

8th September 1939

THE
LEGISLATIVE ASSEMBLY DEBATES
(Official Report)

Volume V, 1939

(30th August to 22nd September, 1939)

TENTH SESSION
OF THE
FIFTH LEGISLATIVE ASSEMBLY,
1939



NEW DELHI
GOVERNMENT OF INDIA PRESS
1940.

Legislative Assembly.

President:

THE HONOURABLE SIR ABDUR RAHIM, K.C.S.I.

Deputy President:

MR. AKHIL CHANDRA DATTA, M.L.A.

Panel of Chairmen:

DR. SIR ZIAUDDIN AHMAD, C.I.E., M.L.A.

MR. M. S. ANEY, M.L.A.

SIR COWASJI JEHangIR, BART., K.C.I.E., O.B.E., M.L.A.

MR. A. AIKMAN, C.I.E., M.L.A.

Secretary:

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

Assistants of the Secretary:

MR. M. N. KAUL, BAR.-AT-LAW.

KHAN SAHIB S. G. HASNAIN.

Marshal:

CAPTAIN HAJI SARDAR NUB AHMAD KHAN, M.C., I.O.M., I.A.

Committee on Petitions:

MR. AKHIL CHANDRA DATTA, M.L.A., *Chairman.*

MR. A. AIKMAN, C.I.E., M.L.A.

SYED GHULAM BEIK NAIRANG, M.L.A.

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

RAJA SIR VASUDEVA RAJAH, C.I.E., M.L.A.

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LEGISLATIVE ASSEMBLY.

Friday, 8th September, 1939.

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

MEMBER SWORN.

Mr. Leonard John Dean Wakely, M.L.A. (Government of India : Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

WILSON COMMITTEE ON INDIANISATION OF ARMY.

115. *Mr. Lalchand Navalrai : (a) Will the Defence Secretary be pleased to state if it is a fact that the Wilson Army Indianisation Committee was boycotted by Indian public opinion ? If so, why public opinion was not respected ?

(b) Were any objections raised by the public and the press as to the composition of the Committee ? If so, how were they met ?

(c) Is the Wilson Committee sitting in " Camera ", excluding the press ? If so, why ?

(d) Is it a fact that in the Skeen Committee the late Mr. Motilal Nehru and Mr. M. A. Jinnah asserted themselves and the Committee was left open to the press ?

(e) Did any of the members of the Wilson Committee urge for the press being allowed to be present during the proceedings ? If so, for what reasons their protests were not heeded ?

(f) Was the Muddiman Committee on Reforms thrown open to the press and the public ?

(g) Has the attention of Government been drawn to the article on page 1 of *Roy's Weekly*, dated the 25th June, 1939, illustrating by two examples that the *communiqué* issued by the Defence Department gives no news but some hazy impressions ? If so, what steps Government have taken in that direction ?

(h) Is it a fact that the Defence Secretary has placed before the Committee a cut and dried scheme suggesting an offer of 54 seats to the sons of the Viceroy's Commissioned Officers particularly from so called martial provinces and six to gentlemen cadets ? If so, what are the reasons for it ? If not, will Government be pleased to lay the Defence Secretary's scheme on the table of the House ? If not, why not ?

Mr. C. M. G. Ogilvie : (a) No.

(b) The answer to the first part is in the affirmative. For the answer to the second, I refer the Honourable Member to my speech of the 14th March, 1939, on the constitution and terms of reference of the Indianisation Committee.

(c) The meetings of the Committee were not open to the Press or the public. It was necessary to keep the proceedings strictly private in order that witnesses might be able to state their views freely, and in order that confidential information might not be divulged.

(d) I have no information as to the first part of the question, as regards the latter I am informed that only some of the evidence was taken in public with the press present.

(e) No. The second part of the question does not, therefore, arise.

(f) Yes, when evidence was being taken.

(g) Yes. I refer the Honourable Member to the Press Communiqués published on the 7th, 18th and 21st July, 1939.

(h) No. An outline of the scheme is laid on the table.

The main features of the scheme are as follows :

- (1) The main channel of entry to the Indian Military Academy should be the Prince of Wales' Royal Indian Military College, which should be enlarged accordingly.
- (2) Candidates would be chosen by a Selection Board at the age of thirteen.
- (3) There would be no separate allotment to the sons of soldiers or to the enlisted classes, but the claims of the latter classes would be met by so improving the King George's Royal Indian Military Schools as to ensure that candidates from these institutions would be able to compete with boys from other schools.
- (4) The fees should be reduced.
- (5) Half fees would be payable by sons of soldiers.
- (6) Serving military officers would be posted to the Royal Indian Military College and would be responsible for games and instruction in military matters.
- (7) Students at the Royal Indian Military College would pass direct into the Indian Military Academy after a qualifying examination.
- (8) Provision was also made for direct recruitment to the Indian Military Academy of a limited number of candidates from the ranks of the Regular Army, from the Auxiliary Force (India), Indian Territorial Force and University Training Corps. This recruitment would be by selection from army candidates possessing the required educational qualification.

Mr. Lalchand Navalrai : With regard to (f), why was it that formerly the Committee was open to the Press and it has been stopped. Was it not as confidential as before ?

Mr. C. M. G. Ogilvie : I would refer the Honourable Member to part (c) of my reply.

Mr. Lalchand Navalrai : May I know why there was nothing to keep secret on the former occasion.

Mr. C. M. G. Ogilvie : I was not a member of the former Committee. I have no direct knowledge of what happened there, but it may be taken by the Honourable Member as certain that if the proceedings were to have been treated as confidential, they would not have been open to the public.

Mr. Lalchand Navalrai : May I know from the Honourable Member, with regard to (h), whether any instructions were given to this Committee as to the number of cadets that will be accepted in the Academy ?

Mr. C. M. G. Ogilvie : No such instructions were given.

SPECIAL CONCESSIONS GIVEN TO ANGLO-INDIANS IN THE RAILWAY, POSTS AND TELEGRAPHS AND CUSTOMS DEPARTMENT.

116. *Mr. Lalchand Navalrai : (a) Will the Honourable the Home Member state if the attention of Government has been drawn to the Home Department Resolution No. 14/5/38-Ests., dated the 1st May, 1939, with regard to giving special concessions to the Anglo-Indians in Railway, Posts and Telegraphs and Customs Departments ? If so, will the Honourable Member be pleased to state if the word " Anglo-Indian " has been defined anywhere ; if not, what is the meaning attached to it ?

(b) Will Government be pleased to state in full what past association of Anglo-Indian community is alluded to in the said Resolution to entitle them to special concessions at the hands of Government ?

(c) Will Government be pleased to state if other communities in India have also such past association ? If the reply be in the affirmative, where lies the difference ?

(d) Are Government aware of the widespread discontent over this distinction in public service and do Government propose to remove this distinction with regard to all public services ? If not, why not ?

(e) Have the Government of India passed the Resolution in the capacity of a Federal Railway Authority or it has been passed by the Governor General or Governor General in Council ?

(f) Has the Federal Public Service Commission been consulted in passing the aforesaid Resolution ? If not, why not ?

(g) Will the Honourable Member be pleased to state how such a preference to the Anglo-Indian community, as is contained in the aforesaid Resolution, is consistent with the provisions of section 242 (ii) by which a fair representation in the Services of Federation has to be given to each community in India ?

(h) What steps do Government propose to take to allay the general dissatisfaction caused by the aforesaid Resolution ?

The Honourable Mr. J. A. Thorne : (a) Yes. The term " Anglo-Indian " is defined in paragraph 26 (1) of Part I of the First Schedule to the Government of India Act, 1935.

(b) and (c). Certain branches of the Railways, Posts and Telegraphs and Customs Departments have been largely manned by Anglo-Indians in the past. No other community has been associated to a similar extent with those branches.

(d) and (h). Government are not aware of any such widespread discontent.

(e) The Resolution was passed by the Governor General in Council.

(f) No. Such consultation was not necessary.

(g) The action which has been taken is in accordance with the express provisions of sub-section (2) of section 242 of the Government of India Act, 1935, and there is, therefore, no inconsistency.

Mr. Lalchand Navalrai : If there has not been widespread discontent, has any discontent come to the notice of the Government ?

The Honourable Mr. J. A. Thorne : I do not know how it is possible to make an analysis of the discontent. There have been one or two articles in the newspapers—not very many and not very emphatic ; and there was a notice of an adjournment motion in this House which was not moved.

Mr. Lalchand Navalrai : May I know from Government what were the reasons for considering this concessional representation as a fair representation according to the Government of India Act.

The Honourable Mr. J. A. Thorne : Well, Sir, the fair representation, from my recollection of sub-section (2) of section 242, is not mentioned with specific reference to the Anglo-Indian community. What is mentioned with specific reference to the Anglo-Indian community is due consideration of their past association with certain branches of certain services.

Mr. Lalchand Navalrai : Is the Honourable Member aware that section 242 (2) says that fair representation is to be given to each community. That would mean without any preference. Will the Honourable Member say whether it is fair representation ?

The Honourable Mr. J. A. Thorne : Yes, Sir. The duty before the Government of India was to carry out the duties imposed by the whole of sub-section (2) of section 242, the first part as well as the second part.

Maulvi Muhammad Abdul Ghani : What is the percentage of the Anglo-Indian population in India ?

The Honourable Mr. J. A. Thorne : I must have notice of that question.

Maulvi Muhammad Abdul Ghani : May I know from the Honourable Member whether Anglo-Indian children inherit past associations by birth ?

The Honourable Mr. J. A. Thorne : I am not an expert on questions of inheritance of that kind.

EXISTENCE OF THE MIDDLE EAST COMMAND OF THE ARMY.

117. ***Maulvi Abdur Rasheed Chaudhury :** Will the Defence Secretary please state :

- (a) whether Middle East Command is already in existence ;
- (b) what part of this Command will be manned by the Indian Army and what the contribution of India will be for the maintenance of this Command ; and
- (c) whether any part of the Indian Army has already been transferred there ?

Mr. C. M. G. Ogilvie : (a) Government have no more information than has appeared in the Press.

(b) No arrangement has been made by which any part of the Indian Army will be permanently stationed in the Middle East Command. The second part of the question does not therefore arise.

(c) Yes.

Maulvi Abdur Rasheed Chaudhury : May I know what is the strength of the army that has been sent already ?

Mr. C. M. G. Ogilvie : I can add no details to the information which has already appeared in the Press. Detailed information of the type sought by the Honourable Member is definitely contrary to public interest at this time.

Maulvi Abdur Rasheed Chaudhury : Who is paying for the army which has been transferred ?

Mr. C. M. G. Ogilvie : I would ask the Honourable Member to refer to Military Despatch No. 5, a copy of which will be in his possession.

CASTES OF SIKHS SUPPLYING SOLDIERS FOR THE INDIAN ARMY.

118. *Sardar Sant Singh : Will the Defence Secretary please state :

- (a) the names of the castes of Sikhs (non-Jats) which till recently used to supply recruits (soldiers, etc.), for the Indian Army ;
- (b) what are the names of the Regiments, Infantry and Cavalry separately, in which recruits from such castes of Sikhs used to be taken ;
- (c) when the recruitment of such castes of Sikhs in the ranks was stopped in each of these regiments and under whose orders ;
- (d) what the circumstances were which led to the stoppage of the recruitment of these classes to the Indian Army ;
- (e) whether Government propose to place a statement on the table of the House showing the number of soldiers and officers belonging to such Sikh castes which fought during the Great War and on other occasions ;
- (f) whether Government are aware that many of them had won distinctions in the Great and other Wars and many of such officers and soldiers have since retired and others are yet serving the Government ;
- (g) whether Government are aware that in good old days the Kshatriyas or Khatris, which included Khatri Sikhs also, was the sect which used to be classed as warrior or martial race ;
- (h) whether Government propose to take steps to open the recruitment to the members of Khatri Sikhs and other such castes which used to enlist previously ; if not, why not ; and
- (i) whether Government propose to raise separate regiments for Khatri Sikhs and other such castes and to give them befitting names also ; if not, why not ?

Mr. C. M. G. Ogilvie : (a), (b) and (c). The recruitment of non-Jat Sikhs has not been stopped. I lay on the table a statement showing the sub-classes of non-Jat Sikhs recruited in the Indian army and the units in which they are taken.

