

16th September, 1933

THE
LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

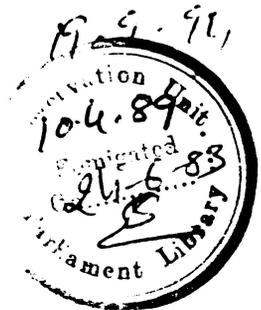
Volume VI, 1933

(5th September to 14th September, 1933)

SIXTH SESSION

OF THE

**FOURTH LEGISLATIVE ASSEMBLY,
1933**



NEW DELHI
GOVERNMENT OF INDIA PRESS
1934

Legislative Assembly.

President :

THE HONOURABLE SIR SHANMUKHAM CHETTY, K.C.I.E.

Deputy President :

MR. ABDUL MATIN CHAUDHURY, M.L.A.

Panel of Chairmen :

MR. H. P. MODY, M.L.A.

MR. K. C. NEOGY, M.L.A.

SIR LESLIE HUDSON, Kt., M.L.A.

SIR ABDULLA-AL-MAMUN SUHRAWARDY, Kt., M.L.A.

Secretary :

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

Assistant of the Secretary :

RAI BAHADUR D. DUTT.

Marshal :

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

Committee on Public Petitions :

MR. ABDUL MATIN CHAUDHURY, M.L.A., *Chairman.*

SIR LESLIE HUDSON, Kt., M.L.A.

MR. B. SITARAMARAJU, M.L.A.

MR. GAYA PRASAD SINGH, M.L.A.

KUNWAR HAJEE ISMAIL ALI KHAN, O.B.E., M.L.A.

CONTENTS.

VOLUME VI.—5th September to 14th September, 1933.

	PAGES.
TUESDAY, 5TH SEPTEMBER, 1933—	
Questions and Answers	891—940
Unstarred Questions and Answers	940—50
Election of Members to the Standing Committees for the Departments of Commerce and Industries and Labour	951
Statements laid on the Table	951—56
The Hindu Widows' Right of Maintenance Bill—Circulated	956—69
The Indian " Khaddar " (Name Protection) Bill—Referred to Select Committee	969—87
The Removal of Doubts about the Application of the Doctrine of Representation, in case of Succession to Stridhan under the Dayabhad Bill—Circulated	987—90
The Ajmer-Merwara Juveniles Smoking Bill—Passed	990—92
The Untouchability Abolition Bill—Discussion not concluded	992—1001
WEDNESDAY, 6TH SEPTEMBER, 1933—	
Questions and Answers	1003—46
Statements laid on the Table	1047—54
Bills passed by the Council of State	1055
Message from the Council of State	1055
The Cotton Textile Industry Protection (Second Amendment) Bill—Passed	1055—77
The Indian States (Protection) Bill—Discussion not concluded	1077—84
THURSDAY, 7TH SEPTEMBER, 1933—	
Questions and Answers	1095—1119
Motion for Adjournment <i>re</i> Forfeiture by Government of the <i>Free Press Journal</i> Deposit—Ruled out of order	1119—1120
The Murahidabad Estate Administration Bill—Presentation of the Report of the Select Committee	1121

	PAGES.
THURSDAY, 7TH SEPTEMBER 19 3	
<i>—contd.</i>	
Statements laid on the Table	1121—26
Statement of Business	1126
Resolution <i>re</i> Proprietary Rights of Citizens in the Land—Adopted	1126—51
Resolution <i>re</i> Admissions to the Military Academy—Withdrawn	1151—63
Resolution <i>re</i> Grievances of the Travelling Public on the Assam Bengal Railway—Discussion not concluded	1164—69
FRIDAY, 8TH SEPTEMBER, 1933—	
Statements laid on the Table	1171—74
Message from the Council of State	1175
Statement of Business	1175—76
The Reserve Bank of India Bill—Introduced	1176—80
The Factories Bill—Introduced	1180—81
The Indian Tea Control Bill—Introduced	1181—82
The Indian States (Protection) Bill—Discussion not concluded	1182—1224
SATURDAY, 9TH SEPTEMBER, 1933—	
Motion for Adjournment <i>re</i> Expulsion order passed by the Commissioner on some Residents of Phulra State—Request for leave to be renewed	1225
The Indian States (Protection) Bill—Circulated	1225—28
Demands for Excess Grants	1229—31
Demand for Supplementary Grant	1231—50
MONDAY, 11TH SEPTEMBER, 1933—	
Questions and Answers	1251—81
Unstarred Questions and Answers	1281—90
Motion for Adjournment <i>re</i> Expulsion order passed by the Commissioner on some Residents of Phulra State—Ruled out of order	1291—92

	PAGES.
MONDAY, 11th SEPTEMBER, 1933	
— <i>contd.</i>	
Statements laid on the Table	1292—93
Election of Members to the Salt Industry Committee	1293—94
The Imperial Bank of India (Amendment) Bill—Introduced	1294
The Indian Lac Cess (Amendment) Bill—Introduced	1294—95
The Reserve Bank of India Bill—Discussion on the motions to refer to Joint Committee and to circulate—not concluded	1295—1332
TUESDAY, 12th SEPTEMBER, 1933—	
Questions and Answers	1333—88
Motion for Adjournment <i>re</i> Alleged Scurrilous Article in the <i>Daily Gazette re</i> Mahatma Gandhi—Talked out	1388—91, 1419—44
The Reserve Bank of India Bill—Discussion on the motions to refer to Joint Committee and to circulate not concluded	1391—1419

	PAGES.
WEDNESDAY, 13th SEPTEMBER, 1933—	
Questions and Answers	1445—72
Unstarred Questions and Answers	1472—85
The Indian Income-tax (Amendment) Bill—Presentation of the Report of the Committee on Petitions	1485
The Reserve Bank of India Bill—Referred to Joint Committee	1485—1531
THURSDAY, 14th SEPTEMBER, 1933—	
Message from the Council of State	1533
The Imperial Bank of India (Amendment) Bill—Referred to Joint Committee	1533—56
The Indian Merchant Shipping (Second Amendment) Bill—Passed	1556—58
The Murahidabad Estate Administration Bill—Passed as amended	1558—88

LEGISLATIVE ASSEMBLY.

Saturday, 16th September, 1933.

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

QUESTIONS AND ANSWERS.

GRANT OF PENSION TO TELEPHONE OPERATORS.

966. *Mr. S. G. Jog : (a) Is it a fact that before the 31st January, 1919, the posts of all telephone operators were pensionable like those of other employees of Government.

(b) Is it a fact that after these posts were declared non-pensionable, the operators were asked to state whether they accepted the condition of being non-pensionable ?

(c) Will Government please state whether memorials were received from time to time from the telephone operators for their case to be re-considered, and to declare their posts pensionable ? If so, were they informed that the Telephone Department was on an experimental basis, and so the staff could not be confirmed as pensionable, and that their case was under consideration ?

(d) Is it a fact that the employees were eventually informed that the case could not be considered favourably on account of financial stringency ?

(e) Is it a fact that in reply to one of the questions in this House, Government stated that employees in service before 31st July, 1919, were pensionable ? If so, why was this date fixed against the 31st January, 1919 ?

(f) Is it a fact that the telephone operators are permanent employees of Government ?

(g) Is it a fact that telephones have now been extended to the whole of India ?

(h) Is it a fact that the Department is no longer on an experimental basis ? If so, why ?

(i) Are Government aware that telephones are being extended now even to the other countries of the world ?

(j) Is it a fact that Railway and Posts and Telegraphs Departments are running at a loss ?

(k) Is it a fact that only the telephone branch is running at a profit and its revenues are increasing every year ?

(1657)

(l) Is it a fact that nearly all the employees of the Posts and Telegraphs Department, from the highest to the lowest, are pensionable except the telephone operators and the mechanics ?

(m) Is it a fact that the telephone operators are performing the same duty hours as, and on some occasions much harder work than, some other officials of the Department ?

(n) Will Government please state the reasons for declaring the operators as non-pensionable ? Are they aware that in the absence of any pension in their old age after retirement from service, they will lead a very miserable life so far as their financial resources are concerned ?

(o) Are Government prepared to consider the grant of pension to the operators in view of the increasing revenues of this branch ?

The Honourable Sir Frank Noyce : Certain enquiries are being made and I shall place a reply on the table in due course.

RULES FOR SUING GOVERNMENT FOR BREACH OF TRUST IN RESPECT OF SERVICE CONDITIONS, ETC.

967. *Mr. S. G. Jog : (a) Will Government state whether there are any rules under which a Government servant can sue them in a court of law, whilst remaining in service, for breach of trust in respect of service conditions or loss of prospects ? If so, will Government kindly lay a copy of those rules on the table ? If not, will Government kindly state the avenue of redress for a Government servant after he has exhausted all the appellate authorities in regard to a grievance ?

(b) Are Government prepared to make any rules on the subject ?

The Honourable Sir Harry Haig : (a) The answer to the first clause is in the negative. The second clause does not arise. As regards the third clause, Government are not prepared to give an opinion on what is in effect a legal question.

(b) No.

HOLIDAY HOMES MAINTAINED BY THE NORTH WESTERN RAILWAY AT HILL STATIONS.

968. *Mr. S. G. Jog : (a) How many Holiday Homes do the North Western Railway maintain on hill stations ?

(b) What are the conditions for the lodgers, and for how many days are they allowed to stay there, and at what rent ?

(c) What do Government spend on the maintenance of these Homes ?

(d) Is it a fact that there is one such Home in Simla ?

(e) Will Government please supply the particulars referred to in the two preceding parts in respect of the Simla Home ?

(f) Is it a fact that it is maintained out of the Fine Fund ?

(g) Is it a fact that the majority of the subordinate and menial staff who are responsible for the maintenance of the Home are not eligible for making use of the Home ?

(h) What is the pay limit of those who can stay in the Home ?

(i) Are Government aware of the impression that officials who stay there impose heavy fines on the subordinates in order to find sufficient funds for the maintenance of the Homes ?

(j) Is it a fact that there is a proposal to extend the Simla Holiday Home during next year ?

(k) What rent do Government pay at present and why do they intend extending it, and at what rent ?

(l) Does the extension depend upon the amount of the Fine Fund at Government's disposal ?

Mr. P. R. Rau : I am obtaining information from the Agent, North Western Railway, and will lay a reply on the table in due course.

RELEASE OF WORKERS OF THE JAMIAT-UL-ULEMA-I-HIND, DELHI.

969. ***Maulvi Sayyid Murtuza Saheb Bahadur :** (a) Are Government aware that the Jamiat-ul-Ulema-i-Hind, Delhi, which had adopted civil disobedience as their politico-religious creed have given it up now and have drawn up a constructive programme ?

(b) Are Government prepared to release all the Ulemas and workers of the Jamiat, who are undergoing imprisonment ?

The Honourable Sir Harry Haig : (a) and (b). I have seen a report in the Press of the proceedings of a meeting of the Working Committee of the Jamiat-ul-Ulema-i-Hind held at Moradabad from the 19th to the 21st August. From this it would appear that the Working Committee have suspended the programme of civil disobedience, but there is nothing to indicate that they intend really to abandon it, or that there is sufficient reason for Government to take the action suggested in part (b) of the question.

REMOVAL OF MR. DEVIDAS GANDHI TO MULTAN JAIL IN A THIRD CLASS COMPARTMENT.

970. ***Maulvi Sayyid Murtuza Saheb Bahadur :** (a) Is it a fact that Mr. Devidas Gandhi, an A class prisoner was, while being removed to the Multan Jail, put in a third class compartment ?

(b) Are A class prisoners invariably allowed only third class ?

(c) Is there no rule to guide the authorities on the subject ?

The Honourable Sir Harry Haig : (a) It is probable that Mr. Devidas Gandhi was accommodated in third class compartment as that would be in accordance with the rules applicable to prisoners in the Delhi Province. I have, however, made enquiries and will place the result on the table of the House in due course.

(b) and (c). There are rules which are made by the Provincial Governments and vary from province to province.

REFUSAL TO ALLOW MR. ISMAIL GHUZNAVI TO PROCEED TO MECCA FOR HAJ PILGRIMAGE.

971. ***Mr. M. Maswood Ahmad :** (a) Will Government be pleased to state whether they have stated that Mr. Ismail Ghuznavi has already proceeded to Mecca not less than 18 times ?

(b) Will Government be pleased to state the dates on which he proceeded to Mecca on different occasions ?

(c) Will Government be pleased to state whether Mr. Ismail Ghuznavi was convicted on the two previous occasions before his going for Haj pilgrimage for the first time or after that ?

(d) Will Government be pleased to state what were the fresh facts in their possession for not allowing a Muslim, Mr. Ismail Ghuznavi, to proceed to Mecca for Haj pilgrimage ?

Major W. K. Fraser-Tytler : (a) Yes. But 18 was a mistake for eight.

(b) Government have no precise information as to the dates.

(c) The answer to this would depend on the exact date when Mr. Ismail Ghuznavi proceeded on Haj for the first time, as to which, as already pointed out, Government have no precise information.

(d) The Honourable Member is referred to the reply given to part (b) of Maulvi Sayyid Murtuza Saheb Bahadur's starred question No. 1166 on the 10th April, 1933.

Mr. M. Maswood Ahmad : Are Government sure that this eight is also not a mistake, just as 18 was a mistake ?

Major W. K. Fraser-Tytler : I understand, Sir, that eight is correct.

Mr. M. Maswood Ahmad : My information is that it is not so. Very well, but will Government be pleased to give the dates on which he proceeded to Haj ?

Major W. K. Fraser-Tytler : I have already said, Sir, that Government have no precise information.

Mr. M. Maswood Ahmad : When Government have no information on what date this gentleman proceeded to Haj, how do they say that he went to Haj eight times ?

Major W. K. Fraser-Tytler : I understand, Sir, that this information was given by Mr. Ismail Ghuznavi himself.

Mr. M. Maswood Ahmad : Will Government be pleased to lay on the table a copy of his letter in which he has stated that he has gone to Haj eight times ?

Major W. K. Fraser-Tytler : I believe, Sir, the information is correct.

Mr. M. Maswood Ahmad : May I know, Sir, whether this information was given to the Honourable Member who is now answering these questions ?

Major W. K. Fraser-Tytler : The information was not given to me.

Mr. M. Maswood Ahmad : May I know whether the information which was given orally to some other gentleman was written on any paper, and does the Honourable Member say that it was orally mentioned by Mr. Ismail Ghuznavi ?

Major W. K. Fraser-Tytler : The information, Sir, I understand, was given orally and was passed on to the Honourable Member who answered this question in April in writing.

Mr. M. Maswood Ahmad : I want to know whether the information given by Mr. Ismail Ghuznavi to some other gentleman orally stating that he had proceeded eight times to Haj was recorded on paper ?

Major W. K. Fraser-Tytler : I understand it was, yes.

Mr. M. Maswood Ahmad : Government have said that, because he was convicted on two occasions, he was not allowed to go to Haj. May I know whether these convictions took place before he left for Haj for the first time ?

Major W. K. Fraser-Tytler : I have already answered that question, Sir.

Mr. M. Maswood Ahmad : What was the reply ?

Major W. K. Fraser-Tytler : The reply was to part (c) of the question, that the answer to this would depend on the exact date when Mr. Ismail Ghuznavi proceeded on Haj for the first time, as to which, as already pointed out, Government have no precise information.

Mr. M. Maswood Ahmad : May I know, Sir, when Government allowed him to go eight times to Haj after his conviction, what were the fresh grounds for not allowing him to go to Haj for the ninth time ?

Major W. K. Fraser-Tytler : My reply to that is given in part (d). The Honourable Member is referred to the reply given to part (b) of Maulvi Sayyid Murtuza Saheb Bahadur's starred question No. 1166 on the 10th April, 1933.

Mr. M. Maswood Ahmad : Do Government propose to consult the *Ulemas* on this question of not allowing Muslims to perform their Haj pilgrimage, this is a kind of interference with our religion ?

Major W. K. Fraser-Tytler : Sir, the position is, I think, that Government have a certain duty to perform in respect to their responsibilities to the State in a matter of this sort.

Mr. M. Maswood Ahmad : I want to know whether Government would now allow Mr. Ismail Ghuznavi to perform Haj in the next season ?

Major W. K. Fraser-Tytler : I cannot give a guarantee about that, but if Mr. Ismail Ghuznavi makes an application for the passport, it will receive the fullest consideration of the Government.

RE-EMPLOYMENT OF RETRENCHED STAFF OF THE NORTH WESTERN RAILWAY.

972. ***Mr. Lalchand Navalrai** : (a) Will Government be pleased to state whether there are two kinds of retrenched servants of the Indian State Railways in general and the North Western Railway in particular—one retrenched during the last economy campaign and the other retrenched before that campaign ?

(b) Are both kinds of retrenched Railway servants kept on the waiting lists for re-employment when vacancies occur ? If not, why not ?

(c) Is it a fact that the Government of India have laid down, without making any distinction between these two classes of retrenched Railway servants, that the staff retrenched or to be retrenched would be re-instated ?

(d) Is it a fact that Government have issued orders that the said re-instatement should be made in the inverse order in which these two classes of servants were discharged ? If so, what were the reasons for it ?

(e) Is it a fact that the Agent of the North Western Railway has passed orders, disregarding the aforesaid Government orders, that the names of the men retrenched before the present economy campaign cannot be registered for re-employment ?

(f) Do Government know of such an order having been issued by the Agent, North Western Railway, under his No. 50-E.507, dated about 14th August, 1933, in the case of Mr. Ramdas T. Chugani, *ex-Fireman* and Shed Clerk, North Western Railway ?

(g) Do Government propose to point out to the Agent their policy on the point for due effect being given to it ? If not, why not ?

Mr. P. R. Rau : (a) Government are not aware of any general retrenchment that took place on Indian Railways otherwise than during the economy campaign of 1931 and 1932.

(b), (c) and (d). The instructions issued in connection with the retrenchment during 1931-32 were that employees discharged should be borne on a common waiting list for the whole Railway and be appointed in the inverse order of discharge, subject to communal adjustments, to any suitable vacancy that may occur on the Railways in preference to others. The reason was that the discharges were to be made in a definite order and it followed from these that re-appointments should be as in the reverse order.

(e) Government are not aware that the Agent has disregarded these orders but I am sending a copy of this question and the answer to him for guidance.

(f) No.

(g) Government consider that existing instructions are sufficiently clear and do not consider any further instructions necessary.

Mr. Lalchand Navalrai : May I know, Sir, why this system of inverse order was adopted ?

Mr. P. R. Rau : I have just explained it. I said the reason was that since the discharges were made in a definite order, it followed that re-appointments should be made in the reverse order.

Mr. Lalchand Navalrai : Has the Honourable Member got any information with regard to clause (f) of this question ? One Ramdas was retrenched and then put on the waiting list, and he was again thrown out of the list for no reason ?

Mr. P. R. Rau : I have no information on that point.

Mr. Lalchand Navalrai : Will the Honourable Member kindly send a copy of this question and its answer together with other supplementary questions and answers to the Agent, so that he might go into this matter ?

Mr. P. R. Rau : I shall forward all these questions and answers to the Agent.

Mr. Lalchand Navalrai : Thank you.

TRANSFER OF INSPECTORS AND POSTMASTERS IN THE PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE.

973. ***Bhai Parma Nand :** Will Government please lay on the table of this House a statement showing particulars of the officials in the

Inspectors' and Postmasters' cadres in the Punjab and North-West Frontier Circle, whose periodical transfers, although due, have been suspended owing to existing financial conditions, and of those who have been transferred without any such consideration, giving the reasons for this distinction ?

The Honourable Sir Frank Noyce : Government have no information. I may, however, point out that there are no orders for the periodical transfer of Postmasters ; and that the orders suspending such transfers of Inspectors, referred to by the Honourable Member, are not absolute and may be departed from at the discretion of the Head of the Circle.

