unless we get permit for a public or private carrier ", then the transport authorities, under the old Bill, would not have been able to summon the railways and ask them why they are having such heavy freights. It was to be an one-sided transaction. The transport authorities were to take into account the difficulties of railways and they were not empowered to take into account the difficulties of the users. Therefore, the Select Committee decided that this was not a fair proposition and, so far as the road transport authorities are concerned, they must take charge of road interests alone. Further you will find that the provisions of the Bill take away the power of the road transport authorities to interfere too much in the interest of motor transport itself. After all the motor interests know very well

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where their bread is buttered and all stipulations have been reduced to one of two things, either they are in the interests of public convenience or in the interest of the preservation of roads. Generally the road transport authorities are to issue permits having in view only these two main considerations, *viz.*, that the roads should be able to bear the traffic and that the traffic should be in the interests of the public. I hope this attitude will commend itself to the House.

What then have we done about road-rail co-ordination. As I have said, this was certainly one of the main purposes of the Bill. It is no use disguising this fact and I am personally of the strongest view that it is no use neglecting this point. Some reasonable reconciliation has to be made. Instead of giving power to the road transport authorities who will have no pull with the railways, we must give it to an authority which will be able to deal fairly with both kinds of transport and to decide matters solely in the public interest. The Central Government as the manager of the Indian railways should not be entrusted with this task and could not be expected to discharge the duties impartially. On the other hand the road transport authorities will be many and they will not have the authority, they will not have the power to deal with the Railways. Therefore, clause 42 has been inserted and, I suggest, that this is the crux of the change made in the Select Committee. What this clause does is this : that the Provincial Government which is a responsible Government shall be able to give consideration to any representations from railways and any representations from motor interests and, if it is convinced that in the interests of the people, it is necessary, it may limit or prohibit long distance traffic of goods and fix maximum and minimum fares and freights for stage carriages or public carriers. You will find that even the power of Provincial Governments is limited to doing these two things. It may be said that the Central Government will be able to influence the Provincial Government and deal harshly with motor transport as against railways. Now, Sir, what is the position? All motor taxation belongs to provinces and the provinces derive substantial amount from the road fund and so their financial and pecuniary interests are in the development of motor transport and their interest in the railways is rather feeble. They have no direct connection with the railways. It is true that the Niemeyer Award gives the provinces a certain share of the revenue surplus for the next five years, out of which the first year is gone and only four years are left. They will get some amount, but this amount has been fixed by Statute and it cannot be altered in any fashion. Therefore, I submit the interest of the Provincial Governments in railways is not direct, but I may admit that they have got much indirect interest in the prosperity of railways. For instance, the good of the peasants and the marketing of the agricultural produce depend to a great extent on the solvency of the railways. Therefore, it is my conviction that, as things are, the Provincial Governments are the most impartial bodies to whom we could entrust this task of road-rail co-ordination and this has been done in the Bill. Once this point is agreed to, I think the whole of Chapter IV will become more or less non-contentious. If you reject this clause 42, then practically the whole purpose of the Bill goes to pieces. If you accept it, all other changes are more or less consequential. I need not explain this matter any further.

I shall now go to the provisions about the machinery. In the original Bill the regional transport authorities were made mandatory while the constitution of the provincial authorities was left to the discretion of Provincial Governments. The order has now been reversed. It has now been made mandatory to constitute provincial transport authorities and, though ordinarily in the major provinces, the constitution of regional transport authorities has been made mandatory, in some of the smaller provinces the constitution is not mandatory and the functions of those authorities may be performed by the provincial transport authorities. This was also a reform which was admitted to be sound by almost every opinion which we received. I expect it will meet with more or less unanimous support in this House. Originally, the Bill suggested two methods of constituting regional and provincial transport authorities. It said that it may consist either purely of officials or of officials and non-officials including representatives from motor interests, provided railways were equally represented. As the Bill has emerged from the Select Committee both these suggestions have been dropped and a third suggestion has been incorporated that the transport authority should consist of officials and non-officials but not one of them should have any financial interest in any kind of transport. That is to say, it must be an impartial body. It should include non-officials also because it is an infant industry and the narrowness of bureaucratic outlook should not be allowed to hamper its growth. Of course officials prefer the routine of officials and non-officials would like a purely non-official body because they have got distrust of officials, but as a lot of work has to be done, there should be officials in it and as public opinion has to be ventilated, there must be non-officials in it and, therefore, I suggest that the solution suggested by the Select Committee is the best possible for the purpose.