(d) Does not arise.

(e) This information is not readily available, and the time and labour involved in collecting it would not be commensurate with the value of the results achieved.

(f) and (g). Yes.

(h) In view of the reply to parts (a), (b) and (c), the question does not arise.

(i) No. It is not practicable.

Sub-classes of non-Jat Sikhs serving in the Indian army.

Khatri.
Lobanas.
Makthons (Rajputs).
Kambohs.
Sainis.
Masbhis.
Ramdasias.
Brahmans.
Tarkhans.

Besides these there are a few other castes who are not classified separately but shown as "Other Sikhs".

Units of the Indian army which take non-Jat Sikhs.

1st, 5th and 25th Field Regiments, R. A., 6th Medium Regiment, R. A.
11th, 16th, 18th, 20th, 22nd and 25th Mountain Batteries, R. A.
K. G. O. Bengal Sappers and Miners.
Royal Bombay Sappers and Miners (Masbhi and Ramdasias Sikhs only).
2nd Punjab Regiment.
R. I. A. S. C. (M. T.).
Nos. 13, 26 and 27 Animal Transport Companies (Mule).
Indian Hospital Corps.

BRITISH TROOPS SENT TO EGYPT AND SINGAPORE.

†119. *Sir Abdul Halim Ghaznavi : Will the Defence Secretary be pleased to state :

(a) whether British troops recently sent out of India to Egypt and Singapore are still paid by the Indian Government ; and

(b) if the answer to part (a) above be in the affirmative, why Indian tradesmen attached to the British troops were not allowed to proceed with the troops ?

Mr. C. M. G. Ogilvie : (a) If the question refers to those still on the Indian Establishment, the answer is in the affirmative.

(b) It is not clear what the Honourable Member means by tradesmen.

NON-ALLOWING OF INDIAN TRADESMEN TO TRADE WITH BRITISH TROOPS IN SUDAN.

†120. *Sir Abdul Halim Ghaznavi : Will the Defence Secretary be pleased to state if it is a fact that Indian tradesmen are not allowed to trade with the British troops in Sudan on the ground that trade in Sudan is the exclusive right of the Sudanese ?

Mr. C. M. G. Ogilvie : Not as far as Government are aware.

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

CONSTITUTION OF A RESERVE IN THE AIR FORCE.

†121. *Sir Abdul Halim Ghaznavi : Will the Defence Secretary be pleased to state whether Government contemplate constituting a reserve in the Air Force as they have done in the Indian Navy ; and if not, why not ?

Mr. C. M. G. Ogilvie : This has now been done.

APPEALS AGAINST PENALTIES IMPOSED ON INCOME-TAX OFFICERS IN THE UNITED PROVINCES.

122. *Mr. Muhammad Ashtar Ali : Will the Honourable the Finance Member be pleased to state :

- (a) in how many cases Commissioners of Income-tax have exercised their powers under C. S. (C. C. A.) rule 49 during the past five years in the United Provinces and the Central Provinces and what were the penalties imposed on the officers concerned ;
- (b) how many appeals by the Income-tax Officers against orders under C. S. (C. C. A.) rule 49 have been preferred to them during the past five years in the United Provinces and the Central Provinces and in how many of them Government passed orders themselves and in how many they acted on the advice of the Federal Public Service Commission ;
- (c) how many of such appeals were accepted and how many rejected ;
- (d) whether Government or the Federal Public Service Commission give an opportunity to the officer concerned to make a defence or representation or hear him if he wants to be heard ; whether any such thing was allowed in the appeals mentioned in part (a) above ; if so, in how many of them ;
- (e) in how many of the appeals mentioned in part (a) above, the officers concerned were supplied with copies of the confidential records under C. S. (C. C. A.) rule 49, or of other documents and of the opinions of the officers imposing penalties on them, and their explanations asked in respect of them ;
- (f) if the procedure mentioned in part (e) above is not being followed here, whether Government considered the advisability of allowing an officer to acquaint himself with the charges against him and to submit his explanation in respect of them before final orders are passed ;
- (g) to whom Government have delegated the power of imposing penalties on gazetted officers of the Income-tax Department under C. S. (C. C. A.) rule 49 ; and
- (h) whether Government have considered the advisability of framing rules governing the procedure in all matters relating to penalties under C. S. (C. C. A.) rule 49, and specially of laying down that no penalty should be imposed without giving timely warning and an adequate opportunity of representation or defence to the officer to be penalised ?

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

The Honourable Sir Jeremy Raisman : The information is being obtained and will be laid on the table of the House in due course.

COMPETITION OF THE IMPERIAL BANK OF INDIA WITH LOCAL BANKING.

123. *Mr. Muhammad Ashar Ali : Will the Honourable the Finance Member please state :

- (a) whether the Imperial Bank being an Agent of the Reserve Bank use that position for competing with the local banking ;
- (b) if the answer be in the affirmative, whether Government have considered the advisability of stopping this competition ;
- (c) whether Government have considered or propose to consider the advisability of taking steps for encouraging banking in India by consolidating small banks into bigger ones by the process of incorporation ; and
- (d) whether Government intend to bring any legislation for the purpose ?

The Honourable Sir Jeremy Raisman : (a) and (b). The attention of the Honourable Member is invited to the provisions of the Imperial Bank of India Act, section 45 of the Reserve Bank of India Act and the agreement provided therein. The Government of India have no power to interfere so long as these provisions are not contravened.

(c) and (d). No.

Mr. Muhammad Ashar Ali : Do Government know that the Imperial Bank can come to the help of the Benares Bank in this crisis ?

The Honourable Sir Jeremy Raisman : I see no reason why any other Bank should not come to the help of the Benares Bank in a crisis, if it thought suitable.

COMMITTEE ON PETITIONS.

Mr. President (The Honourable Sir Abdur Rahim) : I have to announce that under sub-order (1) of Standing Order 80 of the Legislative Assembly Standing Orders the following Honourable Members will form the Committee on Petitions, namely :

- (1) Mr. A. Aikman,
- (2) Syed Ghulam Bhik Nairang,
- (3) Mr. N. M. Joshi, and
- (4) Raja Sir Vasudeva Rajah.

According to the provision of the same Standing Order, the Deputy President will be the Chairman of the Committee.

PRESENTATION OF THE REPORT OF THE PUBLIC ACCOUNTS COMMITTEE.

The Honourable Sir Jeremy Raisman (Finance Member) : Sir, I present the Report of the Public Accounts Committee on the accounts of 1937-38, Volume I (Report)—Parts I and II.

THE INDIAN RAILWAYS (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir Andrew Olow (Member for Railways and Communications) : Sir, I present the Report of the Select Committee on the Bill further to amend the Indian Railways Act, 1890, for a certain purpose.

THE REPEALING AND AMENDING BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir Muhammad Zafrullah Khan (Law Member) : Sir, I present the Report of the Select Committee on the Bill to amend certain enactments and to repeal certain other enactments.

THE INDIAN CARRIAGE BY AIR (AMENDMENT) BILL.

The Honourable Sir Andrew Olow (Member for Railways and Communications) : Sir, I move for leave to introduce a Bill to amend the Indian Carriage by Air Act, 1934, for a certain purpose.

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

“ That leave be granted to introduce a Bill to amend the Indian Carriage by Air Act, 1934, for a certain purpose.”

the motion was adopted.

The Honourable Sir Andrew Olow : Sir, I introduce the Bill.

THE DEFENCE OF INDIA BILL.

The Honourable Sir Muhammad Zafrullah Khan (Law Member) : Sir, I move :

“ That the Bill to provide for special measures to ensure the public safety and interest and the defence of British India and for the trial of certain offences be taken into consideration.”

Sir, this Bill which is based upon and replaces the Defence of India Ordinance is a purely emergency measure. We are all aware of the nature and the extent of the emergency. It is not pretended that the provisions of the Bill are not designed to give very wide powers to the Government but it will be realised that extremely wide powers are absolutely essential for the successful prosecution of the war and to control disloyal and mischievous tendencies which might do serious damage to the ability of India to make its due contribution towards the prosecution of the war. In one sense, it is not, unfortunately, a new measure, as it is based very largely upon the Defence of India Criminal Law Amendment Act of 1915 with certain adaptations which have been rendered necessary by the present state of affairs.

[Sir Muhammad Zafrullah Khan.]

There are two or three motions tabled, which ask that the Bill shall be referred to a Select Committee. Ordinarily and under normal conditions I should not have had much difficulty in accepting one of these motions but as I submitted to the House when referring to the outbreak of war between His Majesty and Germany, many on our side are bearing an extremely heavy burden and consideration of time at this stage is an extremely weighty consideration. I am not asking the House to pass this Bill this afternoon. I realise that though it is an emergency measure and is an absolutely essential measure, the House is entitled to discuss it fully, scrutinise its provisions and suggest such improvements as may occur to Honourable Members. But to refer it to a Select Committee would involve expenditure of time over and above that which is likely to be taken and bound to be taken otherwise. It is, therefore, not out of any desire to rush the measure through the House that I am submitting that perhaps it would not be wise, having regard to everything, to insist upon the measure being sent to the Select Committee. Subject to that, as I have submitted, I have no doubt Honourable Members will express their views with regard to the measure generally and with regard to any specific provisions during the course of the debate on this motion and on the amendments. Sir, I move.

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

"That the Bill to provide for special measures to ensure the public safety and interest and the defence of British India and for the trial of certain offences be taken into consideration."

There are a number of amendments. Dr. Banerjee has two amendments for referring the Bill to the Select Committee, the difference being one of date. Does he wish to move any of his amendments?

Dr. P. N. Banerjee (Calcutta Suburbs : Non-Muhammadan Urban) : Sir, as the Government are not in a mood to accept either of my amendments, I do not wish to move them.

Maulvi Abdur Rasheed Chaudhury (Assam : Muhammadan) : Sir, I would like to move my amendment and, with your permission, I would like to make a slight change in the amendment. The modified amendment will run thus which I move :

"That the Bill be referred to a Select Committee consisting of the Honourable Sir Muhammad Zafrullah Khan, Lieut.-Colonel Sir Henry Gidney, Sir Muhammad Yamin Khan, Sardar Sant Singh, Dr. P. N. Banerjee, Syed Ghulam Bhik Nairang, Mr. Surrya Kumar Som, Mr. F. E. James and the Mover, with instructions to submit their report within 48 hours, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The Honourable Sir Muhammad Zafrullah Khan : May I invite your attention, Sir, to the fact that apart from my name—and I am bound to be in the Select Committee under Standing Orders—no name has been suggested on behalf of Government nor has any request been made to the Government to furnish any names. It is contrary to the past practice and convention of the House.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Sir Muhammad Zafrullah Khan is *ipso facto* a member of the Select Committee, being the Law Member of the Government. It is the convention of this House to consult the Party Leaders as regards the names

of the persons who will serve on the Select Committee from different Parties. There ought to be proper representation of different Parties according to their strength.

Maulvi Abdur Rasheed Chaudhury : Sir, it did not strike me that I have got to consult the Leaders of the Parties. At any rate, I did not find it mentioned in the Manual that I have got to do so.

Mr. President (The Honourable Sir Abdur Rahim) : It is the convention of the House, and the Chair does not see any reason why the Honourable Member should not observe it. Has the Honourable Member taken the consent of the other Honourable Members ?

Maulvi Abdur Rasheed Chaudhury : I have obtained their consent.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Why not accept some Government Members to serve on the Select Committee ?

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official) : May I submit, Sir, that.....

Maulvi Abdur Rasheed Chaudhury : Sir, I did not consult Sir Henry Gidney.

Mr. President (The Honourable Sir Abdur Rahim) : Is the Honourable Member (Sir Henry Gidney) not willing to serve on the Select Committee ? If so, the Chair will strike out his name.

Lieut.-Colonel Sir Henry Gidney : I am not prepared to serve on the Select Committee after listening to the speech of the Honourable the Leader of the House.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member (Maulvi Abdur Rasheed Chaudhury) has not suggested any names from Government side.

Mr. Abdur Rasheed Chaudhury : I have no objection if other Honourable Members suggest other names.