TRANSFERS IN THE INTEREST OF SERVICE IN THE POSTS AND TELEGRAPHS DEPARTMENT.

974. ***Bhai Parma Nand :** (a) Will Government please state what is meant by " interest of the service " generally used in cases of transfers made in the Posts and Telegraphs Department ?

(b) Can an official be transferred from a higher scale of pay to a lower one in the interest of the service at a loss of pay to the official without any fault on his part ?

The Honourable Sir Frank Noyce : (a) The expression " interest of the service " when used in relation to a transfer is intended to distinguish it from a transfer ordered at an official's own request or in consequence of his misconduct.

(b) Government regret that they cannot give a general reply with reference to a hypothetical case, as each case has to be dealt with under the rules and orders that may be relevant to its circumstances, *e. g.*, the Fundamental and Supplementary Rules or the Civil Service Regulations.

IRREGULAR ACTION OF THE LATE DEPUTY POSTMASTER, AMRITSAR.

975. ***Bhai Parma Nand :** (a) Is it a fact that the late Deputy Postmaster, Amritsar, was allowed to leave his Headquarters for Lahore (his home) daily at 15-30 hours thereby leaving his legitimate duties to be performed either by the Assistant Postmaster or by a Supervisor ?

(b) Was this delegation of duties of the Deputy Postmaster to junior officers approved by the Postmaster General ?

(c) If the reply to part (a) be in the affirmative, and to part (b) in the negative, will Government please state why this irregular practice and undue concession was allowed to the Deputy Postmaster by the Postmaster, Amritsar, to the detriment of service involving additional work for the subordinate staff ?

(d) Do Government propose to take due notice of this irregular action and undue favouritism on the part of the Postmaster ?

The Honourable Sir Frank Noyce : (a) to (d). Government have no information. The matter is one with which the Head of the Circle, to whom a copy of the question is being sent, is competent to deal.

TRANSFERS FROM AND TO NON-FAMILY AND UNHEALTHY STATIONS IN THE TRANS-FRONTIER IN THE PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE.

976. ***Bhai Parma Nand :** (a) Is it a fact that the Secretary, All-India (including Burma) Postal and Railway Mail Service Union, has brought to the notice of the Director General, Posts and Telegraphs, that transfers from and to non-family and unhealthy stations in the Trans-Frontier in the Punjab and North-West Frontier Circle are not being carried out in accordance with the Government orders ?

(b) If reply to part (a) be in the affirmative, will Government please state what action has been taken against the present Superintendent, Post Office, Derajat Division, for not observing Government orders ?

The Honourable Sir Frank Noyce : (a) A complaint was received from the Secretary of the Union regarding the non-observance of the Director General's orders on the subject.

(b) None. The orders referred to are not absolute but only lay down the procedure that should ordinarily be followed : the representation of the Union is however being considered with a view to the adoption of measures which may make exceptions from the general rule more infrequent.

EXPENDITURE INCURRED FOR CONVEYANCE OF MAILS BY THE SUB-POSTMASTER, STAFF COLLEGE, QUETTA.

977. ***Bhai Parma Nand :** (a) Is it a fact that the Sub-Postmaster, Staff College, incurred, in spite of repeated warnings, more expenditure for conveyance of mails or remittances to Quetta Head Post Office, than that incurred in two or three previous years taken together ?

(b) If the reply to part (a) be in the affirmative, will Government please state what action has been taken by them in the matter ?

The Honourable Sir Frank Noyce : (a) and (b). Government have no information. The matter is one with which the Head of the Circle, to whom a copy of the question is being sent, is competent to deal.

ALLEGATIONS AGAINST THE LATE ESTABLISHMENT CLERK, SIMLA HEAD POST OFFICE.

978. ***Bhai Parma Nand :** (a) With reference to the reply given to Question No. 433 in this House on February, 21, 1933, will Government please state if it is a fact that the Establishment Clerk, Simla Head Post Office, was found to have forged the signatures of the late Postmaster, Simla, on an order of appointment of a Muslim Runner who was engaged in excess of the sanctioned establishment and that he ante-dated the said order to give it the appearance of genuineness ?

(b) If the reply to part (a) be in the affirmative, will Government please state the full facts of the case and the punishment, if any, meted out to the offending official ?

(c) Is it also a fact that the same official has since been transferred from Simla to Ludhiana Head Post Office as an Accountant ? Does not this position involve greater responsibility and trust ? If so, are Government prepared to consider the advisability of removing him from his present responsible post ?

The Honourable Sir Frank Noyce : (a), (b) and (c). Government have no information. The matter is one with which the Head of the Circle, to whom a copy of this question is being sent, is competent to deal.

PROCEDURE FOR RECRUITMENT OF ENGINEERING SUPERVISORS IN THE POSTS AND TELEGRAPHS DEPARTMENT.

979. *Bhai Parma Nand : (a) Will Government please state what is the procedure followed in recruiting Engineering Supervisors in the Indian Posts and Telegraphs Department, and since when was this procedure introduced ?

(b) Will Government please state whether the Departmental candidates for appointments as Engineering Supervisors, in view of their service in the Department, are accorded any preferential treatment over outsiders ?

(c) If the reply to part (b) be in the affirmative, will Government please state if any preference is also given to the Departmental candidates in assigning positions on the seniority list before appointing them as Engineering Supervisors ?

(d) If the reply to part (c) be in the affirmative, will Government please state if the concessions have been uniformly shown since the time the appointments have been thrown open to qualified departmental men ? If not, are Government prepared to consider the desirability of redressing the genuine grievances of the staff adversely affected ?

The Honourable Sir Frank Noyce : (a) and (b). The attention of the Honourable Member is invited to the regulations published in the Director General's General Circular No. 31, dated the 16th December, 1930, a copy of which has been placed in the Library of the House. The system of recruitment and training described therein came into force from the 1st January, 1929.

(c) So far two groups of candidates have been recruited under this system. No preferential treatment was accorded to the departmental candidates in the first batch, but in the second batch, telegraphists and other departmental candidates were given seniority over outsiders.

(d) The reply to the first part is in the negative. As regards the second part, Government do not consider that the candidates have any genuine grievance.

VACANCIES OF POSTMEN, ETC., IN THE SAHARANPUR AND DEHRA DUN HEAD POST OFFICES AND THEIR SUB-OFFICES.

980. *Bhai Parma Nand : Will Government please state (i) the number of vacancies, temporary and permanent separately, in (a) postmen's grade and (b) inferior service in Saharanpur and Dehra Dun Head Post Offices and Sub-Offices attached to them which occurred during 1931, 1932, 1933 and (ii) the number of those given to Hindus and other communities ?

The Honourable Sir Frank Noyce : I regret that the information is not readily available.

DECLARATION OF HINDU COMMUNITY AS MINORITY COMMUNITY FOR RECRUITMENT IN THE PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE.

981. *Bhai Parma Nand : (a) Will Government please state if they have laid down certain principles for recruitment in the Posts and Telegraphs Department and fixed a certain percentage for minority communities ?

(b) Will Government please state the criteria for determining minority communities and whether each Postal Division or a District, a Revenue Division, or a Circle is to be taken as a unit ?

(c) Will Government please name the community which has been declared as a minority community in the Punjab and North-West Frontier Circle in respect of different classes of officials such as clerks, postmen and inferior servants ?

(d) Will Government please state the number of (i) postmen including mail guards, (ii) inferior servants, and (iii) line staff in Engineering employed in the Punjab and North-West Frontier Circle on 31st March, 1933 ? If the number of Hindus is less than Muhammadans, are Government prepared to declare the Hindu community as minority community for the purpose of recruitment to these classes of officials ?

The Honourable Sir Frank Noyce : (a) In the case of new recruitment Government have laid down that every third vacancy is to be reserved for minority communities in order to prevent the preponderance of any one class or community in Government service. This is a general rule applicable to all Departments under the Government of India and not only to the Posts and Telegraphs Department.

(b) The Honourable Member is referred to the reply to part (a) of his own starred question No. 671 in this House on the 7th March, 1933.

(c) The Honourable Member's attention is invited to part (d) of the reply given to Sardar Sant Singh's starred question No. 566 in this House on the 21st September, 1932.

(d) The latest figures in possession of Government which are up to the 31st December, 1932, are as follows :

(i) Postmen including Mail Guards	3,482
(ii) Inferior servants	4,185
(iii) Line Staff in Engineering	888

As regards the latter part, Government regret that they are unable to accept the Honourable Member's suggestion for reasons stated in the reply to part (a) of his own starred question No. 671 in this House on the 7th March, 1933.

POSTINGS OF POSTAL OFFICIALS IN THE PUNJAB CIRCLE TO THEIR HOME DISTRICTS.

982. *Bhai Parma Nand : (a) Are Government aware that under the Punjab Government officers belonging to certain places are not posted for official duty in those places or districts ?

(b) If so, are Government prepared to adopt a similar policy in the Posts and Telegraphs Department in the matter of such postings, at least in the Punjab Circle ?

The Honourable Sir Frank Noyce : (a) Government have no information.

(b) Government do not see any reason to accept the Honourable Member's suggestion.

APPOINTMENT OF HINDU SUPERINTENDENTS IN THE PUNJAB POSTAL CIRCLE.

983. ***Bhai Parma Nand :** Is it a fact that in the Punjab Posts and Telegraphs Circle there is an over-whelming majority of Muslim Superintendents ? If so, are Government prepared to consider the advisability of appointing a few Hindu Superintendents ?

The Honourable Sir Frank Noyce : As regards the first part of the question, the reply is in the negative, since though the number of Superintendents in the Punjab Circle belonging to the Muslim community is greater than that belonging to any other single community it is less than the number of such officers belonging to all other communities taken together.

As regards the second part of the question, the attention of the Honourable Member is invited to the reply given in this House to part (b) of his starred question No. 461 on the 22nd February, 1932.

ALLEGATIONS AGAINST KHAN SAHIB MALIK KARAM DIN, TELEGRAPH MASTER, GOVERNMENT TELEGRAPH OFFICE, LAHORE.

984. ***Bhai Parma Nand :** (a) Are Government aware that Khan Sahib Malik Karam Din, Telegraph Master of the Lahore Government Telegraph Office, his son Malik Khurshed Ahmad, a clerk in the same office, and Mohammad Khurshed Ahmad, Telegraphist, in that office, made assaults in July, 1933 on certain members of the Hindu staff employed in that office ?

(b) Are Government aware that complaints by Hindu staff have been made to the higher authorities against the assaulters concerned ? If so, will Government please state what action, if any, has been taken against the assaulters ?

(c) Is it a fact that Khan Sahib Malik Karam Din was the cause of serious troubles at Peshawar Telegraph Office at the time when Mr. E. C. Moore was in charge of that office and also at Lyallpur when he himself was in charge ?

(d) Is it a fact that Khan Sahib Malik Karam Din is the same official who has already been given warnings by higher authorities for his undesirable communal activities ? If so, have Government considered the question of his removal from Government service for his continued undesirable activities ? If not, do they propose to do so now ?

The Honourable Sir Frank Noyce : Government have no information. The matter is one with which the Head of the Circle, to whom a copy of the question is being sent, is competent to deal.

SURVEY OF THE KARACHI-BOMBAY PROPOSED BROAD GAUGE LINE.

985. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if the Railway Board have completed the final survey of the Karachi-Bombay proposed broad gauge line, which they had undertaken to complete by July, 1933 ?

(b) If so, will Government be pleased to state whether they will start the construction work this year, as was promised to the Federation of Indian Chambers ?

(c) If the survey be not complete, what is the reason for the delay and how long are Government likely to take to come to a definite decision ?

(d) Are Government aware of the urgency of this Railway and the anxiety of the people of Sind and Bombay to see this railway opened for traffic soon ?

(e) What action do Government propose to take to bring into being this railway at an early date ?

Mr. P. R. Rau : (a), (b) and (c). Government are not aware of having given any undertaking or promise regarding the date of the completion of the survey or the starting of construction work, but the revised traffic survey which was in hand has been completed, and the report of the officer employed on it has been submitted to the Agent, North Western Railway. When it is received by the Railway Board, along with the considered views of the Railway Administration, the question of taking up the construction of the line will be carefully considered in all its bearings. I regret it is not possible to say at present how long it will take to come to a decision. The expenditure involved is about six crores of rupees and the matter is not, therefore, one that can or should be disposed of without very thorough examination.

(d) and (e). Government are aware that certain sections of public opinion are strongly in favour of the construction of this line and consider it an urgent necessity, but it appears that there is also a not inconsiderable body of opinion who consider that there are more important lines in that area which should have precedence. In any case, Government cannot undertake to start work on it until they are satisfied that it will be remunerative, with which object in view the recent survey was carried out.

Mr. Lalchand Navalrai : I did not quite follow the answer of my Honourable friend with regard to the position which Government take as regards this railway. What is the view that Government hold with regard to this railway ? Are they in favour of its being constructed or not ?

Mr. P. R. Rau : It depends on the results of the traffic survey.

Mr. Lalchand Navalrai : May I know who have been deputed for that survey ?

Mr. P. R. Rau : It was done by an officer of the North Western Railway. I am sorry I do not remember the exact name.

Mr. Lalchand Navalrai : May I know if the report of that survey will be scrutinised by the Agent, and whether he will be the deciding authority ?

Mr. P. R. Rau : No, Sir. It will be scrutinised by the Agent and will be sent to the Railway Board with his comments.

DISCHARGE OF CERTAIN HINDU CLERKS FROM THE OFFICE OF THE CHIEF ACCOUNTS OFFICER, NORTH WESTERN RAILWAY.

986. ***Rao Bahadur M. C. Rajah :** (a) Will Government be pleased to state if it is a fact :

(i) that on the 15th August, 1932, on the withdrawal of certain temporary posts from the Office of the Chief Accounts Officer,

North Western Railway, about 15 permanent Hindu clerks of that office, who had been appointed as a result of an all India competitive examination held in 1929, were discharged from service ;

- (ii) that these permanent Hindu clerks were, as per rules, granted all leave due to them on the date of discharge, and, while still on leave, taken back in service about a month afterwards on the intervention of the Controller of Railway Accounts, on the return to their parent Department of about 20 commercial clerks of that Railway ;
- (iii) that the specific work for which these 20 commercial clerks had been taken on to the administrative control of the Chief Accounts Officer, North Western Railway, had ceased from 1st August, 1932, and that the Chief Accounts Officer nevertheless continued to retain these men in his office against posts sanctioned for Accounts work ;
- (iv) that the Chief Accounts Officer, North Western Railway, was fully aware, on the date he absorbed these 20 commercial clerks in the Accounts establishment of the Railway even after the work for which they had been loaned from the Commercial Department of the Railway had ceased to exist, of the reduction in his own establishment that he was to effect on 15th August, 1932 ?

(b) Will Government please state why the Chief Accounts Officer, North Western Railway, retained against Accounts posts, staff of much inferior qualifications recruited mainly for work at railway stations, and, brought under reduction staff who had been recruited specially for the Accounts Department through an all-India competitive examination, with service in the Accounts office extending to three years and who had been declared by a Chief Accounts Officer, North Western Railway, to be as a class, far superior to others ?

(c) Will Government be pleased to state further whether these 15 clerks are, on re-appointment, being treated as temporary clerks and threatened with new scales of pay, etc., simply on the technical plea that they did not hold a lien on their posts during their leave ?

(d) Do Government propose to cancel their discharge on 15th August, 1932, or post-date to about 14th September, 1932, the retrenchment of the temporary posts that led to their discharge and restore them to the permanent status that they held before discharge on 15th August, 1932 ?

Mr. P. R. Rau : (a) (i) Certain temporary and permanent posts of clerks were brought under reduction, with effect from the 15th August, 1932, and 11 permanent Hindu clerks recruited through competitive examination were discharged along with others, the discharges being made in accordance with the orders regulating retrenchment.

(a) (ii) The permanent Hindu clerks referred to above were granted the leave admissible under rules and were re-appointed during the currency of leave on the occurrence of vacancies in the following circumstances :

110 clerks selected from among the station staff at several stations and belonging to the Commercial Department were working

under the control of the Chief Accounts Officer, North Western Railway, in connection with a scheme which aimed at relieving the station staff of the responsibility of preparing accounts returns. The scheme in its final form required the employment of no more than 33 clerks in the Accounts Office. Consequently, the excess of the staff taken over from the stations over the number required was returned to the Department to which they belonged. Subsequently, however, it was arranged to send back 20 more of the clerks originally taken over from the Commercial Department. This last incident provided an opportunity for re-appointing 20 of the clerks discharged from service from the Accounts Office.

(a) (iii) As explained above the work did not cease from the 1st August, 1932, and the second portion of the question does not arise.

(a) (iv) In view of my answer to clause (iii) above the question does not arise.

(b) In the reply to clause (a) (ii) I have already explained the reason for taking some of the Commercial Department clerks into the Accounts Department.

(c) and (d). The questions are under examination with reference to certain memorials received from the staff.

CONTRIBUTION TOWARDS THE BUILDING FUND OF THE PRINCE OF WALES SEAMEN'S INSTITUTE.

987. *Mr. K. C. Neogy : Will Government be pleased to state :

(a) whether a substantial amount of the Building Fund of the Prince of Wales Seamen's Institute was contributed by the Indian public ;

(b) whether that Institute has been receiving an annual grant from the Government of India ?

The Honourable Sir Joseph Bhoré : (a) Attention is invited to the final reply to parts (a) and (b) of Mr. B. Das's question No. 1058, which was laid on the table on the 7th November, 1932.

(b) Yes.

ADMISSION OF INDIAN OFFICERS AND CADETS IN THE PRINCE OF WALES SEAMEN'S INSTITUTE.

988. *Mr. K. C. Neogy : Will Government be pleased to state :

(a) if it is a fact that Indian officers and cadets, up to very recently, were not admitted to the Prince of Wales Seamen's Institute ;

(b) if it is a fact that the Prince of Wales Seamen's Institute is now prepared to admit only such Indian officers and cadets as are of " European habits of life " ;

(c) if it is a fact that no restriction is imposed by the Mayo Marine Club at Rangoon in regard to the admission of Indian officers

and cadets as imposed by the Prince of Wales Seamen's Institute ;

- (d) if the answer to parts (a), (b) and (c) be in the affirmative, the circumstances which have led the Prince of Wales Seamen's Institute to impose such restrictions on the admission of Indian officers and cadets as referred to above ?

The Honourable Sir Joseph Bhoore : (a) and (b). Yes.

(c) Government have no definite information on this point.

(d) The Prince of Wales Seamen's Institute caters for those who can adapt themselves to the ordinary social usages of a Club of this kind. Government have made enquiries into the matter and they see no reason to apprehend that in practice there will be any restrictions or disabilities on the use of the Institute by Indian officers and cadets.

Mr. K. C. Neogy : Will the Government be pleased to enquire on the point referred to in clause (c) of the question ?

The Honourable Sir Joseph Bhoore : In regard to the Mayo Marine Club at Rangoon ? Certainly, if my Honourable friend is anxious to have it I shall get the information for him.

Mr. K. C. Neogy : Will the Honourable Member see to it that no discriminatory treatment is meted out to Indians in this particular matter ?

The Honourable Sir Joseph Bhoore : I think, Sir, I have said enough to satisfy my Honourable friend that we do not apprehend any discriminatory treatment will result in actual practice.

Mr. Gaya Prasad Singh : Are the Government aware that this question of the Mayo Marine Club at Rangoon came up before the Standing Finance Committee more than once, and that the Standing Finance Committee allowed certain expenditure to be incurred on the distinct understanding that Indian officers would be allowed into this Club without any restriction being imposed ?

The Honourable Sir Joseph Bhoore : I am much obliged to the Honourable Member for the information.

Mr. K. C. Neogy : Is there any authoritative definition anywhere of the expression " European habits of life " ?