Sir, one of the important matters which we have to consider in this chapter and which I suppose will come in for a lot of discussion is the question of private and public carriers. It has been suggested that no sort of limitation should be laid on private carriers while public carriers should be limited. As matters stand it will be much easier to get a permit for private carriers than for public carriers; but I am strongly of the view that to encourage private carriers at the expense of public carriers is to put the rich man who has a great advantage already in a position of greater advantage over the smaller business man. In fact it is more or less an invitation to every small business man to sell himself and bind himself hand and foot to the rich business man. The public carrier is at the disposal of the small business man as well as the big business man while the private carrier will be solely at the disposal of the big business man. And, therefore, it is in the interest of justice and of certain degree of equity for all business men that public carriers should not be saddled with inequitable conditions which are not applicable to private carriers, or in the reverse, that private carriers should be allowed to have freedom in spheres in which public carriers do not have freedom. Of course an analogy is put forth and it is said, "You are allowing greater freedom for the private car; why do you not allow the same freedom for the private carrier?" There is this vital distinction between the private car and the private carrier that the private car is not maintained for profit; it is a source of expense; it is a luxury. It is more or less a penalty on the man who keeps it, while private carriers are maintained for profit, and

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they must get that profit from somebody else. There is this vital distinction, and if I had my own way I would not have accepted any distinction between private carriers and public carriers at all. Conveyance of goods should be one category, but, on the whole, in view of the general opinion that the private carriers' permit should be obtained much more easily than those of public carriers, we allowed some distinction but a somewhat equitable balance has been preserved between public and private carriers.

There is one more matter in Chapter IV which will come up for discussion and that is the hours of work of drivers in clause 64. If Honourable Members will compare the new clause with the old one they will find two essential changes. First, there is simplification. In the old clause there was some calculation as to two hours after midnight and afterwards on which it would be very difficult to draw up a time-table for a bus or lorry. Now it has been simplified. There are only two limitations; a driver should not drive more than 5½ hours without an interval and there should be eleven hours' rest after eleven hours' work. We have also introduced the salutary limitation which I hope will be acceptable to the House, that in a week a driver should not work for more than 54 hours. Of course, many people have argued that the motor industry being new there should be no limitation whatsoever, that drivers should be allowed to drive as many hours as they can or as they are forced to. It is not a matter purely for the employer and the driver; it is a matter for the public also, because if the driver is overworked we have to pay the penalty and our children have to pay the penalty. Therefore, in the interests of public safety this regulation about 54 hours is absolutely essential and should be supported.

Now, Sir, let me pass on to Chapter VIII which, as Honourable Members know, is one of the contentious chapters. The Honourable Mr. Clow said that the argument of the burden on the motor industry is not a serious argument, and that in the end this third party insurance will prove to be for the good of the motor industry itself. I think it is only a half truth. By whatever name you may call it the enforcement of this provision does impose an immediate burden on the motor industry, and, if the industry cannot survive it it is no good saying that it will benefit it ultimately. We have made some calculations. My own calculation was a little higher but I am prepared to take the calculation of my Honourable friend, Mr. Mitchell, who has calculated that for a 20-seater bus it will cost about Rs. 210 and for a lorry about Rs. 100. I pointed out a mistake in his calculation and, I think, he has accepted it and probably the true figures are about Rs. 250 for the bus and Rs. 100 for the lorry. The Honourable Member appears to differ. However, these figures are not very material. Even Rs. 200 a year on a bus in the present conditions is, I must say, a substantial addition to the existing burden. On the other hand I do admit that the safety of the public must come first, and simply because we have to put a burden we should not shrink from it. Therefore, my own view is that this matter can best be decided by those who derive their mandate from those who are directly affected by this chapter. After all, the Provincial Governments are responsible Governments and if there is a bus accident in which a poor man is injured and has not got compensation there will be such an outcry that the Provincial Government

will be forced to take action. In this Bill I think it is quite sufficient to say that whenever any Provincial Government wants to do so it can bring this Chapter VIII into operation. We have given them a ready-made scheme and we have also provided machinery by which even the Opposition in a Provincial Legislature can force the Government to bring it into operation, because clause 1 (3) states :

“ . . . after the passing in the Legislative Assembly of a Governor's Province of a Resolution recommending the application of that Chapter to the Province, by notification in the official Gazette so directs : ”

This provides two valuable checks. It is open to the Opposition in any Provincial Legislative Assembly to raise the matter and ask why it is not being brought into operation. On the other hand, a bureaucratic provincial ministry, relying on party discipline, cannot straightaway introduce it without considering the wishes of the people. In both ways I suggest that clause 1 (3) as it has emerged from the Select Committee is much better than the old clause saying that for five years you may sleep and on the fifth year the whole thing must descend on you like a bolt from the blue. I suggest that that is not the proper way. Either you must take a bold step and say that from tomorrow, as soon as this Bill is passed, every man who walks along the road shall be safe, or you must tell all users of the road to bring pressure on the Provincial Government and have it introduced. But who knows where these Legislative Assemblies will be and what will happen after five years ? Why should we say that it should come into operation after five years ? To put a time-limit in the future is I think neither necessary nor desirable. We have given a better method, we want to encourage public opinion to grow in this matter. It will be open to motor owners to educate the public as to their difficulties. On the other hand every public association, every representative of the agriculturists, every representative of labourers will be able to educate public opinion as to the evils of these motor vehicles without third party insurance, and by this development of public opinion reform will come about naturally. It is enough for us to provide the machinery by which the reform can take effect when public opinion is ripe. My own expectation is that it will come much sooner than the Honourable Mr. Clow anticipates. He said that in some areas at least this reform may be postponed to the Greek Kalends. We have made a provision to obviate this difficulty : it has been provided that when in the majority of the Governors provinces the chapter has been brought into effect, the Central Government may, by notification in the official Gazette, bring it into effect throughout British India. If public opinion has asserted itself in half of the provinces then it will come into force in all India and the benighted regions will be forced to adopt this chapter as soon as the intelligent provinces have adopted it.