The Honourable Sir Muhammad Zafrullah Khan : If the motion is carried, we will suggest names.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member can now go on with his motion.

Maulvi Abdur Rasheed Chaudhury : Sir, the mere fact that I have said that the Select Committee should submit its report within 48 hours will show that I am not moving my amendment simply to delay the passing of the Bill. I know fully well that in other countries such measures have been passed overnight. I know my duty that delaying a measure like this will do more harm than good to this country. My only idea is that this Bill which is so important in every aspect should pass through the Select Committee so that the Committee may suggest some improvements here and there for the improvement of the Bill. Generally, Bills of this nature pass through the Select Committee and I do not see any reason why this should not be done in this case also, especially as I have put a time-limit of 48 hours for the purpose.

Now, Sir, before I come to the important provisions of the Bill to be considered by the Select Committee, I would like to say a few words.....

Mr. N. M. Joshi (Nominated Non-Official) : There is another amendment for referring the Bill to the Select Committee. Let both the amendments be put before the House.

Mr. President (The Honourable Sir Abdur Rahim) : If the Honourable Member does not want to make his speech now, he can make his speech afterwards after the other motion has been moved.

Maulvi Abdur Rasheed Chaudhury : I have no objection. I can speak afterwards. Sir, I move.

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

" That the Bill be referred to a Select Committee consisting of the Honourable Sir Muhammad Zafrullah Khan, Sir Muhammad Yamin Khan, Sardar Sant Singh, Dr. P. N. Banerjee, Syed Ghulam Bhik Nairang, Mr. Suryya Kumar Som, Mr. F. E. James and the Mover, with instructions to submit their report within 48 hours, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Mr. H. A. Sathar H. Essak Sait (West Coast and Nilgiris : Muhammadan) : Sir, I beg to move :—

" That the Bill be referred to a Select Committee consisting of the Honourable Sir Muhammad Zafrullah Khan, Sir George Spence, Sardar Sant Singh, Dr. P. N. Banerjee, Syed Ghulam Bhik Nairang, Mr. F. E. James, Mr. N. M. Joshi and the Mover, with instructions to report by the 15th September, 1939, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

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

" That the Bill be referred to a Select Committee consisting of the Honourable Sir Muhammad Zafrullah Khan, Sir George Spence, Sardar Sant Singh, Dr. P. N. Banerjee, Syed Ghulam Bhik Nairang, Mr. F. E. James, Mr. N. M. Joshi and the Mover, with instructions to report by the 15th September, 1939, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Now, the motion and both the amendments are before the House.

Maulvi Abdur Rasheed Chaudhury : Sir, I wish to state a few words from the Statement of Objects and Reasons before I come to the provisions of the Bill. Sir, this is an emergency measure. We all know that war has been declared. The reason why war has been declared is known to Honourable Members of this House. We had absolutely no hand in the declaration of war. War was declared by His Majesty's Government. This was also announced by the Governor General. This House was not consulted. We have to contribute men and money in this war. So we have a right to criticise whether the declaration of war was right or wrong. It is a pity that within 21 years after the last war was concluded, another war is being waged. Who is responsible for that ?

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member must not discuss all that. He must confine himself to the motion before the House which the House is asked to pass.

Maulvi Abdur Rasheed Chaudhury : I will just touch one or two points before I come to the main provisions of the Bill.

Mr. President (The Honourable Sir Abdur Rahim) : No ; the Chair will not allow the question of war being discussed. It is not relevant. The war is there ; there is a state of war, and this measure has been brought forward to meet the circumstances that may arise.

Maulvi Abdur Rasheed Chaudhury : My idea is that unless the fundamental principles are changed in politics, this sort of war will be of frequent occurrence. In the last Great War, the principle on which we fought was the independence of Belgium.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member must not go into all that. He must speak on the motion before the House.

Maulvi Abdur Rasheed Chaudhury : The principle involved in the war is this.....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member must not go into that. He had better deal with the motion.

Maulvi Abdur Rasheed Chaudhury : Sir, the Bill as drafted contains some provisions which necessitate amendments. The first is Chapter I, clause 1, sub-clause (3) : " It shall come into force on such date as the Central Government may, by notification in the official Gazette appoint in this behalf ". This is a point on which some discussion will be necessary, as to when it will have to come into force.

The Honourable Sir Muhammad Zafullah Khan : The Ordinance will be in force until the date on which this measure is brought into force.

Maulvi Abdur Rasheed Chaudhury : The Ordinance has got no responsibility, but this Bill, if passed, will have the sanction of the entire country behind it. This is the difference. Many of the Honourable Members of this House will agree with me that this Bill should not come into force so long as there is actually no warfare within the geographical boundary of India.

Mr. President (The Honourable Sir Abdur Rahim) : That is not the motion before the House.

Maulvi Abdur Rasheed Chaudhury : This is one of the points which has to be discussed in the Select Committee if it sits. I am pointing out some of the salient points which may be discussed in the Select Committee.

Then, I come to Chapter II, clause 2, sub-clause (2) (i) which says :

" ensuring the safety and welfare of His Majesty's forces, ships and aircraft, and preventing the prosecution of any purpose likely to prejudice the operations of His Majesty's forces or the forces of His Majesty's allies."

This House, I think, will have no objection to the first part of this sub-clause. As regards the latter part, namely, " forces of His Majesty's allies ", I think this House has got a good deal to say about it. The punishment under this Bill is death, confiscation of property and such like punishments. We have got to say much about this. This is another point which I should like the Select Committee to discuss. As regards anything said against the allies, this Government and the country should not be made responsible. That is my personal opinion. I should like this point also to be considered in the Select Committee. I do not see any reason why we, in this country, should suffer for anything said about the allies.

Clause 2, sub-clause (2) (x) is in connection with apprehension, detention in custody of a person who does anything against the interest of the country. Here also the Select Committee will have a good deal to say so that it can decide how much of this clause we can retain, and how much we may omit.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member need not go through the Bill clause by clause. The Honourable Member wants the Bill to be considered in the Select Committee, and, therefore, all these questions might be left to be discussed in the Select Committee. At this stage, the Honourable Member can only discuss the principle of the Bill. This is the well established practice of this House.

Maulvi Abdur Rasheed Chaudhury : The principle involved in this Bill is the punishment of death or transportation, taking possession of people's property, etc. If I cannot discuss these things there is very little that I can say, but I think it would be better if in 15 or 20 minutes I could say what I have got to say.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member can discuss the principle only now.

Maulvi Abdur Rasheed Chaudhury : But with this kind of interruption at every point it is very difficult for an amateur like me to remember my points. So I will simply move my amendment.

Mr. H. A. Sather H. Esak Salt : Sir, I will follow the excellent example set by the Honourable the Leader of the House and speak only on the amendment that I want to move. The reaction of my Party towards this Bill is this. We realise the seriousness of the grave situation that is facing us and we are willing that the Government should take such measures as are necessary for the defence of India and also for the successful prosecution of the war. But so far as this Bill is concerned, we find that the provisions are very wide and there are possibilities of some of the provisions being misused. That is why my Party has put up this amendment for a Select Committee and I do not think anybody in this House will think that ours is a dilatory motion, because we fix the date for the submission of the report as the 15th September ; that is, we give only one week's time to the Committee to carry on their deliberations and submit their report to this House. I do not think that Government will consider that this is a dilatory motion or that we want to be obstructive. But, as the Leader of the House has himself admitted, this is a Bill giving very wide powers to the executive and I maintain that we must devote as much care as we can towards the consideration of this Bill so that it may serve the purpose for which it is meant and not go beyond that. It is in that spirit that we have moved this motion and I commend it to the acceptance of this House.

Mr. A. Aikman (Bengal : European) : Sir, there are two motions for reference to the Select Committee, before the House. I have listened to the reasons put forward by the Leader of the House for not accepting a reference to the Select Committee, but I am not quite certain that such a reference will not expedite the passing of the Bill with the least economy of the time of Government Members. If there be no reference to a Select Committee we are in effect setting up a committee of the whole House which will demand the attendance of all Government Members on all amendments instead of on probably a few.

This Bill is to take the place of the Defence of India Ordinance which was promulgated on the 3rd September, 1939. A perusal of the Ordinances promulgated and legislation passed after the outbreak of war in 1914 indicates how much better prepared is the Government of India today. For example, the Ordinance calling for the registration of

European British subjects was promulgated in 1917, two and a half years after the Great War began. This time it was promulgated two days before the declaration of war. Even so, the non-official European community had more than a month before voluntarily registered itself on an emergency register which has since proved to be of the greatest assistance to the Government of India. In the last war the Defence of India Act received the Governor General's assent 7½ months after the outbreak of war. This time the Bill, which is more comprehensive than the former one, will, it is hoped, be passed within a fortnight of the outbreak of war. All the democratic countries have learnt the lessons of the Great War. They also have had nearly a year after Munich to put their house in order, a factor which may well prove to be a vital element in securing ultimate victory.

The object of the Bill is to provide for ensuring the public safety and interest, and the defence of India. Its enactment will also help in the efficient prosecution of the war. India's interest in this war is neither passive nor neutral. Her future is bound up with the future of the Empire and France and other liberty loving countries. Her effectiveness in defence, man-power and supplies, therefore, is of the greatest importance.

The powers taken under this Bill are vast and cover practically every facet of national life. The rise of the dictatorships has marked the last stage in the development of warfare from intermittent combat between small professional armies to totalitarian war. The dictators have in recent years reshaped every aspect of the life of the nations which they control, and for the sole purpose of such a war. The only answer to that is equally totalitarian war. In her fight for liberty and against aggression Britain has become overnight almost a totalitarian nation with the willing and almost eager assent of her people. Whatever view may be had of India's relationship with Britain in peace time, in this war both countries are fighting a common enemy. They are not fighting Germany as such; they are fighting a hideous, cruel, ruthless regime. I believe that India is prepared to submit herself to severe restrictions, control and discipline for this cause.

The Bill before the House is only a war measure and its duration is limited to a period of six months after the war. The spirit of its application is defined in clause 15 where it lays down that the ordinary avocations of life are to be interfered with as little as possible. It is to be hoped that this spirit will animate those who are called upon to administer the Act and the wide powers it confers upon the executive. Provision is made for special tribunals, a provision that might have aroused much criticism in the old days before responsible governments took the place of the old bureaucratic machine. Now that the tribunals are under the control of Provincial Governments and appointed by them, many of the old objections are now obsolete. I presume that the rules which are at present enforced under the Ordinance will be notified in their substantial form under the rule-making powers conferred on the Central Government by this Bill. We have observed very wide discrepancies in penalties which are imposed under the rules for various offences, and perhaps we could have some explanation as to the basis for these discrepancies inasmuch as some of them appear to us to be difficult to explain.

[Mr. A. Aikman.]

We have received many complaints of profiteering from various parts of the country, and I am glad to note that Government is alive to the dangers of an undue rise in prices. The problem is not an easy one but it is possible that as things settle down the evil may subside to some extent. A solution of the problem raises complicated issues and presents opportunities for harassment but it must be remembered that in the unfortunate cycle of rising prices, labour unrest, increased wages and still higher prices, it is the poor who suffer most. Only a very few are better off and the economy of the country as a whole is greatly weakened.

We hope too that under the powers conferred upon the Executive by this Bill the movements of those who make it their business to stir up strife in industrial areas will be closely watched. I do not now refer to the legitimate activities of Trade Unions. I refer to the self-seeking agitators whose motives are partly political and partly personal, and who have no genuine interest in the welfare of the labour which they attempt to exploit. I hope Government will not hesitate to take swift action in dealing with those who would wish wantonly to damage India's effectiveness as an ally of the democracies in this time.

We give our support to this Bill and hope that it will be passed with the least possible delay. This war was not sought by Britain or by France. In the words of one of the leading papers in India, the *Hindu*, "Britain and France have acted throughout the present crisis with a due sense of responsibility, but also with correctitude....."

Pandit Lakshmi Kanta Maitra (Presidency Division : Non-Muhamadan Rural) : On a point of Order, Sir. The Honourable Member is not in order in going through the genesis of the war when discussing this Bill.

Mr. President (The Honourable Sir Abdur Rahim) : The Chair does not think the Honourable Member is trying to discuss the merits of the war.