The Honourable Sir Joseph Bhoore : No, Sir. I do not think there is, but if my Honourable friend would do me the honour next time he is in Delhi to come to a Club with me I will give him a practical illustration of its meaning.

Mr. K. C. Neogy : Shall I be permitted with these clothes on ?

The Honourable Sir Joseph Bhoore : Yes, most certainly.

STATUS OF BERAR IN THE FEDERAL CONSTITUTION.

989 ***Mr. S. G. Jog :** (a) Will Government please state whether the negotiations which were in progress between the Government of India and His Exalted Highness the Nizam as regards the exact method of bringing in Berar into the Federal Constitution have been concluded ?

(b) If so, will Government please make a statement on the general position as it stands now ?

(c) Will Government please state whether, and if so, when and how an opportunity will be given to the representatives of Berar to discuss the terms of that negotiation before any final decision is taken ?

The Honourable Sir Joseph Bhore : (a) No.

(b) The question does not arise.

(c) Government regret that they are not yet in a position to make a statement on the points raised.

Mr. S. G. Jog : Is it not a fact that in London there was a Committee appointed under the chairmanship of the Under Secretary of State for India very recently and they have considered the question ?

The Honourable Sir Joseph Bhore : My Honourable friend must give me notice of that question.

INQUIRY UNDER CERTAIN PARAGRAPHS OF THE PROPOSALS IN THE WHITE PAPER.

990. ***Mr. S. G. Jog :** (a) Will Government please make a statement as regards the result of any inquiry under paragraphs 45 and 61 of the proposals in the White Paper ?

(b) If the inquiry is not yet finished, will Government please state when it is likely to be completed ?

The Honourable Sir Joseph Bhore : Paragraphs 45 and 61 of the White Paper Proposals do not suggest any enquiry. If the Honourable Member will indicate what enquiries he has in his mind, I shall be glad to see whether there is any information which Government could give him.

INDIANS IN THE INDIAN CIVIL SERVICE APPOINTED AS EXECUTIVE COUNCILLORS IN THE PROVINCES.

991. ***Mr. S. G. Jog :** (a) Will Government please state how many Indians belonging to the Indian Civil Service have been appointed in each province, whether major or otherwise, as Executive Councillors, since the year 1920, i.e., the year of working of the Montford Reforms, till August, 1933 ?

(b) Will Government please state what is the proportion of Indians in the Indian Civil Service as compared with Europeans in each province ?

(c) Will Government please state what part the Local Governments and the Government of India and the Secretary of State take in the said appointments ?

(d) Will Government please state the authority who makes the final appointment ?

The Honourable Sir Harry Haig : (a) So far as I am aware no Indian member of the Indian Civil Service has been permanently appointed to a Governor's Executive Council, but three have been appointed in temporary vacancies, one of them after resigning from the Indian Civil Service.

(b) A statement is placed on the table. I am afraid, however, the Honourable Member will not be able to base any argument on these figures with reference to the point raised in (a) of his question, as the great majority of the Indian members have entered the service within the last 15 years, and clearly would not be considered for appointments of this nature.

(c) and (d). Members of a Governor's Executive Council are appointed by His Majesty under section 47 of the Government of India Act. Appointments to temporary vacancies are made by the Governor in Council under section 92 of the Act.

Statement showing the number and proportion of officers in the Indian Civil Service on 1st January, 1933.

Province.	Number.			Proportion.	
	Total.	Europeans.	Indians.	Europeans.	Indians.
				%	%
Madras	187	108	79	58	42
Bombay	149	94	55	63	37
Bengal	184	104	80	57	43
United Provinces	209	128	81	61	39
Punjab	151	97	54	64	36
Burma	153	117	36	76	24*
Bihar and Orissa	118	77	41	65	35
Central Provinces	102	61	41	60	40
Assam	44	33	11	75	25

* Including Burmans.

Mr. S. G. Jog : Is there any particular reason why permanent appointments have not been made during the last ten or twelve years ?

The Honourable Sir Harry Haig : No, Sir. There can be no general reason. It is a question of individual selection.

Mr. S. G. Jog : Is there any tendency to make a distinction between the European element in the I. C. S., and the Indian element ?

The Honourable Sir Harry Haig : No, Sir. There is no such tendency.

Mr. S. G. Jog : Have any cases been brought to the notice of the Government of India of supersession in the Central Provinces Government in the case of appointments to the Executive Council ?

The Honourable Sir Harry Haig : There is no question of super-session. These are very essentially selection appointments.

Mr. S. G. Jog : What are the qualifications that weigh with the Government in making selections ?

The Honourable Sir Harry Haig : Suitability.

Mr. Gaya Prasad Singh : Not seniority ?

Mr. B. V. Jadhav : Is it not a fact that an Indian member of the I. C. S. was not found suitable for a permanent appointment as Executive Councillor, but he was subsequently found suitable to fill a temporary vacancy ?

The Honourable Sir Harry Haig : I am afraid I do not know what case my Honourable friend is referring to.

Mr. B. V. Jadhav : Mr. J. N. Ghosal's.

The Honourable Sir Harry Haig : I must ask for notice of that.

Mr. K. C. Neogy : Is there not a tendency in some provinces at least to shunt off the Indian members of the I. C. S. into the judicial line so that the executive line may be the monopoly of the Britishers ?

The Honourable Sir Harry Haig : No, Sir. I do not think that is the case, nor do I think that that question arises out of the point that we are considering at the moment. So far as selection for the judicial line is concerned, I think as a rule Local Governments try to make their selections in accordance with the wishes of the officers.

CLERKS EMPLOYED ON WORK CONNECTED WITH HOURS OF EMPLOYMENT REGULATIONS ON THE NORTH WESTERN RAILWAY.

992. ***Mr. Uppi Saheb Bahadur :** (a) Will Government please state whether it is a fact that some 20 clerks have been employed on the North Western Railway on work in connection with hours of employment regulations ?

(b) Is it a fact that all these clerks were given promotion to a higher scale at the time of their appointment to those duties, class II clerks being put in class III and class III clerks in class IV ?

(c) Is it a fact that in addition to higher rate of pay these clerks generally earn travelling allowance while on tour ?

(d) Is it a fact that no selection was made by a proper selection board for appointment to these posts which involved arbitrary and out-of-turn promotion ?

(e) Is it not the declared policy of Government not to give increase of pay for work of a special or different character ? If so, why was increased pay given in this case as a matter of course ?

(f) Are Government prepared to consider the question of regrading all these clerks in their substantive grades ?

(g) Will Government be pleased to state whether it is a fact that in promoting all these to the next higher grades they were given the minimum pay of such higher grade ?

(k) Is it a fact that there was one case, namely that of Mr. Khub Chand, in which the clerk was given nearly the maximum pay of the higher grade ?

Mr. P. R. Rau : With your permission, Sir, I shall answer questions Nos. 992, 993 and 994 together. Government have no information but I have sent a copy of these questions to the Agent, North Western Railway, for such action as he may deem necessary.

WELFARE CLERK IN THE RAILWAY WORKSHOPS AT SUKKUR.

+993. ***Mr. Uppi Saheb Bahadur :** (a) Is it a fact that a class IV welfare clerk is in the Workshops at Sukkur whereas there is only a class III welfare clerk in Loco. Shops, Moghalpura ?

(b) Is it a fact that the Loco. Shops, Moghalpura, have nearly four times as much staff as the Sukkur Shops ?

(c) If the reply to part (a) be in the affirmative, will Government please state the special circumstances which warrant the appointment of a senior grade man in the smaller workshop ?

SINDHI AND NON-SINDHI CLERKS IN THE LATE CONSTRUCTION OFFICE, NORTH WESTERN RAILWAY.

+994. ***Mr. Uppi Saheb Bahadur :** (a) Will Government please state the number of Sindhi and non-Sindhi clerks in the Construction office, North Western Railway, before the dissolution of that office in 1932 ?

(b) Will Government be pleased to state the number of Sindhi and non-Sindhi clerks who were retained and confirmed after the dissolution of Construction Office ?

(c) Is it a fact that some of these Sindhi Hindu clerks who were below the educational standard required for the appointment and confirmation as office clerks have been confirmed in contravention of the existing rules ? If so, why ?

(d) If the reply to part (c) be in the affirmative, are Government prepared to take steps to remedy matters and to avoid a recurrence of such preferential treatment ?

NON-POSTING OF UNQUALIFIED GUARDS AS ASSISTANT STATION MASTERS ON INDIAN RAILWAYS.

995. ***Mr. Uppi Saheb Bahadur :** (a) Is it a fact that those Guards who are once sent to the Training School and disqualify themselves are never posted to work as Assistant Station Masters under the general rules on Indian Railways read with subsidiary rules of 1929 ?

(b) Are there any exceptions to these rules issued by the Railway Board ? If so, upto what extent ?

(c) Are Agents empowered to deviate from these rules without prior approval of the Railway Board ?

(d) Are any divisions of the North Western Railway exempt from the operation of these rules ?

†For answer to this question, see answer to question No. 992.

Mr. P. R. Rau : (a) I have not been able to discover any rule in the General Rules for Indian Railways which has this effect.

(b) and (c). Agents are bound to follow the General Rules issued by the Railway Board, but are empowered to frame subsidiary rules which they can alter so long as they are not inconsistent with the General Rules.

(d) No Railway or Division of a railway is exempt from the operation of the General Rules.

RULES OF EXAMINATION FOR RECRUITMENT TO THE SUPERIOR COMMERCIAL AND TRANSPORTATION SERVICES.

996. ***Mr. Uppi Saheb Bahadur :** (a) Is it a fact that the Railway Board recently revised the rules for the competitive examination held for recruitment to the superior Commercial and Transportation Services ?

(b) Is it also a fact that the classical languages, like Sanskrit, Arabic and Persian, do not find a place in the syllabus for that examination ?

(c) Is it a fact that these languages form part of the syllabus of practically all non-technical examinations, for example Indian Civil Service, Indian Audit and Accounts Service, Imperial Custom Service, Railway and Military Accounts Service, etc. ?

(d) If so, are Government prepared to consider the advisability of including these three subjects, viz., Sanskrit, Arabic and Persian, in the syllabus for the recruitment examination of the superior Commercial and Traffic Service ?

Mr. P. R. Rau : (a), (b) and (c). Yes.

(d) The syllabus was revised in consultation with the Public Service Commission and the reason why so wide a choice was not proposed for this examination was that the experience of the Public Service Commission had shown that the number of options allowed was excessive. It was also held that these Departments were unlikely to require candidates possessing the qualifications resulting from a prolonged study of the classical languages. My Honourable friend will no doubt have observed that a large number of other subjects with probably as good a claim as the classical languages have been excluded from this syllabus.

UNSTARRED QUESTIONS AND ANSWERS.

RECRUITMENT OF INDIANS TO THE INDIAN AIR FORCE.

81. **Rao Bahadur M. C. Rajah :** (a) Will Government be pleased to state what are the various "trades" in the Indian Air Force to which they have decided to recruit Indians and what is the sanctioned strength for each ?

(b) How much recruitment of Indians for the Indian Air Force has so far been made and how much remains to be made in the near future ?

(c) What are the addresses of the various Recruiting or Technical Recruiting Officers through whom applications for recruitment for technical and non-technical trades should be submitted ?

(d) How, by whom and when is the final selection of personnel to be made ?

(e) What are the various training centres at which the selected apprentices, etc., will be trained and where will the offices and Headquarters of the Indian Air Force be located ?

(f) What is the minimum period for which candidates for "trades not involving apprenticeship" must work as aircrafthands before they can be mustered into the trades chosen by or specified for them ?

(g) Are free rations, free quarters (single or family), railway warrants and leave concessions allowed to airmen before attestation ?

(h) What are the rates of pay and rules for recruitment for (i) Warrant officers, and (ii) Mechanical Transport drivers for the Indian Air Force ?

Mr. G. R. F. Tottenham : (a)

<i>Trades.</i>	<i>Sanctioned strength.</i>
Aircrafthand	5
Armourer	1
Blacksmith	1
Carpenter	1
Clerk, General Duties	2
Clerk, Pay Accounting	1
Clerk, Stores Accounting	1
Coppersmith and Metal Worker	1
Electrician	1
Fitter Aero Engine	8
Fitter Armourer	1
Metal Rigger	7
Photographer	1
Storekeeper	2
Wireless Operator Mech.	2
Wireless Operator	2

(b) Twenty-two have already been enrolled. The balance required to complete establishment will be enrolled in the near future.

(c) Applications for enrolment in highly skilled trades should be submitted to Royal Air Force Headquarters. Applications for enrolment in other trades should be submitted to the Army Recruiting Officer at Rawalpindi, Peshawar, Kohat, Lahore, Jullundur, Delhi, Ajmer or Lucknow.

(d) By merit, by the Air Officer Commanding, Royal Air Force, India.

(e) Karachi.

(f) No minimum period has been prescribed.

(g) Free rations, free quarters (single) and leave concessions are allowed to airmen after enrolment. Railway warrants to join the unit at Karachi are allowed to accepted recruits.

(h) (i) Rates of pay for Warrant Officers have not yet been fixed. Warrant Officers are not recruited direct but are promoted from the junior ranks.

(ii) Mechanical Transport Drivers are selected by the Indian Army Service Corps and trained at Chaklala. The rates of pay are laid down in Pay and Allowance Regulations for the Royal Air Force in India and Indian Air Force.

INTRODUCTION OF LEAVE RESERVE AND NEW SCALES OF PAY IN THE
GOVERNMENT OF INDIA OFFICES.

82. **Rao Bahadur M. C. Rajah** : (a) Is it a fact that all Departments of the Government of India Secretariat and some of the Attached Offices have a leave reserve for their establishment ?

(b) Do Government propose to introduce a leave reserve in all the Attached Offices and thereby stop the practice of appointing in-experienced officiating men in short vacancies when any permanent incumbent goes on leave ?

(c) When do Government propose to introduce new scales of pay in the offices of the Government of India ?

(d) Is it a fact that the introduction of new scales of pay will also involve some changes in the strength of staff in the various Divisions in the case of Attached Offices ?

(e) Do Government propose to avail themselves of this opportunity to introduce a leave reserve along with the introduction of the new scales of pay in those few offices in which it does not exist at present ?

The Honourable Sir George Schuster : (a) Yes.

(b) No such proposal is under consideration.

(c) Scales of pay for new entrants to the Governor General's Services are in course of publication.

(d) Yes.

(e) As the question of the provision of a leave reserve has no connection with the introduction of new scales of pay Government have not considered the suggestion made.

REVISED EDITION OF THE MOORE'S FAMILY MEDICINE.

83. **Rao Bahadur M. C. Rajah** : (a) Will Government please state when was the book " Moore's Family Medicine " last revised and what is its price for Government servants ?

(b) When do Government propose to print its up-to-date edition ?

(c) Do Government propose to ascertain from all Government servants by means of a general circular as to the number of copies required by them when the book is re-printed ?

Mr. G. S. Bajpai : (a) In 1920. The price of the present edition was recently reduced and is now Rs. 2-8-0 per copy for Government servants whose salary is below Rs. 500 *per mensem* and Rs. 3 for those whose salary is Rs. 500 and over, *per mensem*.

(b) The matter is under consideration.

(c) Government consider that when the book is reprinted, it would be sufficient to bring that fact to the notice of Government servants through Local Governments and Heads of Departments.

APPOINTMENT OF DOCTORS AND OPENING OF A DISPENSARY IN NEW DELHI.

84. **Rao Bahadur M. C. Rajah** : (a) Will Government please state :

(i) the names of doctors appointed for duty with the Government of India at New Delhi for the next winter for various grades of Indian employees ;

- (ii) the time and place at which they will be available for consultation ;
- (iii) prescribed rates of fees for their visiting the houses of the Government employees ?

(b) Are Government aware that last year both the time and place of consultation of the doctors was not convenient for those for whom they were intended ?

(c) Do Government propose to fix the time of consultation *before* office hours in the morning and *after* office hours in the evening, and the place of consultation near the Indian Clerks' quarters, *viz.*, Col Market or Baird Road ?

(d) When do Government propose to open a dispensary, like the Civil and Military Dispensary of Simla, at a central place (Indian clerks' quarters), in New Delhi from where Government servants may get medicines without unnecessary loss of time ?

Mr. G. S. Bajpai : (a) (i) Indian employees of the Government of India Secretariat and their Attached Offices will be attended to by the following medical officers :

Those drawing pay of Rs. 500 per mensem and upwards by Major R. S. Aspinall, I.M.S., Civil Surgeon, New Delhi.

Those drawing pay from Rs. 150 to Rs. 499 per mensem in migratory offices by Dr. N. F. Masters, Civil Assistant Surgeon in charge of Junior Secretariat Establishments.

Those drawing pay from Rs. 150 to Rs. 499 per mensem in non-migratory offices by Dr. D. Deish, Civil Assistant Surgeon attached to the Civil Hospital, New Delhi.

Those drawing pay of Rs. 149 per mensem and under by Dr. Randhir Singh and Dr. Muhammad Yunus, Sub-Assistant Surgeons attached to the Civil Hospital, New Delhi.

Indian employees of the Army and Royal Air Force Headquarters drawing Rs. 250 per mensem and upwards will be attended to by the Surgeon to His Excellency the Commander-in-Chief and those drawing less than Rs. 250 per mensem by Dr. N. F. Masters.

(ii) At the Civil Hospital, New Delhi, between 8 A.M. and 10 A.M. and between 4-30 P.M. and 5-30 P.M. After these hours at their residences.

(iii) All Government servants and the families of those employed in the Army and Royal Air Force Headquarters, if too ill to attend the hospital, are entitled to free attendance at their residences. When a Government servant's family is not entitled to free attendance the appointed medical attendant is permitted to charge a fee not exceeding, in the case of an Assistant Surgeon, Rs. 2 for each day visit and Rs. 4 for each night visit, and, in the case of a Sub-Assistant Surgeon, Re. 1 for each day visit and Rs. 2 for each night visit.

(b) No.

(c) and (d). The time of consultation has always been before office hours in the morning and after office hours in the evening. As the Civil Hospital, New Delhi, is situated at a central place, not far from the Indian Clerks' quarters, the question of opening a new dispensary as suggested by the Honourable Member does not arise.

RATIO OF THE NUMBER OF SUPERINTENDENTS TO ASSISTANTS AND CLERKS IN THE GOVERNMENT OF INDIA OFFICES.

85. **Rao Bahadur M. C. Rajah** : Will Government please state what is the ratio of the number of Superintendents to Assistants and Clerks in the Home Department and in other Departments of the Government of India and Attached Offices ?

The Honourable Sir Harry Haig : A statement containing the information is laid on the table.

Statement showing the ratio of Superintendents to Assistants and Clerks in the Government of India Secretariat and Attached Offices.

Home	..	..	..	1 Superintendent to	12·8 Assistants and Clerks.		
Foreign and Political	..	..	1	..	9·8	..	..
Finance	..	..	1	..	11·9	..	..
Commerce	..	..	1	..	14·8	..	..
E., H. & L.	..	..	1	..	13·1	..	..
Legislative	..	..	1	..	19	..	..
Industries Branch	..	..	1	..	17·7	..	..
P. W. Branch	..	..	1	..	7	..	..
Army	..	..	1	..	18·7	..	..
F. A., M. F.	..	..	1	..	18·2	..	..
I. C. A. R.	..	..	1	..	19	..	..
Railway	..	..	1	..	16	..	..
Legislative Assembly	..	..	1	..	19	..	..
<i>Attached Offices.</i>							
Adviser, I. S. Forces	..	..	1	..	10	..	..
D. G., I. M. S.	..	..	1	..	10·3	..	..
D. I. B.	..	..	1	..	10·3	..	..
D. P. I.	..	..	1	..	8	..	..
Director, Civil Aviation	..	..	1	..	8·3	..	..
D. G., Archy...	..	..	1	..	10	..	..
Indian Stores Department	..	..	1	..	29·4	..	..
C. B. R.	..	..	1	..	18	..	..
P. S. C.	..	..	1	..	15	..	..
D. G., P. & T.	..	..	1	..	11·4	..	..
Controller, Printing and Stationery	..	..	1	..	16	..	..
G. S. Branch	..	..	1	..	18·3	..	..
A. G.'s Branch	..	..	1	..	11·25	..	..
Q. M. G.'s Branch	..	..	1	..	12	..	..
M. G. O. Branch	..	..	1	..	11·2	..	..
M. S. Branch	..	..	1	..	13·3	..	..
E.-in-C.'s Branch	..	..	1	..	12	..	..
Medical Directorate	..	..	1	..	11	..	..
Contracts Directorate	..	..	1	..	10	..	..
A. D. O. S. (Provision)	..	..	1	..	13	..	..
R. A. F. Headquarters	..	..	1	..	14·5	..	..