Let me now come to one or two important changes which have been made in the substance of Chapter VIII. I shall refer only to the changes made in section 96. It is a very long section and I do not want to read any extracts from it. I shall invite the Honourable Members to compare closely the old section and the new section. They will find that in the old section there were no less than 12 conditions on the breach of any of which the insurer was empowered to avoid his liability to third parties

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and passengers. In fact if the old clause had been allowed to stand as it was, then practically in almost every case the insurer could come and say there has been breach of one condition or the other and he was not liable to pay the compensation. Such conditions as these were included, that the insurer can say : " You and your wife alone may drive : if a driver drives and there is an accident, the third party will not have any protection." Or he may say : " You will not take a particular kind of goods : if you do that, then the third party will have no compensation." In such circumstances it would have been easy for the motor owners and insurers to collude and practically defeat the purposes of this chapter. All such objectionable conditions have been deleted and now only four conditions which will be considered reasonable have been allowed to stand.

Sir, there is one more important point in connection with this report which I have to mention and that is about clause 135. At the end of each chapter you will find that the rule-making power has been given to the provinces and rightly, because it is the Provincial Governments which will have to work them : the Central Government is too distant and it will delay matters too much to leave the rule-making powers to the Central Government. In clause 135 (3) it has been provided that :

" All rules made under this Act by the Central Government or by any Provincial Government shall be laid for not less than fourteen days before the Central or Provincial Legislature, as the case may be, as soon as possible after they are made, and shall be subject to such modifications as the Legislature may make during the session in which they are so laid."

In their note of dissent the two Government Members say :

" We are opposed to this clause and think it inappropriate that the Central Legislature should seek to regulate the relations between Provincial Governments and their Legislatures."

Sir, I am afraid they have not read the Government of India Act properly. If you take section 124 (2) this is what it says :

" An Act of the Federal Legislature may, notwithstanding that it relates to a matter with respect to which a Provincial Legislature has no power to make laws, confer powers and impose duties upon a Province or officers and authorities thereof."

Even in matters concerning List I, the Federal Legislative List, this Legislature can confer powers and lay duties on a whole province or its officers and its authorities. I submit that this Legislature has full authority in this matter, and I do not see that there can be any constitutional objection whatsoever. Also from the point of view of policy I want to know what objection there can be. We are a Legislature where at least the majority of us are direct representatives of the people and we entrust the Provincial Government with rule-making powers ; but we say to them : " There are your legislatures : you will place these rules before them and get their consent." Are we not representatives of the people ? Can't we suggest that the representatives in the provinces should scrutinise these rules on our behalf and see that no bad rule is made ? We are not hampering administrative action. It has been provided that the rules will come into force as soon as they are notified, but as soon as possible they have to be laid before the Legislatures and the Legislatures shall be empowered to make such modification as they think fit. It has

been suggested that this being a concurrent subject the Provincial Legislatures can independently make their own laws in this matter not inconsistent with the provisions of this Bill and so why should we ask them? We empower a Provincial Government to make rules but, unless we give power to the Provincial Legislatures to consider them, they will not be seized of them and the provincial ministries will be entitled to say: "We are making it under a Central Act and it has not asked us to place it before you and we are constitutionally debarred from doing it." Then, it is said that if the members in the Provincial Legislature are not satisfied with these rules they can bring in a vote of censure. I think this argument has only to be stated to be refuted. When once a Provincial Government has made the thing its own, it becomes the duty of the party, on the basis of which the Provincial Government has come into power, to support them—right or wrong. That is the basis of all party government and, therefore, nobody, for the sake of a motor rule, will turn out a ministry. Even the opposition will not think it a proper issue to fight the Government and table a no-confidence motion. Therefore, the only way in which the majority party as well as the minorities in a Provincial Legislature can scrutinise these rules is by asking statutorily the provincial ministries to place them before the Legislatures and have them scrutinised. It is only then they can do it in an atmosphere which is not charged with emotion about the fate of a ministry and such like considerations. They will be able to discuss them on their merits and, if necessary, make changes here and there. Therefore, I suggest, this is a salutary provision and it ought to be passed as it has emerged from the Select Committee.

I have tried to show that generally the provisions are satisfactory, that the Select Committee's report deserves the support of this House. As I have already said I am not speaking for the Party and the Party will decide on each amendment on its own merits and, if necessary, our Leaders will place the Party's views in the House. I have merely tried to explain why we have not been forced to add more points in our minutes of dissent and how the Bill has emerged to our satisfaction.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 25th August, 1938.