Pandit Lakshmi Kanta Maitra : But the Honourable Member is going into the reasons that led to the war.

Mr. President (The Honourable Sir Abdur Rahim) : The Chair does not think the Honourable Member has understood him properly. The Honourable Member is not trying to discuss the merits of the war, because the war is actually there.

Mr. A. Aikman : To continue my quotation from the *Hindu* :

"Till the very last they are making efforts to avoid a catastrophe, consistent with their determination not to allow Germany to enforce demands at the point of the sword. If a general war is to be avoided, it must be the German Chancellor who will have to resile from the position he has taken."

Mr. President (The Honourable Sir Abdur Rahim) : The Chair thinks the Honourable Member should not go on on those lines : the House is not discussing the merits of the war now, but the merits of the measure now before the House on this motion.

Mr. A. Aikman : All right, Sir. It is clear from statements made by prominent men in India, including Mr. Gandhi himself, that public opinion in this country is behind the democracies. That being the case, India is in a position to render powerful aid, both moral and material. Her first contribution, therefore, must be in ensuring the security of her shores and frontiers. Her second requirement must be in finding the best use of her immense resources for the prosecution of the war. But above all, as a distinguished military writer has said, "to gain whole-hearted service from people they must be shown a cause that is worthy of service and sacrifice. For them, and particularly for the young, their ideals of freedom and justice count far more than material interests. Even soldiers—professional soldiers—fight best when they fight for a moral cause". India may, therefore, claim that in strengthening the forces of the Empire in this time of its need, she is defending not only her own interests and not only the interests of the great Commonwealth of Nations to which she belongs, but she is fighting to preserve the ideals of freedom and democracy and the reign of law throughout the world.

Sardar Sant Singh (West Punjab : Sikh) : Sir, there is no doubt that this is a moment of emergency, and there is no doubt that ordinarily, where the executive is responsible to the Legislature, the drastic measures proposed in this Bill should be given to the executive for the successful prosecution of the war. There can be no doubt, at the same time, that whether we are party to the declaration of war or not, the fact remains that we are in the midst of the war. I will not, therefore, discuss the merits of the declaration of the war, but shall confine myself to the powers that are demanded by the executive in this country from the Legislature. I am glad that after all the Government of India considered it a better policy to consult this Legislature in the measures they propose to adopt in the prosecution of the war. At the same time, I am simply disappointed with the short speech which the Honourable the Leader of this House made in presenting this measure for consideration.

Before I come to the merits of the Bill, I assure the House that I shall try my level best not to be bitter, but shall weigh my words and speak with a full sense of responsibility. Coming to the speech of the Honourable the Leader of the House, it is a tragedy that the measure should have been moved by a Member from my province. I cannot enter into his feelings when he did not make a long speech on this measure. The reasons to me are obvious, for this is the second measure, the first having been introduced in the last Great War : for a second time it is coming before this House in a certain emergency. We in the Punjab have had bitter experience of the Defence of India Act after the close of the war, and, therefore, those memories are probably fresh in the minds of the Leader of the House and they are particularly fresh in my mind as I was a victim of the Defence of India Act in 1919. I, therefore, take this opportunity to ask for certain assurances from the Government before I record my vote in favour of this measure. I am simply surprised that having introduced such a drastic measure which curtails the liberties of the subject and which always interferes in the daily routine of the life of every citizen in the country and having known at the same time that this measure is to be applied to 350 millions of Indians who are at this time more at the mercy of the executive than under their own laws :

[Sardar Sant Singh.]

therefore, I will just quote to this House the assurance that was considered necessary to be given in Parliament by no less a person than Mr. Winston Churchill. For the information of the House, I will read a small portion of his speech. He said :

“ This is a war to establish and revise the stature of man. Perhaps it may seem a paradox that a war, undertaken in the name of liberty and right should require as a necessary part of its process the surrender, for the time being, of so many valuable liberties and rights.

We are sure these liberties will be in hands which will not abuse them and which will cherish and guard them, and we look forward to the day confidently when our liberties and rights will be restored to us and when we shall be able to share them with peoples to whom such blessings are known.”

That a responsible executive should consider it their bounden duty
12 NOON. to assure the people of the right use of the power that is being vested in the executive is a thing which probably has not struck the Members of the Government here to hold out such an assurance to this House. I looked forward in the speech of the Honourable the Leader of the House for some such assurance. But it was a great disappointment to me when I found that not a word about this assurance was forthcoming. No doubt, it is good to possess strength, but to use that strength in a brutal manner will be monstrous, as one of my friends says. Therefore, I will ask the Government the clear question whether in getting these powers they mean to abrogate the rule of law in the country or not. That is the first assurance I should like to have from the Government. There is no doubt that the rule of law, as it is administered in peaceful times, will have to be curtailed and it has been curtailed in the Bill to a very great extent ; but there are certain things which require an expression of opinion and a direction to be given to those who will be called upon to administer this measure. Sir, in those days when unfortunately the disorders in the Punjab were considered to be rebellion, the mental outlook of those who administered the Defence of India Act can best be expressed in the words of Colonel Johnson who said :

“ I wanted to produce an impression and a moral effect.”

That means he was animated by the idea of creating an impression and a moral effect. Now, will the administration of this measure be also undertaken with that mental approach or with this approach that the measure will be confined strictly to the prosecution of the war and nothing else ? Colonel Johnson, Sir, when faced with a situation to use the Defence of India Act, used it not for the prosecution of the war, because then the war was over. The fact that the measure will be in force for six months after the war indicates that anything which is left by the war will be rearranged and the change to normal conditions will be made easier, but, as a matter of fact, this provision proved to be most dangerous after the last war. Therefore, I would ask the Executive Government to say whether it is their idea to use this Act or to continue to use this Act in the same drastic manner after the war is over or to use it in the same drastic manner even after the successful termination of the war ? Though technically the Act may be in force, we should be clearly told that as soon as the needs of the war are over, as soon as a truce is declared,—I wish it were a victory,—this Act will be suspended and the normal course of

administration by Civil Courts will be resorted to. Colonel Johnson then stated—I shall quote his very words :

“ He very brutally stated before the Hunter Committee, when he was examined as a witness, that he was waiting for an opportunity to show them the power of martial law and used that opportunity for doing so.....”

Maulana Zafar Ali Khan (East Central Punjab : Muhammadan) : You are talking of days which are never to come. The days of Dyers, O'Dwyers and Johnsons are gone for ever.

Sardar Sant Singh : I am surprised at the mental revolution of my friend, Maulana Zafar Ali Khan, because he is the only person here who suffered internment under the Defence of India Act in the Punjab ; I think we are the only two persons whose memories are still fresh regarding the administration of this measure in the Punjab in those days. That this remark should come from my friend shows.....

Maulana Zafar Ali Khan : A change has come over India.

Sardar Sant Singh : Now, what I submit before the House is that such drastic measures should no longer be used after the successful termination of the war so as to create a moral impression, nor should the military people, after once tasting the blood of man like a tiger, be permitted at every conceivable opportunity to teach a lesson to Indians of the brute force they have been using during the war, and, therefore, the Government should make a clear and straightforward declaration that such things will not happen in the future, as they did happen after the last war was over.

Then, there are two questions involved in this Bill. The first is that the executive Government by this Bill not only wants drastic powers to be entrusted to them to be administered in their executive capacity in the country, but they also want legislative power to be entrusted to them. In clause 2 of the Bill, they don't tell us what laws will have to be administered ; they don't tell us the terms of these laws ; they don't lay before us the various provisions of the law that will have to be administered under the Defence of India Act ; but they say that the Central Government may, by notification in the official Gazette, make such rules as appear to them to be necessary or expedient for securing the defence of British India, the public safety, the maintenance of public order or the efficient prosecution of war, or for maintaining supplies and services essential to the life of the community.

The tragedy of the thing becomes more apparent when we know that under the Defence of India Ordinance of 1939, they have already made rules and published them. May I ask, Sir, why, when the provisions have been defined in the rule, when definite provisions have been made about the obligations they expect from the public, these provisions have not been placed in the form of law, why they have been retained merely in the form of rules, why should they not have been embodied in the Bill itself ? There is no reason to withhold those rules from the Legislature. I know they have been published in the Gazette of India, but the proper procedure would have been to embody them in the Bill itself so that the provisions may be scrutinised in the Select Committee and a complete legislative measure is placed before the country so as to do away with the necessity of acquiring further power to change the rules

[Sardar Sant Singh.]

from time to time and make use of such rules in a manner not sanctioned by the Legislature. My submission is that instead of the long list of subjects specified in clause 2, under which rules can be made, those rules should be embodied in the Bill itself, so that we may know how far the new offences created by those rules are consistent with the principles of jurisprudence, with the principles of the rule of law in the country, and how far the liberties of the subject will necessarily be curtailed and they will not be used beyond what the emergency requires. Therefore, I will ask Government to consider whether they are prepared to make those rules as part of the legislation which is before the House. Those rules should be placed before this House for its scrutiny, more preferably as I stated in the form of clauses to the Bill itself.

The Honourable Sir Muhammad Zafrullah Khan : You will have to sit for six months.

Sardar Sant Singh : As pointed out by the Leader of the European Group, it will be a greater economy of time to consider them in the Select Committee.....

Mr. F. E. James (Madras : European) : Not the rules.

Sardar Sant Singh : In the Select Committee, we can consider the rules and form them part of this Bill.

The Honourable Sir Muhammad Zafrullah Khan : That is your suggestion, not the suggestion of the European Group.

Sardar Sant Singh : The Leader of the European Group suggested that it would lead to more economy of time.....

Mr. F. E. James : Certainly not in regard to rules, but only in regard to the Bill.

Sardar Sant Singh : I was answering the question put by the Honourable the Leader of the House whether it will take a longer time if the rules were placed before the Select Committee or before this House. There are two answers to this question. One is that the Defence of India Emergency Act is already in force ; so no harm is going to be done. The second is that the rules can be considered in the Select Committee and placed before this House for adoption as quickly as is possible under the circumstances. We do not mean to obstruct the passing of this legislation. Let me make it very clear. There is no person in this House who will obstruct the passage of this measure, but certainly we have a right to scrutinise and to see that when such powers are granted, they are definite and are not left vague. Presently, I will give an illustration. This sort of legislation was never intended during the last war to punish offences such as cheating, or raising of prices ; I will give you a list of offences in regard to which it was used. Offences, such as cheating, perjury, false personation, adultery, and so on—these are the offences to which, during the last war, the Act was used.

An Honourable Member : Where ? In the Punjab ?

Sardar Sant Singh : What I am trying to show is that those rules were interpreted as if they provided for these offences. I do not think that any Honourable Member will get up and say that the inclusion of

these offences is necessary for the prosecution of war. Certainly not. There can be only one reply to it, namely, that they were used not for the successful prosecution of the war, but as it was said, in order to strike terror amongst the people. If the object of this measure is to strike terror amongst the people, I warn the Members from the Punjab particularly and other Members generally, that we shall not permit such a measure to be adopted in that fashion. We are willing to be parties, to put it, as a help for the successful prosecution of the war, but not for the purpose of terrorising the people as it was done on the last occasion. That is the point I want to make very clear.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member has said that very often.

Sardar Sant Singh : There seems to be some doubt as to the line of argument that I have been pursuing when I suggest that the Government should decide to put the rules in the Bill itself, so that those rules may not be too wide, too vague and be open to some mad man to interpret them as giving him power in the manner in which it was done during the last war.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions : Muhammadan Rural) . I may remind my Honourable friend that those words were perhaps borrowed from the English Act. There is nothing like that in the Indian Act.

Sardar Sant Singh : Therefore, my first suggestion would be that instead of having clause 2 which is a most indefinite and vague clause, giving wide rule-making power, those rules, particularly the offences which are proposed to be created should be defined more clearly, so that there may be no scope for any man to misinterpret them for purposes other than the prosecution of the war.