NOTE.—(i) There are no superintendents in the offices of the A. M. S. (P.) and the J. A. G.

(ii) In preparing the statement, the total number of Assistants and clerks has been taken into account, though in a few cases Assistants and clerks are in charge of Sections and many clerks are employed in isolated posts of a special nature not under the charge of Superintendents.

OCCUPATION OF QUARTERS IN NEW DELHI BY THE STAFF OF THE GOVERNMENT OF INDIA AFTER THEY BECOME OUT OF CLASS.

86. Rao Bahadur M. C. Rajah : (a) Is it a fact that the members of the non-migratory establishments of the Government of India at New Delhi are permitted to remain in occupation of the quarters once allotted to them when they become out of class, until a quarter of the proper class becomes available for them ?

(b) If the reply to part (a) be in the affirmative, will Government please state if the same practice is followed in the case of the migratory staff as well ?

(c) Are Government aware that great difficulty is experienced by those who are ousted from their old quarters in finding private residences for themselves after their move down from Simla and that their case is harder than of those who remain throughout the year in New Delhi ?

(d) Do Government propose to consider the desirability of making the practice in this respect uniform for migratory and non-migratory staff ? If not, why not ?

The Honourable Sir Frank Noyce : The attention of the Honourable Member is invited to the reply given by me on the 20th March, 1933, to starred question No. 799 by Mr. M. Maswood Ahmad.

LOCATION OF CERTAIN ATTACHED OFFICES IN NEW DELHI.

87. Rao Bahadur M. C. Rajah : (a) Will Government please state how does the question of the stoppage of the move of the Government of India, and particularly of the Attached offices, stand at present ?

(b) Is it a fact that the installation of metres has solved to a large extent the shortage of water problem which was a great obstacle in the way of the Attached Offices being permanently located at New Delhi ?

(c) Have Government considered that some of the Attached Offices, e.g., Public Service Commission, Indian Stores Department, Director General of Indian Medical Service (excepting the Branch dealing with Indian Medical Service and Military Department), and Director General of Archaeology, can be easily detached from the Government of India and located at New Delhi during summer ?

(d) Do Government propose to announce their final decision in the matter sufficiently before the move-down of the offices to enable the establishments concerned to make their future arrangements (regarding lease of houses at Simla for the next year and removal of their household effects from Simla to Delhi) accordingly ?

The Honourable Sir Harry Haig : (a) and (c). I would refer the Honourable Member to the reply given by me on September 5, 1933, to part (b) of Mr. Bhuput Sing's question No. 607.

(b) I understand that the recent installation of meters has had a very marked effect on the consumption of filtered water.

(d) It is unlikely that any decision will be announced before the offices move to Delhi next month.

NEW SCALES OF PAY FOR ARMY HEADQUARTERS STAFF.

88. **Rao Bahadur M. C. Rajah** : (a) Will Government please state whether the new scales of pay for Secretariat and Attached Offices of the Government of India will also apply to the Army Headquarters ? If not, what will be the system of recruitment in future for the Army Headquarters ?

(b) Is it a fact that the clerks of the Indian Army Corps will be appointed for duty in the Army Headquarters, and if so, what will be their scales of pay and allowances ?

Mr. G. R. F. Tottenham : (a) and (b). The matter is under consideration, and no decision has yet been reached.

CERTAIN POSTS IN EACH POSTAL DIVISION OF THE BOMBAY CIRCLE.

89. **Mr. A. Das** : (a) Will Government please furnish the following information in respect of each Postal Division of the Bombay Circle :

Number of posts of—

(i) Departmental Branch Postmasters,	} on the 31st March, 1931 and on the 30th June, 1933 ?
(ii) Overseers,	
(iii) Overseer Postmen,	
(iv) Head Postmen,	
(v) Reading or Sorting Postmen,	
(vi) Postmen,	
(vii) Village Postmen,	
(viii) Runners, and	
(ix) Other inferior servants,	

(b) How many of the posts in the categories (vi), (vii) and (viii) of part (a) above, were abolished altogether between this period, *i.e.*, between 31st March, 1931 and 30th June, 1933, and how many were substituted by employment of extraneous agents to do the duties attached to their posts ?

(c) In how many cases, in respect of each Postal Division of the Circle, were the permanent holders of the posts in the categories of (vi), (vii) and (viii) of part (a) above, retired compulsorily during the same period for purposes of employment of extraneous agents in their places ?

The Honourable Sir Frank Noyce : (a), (b), and (c). Government regret that the information required for a detailed reply to the various parts of the question is not available and could not be obtained without much time and labour ; but a statement showing the number of posts in each of the first five categories on the 31st January, 1931 and the 31st January, 1933, respectively, in the Bombay Circle, as a whole, is annexed. In this connection the Honourable Member's attention is invited to the reply given in this House on the 31st August, 1933, to his starred questions Nos. 295 and 296.

Statement.

BOMBAY CIRCLE.

Category.	Number of posts on 31st January, 1931.	Number of posts on 31st January, 1933.
(i) Departmental Branch Postmasters	144	27
(ii) Mail Overseers	40	37
(iii) Overseer Postmen	61	56
(iv) Head Postmen	57	31
(v) Reader and Sorting Postmen	114	107

POSTING OF HINDU SUPERINTENDENTS IN THE PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE.

90. **Seth Liladhar Chaudhury** : (a) Will Government please state the number of Superintendents of Post Offices of different communities in the Punjab and North-West Frontier Circle ? Is it a fact that the Hindus are in very poor minority and the Muslims in very great majority ? If so, will Government please state the action they propose to take to avoid the preponderance of the Muslim community in the posts of Superintendents of Post Offices in the Punjab Circle ?

(b) Will Government please state the names of the Postal Divisions in the Punjab Circle the charge of which has not been held by a Hindu Superintendent during the last 15 years ?

(c) Do Government propose to consider the advisability of posting Hindu Superintendents to these Divisions as soon as suitable opportunity occurs in future ?

The Honourable Sir Frank Noyce : (a) As regards the first part of the question, there are at present nine Muslims, four Hindus, five Sikhs, one European and three Anglo-Indian Superintendents of Post Offices, including Assistant Postmasters-General, in the Punjab Postal Circle. As regards the second part, the attention of the Honourable Member is invited to the reply given in this House to part (b) of Bhai Parma Nand's starred question No. 461 on the 22nd February, 1932.

(b) Government have no information as such postings are made by the Postmaster-General.

(c) Does not arise in view of the reply to parts (a) and (b).

PREPONDERANCE OF MUSLIMS IN THE PESHAWAR POSTAL DIVISION.

91. **Seth Liladhar Chaudhury** : (a) Will Government please lay on the table a statement showing different kinds of allowances attached to all classes of appointments in the Peshawar Postal Division of the Punjab Circle, and how many of the posts carrying such allowances were held by (i) Hindus, and (ii) Muslims on 31st March, 1933 ?

(b) If the statement referred to in part (a) above, indicates that the number of Hindus who held the posts under reference on 31st March, 1933, was much less than those of Muslims, will Government please state the reason for this discrimination ?

(c) Are Government aware that no Hindu Superintendent has held charge of the Peshawar Postal Division during the last 15 years ? If so, are Government prepared to order the posting of a Hindu Superintendent to the Peshawar Postal Division ?

(d) Will Government please lay on the table a statement showing the names of Sub-Offices and of the Sub-Postmasters in charge of the Peshawar Postal Division, together with their length of service on 31st March, 1933 ?

The Honourable Sir Fank Noyce : (a) to (d). Government are not in possession of the information asked for and do not consider it necessary to call for it as appointments to allowanced posts are not made on communal considerations.

PREPONDERANCE OF MUSLIMS IN THE PESHAWAR POSTAL DIVISION.

92. **Seth Liladhar Chaudhury :** (a) Is it a fact that junior Muslims are working as Sub-Postmasters, while senior Hindus are working as clerks in the Peshawar Postal Division ?

(b) Is it a fact that the number of Muslim Sub-Postmasters far out-steps the number of Hindu Sub-Postmasters in the Peshawar Postal Division, and if so, are Government prepared to order the replacement of junior Muslim officials working as Sub-Postmasters by senior Hindu officials in the Peshawar Postal Division ?

The Honourable Sir Frank Noyce : (a) and (b). Government have no information and do not consider it necessary to call for it as such postings are not made on communal considerations.

PREPONDERANCE OF MUSLIMS IN THE PESHAWAR POSTAL DIVISION.

93. **Seth Liladhar Chaudhury :** Will Government be pleased to lay on the table a statement showing the number of posts sanctioned in the Peshawar Postal Division in each scale or cadre, *viz.*, Postmasters, Clerks, Overseers, Head Postmen, Departmental Branch Postmasters, Postmen, Menials, Runners and others, and how many of these posts are held by Hindus in each cadre or class of scale ? What action do Government propose to take to remove the Muslim preponderance in the Peshawar Postal Division ?

The Honourable Sir Frank Noyce : As regards the first part of the question, a statement giving the information available is annexed. Although it is not precisely on the lines asked for by the Honourable Member, Government hope that it will meet his requirements.

As regards the second part, Government do not propose to take any special action as existing orders already lay down that in making fresh recruitment one-third of the vacancies are to be reserved for the adjustment of communal inequalities with the object of preventing the preponderance of any one class or community in Government service. In this connection the Honourable Member's attention is invited to the reply given to Bhai Parma Nand's starred question No. 671 on the 7th of March last.

Statement.

PESHAWAR POSTAL DIVISION.

	Total.	Hindus.
Clerical staff in the Upper Division and Higher Grades	141	44
Clerical staff in the Lower Division (including Branch Postmasters, Overseers, Head Reader and Sorting Postmen)	15	3
Postmen and Mail Guards	158	12
Inferior Staff	127	9

PREPONDERANCE OF MUSLIMS IN THE PESHAWAR POSTAL DIVISION.

94. **Seth Liladhar Chaudhury** : (a) Will Government please state which is the minority community in the Peshawar Postal Division for the purpose of recruitment ?

(b) Will Government please state the number of outsiders of each community employed in the Peshawar Postal Division in each class or cadre since March, 1927 ?

(c) Is it a fact that the Hindus are considered a minority community for the purpose of recruitment in the Peshawar Postal Division and that the Hindu community has not been given the adequate share in accordance with the orders of the Government regarding recruitment ? If so, will Government please state the action they propose to take to set matters right and to enforce further recruitment in accordance with their orders ?

The Honourable Sir Frank Noyce : (a) In all Divisions, Muhammadans, Anglo-Indians, Indian Christians and Sikhs are regarded as minority communities for the purpose of recruitment to the Posts and Telegraphs Department.

(b) I regret that the information is not readily available.

(c) Does not arise in view of the reply to part (a) above and as no definite share in recruitment for Hindus, as presumed by the Honourable Member, has been laid down in the orders referred to.

DISCHARGE OF CERTAIN HINDUS IN THE DEHRA DUN HEAD POST OFFICE.

95. **Seth Liladhar Chaudhury** : (a) Will Government please state the criteria laid down by them regarding the discharge of officiating or temporary officials in connection with the General Retrenchment Scheme ?

(b) Is it a fact that the discharge of officials should be according to seniority and length of service beginning with the juniormost officials ? If so, will Government please state why senior Hindu and Sikh officials have been discharged, such as Messrs. Jagat Ram and Bir Singh, while junior Muslims, such as Messrs. Rashid Ahmad and Rafi Uzman, have been retained in service in the Dehra Dun Head Post Office ?

The Honourable Sir Frank Noyce : (a) The criteria laid down for the discharge of officiating or temporary officials are the same as for permanent officials so far as applicable—that is to say retrenchment should be effected by the discharge of selected men from among the officials in each distinct category of Superintendents, Stenographers,

Clerks, and Typists, etc., in the following order, subject to the maintenance to the nearest practicable figure in each category of the ratio between the various communities represented by their present numbers in that category :

- (1) by the discharge of officers whose work is considered to be so consistently unsatisfactory that to retain them in preference to others would be unjustifiable ;
- (2) discharge of selected officers who have attained the age of 55 or have 30 years' service or more ;
- (3) discharge of selected officers with less than 10 years' service ;
- (4) discharge of selected officers with 10 years' but less than 25 years' service.

(b) For the first part of the question reference is invited to the reply to (a) above. As regard the second part, Government have no information. If any of the individuals mentioned consider that they have a grievance, it is open to them to make representations to the proper authorities through the usual official channel.

BAUDOT SUPERVISORS IN TELEGRAPH OFFICES.

96. **Seth Liladhar Chaudhury** : (a) Is it a fact that there are three classes of Baudot Supervisors in Telegraph Offices, viz., (i) those who have passed the Baudot Supervisors' examination and also the Higher Baudot Technique examination, (ii) those who have passed only the Higher Baudot Technique examination, and (iii) those who have passed only the Baudot Supervisors' examination ?

(b) Is it a fact that whenever a permanent or temporary vacancy of a Baudot Supervisor occurs, men in category (i) of part (a) are given preference over those in category, (ii) for filling such an appointment ? If so, why ?

(c) Is it a fact that in some Telegraph Offices men in category (ii) are supervising Baudot, while those in category (i) are not doing so ?

(d) Is it a fact that if a telegraphist in category (ii) of part (a), holding a Baudot Supervisor's post, proceeds on leave, he resumes, on return from such leave, his former appointment of Baudot Supervisor even if it involves displacing a telegraphist in category (i) ?

(e) If the replies to parts (b), (c) and (d) be in the affirmative, will Government please state the reasons for giving preference for Baudot Supervisor's appointments to men in category (i) at one time and to those in category (ii) at another time ?

(f) Is it a fact that when telegraphists holding the appointments of Testing Telegraphist or Desk Supervisor (carrying special pay) proceed on leave, they do not on return from leave resume their former appointments on the score of having held them previous to going on leave, but can only claim them if entitled by reason of seniority ?

(g) If the replies to parts (e) and (f) be in the affirmative, will Government kindly state the reasons for not applying the same rule in both cases ?

(h) Is it a fact that when recently rules of seniority for Desk appointments were revised, those, who were classified as juniors according to the revised rules, were ordered to make room for their seniors immediately ?

(i) If the answer to part (h) be in the affirmative, will Government kindly state if a similar procedure was observed when rules for seniority among Baudot Supervisors were revised in March, 1932 ? If not, why not ?

(j) Is it a fact that this question was referred to the Director General of Posts and Telegraphs by the All-India Telegraph Union about 15 months ago ? If so, will Government kindly state why the position has not so far been rectified ?

The Honourable Sir Frank Noyce : (a) Yes,

(b) The reply to the first part is in the affirmative. As regards the second part, the reason is that the qualifications of the men in the first category referred to in part (a) of the question are superior to those in the second category.

(c) and (d). Government are not aware of any such cases.

(e) and (g). As I have explained above Government are not aware of any cases such as those referred to by the Honourable Member, but if he will give me the necessary particulars I will have enquiries made.

(f) It is a fact that telegraphists holding the posts referred to by the Honourable Member do not, when proceeding on leave, retain any absolute right to return to those posts.

(h) Government have no precise information, but the facts may be stated by the Honourable Member.

(i) The orders of March, 1932, contained no definite instructions on the subject, it being left to the Heads of Circles to select the most suitable men subject to certain general principles.

(j) It is presumed that the Honourable Member refers to the question of fixing the order of preference for filling appointments of Baudot Supervisors—if so, orders have recently been issued on the subject.

NON-OBSERVANCE OF CERTAIN ORDERS OF THE POSTMASTER GENERAL, PUNJAB.

97. **Seth Liladhar Chaudhury :** (a) Is it a fact that the Postmaster General, Punjab, has ordered that :

(i) no combined hand should be employed in the office of the Superintendent, Post Offices, and

(ii) no time-scale clerk should be retained in the office of the Superintendent continuously for a period of more than five years ?

(b) Will Government please lay on the table a statement in the form given below showing the particulars of the combined hands and

the officials working in the Superintendent's office for more than a period of five years ?

Name of the Division.	Name of Superintendent.	Name of combined hand working in the Divisional Office.	Name of the official working in the Divisional office for over a period of 5 years.
-----------------------	-------------------------	---	---

(c) If the reply to part (a) be in the affirmative and reply to part (b) indicates contravention of these orders, will Government please state the steps they propose to take against the Superintendents concerned for the breach of the orders and to ensure that the orders are strictly observed in future ?

The Honourable Sir Frank Noyce : (a) to (c). Government have no information. The matter is entirely within the competence of the Postmaster General to whom a copy of the question is being sent.

REPLACEMENT OF A FEW MUSLIMS BY HINDUS IN THE INFERIOR
ESTABLISHMENT OF THE JHELUM HEAD POST OFFICE.

98. Seth Liladhar Chaudhury : Will Government please state the number of Hindus and Muslims in the delivery and inferior establishments of the Jhelum Head Post Office ? Are the Hindus in a minority, particularly in the inferior establishment ? If so, do Government propose to order the replacement of a few Muslims by Hindus in that office ? Are Government aware that the Hindu staff feel much inconvenience in getting even drinking water on account of the absence of Hindus among the inferior establishment, and that this is a cause of genuine grievance to the Hindus ?

The Honourable Sir Frank Noyce : I regret that the information asked for is not readily available. As, however, the matter is within the competence of the Postmaster General, Punjab and North West Frontier Circle, a copy of the question is being sent to him.

GRANT OF PENSION TO TELEPHONE OPERATORS.

99. Seth Liladhar Chaudhury : (a) Is it a fact that the service of the classes of officials in the Post Office, Railway Mail Service and Traffic Branches of the Posts and Telegraphs Department corresponding to telephone operators in the Engineering Branch of the Department, is pensionable whereas that of telephone operators is not ? Will Government please state the reason for this discrimination ?

(b) Is it a fact that the question regarding the pensionable status of telephone operators has been under the consideration of Government for several years past and several memorials have been submitted to them by the telephone operators concerned, but that no order has yet been passed ?

(c) Will Government please state when final orders are expected to be issued ?

The Honourable Sir Frank Noyce : (a) As regards the first part of the question, the position is that the services of the majority of officials in the Posts and Telegraphs Department on the same scales of

pay as telephone operators are pensionable, whereas the services of telephone operators appointed after the 8th July, 1919, are non-pensionable. As regards the second part, the discrimination was made on administrative grounds.

(b) and (c). The attention of the Honourable Member is invited to the reply given by Sir Thomas Ryan on the 29th November, 1932, to parts (a) and (b) of Mr. Muhammad Anwar-ul-Azim's starred question No. 1514.

SUPERSESION OF TELEPHONE OPERATORS IN THE LAHORE TELEGRAPH ENGINEERING DIVISION.

100. **Seth Liladhar Chaudhury** : (a) Is it a fact that a number of lady telephone operators have superseded a number of male operators in the Lahore Telegraph Engineering Division ?

(b) Will Government please state the reasons for these supersessions causing discontentment among the male operators superseded ?

The Honourable Sir Frank Noyce : (a) and (b). Government have no information. If any officials have been superseded and consider that they have a grievance it is open to them to represent it to the proper authority through the usual official channel.

POSITION OF AN OFFICIAL APPOINTED IN A NEW OFFICE AFTER THE ABOLITION OF HIS POST IN HIS FORMER OFFICE.

101. **Seth Liladhar Chaudhury** : Have Government issued any orders to the effect that an official, whose post is abolished in one office and is consequently provided in another office, should be shown as junior to all officials of his class in his new office ?

The Honourable Sir George Schuster : It is presumed the Honourable Member refers to re-employed retrenched personnel. Such personnel, if re-employed, are regarded as having entered Government service for the first time on the date of re-employment, which means that they start at the bottom of the time scale.

RAISING THE STATUS OF THE DHOORIA POST OFFICE IN THE RAWALPINDI DIVISION.

102. **Mr. S. C. Mitra** : (a) Is it a fact that a circular was issued by the Director General, Posts and Telegraphs, in 1925 in which Postmasters-General were instructed to keep in view the policy of the Government of India for extension of postal facilities, as much as possible, to rural areas where it was justified by circumstances ?

(b) If so, will Government please state :

(i) how many new village post offices have since then been opened in the Punjab ;

(ii) how many village post offices have since then been raised to regular Branch or Sub-Offices in charge of whole-time Branch or Sub-Postmasters ?

(c) What is the population of village Dhooria in Rawalpindi Division ?

(d) Is it a fact that a large number of the residents of the village are Government officials, including retired civil and military officers, some of whom are holding the King's commission in the Indian Army ?

(e) Is it a fact that a large number of the residents of the village have trade connections in the United Provinces, etc. ?

(f) Is it a fact that the village has got a well-attended District Board Middle School also ?

(g) Is it also a fact that Government have provided it only with a village post office run by a part-time stamp vendor ?

(h) Do Government propose to raise the status of the village post office to a combined Post and Telegraph office in charge of a whole time Branch or Sub-Postmaster ? If not, why not ?

The Honourable Sir Frank Noyce : (a) Yes, but as a result of the unsatisfactory financial position these instructions had subsequently to be modified.

(b) (i) The number of new post offices opened in the Punjab and North West Frontier Postal Circle was approximately 940.

(b) (ii) Government regret that the information is not readily available.

(c) to (h). Government have no information. The matter is within the competence of the Head of the Circle concerned to whom a copy of the question is being sent.

SHORT NOTICE QUESTIONS AND ANSWERS.

MINTUE OF DISSENT OF SIR PURSHOTAMDAS THAKURDAS ON THE REPORT OF THE LONDON COMMITTEE ON THE INDIAN RESERVE BANK.

Mr. B. Das : (a) Has the attention of Government been drawn to the extracts from the minute of dissent of Sir Purshotamdas Thakurdas on the report of the London Committee on the Indian Reserve Bank, as published in the *Statesman* of the 15th September, 1933 ?

(b) With reference to the following observations of Sir Purshotamdas Thakurdas, will Government be pleased to state how they justify the statement that Sir Purshotamdas Thakurdas was against a State Bank ?

“ If His Majesty's Government is not prepared to agree to the complete immunity of the Reserve Bank from political influence from or through the Secretary of State for India in London, it is only fair to meet the strong feeling in India in favour of making the State Bank the Central Currency authority. There should be only two alternatives : either a Shareholders' Bank completely free from political influence on both sides of the seas ; or a State Bank directly subject to the control of the Federal Government. I am convinced that the qualification introduced by the Secretary of State in his reply to question No. 8599 undermines the foundations of the agreement arrived at, and if it is persisted in, it makes the consideration of the alternative of a State Bank an imperative necessity.”

(c) Will Government be pleased to lay on the table all the minutes of dissent in connexion with the London Committee on the Reserve Bank ?

The Honourable Sir George Schuster : (a) Government's attention has been called to the publication referred to. But it cannot

be accurately described as a minute of dissent, because all the notes of dissent recorded by Sir Purshotamdas Thakurdas are included in the published report of the London Committee.

(b) He accepted without reserve or qualification the recommendation contained in paragraph 3 of the Committee's report from which I quote the following sentence :

“ The best device which the practical experience of other countries has evolved for achieving this object is that the capital of the Bank should be held by private shareholders and we recommend that this plan should be adopted in the case of India.”

(c) All the notes of dissent which any member of the London Committee expressed a desire to record are included in the published report of the Committee.

Mr. B. Das : Has the Honourable the Finance Member read the full note published in the *Statesman* ? Did he notice that the wording of that statement was in the present tense ? I will just read one sentence :

“ From certain recommendations of the report, I am compelled to dissent. I feel it essential to explain these differences more fully than they are set out in the brief minutes appended to, or forming part of the Report.”

Does not that show that he changed his opinion a day or two after he signed the report in London and submitted this minute of dissent ?

The Honourable Sir George Schuster : I think, Sir, that my Honourable friend reads too much in the present tense to which he has referred. I can state as a definite fact that nothing of this kind was handed in in London.

Mr. K. C. Neogy : Were the minutes of the discussion of the London Committee recorded and, if so, are these minutes likely to be published ?

The Honourable Sir George Schuster : No, Sir. There was no full record of the London discussions and all that will be published is a report which was signed after full consideration by all the members of the committee.

Mr. R. S. Sarma : Is it not the past experience of Government that they have found that Sir Purshotamdas Thakurdas' private views and the views that are published are totally different on many occasions ?

The Honourable Sir George Schuster : That, Sir, is a question which I do not think I am called upto to answer.

MINTUE OF DISSENT OF SIR PURSHOTAMDAS THAKURDAS ON THE REPORT OF THE LONDON COMMITTEE ON THE INDIAN RESERVE BANK.

Mr. B. Das : (a) Has the attention of Government been drawn to the following lines in the note of dissent of Sir Purshotamdas Thakurdas ?

“ Every major country has either been at its pre-war parity for exchange or has been forced to go lower. India is the one country which is above it. Comprehensive measures have been taken in the U. S. A. to raise prices by the inflation of the currency ; further the Executive has been armed with the power to devalue the dollar to the extent of 50 per cent. of its gold content. For India there is a strong and strengthening

opinion that a lowering of the existing ratio of 1s. 6d. will give much-needed relief to the cultivator. It is axiomatic that it will put less strain on the currency system of India should world conditions be slow in improving."

(b) Are Government prepared to accept these recommendations in the interests of the Indian people ?

The Honourable Sir George Schuster : (a) Yes.

(b) No. Government are pursuing the policy which they consider to be best in the interest of India as a whole, and they cannot accept the premises on which the statement referred to in part (a) is based. For example, it is not true to say that India is the only country whose currency is above the pre-war parity of exchange. The pre-war parity of the Indian rupee was 1½d. gold. The present exchange value of the Indian rupee is about 1½ d. gold.

Mr. B. Das : May I inquire if the Honourable Member will allow the Joint Committee to discuss this note of dissent by Sir Purshotamdas Thakurdas ?

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair does not think that question arises.

ELECTION OF MEMBERS TO THE SALT INDUSTRY COMMITTEE.

Mr. President (The Honourable Sir Shanmukham Chetty) : I have to inform the Assembly that the following Members have been elected to the Salt Industry Committee, namely :

- (1) Mr. E. Studd,
- (2) Mr. Lalehand Navalrai, and
- (3) Mr. B. N. Misra.

RULING AS TO WHETHER A MEMBER OF THE EXECUTIVE COUNCIL OF THE GOVERNOR GENERAL WHO IS NOT A MEMBER OF THE ASSEMBLY HAS THE RIGHT OF RAISING A POINT OF ORDER ON THE FLOOR OF THE HOUSE.

Mr. President (The Honourable Sir Shanmukham Chetty) : On the 8th April, 1933, the Honourable Member, Mr. S. C. Mitra, raised a point of order whether a Member of the Executive Council of the Governor General, who was not a Member of the Assembly, had the right of raising a point of order on the floor of the House. The Chair undertook to give a ruling on this point. On consideration, the Chair gives the following ruling :

Under section 63-E (4) of the Government of India Act, every Member of the Executive Council, who is not a Member of the Assembly, has the right of attending in and addressing the Assembly. This provision must be construed as conferring on such Executive Council Member the right to take part in any debate in the Assembly. Therefore, it follows that, when so speaking, such a Member is subject to all the restrictions and limitations imposed on Members of the Assembly by the rules

RULING AS TO WHETHER A MEMBER OF THE EXECUTIVE COUNCIL OF THE GOVERNOR GENERAL WHO IS NOT A MEMBER OF THE ASSEMBLY HAS THE RIGHT OF RAISING A POINT OF ORDER ON THE FLOOR OF THE HOUSE.

and Standing Orders. Under rule 15 (2), any Member may raise a point of order. This rule should not be strictly applied only to Members any more than the rules and Standing Orders referred to above. If a Member of the Executive Council, who is not a Member of the Assembly, has the right to take part in the debate, he should also be permitted to draw the attention of the House to any point of order which arises out of the debate, for example, irrelevancy or misrepresentation of any part of his speech or the attributing to him of any motives, etc., or rising to make a personal explanation. The Chair, therefore, holds that a Member of the Executive Council, who is not a Member of the Assembly and who exercises his right of addressing the Assembly on any occasion, has also the right of raising any point of order during the debate in which he takes part.

STATEMENT LAID ON THE TABLE.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I lay on the table the information promised in reply to part (c) of starred question No. 711 asked by Mr. K. C. Neogy on the 6th September, 1933.

COAL RAISED IN INDIA.

*711. (c) Raisings (tons)	..	17,374,733
Despatches (tons)	..	14,900,631

THE HEDJAZ PILGRIMS (MUALLIMS) BILL.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House will now resume consideration of the motion moved by Mr. G. S. Bajpai :

“ That the Bill to regulate the activities of persons in British India who offer to assist Muslim pilgrims to the Hedjaz, as reported by the Select Committee, be recommended to the Select Committee.”

Haji Chaudhury Muhammad Ismail Khan (Bakarganj *cum* Faridpur : Muhammadan Rural) : Sir, in connection with this motion, I think I should deal with the stage in which the Bill was referred to a Select Committee in 1932, of which I had the honour to be a member. At that stage, Sir, we came to the conclusion that the Bill should not be proceeded with, though I must take this opportunity of congratulating my esteemed friend, Sir Abdur Rahim, who had a better foresight than ourselves, because he, in his minute of dissent, disagreed with the majority in the Select Committee and recommended that the Bill, in its altered form, was harmless and absolutely necessary. In his opinion, the Bill, as amended by the Select Committee, considerably narrowed the opportunity for making mischief of the *muallims*. Though I unfortunately disagreed with him in 1932, I have had to revise my opinion.

Sir, I am a member of the Standing Central and also the Provincial Haj Committees. In the course of our deliberations in those committees, certain facts came to my knowledge which convinced me of the necessity of such a Bill as the present one before the House. The *muallims* or the

[Haji Chaudhury Muhammad Ismail Khan.]

pilgrim guides, in the majority of cases, induce the poor and illiterate pilgrims to purchase return tickets for benefiting the shipping companies from whom they get certain concessions by way of free travelling facilities. The system of *muallims* as pilgrim guides has got no religious sanction and there is no mention about this institution in the *Shariat*. I do not understand and sometimes feel puzzled as to the reason why a section of the Maulanas, who are supposed to be learned, should take up the cause of these *muallims*, but, in any case, to meet their views and wishes, I would like that the Bill be re-committed to the Select Committee, though, so far as I am concerned, if I had been given a free choice, I would urge the Government to proceed with the consideration of the Bill instead of its re-committal to the Select Committee. Sir, I have changed my views and have come to this firm attitude, because two of the Local Governments, such as Bengal and Bombay, have so strongly pleaded for the passing of such a measure, which, in their opinion, is a necessity for the protection of the poor pilgrim. In this connection it will not be out of place to mention here that the Governments of Bengal and Bombay are more vitally interested in this question as they handle the bulk of the Haj pilgrims through their ports. So far as this measure is concerned, public opinion seems to have been mobilised in favour of the measure as is evident from the support given to the Bill by a vast majority of vernacular newspapers all over India.

Before I conclude, Sir, I would like to bring to the notice of the House that the Bengal Government is so much convinced about the mischievous doings of these *muallims* that they suggested to the Government of India to give them necessary permission to have a provincial legislation on this subject in case the Government of India found it difficult to have an All-India legislation. Last, but not the least, important factor to be taken into consideration by this House is that about two-thirds of the total number of pilgrims from India that visit Hedjaz annually go from Bengal alone and, therefore, the opinion of the Bengal Government on this subject deserves the most serious and careful consideration. I think, Sir, when this measure is passed, it will be a landmark in the history of the Haj pilgrims.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : May I know whether the information about new facts which my Honourable friend has got was received through the Cypher Bureau of the Political Department or through the Education Department ?

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order.

Kunwar Hajee Ismail Ali Khan (Meerut Division : Muhammadan Rural) : Sir, I rise to make my few observations on this Bill. Much has been said from the other side that they are not going to accept the principle of the Bill by accepting the motion that it be re-committed to the Select Committee.

Mr. M. Maswood Ahmad : The House has already accepted the principle of the Bill.

Kunwar Hajee Ismail Ali Khan : I am glad to hear that my friend has now admitted that he has accepted the principle of the Bill. The other point which my Honourable friend, Mr. Maswood Ahmad, made was about

the Simla Conference which took place here a short time ago. Many Conferences have taken place in Simla, and I do not know to which Conference he was referring. So far as my knowledge goes, there was one Conference under the Merchant Shipping Act. When I interrupted my Honourable friend and asked him if the Conference discussed the *Muallims* Bill, he definitely said that he did not know, although we discussed that matter in the Standing Haj Committee and papers were supplied to all the members of the Standing Haj Committee and my friend also got them. Mr. President, the Simla Conference was absolutely beyond the scope of this *Muallims* Bill.

Mr. M. Maswood Ahmad : God knows.

Kunwar Hajee Ismail Ali Khan : You also know it and I also know it. All the Members who have seen the copy of the Government Gazette which is supplied to every Member know what happened in the Simla Conference.

Mr. M. Maswood Ahmad : We know only that much which Government wanted to disclose.

Kunwar Hajee Ismail Ali Khan : The proceedings of the Conference were confined to the framing of the rules which were published for public criticism. If my Honourable friend, Mr. Maswood Ahmad, has got any serious objection to them, we can change those rules in the Standing Haj Committee. But one folly was committed by our responsible Government that foolishly they invited in that *ad hoc* Committee our other Bihari friend, Maulvi Muhammad Shafee Daoodi, with whom unfortunately my friend cannot see eye to eye, and this is the chief reason of his grievance that there was no representative of the Assembly. Sir, he questioned the representative capacity of those Muslim Members who supported the Government in this measure. I want to inform the House that it is very unfair to criticise like this. All the Muslim Members, who were on the Committee, were elected ones and they represent a vast majority of the Muslims and, mind you, they are not elected by the Joint Electorate, but by Separate Electorate.

The argument has been advanced by my other friends about the publication of this Bill. Sir, we discussed this Bill on several occasions. I discussed this Bill on two occasions in a different capacity. When it came before us on the 3rd April, 1933, in the Standing Haj Committee, we recommended that we should invite the Muslim opinion thereon, and Government accepted our recommendation. The Bill was circulated to the editors of 56 Muslim newspapers, a vast majority of whom is in favour of it. Some of them have suggested certain amendments. Those newspapers, which want certain amendments, are only two in number—the *Star of India*, Calcutta, and the *Eastern Times* of Lahore. The *Star of India* has suggested that the definition of "*Muallim*", as given in the Bill, is too elastic and that it should be amended so as to set apart regular *Muallims* as a professional class. The *Eastern Times* of Lahore has expressed the opinion that a good deal would depend on how the new restrictions are worked in practice and that, when the Bill comes before the Legislature, the Muslim legislators should see that the rules are such as to preclude unfair and unduly rigorous operation of those directions. Sir, these things we can do in the Select Committee. I think, therefore, that the motion which is now before us is the most innocent and simple

[Kunwar Hajee Ismail Ali Khan.]

one. The motion is not for consideration of the Bill, but for recommitment of the Bill to the same Select Committee. About the personnel of the Select Committee, when my Honourable friend, Shaikh Sadiq Hasan, was speaking, he said that sometimes even wise people might err and he said that Sir Abdur Rahim also erred, not intentionally, but unintentionally. When I interrupted him and asked him whether he meant to say that other members of the Select Committee erred intentionally, my Honourable friend, Mr. Maswood Ahmad, jumped over and said " Yes, they have done this intentionally ". It does not look well on the part of my Honourable friend, Mr. Maswood Ahmad, to question the motives of Honourable Members of this House and make personal attacks on Members who may honestly differ from him in their opinions. My Honourable friend cannot say that I am supporting this measure, because of my usual habits of supporting Government any more than I can say that my Honourable friend, Mr. Maswood Ahmad, is opposing this measure, because of his usual habit of opposing the Government and with his usual sense of publicity. My friend also suggested that only those newspapers, which got Government advertisements, supported this measure. For the information of my Honourable friend, I can mention the names of a few papers like the *Inqilab* and the *Siyasat*, the well-known papers of Lahore, which do not get Government advertisements.

Mr. M. Maswood Ahmad : The *Siyasat* gets Government advertisements.

Kunwar Hajee Ismail Ali Khan : It may be, but there are other papers which support this Bill and yet they do not get Government advertisements. There is another important point which my Honourable friend said about the Bihar and Orissa Haj Committee. He said that the Government did not accept the proposal to form a Bihar and Orissa Haj Committee. It was absolutely beyond the purview of this Bill to mention that point. But I may submit for the information of the House that the Government of India consulted the Bihar and Orissa Government who said that it would be very expensive for Government to maintain a Haj Committee in Bihar and Orissa at a cost of Rs. 3,000 per year and the other side we should consider is about the actual number of pilgrims who went from Bihar and Orissa in previous years ? In 1931, the number was only 108 ; in 1932, it was only 247 ; and, when such numbers are performing Haj from Bihar and Orissa, how is it possible to form a Haj Committee ?

Mr. M. Maswood Ahmad : What about the year 1930 ?

Kunwar Hajee Ismail Ali Khan : My friend did not mention any figure for 1930. So far as I remember, the number might be about 500 or 600 and not more than that. What income can you get from 500 pilgrims to enable the Government to form a Haj Committee ?

Mr. M. Maswood Ahmad : This is not a commercial concern.

Kunwar Hajee Ismail Ali Khan : But who will pay the expenses of this Committee. Surely the Honourable Member won't pay. This proposal of forming a Haj Committee in Bihar and Orissa was not accepted in the Standing Haj Committee. I again cannot understand the criticism of my Honourable friend as regards the personnel of the Select Committee. On the Select Committee there were independent members like Sir Abdur

Rahim, Maulvi Sayyid Murtuza Saheb Bahadur and Maulvi Shafee Doodi, and you cannot suspect these gentlemen to have joined hands with the Government.

Shaikh Sadiq Hasan (East Central Punjab : Muhammadan) : What about yourself ?

Kunwar Hajee Ismail Ali Khan : I am an humble servant of my community, and the Honourable Member can form his own opinion about myself. There was a recommendation in the report of the Select Committee that the Bill should not be proceeded with at present. But there was a minute of dissent by Sir Abdur Rahim and Major Nawab Ahmad Nawaz Khan and I cannot solve the mystery why a "habitual supporter of Government" like my friend, Major Nawab Ahmad Nawaz Khan, should join hands with Sir Abdur Rahim who cannot be accused of being a supporter of Government, or *vice versa*.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Extremes sometimes meet.

Kunwar Hajee Ismail Ali Khan : Yes. The view of Sir Abdur Rahim was once expressed before this House when we were discussing the Port Haj Committee Bill. He said :

"I understand that these two other Bills will be brought up before the Legislature next session. Without these I do not think this committee will be able to do much to benefit the pilgrims because the Indian Merchant Shipping Act has to be amended and we have got to make provision for the protection of pilgrims against the wiles and mal-practices of pilgrim guides and brokers who sometimes call themselves *muallims* without being *muallims* at all."