I now come to the second part of this Bill, which deals with the creation of special tribunals—Chapter III. It is provided in the Bill that special tribunals will be set up for the trial of cases more in a summary manner than in a manner which is at present provided in the Criminal Procedure Code. Let me assure the Honourable the Leader of the House, who is sponsoring this Bill, that I have no quarrel over a modification of the procedure to some extent, but not to that extent to which it is embodied in this Bill. My reasons for this are more obvious to my Honourable friend, Sir Muhammad Zafrullah Khan. I think if he were free to give expression to his experience of the tribunal procedure adopted in Lahore and if he could recall those days when Mr. Manohar Lal, at present the Finance Minister of the Government of the Punjab, was hauled up, Lala Harkissen Lal and others were hauled up, I think he would pause and hesitate before giving this power. We are concerned with two aspects of the provisions which are in the Bill. One aspect is to curtail the procedure, and the second one is to give a finality to the decisions of the summary courts.

I need not detain the House for long, but I will just remind Honourable Members that, if they were to study the majority and minority reports of the Hunter Committee as to how these summary courts acted,—that they did not even follow the procedure laid down for the trial of cases, that they did not care even to put down the findings, did not care even to note down a précis of the evidence as required in the Act,—

[Sardar Sant Singh.]

they would realise that to give finality to the decisions of the summary courts is the most dangerous thing in the world. Either abrogate the rule of law and say that the whole thing is military and there shall be no rule of law—I can understand that, but I cannot understand this, that you give power to a magistrate who does not follow the procedure, that brief procedure, that curtailed procedure which is given in the Act itself, and then ask that there should be no appeal against his decision.

I remember my own case and I will briefly refer to it. One Mr. Hyde, who was some time the Salt Commissioner in the Government of India, was specially imported from the Central Provinces to try us. When we went to him, we asked him to show us the records so that we might be able to prepare our defence, and we said, what are the charges against us? He made the historical reply which is embodied in my evidence before the Enquiry Committee and he said: "You make a list of all the possible enemies you have in the world, and if any one of those possible enemies come, you cross-examine him." Is that the way in which a judicial act is done?

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member is dwelling too much on how the last Defence of India Act was administered.

Sardar Sant Singh : May I submit, I was giving an illustration.

Mr. President (The Honourable Sir Abdur Rahim) : It is permissible to give an illustration to show how certain powers may be abused, but the Chair does not think the Honourable Member is justified in dwelling upon the administration of the last Act in any detail.

Sardar Sant Singh : Sir, I want the House to realize the dangerous step that the House will be taking unless the House decides to more clearly define these powers and to provide for the safety of those to be tried by these summary courts.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member has already made that point.

Sardar Sant Singh : May I submit, Sir, that after all this Bill is to govern the country for a pretty long time as it appears, and at the same time we have had some past experience of some such provision and, therefore, I think it is relevant.

Mr. President (The Honourable Sir Abdur Rahim) : The Chair did not suggest that the Honourable Member was irrelevant, but he was perhaps going too much into detail.

Sardar Sant Singh : I shall certainly curtail a reference to the last Act as much as it is possible to curtail it.

Then, Sir, there is the provision in this Bill for eliminating the High Court altogether from sentences where the penalty is the death penalty. I will certainly refuse to be a party and will fight every inch of the ground in the Select Committee and here if this power of appeal is taken away from the High Court. After all, the High Court and the magistracy of the country are the best protectors of the liberties of the people of this country. The liberties may be curtailed, the law may

be made more stringent, but the law must be administered by a court, there should be proper administration of the law, not the administration of an executive authority. For the administration of law, it is absolutely essential that the power of appeal vested in the High Court and the power of revision vested in the High Court must remain as a safeguard against the wilful and autocratic actions of a misguided magistracy. The Leader of the European Group in his able speech has expressed the desire and hope that the liberties and ordinary avocations of the people will be least interfered with during this war. I join with him in expressing that hope.

Mr. F. E. James : This is in the Bill.

Sardar Sant Singh : Quite right, but yet no brake is to be applied and full powers are to be given to a single individual. Therefore, Sir, I submit that in the administration of this Bill, when it becomes law, the executive Government will assure this House that they will issue the necessary instructions to all those who are entrusted with the working of this Bill that they must act in a manner which may be called humane and civilized. I am afraid, Sir, that this was not the case last year, but, now, with the change in the situation, with the desire of the country that they should rather go with the Government, the Government should not act in a manner which should shock human feelings amongst the Indians and which should make them desperate, as they did by the passing of the Rowlatt Act. We hope no Rowlatt Act will be passed again, and we shall hope that India will find a place after this war which has up to this time been refused to her.

Maulana Zafar Ali Khan (East Central Punjab : Muhammadan) : Sir, I appreciate the anxiety of the Honourable the Leader of the House to accelerate the passage of this Bill and place it upon the Statute-book as early as possible. The measure is a very important one and it will remain on the Statute-book during the war. God alone knows how long the war will be prolonged ; it may go on for six months or a year or a hundred years.

An Honourable Member : No, it will not take so long as that.

Maulana Zafar Ali Khan : The conditions have radically changed. What was impossible in 1914 is possible in 1939. The war may in six months come to our very door. Russia might take another somersault and join Germany in plunging the whole of the East into the horrors of war. It is very kind of Germany to ignore India up to the present moment. But it is possible for her perhaps to send two or three aeroplanes and have Simla bombed. The danger is thus very close to us and, therefore, I think that this Bill must be passed as soon as possible.

An Honourable Member : Who is responsible for it ?

Maulana Zafar Ali Khan : When I come to the question of responsibility, all sorts of people will have to be roped in. Who knows whether Hitler is responsible or Mr. Chamberlain is responsible, or you are responsible ? If we had been an independent nation, we could have had an army of ten million at our disposal and rendered war impossible. It is our weakness which is responsible for the present situation, so I think this Bill must be passed as soon as possible. But it gives very wide powers and although it is the duty of the State and the right of the State to restrict the liberty of the subject during such an emergency,

[Maulana Zafar Ali Khan.]

it is also the duty of the State to see to it that the inborn rights of the subject are respected. So our Party, the Muslim League, has made certain proposals and tabled certain amendments to some of the clauses and we have taken very good care that the rights of the subject are protected as much as possible. In this connection I cannot help referring to the attitude adopted by my friend, Sardar Sant Singh, who is usually a very clear thinker, but this time he got muddle-headed. He speaks of the years 1914, 1916, 1917 and 1918 when there was no Provincial Autonomy, when the Congress was not in power in eight or nine Provinces. He speaks of the days of Johnsons, and Dyers, and O'Dwyers when we were pilloried and when we were treated as so many animals. Those days as I have already pointed out to him can never come back and if they come back we are not fit to be regarded as men. So, to require an assurance from the Leader of the House that no one after the war is over would be tried under the Defence of India Act for adultery is to me very unthinkable. After the war is over, the Bill will remain on the Statute-book for six months. Sardar Sant Singh wants an assurance that no one during that period would be tried under the Defence of India Act for cheating, adultery and all sorts of things. This is exactly what I cannot understand. I hope that when the war is over, Britain would rise victorious out of this struggle and I trust there will be a re-adjustment so far as the middle east is concerned, so far as the Muslim world is concerned and so far as India is concerned.

An Honourable Member : After the war ?

Maulana Zafar Ali Khan : Yes, certainly ; our talk of complete independence is no idle talk. We give a full measure of support to the Britishers and we expect Britain to see to it that India's self-respect is maintained and that India, as an independent country, ready to extend its hand of friendship towards England in the same way in which France has extended her hand to England, is respected. That would come and England would be forced in the same way in which she has been forced to part with her powers in the provinces in the shape of Provincial Autonomy to grant us more powers. So a day will come when independence is bound to come. But this is not the time for haggling or bargaining. This is the time to give full support to Britain. The fears of my friend, Sardar Sant Singh, are I think misplaced.

As regards the provisions of this Bill, I have already pointed out that they require some modification and amendments are coming, but the proper place for the consideration of the Bill is in the Select Committee. We only require four or five days' time in which this Bill should be considered in the Select Committee and then come on the 15th before the House. This is not a very long time. Nothing would be lost by the Government by accepting the proposal. The Governor General has the power of administering the country, so far as war requirements are concerned, by Ordinances. These Ordinances have come, might come up to the 15th, and after the 15th but will no longer be required when the Bill comes before the House after emerging from the Select Committee, passed in one or two days' time and placed on the Statute-book.

The Honourable Sir Muhammad Zafrullah Khan : If I could make sure of the time-limit which the Honourable Member proposes, I would have no objection.

Maulana Zafar Ali Khan : So I appeal to the Honourable the Leader of the House to accept our recommendation that the Bill should be referred to a Select Committee.

Lient-Colonel Sir Henry Gidney : Sir, my remarks will be confined entirely to the issues before the House. I shall, therefore, refrain from touching on any of the sections of the Bill, because I believe this is not the time for it. Sir, my regret, my extreme regret and I am sure this regret is shared by all Parties of the House, is the absence of the Congress Party here today. Before this House is a Bill which is one of, if not the most, important Bills which has ever faced the country and it is very regrettable that circumstances should have kept the Congress Party away. I also regret the absence today of two other Party Leaders, *viz.*, Mr. Jinnah and Mr. Aney. Sir, I was struck with the remarkably patriotic speech of my friend, Mr. Essak Sait, and also the speech of the last speaker. The issue before this House is very simple. The Honourable the Leader of the House asks us to decide whether or not we should let this Bill go to a Select Committee and that is the point we have to decide today. Various Members have spoken of the patriotism of their own Provinces and I congratulate them. The Leader of the European Group has spoken about the excellent register maintained by the European Association with whom the Anglo-Indian Association has co-operated. Sir, I take an equal opportunity of telling this House that in the Anglo-Indian and Domiciled European community, as in the past, so in the future, every man and woman is ready to respond, in service and sacrifice, to our King and country and our mother-land, India, whenever the call comes. "God save the King".

Sir, what are the issues before this House? Will this Bill go to a Select Committee, or shall we now as a House discuss it *in extenso*? Whenever a Committee is suggested I am reminded of the story of a little child who asked his mother, "mother, where is daddy?" "Daddy has gone to attend a committee meeting". "What is a committee meeting, mother?" "A committee meeting is a place where men sit round a table (even if they be Legislative Assembly Members) keep minutes and waste hours." Sir, I believe most committees end in that way. But what will happen with this Committee? It will submit a report, may be with dissenting minutes and when the report is presented to the House innumerable amendments will be tabled and much time will be spent discussing them. Will there be any economy of time effected? Have we any assurance from Parties that amendments will not be presented on the Committee report? If not, I ask: where is the economy of time? It is this fear which prompts me not to support this amendment and the support given it by the Leader of the European Group. On the other hand if Leaders of the Parties will give this assurance here and now that the House on that side will accept the report of this Committee without any such delay, Government will be very foolish to oppose sending the Bill to a Select Committee. Sir, I am a quick movie and I believe in doing things quickly and so don't let us see Rome burning while Nero is fiddling. Here we are talking, the war is on, we have danger facing us in the East, and God knows whether Russia will appear on the West. We want to be ready, we must be ready not by talking but action, and in the quickest possible time and we certainly would not acquire preparedness or economise time if we send this Bill to

[Lieut.-Colonel Sir Henry Gidney.]

a Committee and then spend days in discussing amendments. Sir, it is most gratifying to feel that all Members including my friend, Sardar Sant Singh, are prepared to support the Government in this Bill and in the present crisis the nation needs unity. If Members require any alterations in the Bill, secure these when the Select Committee sits. Sir, I am still not convinced—I listened with great care to my friend, Sardar Sant Singh, and to the very able speech of my Leader yet I am not convinced that there will be any economy of time unless Party Leaders give the assurance I have suggested. But I am in agreement in entirety with my Leader that a measure like this, before it is placed on the Statute-book, should be put with the consent of all Parties in this House and every community in India. I, however, realise if the Government insists upon discussing this Bill as it is and refusing a Committee, it may lead to a certain feeling of grievance on the other side, though I do not believe this will be of a very serious nature; I believe the motion before this House has the support and the sympathy of every Member. It is the procedure to which I objected. If I am convinced that there will be an economy of time, I will support the motion for the Select Committee, but at present I am certainly unconvinced. I, therefore, regret that I cannot support the amendment. I would ask the House to realise that time is short and there is much to do and to do quickly. Therefore, we should not delay this measure.

Syed Ghulam Bhik Nairang (East Punjab : Muhammadan) : Sir, I do not wish to take up much time of the House. It is only to clear one of the points referred to by the last Speaker that I want to say a few words. When the Leader of the European Group made his speech, I thought he was voicing the opinion of the entire Group when he supported the idea of the Bill being referred to a Select Committee and pointed out the advantage of it. But the last Speaker talked as if the European Group were a house divided against itself. Anyhow, the key-note of his speech was that time should be economised and while minutes are kept, hours should not be wasted, as was said in the very beautiful story which he told us. If it is going in any way to influence the mind of the Government in its attitude towards the motion for reference to a Select Committee made by my Party, I may say on behalf of my Party that if the amendments which have been tabled by my Party are duly considered by the Select Committee, we can undertake that, thereafter, we have no more amendments to table and we shall help in economising time as much as possible. I may say that there will be hardly any speeches on behalf of my Party. Even if there are any speeches, there shall be no more amendments and no more discussion about matters of detail provided, of course, as I have already said, the amendments which have been tabled on behalf of my Party are duly considered in the Select Committee and a decision arrived at.

Mr. F. E. James : Sir, I hope that after the assurance which has been given by the Deputy Leader of the Muslim League Party, the Government will reconsider its attitude to the reference of this Bill to a Select Committee. As far as we are concerned, we should not like to oppose the motion of my friend, Mr. Essak Sait, which was proposed in terms as loyal and as accommodating as one could possibly wish, and I should like here and now to pay a tribute to the attitude of the Muslim League Party in this

connection. Our fear has always been that if the matter is referred to a Select Committee, then on the consideration stage of the Select Committee's report there might be a repetition of a discussion on the general principles of the Bill. I think, however, the House will accept our assurance and the assurance of the Muslim League Party which I hope will be joined also by an assurance from the Nationalist Party.

Dr. P. N. Banerjee : No assurance from our Party.

Mr. F. E. James : I have only expressed the hope and I shall be very disappointed if the Nationalist Party, of all the Parties in this House, stands out and refuses to give reasonable co-operation. But I do trust that if these assurances are given and maintained, namely, that the report of the Select Committee when it comes before the House is treated as a special case in view of the urgency of the matter and dealt with expeditiously without the repetition of the discussion on the general principles of the Bill,—under these circumstances, I do hope that the Government of India will accept the motion for reference to the Select Committee.

There is one thing which weighs with us considerably and which I feel disposed to mention. While we appreciate as much as anybody else in this House—and I hope they will accept this in the spirit in which I am making this remark—the desirability of saving the time of those who have the responsibility of the conduct of the emergency arrangements of the Government of this country, at the same time they also, I hope, will appreciate the value to them of carrying all communities of this country with them as far as they possibly can. As long as the House sits, therefore, I trust that the Government will appreciate the value of the co-operation of this House—of all Parties. When co-operation has been offered as it has been this morning from the Muslim League Party in such a definite and generous form, I hope the Government will receive it and accept it with both hands. Sir, I trust what I have said will perhaps move the Government to change their original decision.

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

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

Sir Muhammad Yamin Khan (Agra Division : Muhammadan Rural) : Sir, the position has already been fully explained by different speakers of the Party. I have no desire to repeat the same points, but I will make a few points clear which might perhaps be construed as ambiguous. This is a Bill of great importance. It was introduced on the 5th, and today is the 8th, and we are now asked to go through a Bill of this complex nature and have it passed. We have to deal with a problem of so great an importance that we require the co-operation of all Parties and of all communities as far as possible. It is not, therefore, desirable that Government should rush through a Bill of this nature which has been drafted by themselves. There may be some thing which may have been overlooked ; it may be desirable to add to or subtract from the provisions of the Bill. Government want undoubtedly all kinds of powers to meet this emergency. I am sure, nobody in this House would grudge to give full co-operation to Government to meet the situation which may arise at this time. The full

[Sir Muhammad Yamin Khan.]

and wholehearted co-operation from non-official side in the House should be welcomed by Government. The Government should not take up this position : " You accept this, whether it is right or wrong. Do not give me advice to make this a better law ; even if it is a bad law, let it remain." I say, this kind of co-operation is only demanded from unintelligent people. If the Government treat this House as an intelligent House, they must give it an opportunity to give its support intelligently, not blindly. Such blind co-operation is asked for only from people who have no brains. When all Parties are ready to give co-operation, the Government should welcome it in the spirit in which it is offered. Nobody would like to curtail the powers of the Government. Even if some relevant powers are omitted from the Bill, the Select Committee can modify the Bill by incorporating those extra powers. Many of us would be willing to give them more extensive powers if they are really necessary to meet the situation which is facing India now, at this critical juncture. I think the Government would be treating this House properly, in the spirit in which co-operation is given from the non-official Benches, if they refer the Bill to the Select Committee, so that when the Bill emerges from the Select Committee, it will be a Bill passed with the help of all Non-Official Members. Surely the Government do not want the Non-Official Members to say ditto to what they say. It would have been far better to carry on with the Ordinance if our co-operation is not taken in the spirit in which it is offered. I think a little delay of a few days will not matter much. It is worth it. Till that time, the Ordinance will be in force to deal with the situation. It will also save a lot of time of the House. We need not discuss all the amendments in the open House. When this Bill is referred to the Select Committee, the Government spokesman may convince the Non-Official Members that these amendments are not necessary or the non-officials might convince the Government about the necessity for these amendments.

I wish to refer to another point. When my Honourable friend, Syed Ghulam Bhik Nairang, spoke, some people might have got the impression that our Party desires only these amendments to be considered in the Select Committee and that any other amendment put forward by other Members need not be considered. That was not our intention at all. So far as our Party is concerned, we will not put in any more amendments. That was the only guarantee given. When the Bill comes before the Select Committee, our Party will be satisfied with the full consideration of these amendments which have been tabled in our name. Thereby we do not tie down Honourable Members who may be in the Select Committee from making other amendments. Our Party is interested only in the amendments that are on the order paper. They are quite sufficient to meet our demands.

As regards our amendments, I only trust that no technical objections will be taken against their consideration. We had given notice of these amendments without the usual two days notice. If technical objections are raised, they will spoil the spirit of co-operation. I think Government will be well advised in not raising such technical objections. The hand of co-operation is stretched, and I appeal to the Government to clutch at it for the best and ordered prosecution of the war, in which this country is now engaged. I do not want now to deal with the causes for the outbreak

of war. Whatever may have been the causes, now that war has broken, we must help in the prosecution of the war with the greatest diligence. With these words, I support the motion for Select Committee.

Mr. N. M. Joshi : Sir, the Honourable the Leader of the House in his short speech this morning, in my judgment too short, when we consider the importance of the occasion, admitted that the Bill is a very drastic one. It gives extremely wide powers to the executive in almost every aspect of the life of the people of this country, regulating almost all their activities, making them penal whenever the executive chooses to make them penal, abrogating the existing judiciary, changing the judicial procedure, enhancing the punishments provided by the ordinary law of the land. Sir, if these wide powers, which are in my judgment tantamount to the abolition of the rule of law, are to be given to the executive it is necessary that the executive should make an extremely strong and convincing case for this abolition of the ordinary rule of law. Sir, I am aware that there is a nominal declaration of war on behalf of India but that nominal declaration of war is not enough justification for the executive to ask for the abolition of the ordinary rule of law. It is necessary for the Legislature, in my humble judgment, to examine the present circumstances, the likelihood of the war actually coming into India, the likelihood of internal disturbances arising in this country ; and if the executive does not make out a good case I feel that the Legislature should not give them these powers which they are asking for. Sir, considering the circumstances at present existing in the world, with whatever knowledge I possess of the political situation in Europe, I feel there is very little likelihood of hostilities actually occurring in any part of India. I feel also that there is very little likelihood of India making an attack directly against any foreign power. Judging the internal situation, I see no sign of a grave upheaval in the country justifying the Legislature giving all the wide powers which the executive is asking for. I therefore, feel, Sir, that this legislation is premature. I admit that a mere nominal declaration of war and the fact of the existence of the war in Europe will necessitate giving special powers to the executive in certain matters. For instance, we shall have to give power to the executive to regulate the activities of enemy foreigners ; we may have to control the activities of those people who are found to be spies ; we may have to give power to the executive even today to control prices. Still I cannot admit that a wider measure of this kind is justified by the circumstances that exist today. It is quite natural for an executive government to take advantage of every occasion that arises to ask for special powers. This is not the first occasion when the Government of India have asked for special powers : for much smaller occasions they have asked for these powers. I remember very well, emergency amendments to the criminal law to put down what was admittedly a non-violent civil resistance movement have been made. I am not, therefore, surprised at the Government of India coming forward to ask for these wider powers when they have actually declared war against a European power. But, Sir, it is for the Legislature to consider whether these powers should be given to the executive or not. I feel, Sir, that considering the fact that the Government of this country is not a responsible government and that the Government of India have misused powers given to them in the past, it will be

[Mr. N. M. Joshi.]

wrong for the Legislature to give these powers to the executive before it becomes absolutely necessary that they should possess them. It is a question of the degree of trust which we can put in the executive. It is true that the degree of trust depends upon the individuals. So far as I am concerned, I feel that considering the constitution of the Government of India, considering the use or the abuse of the powers which they had taken before, the Legislature need not be in a hurry to hand over these powers to the executive. It may be said that these powers are given to almost all Governments in the world. In Great Britain the Defence of the Realm Act was passed in a night and perhaps in an hour. I read this morning that one of the Dominions has passed an Act very quickly. But we must remember the fact that in those countries there is responsible Government and the executive is responsible to the Legislature. Sir, the other day the Honourable the Leader of the House told us that the constitutional position is known to all people; it exists and it will exist perhaps for a long time, and, therefore, in his opinion it was not necessary for us to talk of the constitutional position.

The Honourable Sir Muhammad Zafrullah Khan : I did not say it was not necessary for Members to talk of the constitutional position. My remark had reference to the particular point raised at the time. Perhaps the Honourable Member was not listening.

Sir Syed Raza Ali (Cities of the United Provinces : Muhammadan Urban) : What the Honourable Member said was that we have to take the constitutional position as it is.

Mr. N. M. Joshi : That is my point also, that we cannot forget the constitutional position and we shall never forget the constitutional position unless the constitution is changed. Therefore, we have to consider this fact before handing over these powers to the executive, whether the executive is responsible or not; and that is the difference between Great Britain and India. Even if we have an executive responsible to the Legislature I am one of those who would think twice before handing over these wide powers even to a responsible executive. We have some experience of responsible governments recently in some of the Provinces. You remember very well that some years ago this Legislature considered some emergency legislation to amend the Criminal Law of the land. The Party which is considered to be most popular, the Congress Party, opposed those pieces of legislation. That Party is now ruling over some Provinces. As one who is interested in the maintenance of civil liberties in my city of Bombay, I make it my business to watch the maintenance of civil liberties in my Province. I know now by sad experience—I had no need for being disillusioned because I never belonged to that Party, and had no illusions about it, but I expected a little better of them—that the civil liberties of the people in the Province of Bombay are threatened at their hands by the very legislation which they had opposed in this Legislature. Orders are issued under that very Criminal Law Amendment Act. They are using that emergency legislation, asking papers not to criticise certain taxes levied by that Government. Newspapers are asked before they are started to deposit securities. Under that very emergency legislation non-cognisable offences are made cognisable and non-bailable. With this experience I am distrustful,

frankly speaking, even of government executives which are responsible to the Legislatures. I, therefore, feel that this Legislature should hesitate before they hand over these wide powers to this irresponsible Government. I had stated that certain powers will be necessary to be given even today to the executive in certain matters ; but I feel that this Bill goes too far. It is so wide that it cannot be supported. As I stated in the very beginning of my speech, it seeks to regulate every aspect of life, every activity of the citizens of this country. There is enough civic law in our country for the maintenance of law and order ; but the Government of India again seek further powers for the maintenance of law and order : they seek power to prevent tampering with the loyalty of people in Government service. They seek power to prohibit meetings, as if meetings cannot be prohibited today. Section 144 is enough to prevent any meeting. Processions are to be prohibited by this legislation.....

Sir Muhammad Yamin Khan (Agra Division : Muhammadan Rural) : No ; unless they satisfy certain conditions.