My Honourable friend also attacked those who are supporting the Government saying that they were not voicing Muslim opinion at all. I can challenge my Honourable friend on this point. Whenever he divided this House on previous occasions on the two Bills in connection with the Hajis, he could not secure more than two Members of this House on his side.

Mr. M. Maswood Ahmad : That is not correct ; not on every occasion, but only on one or two occasions.

Kunwar Hajee Ismail Ali Khan : I will give the House the exact figures. On the 16th September, 1932, when my Honourable friend divided the House, there were two on his side and 47 on the other side. Immediately after that, when he challenged a division, some one raised a point of order and requested the President that there was no necessity of going into the Lobby, but that the Honourable Members could be asked to rise in their places. When the President asked the supporters of Mr. Maswood Ahmad to rise in their places, only three persons stood up, whereas a large majority of the House were against my Honourable friend.

Mr. M. Maswood Ahmad : If all the opinion on this measure will be in favour of Government, then why they do not circulate this Bill ?

Kunwar Hajee Ismail Ali Khan : I have said in the early part of my speech that it was already done. If this Bill is sent to the Select Committee again, they will have full power to get Muslim opinion on this Bill. With these few words, I resume my seat.

Maulvi Badi-uz-Zaman (Bhagalpur Division : Muhammadan) : I rise to oppose this motion. The Government have already forced upon us a most objectionable piece of legislation and this is another dangerous

[Maulvi Badi-uz-Zaman.]

measure which is going to be thrust upon us, inspite of our vehement protest against the measure. I have carefully gone through the Bill as it has emerged from the Select Committee, and I do not find in the Bill anything which is calculated to give service to the Hajis. On the other hand, I find that it will discourage people from performing Haj.

Mr. M. Maswood Ahmad : That is quite correct.

Maulvi Badi-uz-Zaman : Instead of doing service to the Muslim cause, this Bill is calculated to create hardship and difficulties in the way of pilgrims. The public do not want this Bill, the Muslim *Ulemas* do not want it and the majority of the members of the Select Committee do not want it. Some of the members of the Select Committee might have changed their opinion now, but that is a different matter altogether. But, in the Select Committee, a majority of the members did not want this Bill. Even then, it passes my comprehension why the Government are anxious to rush this Bill through this House. The Bill has been seriously condemned, both by the public and by the Muslim *Ulemas*, I mean the Muslim authorities on religion. I see no justification whatsoever on the part of Government to push through the Bill with so much indecent haste. For my part I am opposed to the very principle of the Bill. It is curious that the person who offers to assist any person in any matter concerned with the Haj should be considered as an undesirable person. I do not know why there should be this suspicion against this class of people. Is there any regular case against any *muallim* to show that a particular *muallim* cheated or defrauded a Haji ? I submit there is no such case. I myself happened to go to the Holy Land to perform my Haj and I am expected to have some experience regarding the activities of the *muallims*. There are *muallims* in Mecca also. Their duty is to look after the comforts of the Hajis and also to assist them in the performance of their duties. I mean their religious rites and ceremonies, connected with the Haj. They are a recognised class of persons there. In consideration of their services to the Hajis, they are paid some sort of fee. If I remember aright, it is something like Rs. 6 per head. So far as my province of Bihar is concerned, there is a registered *muallim* there, and it is that person only who can serve the Bihar Hajis. But, for other provinces, there is no registered *muallim*, but there are *muallims* who are recognised by the Hedjaz Government and whose fees are prescribed by the Government there. Now, the *muallims*, who come to India to assist the Hajis, are either these persons or their agents or relatives. My experience is that they render invaluable services to the Hajis. They regularly attend the Hajis, they look after their comforts, make arrangements for their departure to the Holy Land and sometimes they do the work of coolies also. In short, they afford all possible facilities to the Hajis in their journey, and they not only afford these facilities, but they are also helpful in giving instructions to the Hajis regarding the performance of their religious duties, because the Haj does not consist of a single prayer or anything of that kind, but it is a combination of many acts from the time of the departure to the end of the Haj. The combination of all these acts is the Haj. My experience is that these *muallims* who come to British India do not take anything from the Hajis in India. I happened to go to the Holy Land in 1930. They did not charge anything in India. In my company, there were lots of poor Hajis. None of

them made any complaint to me about these *muallims* ; but, on the other hand, they were very thankful to them. So my submission is that : without the assistance of these people, it is very difficult for the Indians to perform Haj. So, if this Bill be passed into law, it will only discourage Muslims from performing Haj which is a most essential thing for Muslims who can afford to go to the Holy Land.

It is one of the four duties which are enjoined upon the Muslims. One of them is the regular prayer for five times, another is fasting, the third is *zakat* which means giving away one-fortieth part of savings to charity, and the fourth is this Haj which is incumbent upon those who can afford to do it. It is strange that on this class of people you are going to impose restrictions and numerous conditions and you are giving both to the Central Government and to the Local Governments extensive powers regulating the activities of the *muallims*, on whom, they are at liberty to put any sort of restrictions. First, they have to obtain a licence. I fail to see what is the necessity for this licence. And, then, in order to obtain this licence, they have to go here and there, which is a cumbrous process ; and for that they have to pay some fee. It is strange that this *bona-fide* class of persons who are really very helpful to the Hajis should be made to pay fees. Sir, I am told that the number of Hajis in Bihar has decreased to a great extent on account of these restrictions and registration of *muallims*. My Honourable friend, Kunwar Hajee Ismail Ali Khan, who was a member of the Select Committee, has chosen to change his views. He says there was sufficient circulation of this Bill as it was published in various papers. Sir, we know very well that each paper has got a certain policy of its own. Some papers are habitual supporters of Government, while some are supporters of the nationalist movement ; and, certainly, the papers which my friend relies upon are those which are pledged to support the Government. It is curious that although the Select Committee did not find its way to recommend this Bill, but, on the other hand, recommended its withdrawal ; yet Government have brought it up again with so much indecent haste. Now, looking at clause 6, we find, it is intended to punish persons who employ themselves in advising or assisting pilgrims. This is what it says :

“ Whoever, not being a licensed pilgrim guide, for a consideration or in the hope of a reward, advises or assists, or offers to advise or assist, any pilgrim other than a relative or friend, in any matter connected with the pilgrimage, ” etc.

The words “ any matter connected with the pilgrimage ” are very significant. Even if a person advises or assists a pilgrim in any matter connected with the pilgrimage, he will come under this clause and be punished and his punishment is three months' imprisonment. Another thing is clause 7 of the Bill which reads thus :

“ Where it appears to any Court before which any person is being tried for an offence under section 6 that the accused has advised or assisted, or offered to advise or assist, any pilgrim who is not his relative or friend, and no consideration is proved, the Court may presume that the accused acted in the hope of a reward.”

This is a very mischievous piece of legislation. It is curious that any service, which a man thinks fit to offer to the Hajis, raises a presumption that he did it in the hope of getting some illegal gratification. This is the most objectionable feature of the Bill. Every Muslim has some sort of respect for his own religion, and it is quite possible that the person, who offers himself to help and assist the Hajis at the port of embarkation, may do so out of

12 Noon.

[Maulvi Badi-uz-Zaman.]

religious consideration ; and, if they give any advice or any instruction to the Hajjis, that action would be construed as an offence. Certainly this is the most objectionable feature of the Bill. So far as I have been able to gather from the provisions of this Bill and from the unlimited power which the Central and Local Governments are going to have under this Bill, the object of the Government seems to be to discourage Haj for the Muslims in India. Except that, there is no other motive. With these remarks, I oppose the reference motion.

Major Nawab Ahmad Nawaz Khan (Nominated Non-Official) : Sir, I wish to say a few words in support of the motion. It was said yesterday by some of my Honourable friends that there was some special intention of the Government in introducing this Bill. It is well known to many Members of this House that this Bill was taken up on the recommendations of the Muslim Members of the Haj Enquiry Committee. Evidently, Government have nothing to do with this question, whether religious or social ; and every Member of the House can see that it deals with the religious question of the Muslim community only. Politically, the Government cannot have any advantage whether this Bill is passed or is thrown out. It is the first impression which I wish to remove from the minds of Mussalmans who are labouring under this delusion that it is not the Muslim community who wish to have this Bill passed, but it is the Government. It is sometimes said by those people who are working under the influence of some propaganda that the Government wish to stop the pilgrims from going to Mecca. But, I say, it is politically wrong to think so. If you stop a few hundred or thousand pilgrims, the majority of whom are illiterate and poor, evidently what advantage can the Government have ? None at all. The Government are not so foolish as to do any political action without getting any advantage from it. If a few persons, illiterate and poor, do not go to Mecca, what advantage can the Government have, especially when the King of Mecca is very friendly with us ? So, it is a wrong impression to have, and the history of the case shows that it was the Muslims only who pressed the Government to do something for them ; and, if the Government would not have done it, then they would all have blamed the Government for sitting silently and doing nothing. But, if the Government do anything, then another class of people, who are not the champions of Islam, but the advocates of some Maulvis—I do not say all the Maulvis—come and blame the Government again for doing these things.

The aim and object of this Bill is so good that every Muslim or even a non-Muslim will agree that the object is to save the poor people from cheating, deception and robbery. It is, in the opinion of every one, a greater sin to deceive a person under cover of religion, especially if he is illiterate. If a man comes under the guise of a friend and then turns out to be an enemy, it is more miserable and objectionable than if he plainly comes to you and tells you that he is an enemy. If the *muallims* or guides, whose duty it is to help the poor people, start cheating and robbing people, then, in my humble opinion, they should be dealt with more strictly than the ordinary cheat. This Bill does not interfere with good *muallims* or others who are good. The object of the Bill is simply that those persons who do all such objectionable things must be punished. It is quite simple. If the Muslims or Maulvis do not like this thing, it shows that they are no more sympathisers with Islam : they have no sympathy with good things.

I say, it is the duty of us, Mussalmans, to make the law and those who become reformers must have the courage to be criticised by Maulvis or others who are taking undue advantage of the pilgrims. We are not going to stop the Muslims from doing what is their religious duty. This Bill is not going to interfere with *bonâ fide* people at all. This Bill is so good that every Muslim and non-Muslim should support this motion and this Bill. Those Honourable Members, who have opposed this Bill, do not have one-tenth of the confidence of the Muslim community as is possessed by persons like Sir Abdur Rahim and Sir Fazl-i-Husain. These two persons are too well known to Muslims as their supporters, and, when you find them supporting a measure, it is a guarantee that that Bill or law is very useful to our community.

The present motion for sending this Bill back to Select Committee is such a good proposal that there can be no objection to it. If anybody thinks that some words should be altered or modified, it can be done in the Committee after discussion and something better can be put in. Mr. Maswood Ahmad, who was a member of that Committee, himself says :

“ We think that the Bill has not been so altered as to require re-publication.”

He himself said this two months ago and now advocates that it should be circulated. No useful purpose would be served by re-circulation at all, and these people, who oppose mostly, are priest-ridden ; they have not got the moral courage to go against the few priests or the Press. I, therefore, support the motion for sending this Bill to the Select Committee.

Mr. Muhammad Muazzam Sahib Bahadur (North Madras : Muham-madan) : Sir, if there was one motion made in this House for reference to a Select Committee on which there could be no two opinions, I think it is the one before us and, as such, I say, it is pre-eminently deserving of our support. After all, what is it that the Bill is attempting to do ? It attempts to carry into effect the unanimous conclusion at which the Clayton Committee or the Haj Inquiry Committee had arrived. That Committee, in coming to that unanimous conclusion, pointed out that *muallims* or pilgrim guides were fleecing intending pilgrims, and the effect of such fleecing was that intending pilgrims found that before they could embark on the journey, they had lost even the little they had saved for the journey, and so, to provide a check against the activities of such pilgrim guides, the Haj Inquiry Committee very rightly came to the conclusion at which they arrived.

Sir, in the course of the debate on this motion, my friend, Mr. Maswood Ahmad, unfortunately strayed far beyond the scope of the debate and made certain remarks which, I should have thought, he should not have made on any account, at least on the floor of the House. He went the length of making very strong remarks against Mussalmans who were in the habit of shaving their beard. He even went the length of saying that Muham-madans, who shaved their beards, were not Mussalmans. I wonder, Sir, whether my friend himself is in the category of Mussalmans, and I say this, because I believe that, if I am using the Valet Safety to have my shave every morning, my friend, I think, uses the Zero Number Clipper—that probably is the only difference. Such remarks on the floor of the House, Sir, in matters relating to religion, are to be deprecated very strongly, and I wish that my friend, Mr. Maswood Ahmad, refrains from making such remarks in future.

[Mr. Muhammad Muazzam Sahib Bahadur.]

Now, Sir, looking to clauses 6 and 7, I think I shall be failing in my duty if I do not point out to the House that those clauses, as they stand, are a piece of positive mischief and not a piece of legislation. Clause 6 reads thus :

“Whoever, not being a licensed pilgrim guide for a consideration or in the hope of a reward, advises or assists, or offers to advise or assist, any pilgrim other than a relative or friend, in any matter connected with the pilgrimage, other than the performance of religious rites and ceremonies relating thereto, shall be punishable with imprisonment,” etc.

Now, Sir, my objection is, you have not attempted to define the word “friend”. That is a word which carries a certain significance in our minds. Whether you circumscribe certain limits, within which a certain person could be called a friend or whether anybody or every body or any one who meets you for the first time you could call a friend, is not evident from the clause, so that it comes to this, that unless you attempt a definition of the word “friend” in clause 6, it will continue to be, as I said, a piece of positive mischief and not a piece of legislation, and, if the clause, as it stands, is incorporated in the Statute-book, it will be a standing disgrace to the legislation of this country. I would illustrate my point this way. My friend, Maulvi Badi-uz-Zaman, has just told us that he has performed the Haj pilgrimage. He is a Hajee. He is fully conversant, not only with the religious rites and ceremonies, but with everything that matters on the journey to and from Mecca. If I happen to have a friend, who intends proceeding on a pilgrimage to Mecca, seeking my advice—though I am quite willing to help him, but not having performed Haj myself,—I take my friend to Maulvi Badi-uz-Zaman who sees him for the first time, and the Maulvi Saheb offers my friend some advice as to how he should conduct himself on the voyage to and from Mecca. Now, as the clause stands at present, my friend, Maulvi Badi-uz-Zaman, will come under its purview that moment. That is exactly the position. I am not exaggerating the position at all. That is the only possible position under this clause. I ask my friend, Mr. Bajpai, whether he would allow this clause to stand as it is? I understand from the speech he made that that is not his desire. His idea is that the clause should be so recast by re-committing the Bill to the Select Committee that, when it emerges from the Select Committee, the stigma or the slur that attached to it now may be removed. That is his idea. On that ground, I support the motion for re-committal of the Bill to the Select Committee. I don't think I need say anything further, so far as the present motion is concerned. I heartily support my friend's motion.

Khan Bahadur Haji Wajihuddin (Cities of the United Provinces : Muhammadan Urban) : Sir, while I support the motion moved by my Honourable friend, Mr. Bajpai, to re-commit the Bill to the Select Committee, I would suggest that a few more names should be added to the Select Committee so as to remove the differences as regards certain provisions of the Bill and, with a view to solving the problem more satisfactorily; I propose that the names of Sir Abdulla-al-Māmūn Suhrawardy, Maulvi Badi-uz-Zaman, Mr. Uppi Saheb Bahadur and Khan Sahib Shaikh Fazal Haq Piracha be added to the same Select Committee. With these few words, I support the motion.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions : Muhammadan Rural) : Sir, in this unfortunate question of *muallims*, some principles have been enunciated which, I think, can be regarded as interference with our religion. Why all this anxiety, and all this haste on the part of the Government to legislate about the agency of Muslim Haj and its ceremonies ? I do not see any restrictions or any rules or any legislation about the agency which carries on the performance of such ceremonies either in Jerusalem or in Baghdad. Even here, in India, have Government legislated for any of the agencies for pilgrims proceeding to Puri or to the Ganges ? Sir, I shudder to find that such legislation is intended merely to restrict the performance of Haj for Mussalmans and it is nothing less than that. This is not the first time that I rise to speak on this question, but, when an allied question was before the House on the last occasion, I repeated the same thing, and from the figures that we find quoted elsewhere and I know it also for a fact that the number of pilgrims proceeding to Hedjaz is getting very small. If there are *muallims* who give their advice to people proceeding on Haj or if there are *muallims* created by the Hajis themselves, how does it matter to the Government or to any people, and why should they show so much anxiety ? Sir, the duty of a *muallim* is merely to guide the people from India to Mecca and other places of pilgrimage, to tell intending pilgrims what are the regular rites and what are the ceremonies which they have to perform, and so on, at the Haj in Hedjaz. Therefore, I ask, how does it affect any relation of the Government of India with any power or even the international relations with the Government of Hedjaz ? Sir, a *muallim* has got his own clientele, just as a *panda* or a *mahant* in this country has his clientele. What those *pandas* and *mahants* do, I leave it to my Hindu friends to tell this House. If you want to hang them here, I shall have no objection whatever, and if the Government of Hedjaz want to hang these *muallims* in their own country, I shall have not the least objection. I am neither a friend of the *muallims* nor of the *pandas*, but I want to know why the Government of India should be so anxious to restrain the movements and actions of those people who come to assist in the pilgrimage to the Hedjaz. Such restrictions on the *muallims* and the *pandas*, or, for the matter of that, on any people who wish to assist, are very objectionable, not only from the legal point of view as my Honourable friend, Mr. Muazzam Sahib Bahadur, has suggested, but also because they affect the freedom of action of the citizens of this country generally and of the Muslims of India especially. By these restrictions, you create a class of people who will have to hang on the members of Government, whether they be members of the Government of India or members of Provincial Governments. They would have to seek their assistance for nomination, for appointments, for licences, and every other blessed thing. You know in what way these things will be worked. Why don't you give the pilgrims the liberty to decide upon their own agents, their own men to assist them in their pilgrimage ? For example, you see how the agents of hotels, etc., come to the station in Simla and at other railway stations to canvas for their clientele. Have you framed any rules against these people ? I submit, not. Then, where is the necessity for you to regulate for those who want to go to the Haj ? Let the Government of the Hedjaz make their own regulations and frame their own laws on the subject. If this action is persisted in by the Government, the Mussalmans of India will be forced not to take any help from those whom they like ; but they may also say : " We shall go and search out our own agents in the land of the Hedjaz ". I am not to be

[Mr. Muhammad Azhar Ali.]

guided in my religion by my Leader, Sir Abdur Rahim, or by Kunwar Hajee Ismail Ali Khan ; it is a matter of right with me, I have my own rights and my own beliefs. There may be people appointed by the Government as *muallims*, *qazis* or *muftis*, but I have the right and the liberty to regulate my own religious actions and civil rights. Nothing should come between my God and myself. It is indeed also a matter of charity to a Mussalman. A Mussalman thinks that if he supports a certain *muallim*, it is a religious act. It is not a question of performing ceremonies only ; it is also a question of doing charity and thus doing a religious act. With these words, I submit, that the Bill should not be re-committed to the Select Committee, but that it should go for circulation.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain (Member for Education, Health and Lands) : Sir, I did not expect that the motion that is before the House would evoke the discussion that it has done, and I did not realise that now-a-days memories were so short that the history of this measure would be more or less as it were a matter of archæology.