Mr. N. M. Joshi : I do not know those conditions. My Honourable friend, Sir Yamin Khan, may have been taken into confidence by the Government of India. I have not the privilege of having the confidence of the Government of India. Powers are being sought to prohibit processions as if meetings cannot be prohibited under the ordinary law. I, therefore, feel that this Bill goes too far. If the Government of India intend to use the powers in this Bill very reasonably and causing as little disturbance in their ordinary avocations to people, why should they ask for special tribunals ? Why not trust the ordinary judiciary ? It is considered wrong to trust the ordinary judiciary in a condition of war. I do not know what these poor District Judges and High Court Judges have done to the Government of India. I, therefore, feel that the Bill goes too far. It seeks to abolish ordinary courts ; it seeks to abolish the ordinary civil procedure.

Then, I have to consider the important question : against whom are these powers likely to be used ?

The Honourable Sir Muhammad Zafrullah Khan : Evil-doers !

Mr. N. M. Joshi : It does not require the possession of much power of imagination or power of prophecy to find out and judge which are the classes of people likely to suffer most. It was not necessary for my Honourable friend, the Leader of the European Group, to suggest to the Government of India against whom those powers should be used. I could easily imagine. May I make a guess ? I feel that the powers under this Bill will be used against the working classes of this country more than against any other class.

Honourable Members : No, no.

Mr. N. M. Joshi : I shall go into greater detail. There is a great likelihood that one of the first acts of the Government of India, if I can read the mind of my Honourable friend, the Leader of the European Group, will be to break down the strike at Digboi : next will come the turn of Cawnpore, and perhaps Bombay will come next. This Bill seeks to regulate the administration and the conduct of Indian railways. Only two months ago, we asked the Government of India to remove one of

[Mr. N. M. Joshi.]

the greatest injustices done to the lowest-paid railway employees in this country, namely, the denial of provident fund only to the lowest paid employees. We have told the Government of India that if they do not remove this injustice early, the railway men in India will fight for its removal. May I ask whether this Act will not be used if railwaymen in India think of fighting, say after two months, for the removal of this great injustice, admitted by the Royal Commission on Labour which had recommended that this injustice must be removed ten years ago, in 1930 ? Well, Sir, I make a guess again that if we go on strike for the removal of this injustice which was recommended to be removed ten years ago by the Royal Commission on Indian Labour, the Defence of India Act will be used. I can cite many more examples. But, Sir, before I leave this subject, I would like to say a word with reference to what the Honourable the Leader of the European Group said. He said that Government must put down people who will stir up industrial strife ; he said there are many self-seekers who are doing this.

Mr. A. Aikman : Yes.

Mr. N. M. Joshi : May I ask you, Mr. Deputy President,

Mr. Deputy President (Mr. Akhil Chandra Datta) : Do not ask me.

Mr. N. M. Joshi : You are one of the most experienced men in this House, and I can always come to you for enlightenment,—may I ask you, Mr. Deputy President, where are the philanthropists in this House ? Are these people who work for the working classes the only people who are self-seekers ? May I ask the Honourable the Leader of the European Group—where are the philanthropists in his Group ?

Mr. A. Aikman : Here they are.

Mr. N. M. Joshi : Are they not self-seekers ? What are they if they are not self-seekers ? I want to know where the philanthropists are. Mr. Deputy President, those people who work for the working classes have every right to seek maintenance for the work which they do and to serve some of their legitimate objects as any other people do. I, therefore, think that it is wrong that my Honourable friend, the Leader of the European Group, should have unnecessarily libelled a class of people who deserve his thanks as well as the thanks of the working classes of this country. If people like my friend would go and agitate among the working classes, I am sure, Sir, he will not be self-seeking, but he will not do it. The working classes naturally have to depend upon people who are regarded as self-seeking. I, therefore, feel, Sir, that there is a great danger to the working classes of this country from this Defence of India Act. We know what influence the European Group in this House possesses with the Government of India. I have absolutely no doubt in my mind that this Group and the other employers in this country will use their influence with the Government of India, and I have also no doubt in my mind that the one class which will suffer most on account of the Defence of India Bill is the working classes of this country. I feel, therefore, that this Bill is premature, that this Bill is too wide, and as a result of the passing of this Bill, the activities of the working classes of this country will be so restricted that their interests will suffer.

Mr. Deputy President, before I sit down, may I say this? We all know that the prices of articles in this country are rising. They have already risen, I am told. Naturally cost of living is higher. Those people who have studied the life of the working classes, those who have seen their life, know that the wages do not rise in proportion to the rise in the cost of living. The workers of this country will have to fight for securing justice. I hope, Sir, that the Government of India and those people to whom these powers will be transferred and delegated will remember this fact that these working classes have every right to fight for their maintenance, and they will fight. Mr. Deputy President, under the present circumstances I cannot support this Bill.

Sardar Sant Singh : I want to say one word, Sir.....

Mr. Deputy President (Mr. Akhil Chandra Datta) : The Honourable Member has already made his speech and he cannot make another speech. But if he wants to make a statement on behalf of his Party, he can do so. But he can only make that statement without any speech.

Sardar Sant Singh : Sir, I will only say this much, that our Party does not wish to be obstructive at all.

The Honourable Sir Muhammad Zafrullah Khan : Sir, I am extremely gratified that, with one exception,—and the Government have only themselves to blame for that exception,—the principle of the Bill and the need for such a measure as this have been generally accepted, and that all Parties in the House, though naturally they are anxious to see certain improvements made in the Bill, are willing to co-operate so that this measure may find a place on the Statutebook at an early date.

In support of the motions for reference to a Select Committee, the attitude has generally been adopted that reference will actually be conducive towards saving of time rather than in the end delay the passage of the Bill. To that I shall come later. In the meantime, I might submit a few observations to the House on some matters raised by one or two Honourable Members with regard to the general provisions of the Bill. One Honourable Member raised the point that the Bill should not come into force immediately but that it should come into force only in case India is invaded by an enemy. Sir, I found it extremely difficult to reconcile this statement by that Honourable Member with the one with which he started, that he realised the gravity of the emergency with which the country was faced, and agreed that a measure of this kind was necessary but I am disposed to think that he himself did not attach any very great importance to this suggestion of his. Anyhow, this was the typical kind of suggestion that he wanted to make in the Select Committee, and if he uses that as an argument for inducing the House to agree to a Select Committee, I would warn the House that they would be committing themselves to an extremely dangerous step if, on that ground, they thought that a reference to a Select Committee was justified. In regard to the motion which that particular Honourable Member sponsored, he says that he realises this is a very important measure and ought to be passed at once because the emergency is grave, though it need not be brought into force till some enemy invades India and that is the reason why the Select Committee should report within 48 hours. I am very much afraid that that Honourable Member fears that India is going to be invaded during the space of the next 96 hours.

An Honourable Member : 48 hours !

The Honourable Sir Muhammad Zafrullah Khan : 48 hours for the Select Committee and 48 hours for this House to pass the Bill and we shall then be ready to meet that particular emergency which he thinks this Bill is designed to meet. I submit that if there is any advantage in referring a Bill of this kind to a Select Committee it would be absolutely impossible for the Select Committee to report within 48 hours. My main object, however, in making a speech at this stage is to meet some of the observations which fell from my Honourable friend, Sardar Sant Singh. He said that he was extremely disappointed that I had not made a comparatively long speech in making the motion this morning that the Bill be taken into consideration. I should have thought that, when I had said that Government did not pretend that this Bill was not designed to invest them with very wide and drastic powers, I had said all that was necessary to say with regard to the scope of the Bill. It was not necessary for me to take up every paragraph of a sub-clause and try to explain its purport, for, however wide the provisions of the Bill, they are perfectly clear. Then he said that he was sorry that it should have fallen to somebody who came from the Punjab to sponsor this Bill. I do not know for what reason he thinks that a Punjabi should not sponsor this Bill except.....

Sardar Sant Singh : Obviously.

The Honourable Sir Muhammad Zafrullah Khan : that he
3 P.M. referred to certain of his own experiences and made an appeal to what he thought must have been my own impressions of what the Punjab suffered during the martial law days. He said, "Well, that was the result of the Defence of India Act". Nothing of the kind. Whatever happened then—and I have no desire to rake up memories which ought to remain buried in the past—happened under the Martial Law Ordinance which was promulgated because, as its preamble said, there was a state of rebellion in the Punjab. I do not want to go into the question whether that was or was not so, but that was the basis of the Ordinance. It was passed in order to meet a particular contingency where, according to the preamble of that Ordinance, the Government and a section of the people were at loggerheads with each other, which is not the position under the Bill which is under discussion just now. Then he said that I should have given an assurance of the kind that was given in the House of Commons by Mr. Winston Churchill. I do not know whether Mr. Churchill was at that time a Member of the Government, I do not think he was ; but, one of the reasons which he put forward for persuading the House to accept the emergency measure was the assurance which Sardar Sant Singh read out, and with all sincerity, on behalf of the Government I proceed to give that assurance to this House in those very words :

"This is a war to establish and revise the stature of man. Perhaps it may seem a paradox that a war undertaken in the name of liberty and right should require as a necessary part of its process the surrender for the time being of so many valuable liberties and rights. We are sure that these liberties will be in hands which will not abuse them and which will cherish and guard them and we look forward to the day confidently when our liberties and rights will be restored to us and when we shall be able to share them with people to whom such blessings are known."

As I have said, I repeat this assurance on behalf of the Government. I hope that that will be some comfort to Sardar Sant Singh. Then he went on to occupy himself with certain reflections with regard to what would happen after the war, especially during the six months after the war, during which this Act might be in force. I shall not pursue him into those apprehensions. I think they were very effectively dealt with by Maulana Zafar Ali Khan and I regret that Sardar Sant Singh was not in his seat at the time. Perhaps he will read Maulana Zafar Ali's speech to satisfy himself that his anxiety with regard to prosecution for certain offences by a special tribunal was entirely misplaced. Another reason why he is so anxious that the matter should be referred to a Select Committee is that the rules which were framed under the Ordinance and which are now to be issued under this Bill, when it becomes law, should be incorporated in the Bill in the Select Committee. If that was his desire and intention, I do hope that he will not be successful in carrying it into effect, because if he could by some means or the other induce the Select Committee to consider not only the text of the Bill but also the rules issued under the Ordinance, the Select Committee would have to sit for months. I may further illustrate the danger of trying to, as he said, make everything definite in the shape of a legislative enactment here and now. The effect of what he has in mind would be that the whole thing,—the Bill and the rules,—would have to be enacted as a piece of legislation so that, if at any time any emergency arose which had not been anticipated in the rules and further rules were necessary in order to meet that emergency, we would either have to wait till the next Session of the Legislature after the emergency had arisen, or to summon an emergency Session of the Legislature in order to make those rules.

Sardar Sant Singh : Why not ?

The Honourable Sir Muhammad Zafrullah Khan : For the reason that by the time Honourable Members could be collected together here and could pass the rules, the mischief might be done and the rules would come too late. One illustration has been supplied by Mr. Joshi. The upward trend in prices which has become very sharp during the last few days started very suddenly, and if the Legislature had not been sitting and, if in order to deal with the emergency it had been necessary to obtain express powers from the Legislature, the mischief would have occurred before the Legislature could have empowered Government to take action. Much more serious and dangerous emergencies might arise suddenly which would have to be dealt with promptly, and if there is any use vesting these powers in Government, they must be there before the emergency arises otherwise they would be entirely useless.

Sardar Sant Singh : May I interrupt the Honourable Member for a minute ? When such emergencies do arise in England which is actually in the midst of war, the House of Commons has been made ready for being called at any moment to meet those emergencies.

The Honourable Sir Muhammad Zafrullah Khan : I do not know how long it will take to make the Honourable Member ready to come up if an emergency arose.

Sardar Sant Singh : Why not ?

The Honourable Sir Muhammad Zafrullah Khan : But apart from that, I think the Sardar Sahib is entirely unconscious of the fact that, though Parliament is meeting frequently, even during what is usually known as the recess period, the first thing Parliament did when the emergency arose was to arm the executive with absolutely unlimited powers.

An Honourable Member : But that was a national Government.

Sardar Sant Singh : May I explain.....