Sir Abdulla-al-Mámün Suhrawardy (Burdwan and Presidency Divisions : Muhammadan Rural) : Like the history of the Constitution.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Yes. Therefore, I would ask the indulgence of the House just for a few moments to state how we have reached the present stage in this particular matter. I think it was in the year 1928 that this House appointed the Haj Enquiry Committee. That Committee took about a year or so to make a report. It consisted of Members of the Central Legislature and one outsider. They were all Mussalmans except for the Chairman. Their report was mostly unanimous. One part of the report was to the following effect. There are serious complaints as to the pilgrim guides' operations in India, that is to say, before embarking, inasmuch as it is alleged that some of them cheat and maltreat the ignorant class of Hajis. That cheating and maltreating is not with reference to any religious rites, but with reference to purchasing of tickets, railway or ship tickets, with reference to purchases of food, and purchases of other things, and in the matter of accounts. I think I am right in saying that as to the existence of these complaints there are no two opinions. There may be differences of opinion as to the cause of these complaints. I have tried to find out what possible explanation there can be as to the existence of these complaints, and why these complaints exist. I have been able to find one man who says that these complaints are altogether unfounded. All guides are good, helpful, honest and straightforward, and that complaints do exist but they are due to the fact that the average Indian pilgrim is very miserly and stingy. He welcomes all the services these pilgrim guides render to him but when the time comes for paying them, he is very miserly and would like to pay half the sum that is really due, with the result that the pilgrim guide is offended and when he is offended he makes a row and he extracts the balance of what he considers his due and the Haji says, the pilgrim guides are a bad lot. This gentleman was, I should say, an advocate of pilgrim guides, saying that they are perfectly in the right, that the Hajis are in the wrong and the existence of complaints is due to what he calls the inherent defect of character in the average Indian pilgrim who wants to receive services but not make adequate payment for them. I am not in a position to say whether this gentleman who represented the cause of the

pilgrim guides very strongly to me is in the right or not but the vast majority I came across have said that there are pilgrim guides and pilgrim guides. Some of them are good. Some of them are bad. The bad ones do maltreat the pilgrims. They do cheat them and such instances have occurred and they are given currency to and the pilgrim guides have got a bad name. Therefore, I assume that so far as the existence of complaints goes, the Haj Inquiry Committee were in the right, that in all probability the explanation that there are some who are good and some who are not good is also the correct one. So we arrive at the position that there is certain grievance based on really unsatisfactory pilgrim guides operating in India, that it is desirable in the interest not of the Muslims of the status, knowledge and position of the Members of this House but of their ignorant poor brethren who are not in a position to cope with men with wide experience, sharper intellect and greater knowledge of the world who can impose themselves upon these untravelled ignorant Indian Muslims who in their anxiety to go to Hedjaz fall victims to the unscrupulous character of some of these pilgrim guides. I think, Sir, on this point also there will be no difference of opinion even amongst those who have spoken on the subject, that is to say the desirability of taking such action as is possible or as it is practicable to take in order to remove this defect. There are some who feel that it is not possible to eradicate this defect by legislation. There are others who feel that no doubt legislation may not eradicate it altogether but it may go some length in counteracting the fraudulent acts or deceitful acts of these pilgrim guides. I do not think I am really called upon now to say that a law, if eventually passed, will stamp it out altogether, but I think the House will agree with me that it is a matter which is worth trying.

This Bill was introduced as long ago as March, 1932. It was referred to a Select Committee and a very strong Select Committee, which sat in the summer of 1932 and thrashed out the whole thing. They arrived at their decisions which are incorporated in the revised Bill that was laid on the table of the House but when we had finished our labours some of us, in fact most of us, felt that the Bill was not as definite as we desired it to be. It appeared to us that it probably would cover many cases that we would rather exclude from the purview of the Bill and in the second place that there were cases which we would like to provide against which were not covered by the provisions of the Bill. Therefore, the majority of the Select Committee said that the Bill that we had eventually brought out be not for the present proceeded with. Some thought that the Bill, as it had been thrashed out, was a good Bill and, therefore, they wanted to proceed with it, with the result that Government decided to act on the advice of the majority, and not forthwith proceed with the Bill. It was laid on the table of the House I think last February and then the question for Government to decide was what to do with it. The advice was "do not proceed with it for the present". A strong minority consisting of Sir Abdur Rahim and another Member said "Proceed with it as it is". The next step that Government took was to consult the Standing Haj Committee. Their advice was, "let us have the opinion of the Muslim Press and the Muslim public". So the Bill was sent round to all the papers whether they were in receipt of Government advertisements or not, whether they were pro-Government or anti-Government. How can you say that the Press like other public people are pro-Government or anti-Government without referring to a particular date. Is that not so? People with open minds, as we are in India, can change our minds like other people. We may hold

[Khan Bahadur Mian Sir Fazl-i-Husain.]

an opinion for a measure today and next week we may hold a different opinion. Therefore it would have been rash on the part of my Department to refuse circulation of this measure to a paper on the assumption that yesterday it was anti-Government, for who knows that it may not tomorrow be pro-Government. I am not one of those who are pessimistic about change of opinion. I always hope and trust that if my opinion is the right one, those who do not share my views today may do so tomorrow.

Mr. B. R. Puri (West Punjab : Non-Muhammadan) : You may change your view also.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Yes, but I would prefer to put it the other way. The result was that when all these opinions were actually received we found that those who stood out against the Bill were not more than three. One of them was the *Al Jamiat* of Delhi which some people allege has been for a long time non-co-operating and holding views about civil disobedience of a very extremist nature, though I hear that recently it has had occasion to modify its views in the light of the new circumstances that appear to have come into being. Therefore, there was a very strong opinion in support of the Bill and yet at that time there were two courses open to Government to adopt. One was to proceed with the Bill and the other was not to proceed with it but to have it recommitted to the Select Committee with a view to enable all the suggestions that had been made during this canvassing of public opinion to be discussed in the Select Committee in the light of the criticism received and to see if it were prepared to modify the Bill or not. I thought, as I said, at the very beginning of my remarks, that this was a reasonable course to adopt and that there would hardly be any objection from any part of the House to this being done. Why, then, this occasion has been availed of to enter into a discussion in which two or three things have been prominently brought out. One is the usual argument that the *Shariat* is in danger ; you are legislating about religion and therefore we are on principle opposed to any legislation of the kind. Well, Sir, I understand this line of argument but I must frankly state that I do not agree with it nor do I want to encourage it. Situated as Muslims are in India, for us to take the line that everything relating to Haj even though it be a case of transport from the home of the Haji to Bombay is a religious matter, neither for the present Government nor for any other Government that one can conceive of in India, would it be possible to make any proper and suitable arrangements. The matter of this Pilgrims' Guides Bill is not a religious matter ; it is a matter of protecting the ignorant against the professional men, some of whom are strongly believed to be not what they ought to be. Therefore, the legislation contemplated is one of the ordinary kind protecting the weak against the more clever to such an extent as the State can. The second argument is that Haj has a great significance of which the British Government is very much afraid and therefore the British Government has conceived a plan of having a number of laws made relating to Haj, the effect of which would be that people will not go to perform their Haj. The Haj will die out and the Muslims will not proceed to Hedjaz. It is really to make a statement on this point that I ventured to ask you, Sir, to let me speak. So far as I know, as a Member in charge of this Department, there is not the slightest foundation for this suspicion. My policy is to do all that can reasonably be done to afford comfort and protection to the pilgrims, to give them all facilities that it is possible to

give and to make their trip to Hedjaz as comfortable and as little expensive as possible. And why ? Firstly, because it is the religious duty of the Mussalmans who can afford to perform the Haj and why should I or the Government of which I am a Member stand in the way of that being done. Secondly, I, in common with most of the Members of this Assembly, believe that a travelled person is a much better citizen than an untravelled person.

Tá bá du'kkàn-i-kháná dar girvi.

Hargiz aí khám ! ádmi nah shavi.

As long as you are confined within your own house, you will never really attain maturity. That is the reason why this House always likes a large number of its Members to proceed to England now and then.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : At the expense of the Government.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : No, no ; you must not indulge in insinuations. And Haj affords unique opportunities of benefiting by travel by making people come in contact with people of other countries. If you simply go as Cook's tourists, you can only visit particular countries, one after the other, at a tremendous expense to yourself. But if you go to perform your Haj, inasmuch as a very large number of people from different countries have travelled to the same destination, you have the benefit of meeting not only the people of Hedjaz but people from all parts of the world. Now, that is a civic advantage, an advantage which all Hajis bring back to India not only for their own personal benefit, not only for their own religious benefit, but I call it also a civic benefit. In other words, their horizon and outlook are widened by rubbing their shoulders with people from different countries, which, in itself, is a great asset to them. Therefore, how is it possible that I or this House should countenance in any way the policy of restricting the movements of Muslim Hajis to Hedjaz ? There is not the slightest sense in that policy.

Mr. Muhammad Azhar Ali : Are you afraid of Pan-Islamism ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The Honourable Member from the United Provinces is talking of Pan-Islamism.

Mr. Muhammad Azhar Ali : I do not talk.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : You have put me that question. There is nothing to be ashamed of in that.

Mr. Muhammad Azhar Ali : I am not at all ashamed to have put that question.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I turn from him to the right and look at my Honourable friend, Sir Abdulla Suhrawardy, who was believed at one time to be the prophet of Pan-Islamism in India and, with whom, I have been in intimate touch ever since this young prophet came from London *via* Egypt to Lahore where I had the pleasure of having him nominated as the Principal of the Islamia College of which Institution I was the Secretary. Therefore, so far as the Pan-Islamic movement in India and, for the matter of that, in the world is concerned, probably in this House, after Sir Abdulla Suhrawardy, I know more than any other Member does. When I say I know more, I mean not only the outward expression of it, but the inward significance too. Sir, Pan-Islam

[Khan Bahadur Mian Sir Fazl-i-Husain.]

of which young Muslim India dreamt years ago was never more than a myth and today, there are not even the ashes left of that myth. Therefore those Honourable Members who imagine that there is a bogey of Pan-Islamism of which Europe is frightened, I am afraid they are suffering from some hallucination or delusion. I assure the House, I do not think the House needs that assurance, but if a few Members are still dreaming of Pan-Islamism, I say they had better make up their minds to stand on their own legs in India as Indians. (Hear, hear.) The utmost they can do in that line is to make up their minds to proceed to Haj as soon as they have enough money to do so.

Shaikh Sadiq Hasan : Will the Honourable Member do the same ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : When I see the Honourable Member come back safe and an improved man after performing the Haj, I shall do so. I trust these few observations I have made will assure the Honourable Members, that there is no foundation for the suspicion of those who have been saying that Government want to stop people proceeding to Haj. I trust these suspicious Members possess the zeal and enthusiasm for Haj more than is possessed by others. When I, on the floor of this House, ask them to take the earliest opportunity of proceeding to Haj surely it cannot be said that the Government of India want to discourage pilgrimage and I trust that the request I have made to them, they will in their turn make to those outside this House who can afford to make the pilgrimage. Having said that I need say nothing more and I trust that the motion before the House will be passed unanimously and I further hope that the committee will be in a position to thrash out a Bill which will save the ignorant Indian Muslims from such losses to which they have been liable in the past and thus encourage others to proceed to Haj instead of discouraging them. (Applause.)

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member, Mr. Muhammad Azhar Ali, has just handed in notice of an amendment. But the Honourable Member knows that he has already taken part in the debate and he has lost the right of moving his amendment.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : I say at the very outset that the Honourable Member in charge of this Bill has as much right to speak on behalf of Muslim community as any other elected Muslim Member of this House. (Hear, hear.) He commands the confidence of the Muslims as much, if not more, as any other person. I also say at the outset that those Members of the Legislature whose names are found amongst the Members of the Select Committee are as much true representatives of Muslims as others whose names are not there. We have as much confidence in them as we have confidence in those who are not members of the Select Committee. Therefore, this point is quite clear that there is no question of confidence or no-confidence in the members of the Select Committee. All of us have got at heart the interests of Mussalmans for whose benefit this legislation is intended and there is no question of attributing motives. One thing I always emphasised that, it is the duty of every Government to protect the interests of its subjects, their lives, their properties and their personal rights, in India and outside India ; and it is on account of this plea that we always demanded that life and property and other

rights of Indians in South Africa and other places should be protected. I think a Government will fail in its duty, if it did not protect the life and property and privileges of its own subjects in every part of the globe. That I think is quite legitimate. But the wordings of the Bill as it is drafted really go much wider than what was intended and I hope that the Select Committee would look into the matter. As far as I can see I suggest that the operation of this Bill should be restricted to the legitimate protection of the rights of the pilgrims and their lives and properties during their pilgrimage, and not interfere in personal laws of Mussalmans. I hope that this point will be taken into consideration by the Select Committee and I hope that the terms of the Bill which are so wide will be restricted. I believe we should give an opportunity to our colleagues in whom we have full confidence to consider this matter, and take into consideration the views that have been expressed on this Bill by Muslim public. There was a suggestion made by my friend, Khan Bahadur Haji Wajihuddin, that if the Honourable Member in charge of the Bill may find convenient, he may add three more members to the Select Committee. I do not object to this proposal. But I find that the Select Committee, as it is constituted at present, has got a sufficiently large number of trustworthy Muslims on the Committee. So, if we add more members it would be adding more sugar to a thing which is already sweet and I would welcome it.

Mr. Muhammad Anwar-ul-Azim (Chittagong Division : Muhammadan Rural) : It is hardly necessary for me after the Honourable Member in charge of the Bill has spoken and has replied to the various objections raised by some of my Honourable friends to speak at length. I am very much grateful to my Honourable friend, Kunwar Hajee Ismail Ali Khan, for clearing up certain matters with which I too was connected. I am told that both my Honourable friend, Shaikh Sadiq Hasan, and our new friend, Mr. Maswood Ahmad, questioned the propriety of Government in calling my humble self, Kunwar Hajee Ismail Ali Khan and Maulvi Muhammad Shafee Daoodi for advice in the matter of draft rules under the Merchant Shipping Act passed in Delhi this year. It was very nice of my Honourable friend, Kunwar Hajee Ismail Ali Khan, to have told Mr. Maswood Ahmad that the remarks which the latter made on the floor of this House at Delhi were considered by the *ad hoc* Committee of which we were members. It was unfortunate for us and for Government that my Honourable friend, Mr. Maswood Ahmad, could not spare time at home to come and join this Committee. Before my Honourable friend, Mr. Maswood Ahmad, said so many unkind things with regard to that Committee I should have liked him very much to see first of all whether the objections that he raised during the last Delhi Session were not gone into by Government and how far they were modified and whether the objections for which my Honourable friend, Mr. Maswood Ahmad, put up such a bold fight during the last Delhi Session were not substantially removed and the suggestions made by him embodied in the rules that we framed. Coming to the subject matter of this small Bill it appears that my Honourable friend has confused the whole issue altogether. It has absolutely nothing to do with Muslim religion. I am an humble follower of that religion and hailing as I do from Eastern Bengal, which is not unknown to my friend, Shaikh Sadiq Hasan, he knows how orthodox we are and how bitterly we feel if anything touching our religion is done by anybody or even hinted at.

[Mr. Muhammad Anwar-ul-Azim.]

by anybody. This Bill will clear the position of the *bona fide muallims*—Religious preceptors in general, and others working in the Holy Lands will not be touched. It will also at the same time help the poor and unwary from being fleeced by cheats in the guise of *muallims*. This Bill is a move in the right direction. The Port Haj Committees alone

1 P.M.

will take cognizance at the first instance. But it seems very puerile that Mr. Sadiq Hasan, Mr. Maswood Ahmad and last, but not the least, Mr. Azahar Ali should take upon themselves to digress from the main line and bring in unnecessary things which do not form part of the religious question. It is said that the Bill is very wide. I think it is not only not wide but on the other hand it is too restricted. What trouble is there for any of these gentlemen, who occasionally pilfer men and women who go to the Haj, to get licence just to show that he is not one of those pilferers and not guilty of malpractices against whom this Bill is directed? My humble submission is that if my friends consider this matter from that point of view they would not oppose the Bill with such vehemence. It is so very easy to excite the mass mind.

Certain friends have asked why Government are so solicitous about the welfare of the pilgrims and not of the *pandas*, and *thakurs* at Hindu shrines. Of course the answer is obvious, that Government as a result of great agitation and representation formed the Haj Inquiry Committee. They went to the length of spending several lakhs of rupees, and if that Committee came to the decision that some laws must be made with regard to regulating the conduct of these *muallims*, I am certain their objection falls to the ground. Sir, I do not think it is necessary for me to take the time of the House but my impression is that if my friends go thoroughly through the report of the Haj Inquiry Committee and look at it from a detached point of view they would not clamour so much with regard to the main provisions of this Bill. Last but not the least, Sir, it is not my business to defend Sir Abdur Rahim; I know him as a Leader of the Independent Party and a great Indian, and as a matter of fact the *de facto* Leader of the Opposition in this House now. And if my friends had any respect for their Leader they would not raise so much objection to this Bill going back to the Select Committee. The opinion of a gentleman like Sir Abdur Rahim is certainly to be respected, at least by Members of the Independent Party. And what does he say here? He says that perhaps it may not be possible by this Bill to stop the nefarious activities of the *muallims* fully. No laws are perfect and as such it is more or less a trial, and if my friends think it will injure them or that it may not be effective, it might be considered fully later on in the Select Committee. I think, Sir, Government should not have asked for recommitment of this Bill to Select Committee but they would have been wise to move that the Bill should be passed forthwith. With these words I support the motion.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands): Sir, after what has fallen from the Honourable the Education Member, there is nothing for me to say as regards either the merits of the motion or the merits of the Bill. If I have risen it is only to deal with one point which was made by my Honourable friend, Haji Wajihuddin. He suggested that there should be certain additions made

to the Select Committee. I would repeat to him the words of my Honourable friend, Dr. Ziauddin Ahmad, that the Committee is already sufficiently representative and independent not to need any further addition. That is all I have to say.

Mr. M. Maswood Ahmad : Sir, I have to offer one word of personal explanation. Yesterday I did not object to the personnel of the men who attended the Conference, but I objected to the principle, because Government did not consult the representatives of this House, *i.e.*, the members of the Standing Committee for Haj Pilgrimage but they took certain other people in that Conference. I did not intend to say that they were not representatives of the people ; they were certainly representatives of the people, but they were not the representatives of this House. I objected yesterday to the principle and not to the personnel.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Sir, I should like to submit that as Mr. Rajan Bakhsh Shah and Mr. Sayyid Murtuza Saheb are ill and have not come this Session, they may be replaced by Maulvi Badi-uz-Zaman and Mr. Uppi Saheb Bahadur.

The Honourable Khan Bahadur Mian Sir Fazli-Husain : I trust that the Honourable Member does not mean that they are going to be ill during the whole of the next year. This Select Committee is not intended to sit straightaway ; as a matter of fact, it is intended that it should meet some weeks and possibly some months hence. And, in fact, it is intended to consult the new Port Haj Committees as well. Therefore, the deliberations of this Committee will really commence some weeks or months hence and will not be over for the next six months or so. In case the Honourable Member has information that the illness of these two gentlemen is likely to be protracted, that is of course a different matter. But otherwise I do not think there is any need to replace them.

Mr. S. C. Mitra : What I say is that Mr. Rajan Bakhsh has written to say that he has been ill for a long time and it may not be possible for him to attend, and the same is the case with Murtuza Saheb. So, I think, they may be replaced.

Mr. President (The Honourable Sir Shanmukham Chetty) : But the Honourable Member cannot assert that they will continue to be ill.

The question is :

“ That the Bill to regulate the activities of persons in British India who offer to assist Muslim pilgrims to the Hedjaz, as reported by the Select Committee, be re-committed to the Select Committee.”

The motion was adopted.

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

The Assembly re-assembled after Lunch at a Quarter to Three of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

THE NEGOTIABLE INSTRUMENTS (AMENDMENT) BILL.

The Honourable Sir George Schuster (Finance Member) : Sir, I beg to move :

“ That the Bill further to amend the Negotiable Instruments Act, 1881, for a certain purpose, as passed by the Council of State, be taken into consideration.”