The Honourable Sir Muhammad Zafrullah Khan : I am not giving way. The question put to me was this. Parliament can be summoned very easily to deal with any emergency and, therefore, we can be equally easily summoned. My reply is—even if that were so, which is not the case in such a huge country as India, that Parliament which can be easily summoned and is practically in session from day to day has thought it wise and necessary to invest the executive with absolutely unlimited powers.

Sardar Sant Singh : If they misbehave, they can be turned out. What is the guarantee that you can be turned out if you misbehave. That is the difference.

The Honourable Sir Muhammad Zafrullah Khan : I did not drag Parliament into the discussion myself : if the Honourable Member thought that the analogy did not apply, he should not have invoked it. Having invoked it....(Interruption by Sardar Sant Singh) Sir, I cannot go on with my speech if Sardar Sant Singh goes on interrupting me in this way.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The Chair hopes there will be no interruptions.

An Honourable Member : But you are inviting interruptions.

The Honourable Sir Muhammad Zafrullah Khan : May I say that when the Honourable Member was speaking, he was inviting interruptions but I desisted from interrupting him. The point I was stressing was that Parliament, though they knew they could meet almost every day and scrutinise these things, have nevertheless invested the executive with powers to the extent that the executive is now empowered to repeal any Act of Parliament, to amend any Act of Parliament without reference to Parliament and take whatever power they like merely by Order in Council. I am aware of the distinction—I should be the last person to be ignorant of it which exists between the constitutional position of Parliament *vis-a-vis* the Cabinet and the constitutional position of this Assembly *vis-a-vis* the Government of India. I do submit, with great respect, that if we brought forward a measure which would anticipate every conceivable kind of emergency and tried to cast it into the shape of a legislative enactment, as I said, we should be sitting here for six months to finish our business. If that was the main reason which impelled Sardar Sant Singh to press for reference to Select Committee, I am afraid he will be very much disappointed, even if we do go to Select Committee. Then he had a great deal to say with regard to the special tribunals for which provision is made in this Bill, the procedure which they

were entitled to adopt for the trial of cases and the fact that no appeal was provided for from their decisions, or rather that it was expressly provided that there would be no appeal or revision. So far as I could follow him, his main criticism was that he was entirely unwilling to invest one single individual with all these powers and that he would fight inch by inch with a view to securing that no single individual should have all these drastic powers. I think he need not be very apprehensive on this point. I hope at some time or other he will read clause 8 and the subsequent clauses of the Bill. He will find there that a special tribunal will consist of three people—not a single individual—some of whom may be qualified to be High Court Judges.

Sardar Sant Singh : On a point of personal explanation. Probably my friend did not catch me. What I said was that I will not entrust any tribunal with the final powers without a right of appeal. I said that I would fight inch by inch to get the right of appeal from the decisions or sentences passed by tribunals. That is what I said.

The Honourable Sir Muhammad Zafrullah Khan : The Honourable Member did say, and I took it down at the time, that he would in no circumstances entrust a single individual or magistrate with such powers. The tribunals will not consist necessarily only of magistrates. They may consist of people who are qualified to be High Court Judges and people who are or have been Sessions Judges or Chief Presidency Magistrates or District Magistrates.

I now come to the question whether Government are or are not willing to have the Bill referred to a Select Committee. I appreciate, and I am grateful to Honourable Members for them, the assurances given on behalf of their Parties with regard to the further passage of the Bill through the House after it has emerged from Select Committee. On the basis of those assurances, that is to say, that having regard to the time at our disposal this will be treated as a special measure, after it has emerged from Select Committee, I am willing to accept reference to Select Committee but will point out this, that in the motion by Mr. Essak Sait—and I might say that this is the motion out of the two motions that I am willing to accept—because it will be impossible to report on this Bill within 48 hours—Government have not been given adequate representation. If the Mover of the motion will accept the addition of Mr. Wakely who has, to a very large extent, been associated with the preparation of this Bill and Sir Abdul Hamid, out of the Nominated Members, then the personnel of the Committee, with these two additions, might stand as set out in the motion that was moved by Mr. Essak Sait. I would further submit that if this motion is adopted, the intention is to call the Select Committee to meet at 10-30 tomorrow morning and I hope that Honourable Members who are on the Committee will make it convenient to attend, even though it may be that they have made some other engagements on the supposition that Saturday was a free day, because, as Honourable Members know, the 11th, 12th and 13th will be ordinary working days and unless the greater part of the work is finished tomorrow, time may not be found to finish the work in time for the report to be laid on the table of the House on the 15th. With these observations I am willing to accept the reference to Select Committee.

Mr. Deputy President (Mr. Akhil Chandra Datta) : May the Chair take it that the addition of these two names is accepted ?

Dr. P. N. Banerjee : I do not wish to serve on the Select Committee. I suggest that my name be replaced by some other name.

Sardar Sant Singh : May I suggest the name of Mr. Akhil Chandra Datta in the place of Dr. Banerjee.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Does the Honourable Member accept that addition ?

Mr. H. A. Sathar H. Essak Sait : Yes.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The Chair takes it that Mr. Abdur Rasheed Chaudhury wants to withdraw his motion.

Maulvi Abdur Rasheed Chaudhury : As Mr. Essak Sait's motion has been accepted, I do not press my amendment.

The amendment was, by leave of the Assembly, withdrawn.

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

"That the Bill be referred to a Select Committee consisting of the Honourable Sir Muhammad Zafrullah Khan, Sir George Spence, Sardar Sant Singh, Mr. Akhil Chandra Datta, Syed Ghulam Bhik Nairang, Mr. F. E. James, Mr. N. M. Joshi, Mr. Wakely, Sir Abdal Hamid and the Mover, with instructions to report by the 15th September, 1939, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

THE INDIAN TARIFF (FOURTH AMENDMENT) BILL.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar (Member for Commerce and Labour) : Sir, I move :

"That the Bill further to amend the Indian Tariff Act, 1934, for a certain purpose, and to validate the levy and collection of a certain duty under that Act be taken into consideration."

This Bill, at any rate, Sir, is a very simple Bill and I believe a non-controversial Bill. When the Indian Tariff Amendment Act was passed last April a revenue duty with reference to wood pulp was converted into a protective duty. Sir, under the Provisional Collection of Taxes Act the duty has been collected from the 1st to the 20th of April and this has now to be validated owing to the change that has been made by the Legislature. The amount involved is about Rs. 22,000 and if the amendment is not made, that amount will have to be refunded. Honourable Members will easily realise the difficulty of refunding this amount apart from the loss which will ensue to the revenues of the State. The second amendment is with reference to the *ad valorem* duty on perfumed spirits. This

alternative *ad valorem* duty was omitted by inadvertence on the last occasion and I seek the permission of the House to restore that *ad valorem* duty so that the alternative duty will be collected in case it is higher. Sir, I move.

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

“ That the Bill further to amend the Indian Tariff Act, 1934, for a certain purpose, and to validate the levy and collection of a certain duty under that Act be taken into consideration.”

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar : Sir, I move :

“ That the Bill be passed.”

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

“ That the Bill be passed.”

The motion was adopted.

THE COMMERCIAL DOCUMENTS EVIDENCE BILL.

The Honourable Mr. J. A. Thorne (Home Member) : Sir, I rise to move :

“ That the Bill to amend the Law of Evidence with respect to certain commercial documents, as reported by the Select Committee, be taken into consideration.”

The period of gestation which this measure has enjoyed or suffered is one of quite unusual length, unknown in the animal kingdom and remarkable even in the world of administration and legislation. I would remind the House quite briefly of the stages. In 1926 the Bombay High Court brought to notice that the course of justice was impeded by the absence of any legal provision which would enable documents, which in ordinary commercial practice are accepted as being what they purport to be and as accurate in their substance, to be tendered as evidence without formalities which enabled parties who desired to cause vexatious delay to impede the course of the proceedings. The suggestion then made for legislation was referred to Local Governments and High Courts and Associations representing the law and commerce ; and in due course, after I fear a very considerable delay, a Bill and Schedule were framed and introduced in this House in March, 1937. By order of this House the Bill was circulated and in February, 1938, it was referred to a Select Committee. The House has now before it the report of the Select Committee, which deals with the subject in such detail that I think any further attempt at elucidation by me is really unnecessary.

[Mr. J. A. Thorne.]

As regards the Bill itself, the main changes are two. One occurs in clause 3 where, in deference to opinions that were expressed in the course of circulation and on the floor of this House, a distinction has been made between documents which the court "shall presume" and documents which the court "may presume" to have been duly made by or under the appropriate authority and that the statements contained therein are accurate. It is probably unnecessary for me to explain to most Members of this House what is meant by the terms "may presume" and "shall presume". They are used in the sense in which they are used in section 4 of the Evidence Act. According to section 4, "whenever it is provided by this Act that the court may presume a fact, it may either regard such fact as proved, unless and until it is disproved, or may call for proof of it". That is the definition of "may presume". "Shall presume" is defined thus: "whenever it is directed by this Act that the court shall presume a fact, it shall regard such fact as proved, unless and until it is disproved". I quote those definitions to remove any misconception. It is not of course meant that the court thereby shuts out all proof to the contrary. It is not the same as what the Evidence Act calls "conclusive proof".

While I am on clause 3 I would just mention a misprint that has crept into sub-clause (b) of it. "Part III" of the Schedule should be "Part II". I have no doubt that that mistake will be remedied in the ordinary course of routine.

Then, the second change in the body of the Bill is the recasting of clause 4. Clause 4, as it now reads, has no relation whatever to clause 4 as it appeared in the original Bill. That clause in the original Bill recited 'that the Governor General in Council may, by Notification in the Gazette of India, direct that any document shall be added to or removed from the Schedule, and upon such direction being made the Schedule shall be deemed to be amended accordingly'. We have scrapped that provision. It came in for a certain amount of criticism as arming the Government of India with powers which in a strict sense should be considered legislative. I may say that that argument was not the one which proved conclusive for the omission of the clause: but, as explained in the report of the Committee, it was discovered at a late stage by the pandits that the clause as it appeared in the original Bill is beyond the power of this Legislature to enact. Therefore, that provision has been omitted: and any amendment of the Schedule, if the Bill is passed in the form reported by the Select Committee, will have to be made either by the Central Legislature or, since Evidence falls into the concurrent list of the Seventh Schedule of the Government of India Act, by any Provincial Legislature—which, of course, would have the power to legislate only for its own provincial area.

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

As regards the provision now included in clause 4, I think I need say nothing except that it is an obvious device for convenience of drafting.

Then, Sir, as regards the Schedule, which now falls into two parts, it would delay and weary the House if I were to attempt any survey of this long list of items. I can assure the House—and the Members of the Select Committee will bear me out—that this list received very detailed consideration and examination in the Select Committee and we believe that it represents the best that can be done if this Bill is to go through without a very elaborate further examination. I have with me samples of every kind of these documents, and if any Member is sufficiently curious to examine them here, they are at his disposal. Sir, I move.

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

“ That the Bill to amend the Law of Evidence with respect to certain commercial documents, as reported by the Select Committee, be taken into consideration.”

The motion was adopted.

Clause 2 was added to the Bill.

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

“ That clause 3 stand part of the Bill.”

The Chair understands there is a clerical mistake in this clause. Will some Honourable Member move an amendment ?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar (Member for Commerce and Labour) : Sir, I move :

“ That in sub-clause (b) of clause 3 of the Bill, for the words ‘ Part III ’, the words ‘ Part II ’ be substituted.”

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

“ That in sub-clause (b) of clause 3 of the Bill, for the words ‘ Part III ’, the words ‘ Part II ’ be substituted.”

The motion was adopted.

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

“ That clause 3, as amended, stand part of the Bill.”

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clause 4 was added to the Bill.

The Schedule was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Mr. J. A. Thorne : Sir, I move :

That the Bill, as amended, be passed."

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

"That the Bill, as amended, be passed."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim) : Honourable Members are aware that His Excellency the Viceroy will address the Members of this House and of the Council of State on Monday next at 11-30 A.M. The House, therefore, stands adjourned till 2-30 P.M. on Monday next.

The Assembly then adjourned till Half Past Two of the Clock on Monday, the 11th September, 1939.