Sir, this is a very small measure which has, however, a somewhat long history. I think if my friends opposite would study the measure carefully and the recommendations of the Banking Inquiry Committee on the subject, they would find that the Bill, as at present drafted, gives exact effect, or as nearly as possible, exact effect to the recommendations of the Banking Inquiry Committee. The object of this Bill is to protect Banks and the public in respect of endorsements on cheques which are on the face of them payable to bearer. It says :

“ Where a cheque is originally expressed to be payable to bearer, the drawee is discharged by payment in due course to the bearer thereof, notwithstanding any endorsement whether in full or in blank appearing thereon, and notwithstanding that any such endorsement purports to restrict or exclude further negotiation.”

The necessity for a measure of this kind to protect bankers really dates from a judgment given by the Bombay High Court in 1924, a judgment which decided that a *Hundi* which on the face of it was payable to bearer but bore an endorsement restricting its bearer character had thereby changed its character. That judgment was a very upsetting judgment to Banks which had hitherto only regarded the nature of the document as it appeared on the face of it. The decision was then taken to legislate and to make the provisions of the present Bill applicable both to *Hundis* and to cheques. That led to a great deal of discussion, and eventually after the measure had come forward on several occasions, it was decided to withdraw it and await the recommendations of the Banking Inquiry Committee on the matter. The Central Banking Inquiry Committee dealt with this matter in paragraph 564 of their Report, and their recommendation is as follows :

“ The question has been fully considered by the Provincial Committees and some of them have recommended that the Negotiable Instruments Act should be amended so as to provide that cheques originally drawn to bearer would, despite any endorsement, retain their character as bearer instruments. We concur in this recommendation. We also approve of the recommendation made by the Madras Committee that any holder of a cheque should have the right to alter the character of the cheque from ‘ bearer ’ to ‘ order ’ on the face of it and that the alteration should be supported by the name of the drawer or holding endorser who makes the alteration. It should not, however, be altered by endorsement on the back of the cheque. We further recommend that *Hundis* which are drawn in the form of cheques should be treated similarly. We are not, however, in favour of interfering with the existing practice in regard to other *Hundis* and do not recommend that the practice ‘ once a bearer, always a bearer ’ should be made applicable to such *Hundis*.”

Now, Sir, in making their final recommendation the Banking Inquiry Committee were really meeting the objections which have been raised to the measure which had been formally proposed by the Government, and in substance we have in this Bill given exact effect to the recommendations of the Central Banking Inquiry Committee, that is,

to say, this Bill which embodies the principle of 'once a bearer document always a bearer document' only applies to cheques and not to *Hundis*. Now, Sir, I believe that, having met that point, there is nothing which any Member of the House could object to in this Bill, but I see that there is down on the Order Paper an amendment in the name of my friend, Mr. S. C. Mitra, to the effect that the Bill should be referred to a Select Committee. This measure has waited for a long time to come to birth, and as it has waited from 1927 to 1933 and as the whole of the banking machinery of the country has not been paralysed by the defect in the present position, I do not think it can be argued that a further delay of two or three months would be of very serious import. Therefore, if there is any feeling on the part of Honourable Members opposite that they want more time to consider this Bill and they would like to examine it in detail in the Select Committee, I on behalf of the Government would not object to that course. But I would put it to the House that I am quite satisfied in my own mind that the delay is unnecessary and that the hour or so which the Select Committee will spend in going into this question will really be wasted; but if Honourable Members feel that they would like the delay, I am quite prepared to accept the motion for reference to Select Committee. I do not think I need say any more on this motion in order to explain its object. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

“ That the Bill further to amend the Negotiable Instruments Act, 1881, for a certain purpose, as passed by the Council of State, be taken into consideration.”

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Sir, I move :

“ That the Bill be referred to a Select Committee consisting of the Honourable the Finance Member, the Honourable the Law Member, Mr. Vidya Sagar Pandya, Mr. B. R. Puri, Mr. Muhammad Muazzam Sahib Bahadur, Mr. K. C. Neogy, Mr. Gava Prasad Singh, Rao Bahadur M. C. Rajah, Sir Leslie Hudson, Kunwar Hajee Ismail Ali Khan, Dr. Francis Xavier DeSouza, Mr. Lalchand Navalrai and the Mover, with instructions to report before the 30th November, 1933, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

Sir, I agree with the Honourable the Finance Member that the scope of this Bill has been much curtailed by excluding *Hundis* from coming under the scope of the present Bill. I also thank the Finance Member for saying that he has no objection to this Bill being referred to a Select Committee. I have consulted some friends on this side of the House and they feel that this matter should be further considered. The main point is this. Here, in India, we have two kinds of cheques, one, the order cheques and the other bearer cheques. As regards order cheques, they do not come under the purview of this Bill; it only deals with bearer cheques. The custom in countries, where there is an advanced system of banking, is that a bearer cheque is negotiable even without a signature. But here, even though it be a bearer cheque, the banks require endorsement with a signature on the back of it. Not to say of cheques, even Government currency notes for Rs. 10. not to speak of notes of higher denomination, people demand to be signed and endorsed on the back. It has become almost a custom with the public even in bearer cheques to require endorsement on the back. In the interests of the banking system, it may be necessary that we

[Mr. S. C. Mitra.]

shall have to gradually go back to the more advanced practice of the West that once a bearer cheque should always remain a bearer cheque. But, so far as I understand, even the Banking Enquiry Committee has said that if a bearer cheque has been changed into an order cheque on the face of it, that should be accepted as an order cheque. But in this Bill I think the intention of the Government is to make a bearer cheque always a bearer cheque even if it is changed on the face of it into an order cheque. These are matters which I think should be considered in a Select Committee, because it is a question of changing the habits of our people which are almost ingrained in them. I do not want to go into the earlier history of this legislation. I do not want to quote from the speech of the Finance Member himself when he moved on the last occasion for sending a similar Bill to a Select Committee. The Bombay High Court's final decision was given in 1924, but it has not put the banks in such a position that they are not able to carry on their business, as has been admitted by the Honourable the Finance Member himself. I hope the House will agree to my motion of reference to the Select Committee.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill be referred to a Select Committee consisting of the Honourable the Finance Member, the Honourable the Law Member, Mr. Vidya Sagar Pandya, Mr. B. R. Pari, Mr. Muhammad Muazzam Sahib Bahadur, Mr. K. C. Neogy, Mr. Gaya Prasad Singh, Rao Bahadur M. C. Rajah, Sir Leslie Hudson, Kunwar Hajeer Ismail Ali Khan, Dr. Francis Xavier DeSouza, Mr. Lalchand Navalrai and the Mover, with instructions to report before the 30th November, 1933, 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 ARBITRATION (AMENDMENT) BILL.

The Honourable Sir Bepin Behary Ghose (Law Member) : Sir, I beg to move :

“ That the Bill further to amend the Indian Arbitration Act, 1899, for a certain purpose, as passed by the Council of State, be taken into consideration.”

The matter is very simple and I hope it is not controversial. I may shortly state the case for the information of my lay friends. The Indian Arbitration Act of 1899 applies to a certain class of cases. In section 19 of the Act it was provided that if one of the contracting parties after agreeing that their dispute shall be referred to arbitration brings a suit in a Court, then the defendant may apply that the suit be stayed in order that the matter in dispute may be referred to arbitration. With regard to that, section 4 of the Act defines a Court, in the Presidency Towns as the High Court, and elsewhere the Court of the District Judge. It so happens if a suit of the nature is brought in a Presidency Small Cause Court, that Court has no power to stay proceedings. The defendant has to apply to the High Court and the High Court has no seisin of the suit itself and it has been found to be rather disadvantageous. The present amendment only says that for the words “ the Court ” the words “ the judicial authority before which the proceedings are pending ” be substituted. If this amendment is carried, then much of the inconvenience to the parties will be removed,

so that the Court which has seisin of the suit will have the right to stay proceedings. The party will not have to go to the High Court, or in a mofussil, the suit may be in a Munsif's Court, and the party will have to go to the District Court in order to have it stayed. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

“ That the Bill further to amend the Indian Arbitration Act, 1899, for a certain purpose, as passed by the Council of State, be taken into consideration.”

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : I fully agree. It is only reasonable and fair that when a certain matter has been referred to arbitration, the Court should not go into the question involved in the arbitration proceedings until the arbitrators have decided it. Then it could come up before the Court if objections, if any, are lodged against the award. Therefore, it would be an anomaly if the arbitration proceedings should be carried on and also the Court should at the same time be investigating and determining the same matter. So long as the arbitration proceedings go on, the matter in Court should remain in abeyance. The next point is which is the Court to which application should be made for stay of proceedings. The law at present is not definite, and anybody can go to any Court and ask that the proceedings be stayed. Suppose a case is pending in a Subordinate Court, one can go to the Small Court and ask for stay of proceedings. That is not reasonable or legal. Therefore, both the points that have been covered by this Bill are absolutely necessary and I support the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill further to amend the Indian Arbitration Act, 1899, for a certain purpose, as passed by the Council of State, be taken into consideration.”

The motion was adopted.

Clauses 2, 1, the Title and the Preamble were added to the Bill.

The Honourable Sir Bepin Behary Ghose : Sir, I move that the Bill, as passed by the Council of State, be passed.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill, as passed by the Council of State, be passed.”

The motion was adopted.

THE CANTONMENTS (HOUSE-ACCOMMODATION AMENDMENT) BILL.

Mr. G. R. F. Tottenham (Army Secretary) : I beg to move :

“ That the Bill further to amend the Cantonments (House-Accommodation) Act, 1923, for a certain purpose, as passed by the Council of State, be taken into consideration.”

This, Sir, is a small Bill which I hope will not detain the House for more than a few minutes. It arises from a representation that was made to us by the All-India Cantonments' Association who pointed out that under the Act, as it stands, at present, the owner of a house which it has been proposed to appropriate under the Act might be put to

[Mr. G. R. F. Tottenham.]

certain inconvenience and unnecessary expense for the reasons explained in the Statement of Objects and Reasons.

Briefly the position is that when the Commanding Officer proposes to appropriate a house, he serves a notice under section 7 of the Act on the owner of the house. Then the owner of the house, in the first place, may appeal to the General Officer Commanding the District against the appropriation of the house and, in the second place, may make a reference to the civil Court on the questions of rent and repairs to the house. The owner is allowed 21 days to make his appeal to the General Officer Commanding and he is allowed 30 days to make his reference to the civil Court ; but at present both those periods run from the same date, that is the date on which the notice was served on him under section 7. Therefore, in nine cases out of 10, the owner has to make his reference to the civil Court before he has received orders on his appeal to the General Officer Commanding : and if his appeal to the General Officer Commanding is successful, the trouble and expense he has gone to in making the reference to the civil Court is wasted. Therefore, we propose in the present Bill to allow the time for making a reference to the civil Court to run, not from the date on which the notice is served on him, but from the date on which he receives orders on his appeal to the General Officer Commanding. I think that everybody will agree that that is entirely reasonable. It will, however, to some extent, lengthen the whole proceedings, and therefore, we propose also to make a slight reduction in the time allowed for the owner to make his appeal to the General Officer Commanding and to reduce that period from 21 days to 10 days. That will give the owner ten clear days in which to make up his mind whether he wishes to appeal against the appropriation of the house. That, Sir, also I think is reasonable ; but in order to make quite sure I took the precaution of consulting the All-India Cantonments Association on the point and they replied as follows :

“ I have to acknowledge your letter and to convey the sense of the Association's grateful appreciation of the Government's acceptance of the suggestion made by the Association. The Association has no objection to the proposal to reduce the time for making an appeal to the District Commander to ten days.”

Those of us who are acquainted with the All-India Cantonments Association know that it is an extremely efficient body which keeps a most vigilant eye on the interests of the house owners. I think we may, therefore, rest assured that this proposal will be acceptable to the house owners in cantonments and I have no hesitation in recommending it also to the acceptance of the House. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

“ That the Bill further to amend the Cantonments (House-Accommodation) Act, 1923, for a certain purpose, as passed by the Council of State, be taken into consideration.”

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : I am very glad that better sense is returning to the Army office now. I am glad to see that what is proposed now is to give reasonable facility of time to the person who comes as an aggrieved party against a decision to an appellate Court within the time allowed. The limitation law

prescribes this already. It does provide that time for an appeal runs from the date of the decision of the lower Court. That limitation time which is a general law was foreign to the Army Department and not such as the Army office would accept and I am, therefore, very glad that the general law is now being accepted and I hope that by and by the Army office would go on acceding to the reasonable demands which the Indian people put forward. I, therefore, support this portion of the Bill.

Coming to the next point, in which time is being shortened I would certainly be against it but there is one consideration that weighs with me. Those who live in cantonments are intelligent people and they also know the law. On account of the drastic way in which the army regulations have been worked, they have been wide awake. So this shortening of time also will not affect them much as they are sure to remain vigilant of the period of appeal. I support the whole Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill further to amend the Cantonments (House-Accommodation) Act, 1923, for a certain purpose, as passed by the Council of State, be taken into consideration.”

The motion was adopted.

Clauses 2, 3, 4, 5 and 1 and the Title and the Preamble were added to the Bill.

Mr. G. R. F. Tottenham : I move that the Bill, as passed by the Council of State, be passed.

The motion was adopted.

THE DANGEROUS DRUGS (AMENDMENT) BILL.

The Honourable Sir George Schuster (Finance Member) : I beg to move :

“ That the Bill to amend the Dangerous Drugs Act, 1930, for certain purposes, be taken into consideration.”

This is a very small measure which, as my Honourable friend the Army Secretary said just now, I hope, will not detain the House for more than two minutes. The object of the Bill is clearly explained in the Statement of Objects and Reasons. The provision in section 2 is merely intended to make effective the Government's adhesion to the International Convention on the subject and the second provision in section 3 is intended to give Provincial Governments greater powers of restriction than they enjoy at present. At present they have powers of restricting the amount of raw opium that may be lawfully possessed by one person at a time but not of restricting the amount of prepared opium made from raw opium, and this Bill gives power to restrict the amount of prepared opium in the possession of any individual. The restriction has been asked for by the Provincial Governments themselves and I need say no more on the subject. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill to amend the Dangerous Drugs Act, 1930, for certain purposes, 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 Sir George Schuster : Sir, I move that the Bill be passed.

The motion was adopted.

MOTION *RE* FUTURE ADMINISTRATION OF ADEN.

The Honourable Sir Joseph Bhore (Leader of the House) : Sir, I move the motion which stands in my name, namely :

“ That the Government of India communiqué, dated the 20th June, 1933, regarding the future administration of Aden, be taken into consideration.”

The opportunity for discussion which this motion affords is given in fulfilment of an undertaking by the Political Secretary so far back as 1922, an undertaking which has at least implicitly if not expressly been subsequently endorsed, that the Government would come to no final conclusion without giving the Legislature an opportunity for the discussion of this matter. The communiqué sets out the considerations in favour of the transfer of control, the arrangements proposed by His Majesty's Government, should it be eventually decided to transfer control and the financial consequences to India of such a transfer. I need hardly assure the House that the views expressed here will be most anxiously and carefully considered by the Government of India and they will, of course, be forwarded for the consideration of His Majesty's Government. In addition, regard will also have to be paid to the views expressed outside this Chamber and to the views expressed by interests concerned both in India and in Aden. Before discussion begins I ought, however, to take an opportunity of removing possible misapprehensions and of giving certain information to the House which may assist it in coming to a conclusion. I noticed during the course of discussions on a similar motion in another place that the suggestion was made—I would put it no higher than that—that Government had gone back on a declaration made by Sir Denys Bray in 1929 that all idea of the transfer of Aden from India had long since been abandoned. Now, Sir, anybody who studies the remarks of the Foreign Secretary in their proper context will, I am sure, not persist in that suggestion. He could not possibly do it. What obviously the Foreign Secretary meant was, that the transfer of Aden had been abandoned as a solution of the post-war controversy in regard to the future of Aden because this question had been settled by the decision of His Majesty's Government in December, 1926, and the transfer of the civil administration was, therefore, in 1929, not a live issue. Obviously, the Foreign Secretary's undertaking that the House would be given an opportunity of prior consultation would have been entirely meaningless if he had meant that the idea of transfer would never be considered at all. That brings

me to another point. The Foreign Secretary, Major Fraser-Tytler, in answering a question put by my Honourable friend, Mr. Gaya Prasad Singh, gave an undertaking to furnish the House with the views of those interests which were concerned in this matter. As the House is, I think, fully seized of the views expressed in India, I will confine myself as far as possible to the views expressed in Aden.

The House is aware that the Indian population of Aden numbers 7,287 out of a total of 46,638, and I may say at once that Indian opinion is definitely opposed to the separation of Aden from India. We come next to the Arabs. The Arabs number 29,820 out of a population, as I have said, of 46,638 according to the census of 1931. The Arabs are content with the existing system of administration which they would like to see continue; but, since constitutional developments in India would make this impossible, they would, on the whole, prefer that the administration of Aden should be controlled by His Majesty's Government. They fear, under the Federation, the subordination of Arab interests and a progressive increase in the commercial domination of Indian firms. On the other hand, they desire that the following existing conditions should be continued if transfer takes place, namely, (a) Aden should remain a free port, (b) taxes and other dues to remain as they are, (c) laws and local regulations to remain as at present and (d) all existing civil rights of inhabitants to be maintained. If these are not to be maintained, they are opposed to transfer. They are also apprehensive lest the annual contribution of 20 lakhs should, in the event of transfer, be recovered from them by His Majesty's Government. On this point I take this opportunity of assuring them that their apprehension is groundless. In this event, that is to say, of transfer, the charge would be borne by His Majesty's Government.

Now, Sir, I think I have given the House as much information as I am in a position to do. I need only say that Government will take no part in the discussion except to remove misapprehensions and to provide any relevant information which they may have in their possession.

Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

“ That the Government of India communiqué, dated the 20th June, 1933, regarding the future administration of Aden, be taken into consideration.”

There are a number of amendments on the Order Paper and the Chair proposes to inform the Honourable Members the procedure which it would like to follow in the discussion. The amendments fall into various classes. The amendment of Mr. Bhuput Sing not only objects to the transfer of civil control of Aden but wants that the military and political control should be re-transferred to India. The amendment standing in the name of Mr. S. C. Mitra and Dr. Ziauddin Ahmad only protests against the transfer of the military and political control and objects to the transfer of civil control. The amendment that stands in the name of Messrs. Ranga Iyer, Mody and A. Das acquiesces in the transfer of military and political control but objects to the transfer of civil control. The amendment of Mr. Gaya Prasad Singh does not express any opinion about the military and political transfer but objects to the transfer of civil con-

[Mr. President.]

trol. There is a further amendment in the name of Mr. Jehangir K. Munshi which advocates the transfer of civil control. What the Chair proposes to do is this. The Chair would first call upon Mr. Bhuput Singh to move his amendment and, then, if they are so advised, Messrs. Mitra or Dr. Ziauddin Ahmad may move the amendments that stand in their name. Afterwards the amendment that stands in the name of Mr. Ranga Iyer can be moved if he so desires. Then Mr. Gaya Prasad Singh will have a chance of moving his amendment and lastly Mr. Munshi. The discussion will be thrown open on all the amendments and the original motion and when the time comes for putting the question, the Chair will put the most comprehensive amendment of Mr. Bhuput Singh first to the vote and, if that is lost, the amendment of Mr. Mitra and Dr. Ziauddin will be put to the vote and, if that is lost, the amendment of Mr. Ranga Iyer will be put to vote and, if that is lost, the amendment of Mr. Gaya Prasad Singh will be put to vote and, if all these are lost, the amendment of Mr. Munshi will be put to vote.

Mr. Bhuput Singh (Bihar and Orissa : Landholders) : Sir, I beg to move :

“ That for the original motion the following be substituted :

‘ In view of the fact that the Military and Political Control of Aden have been transferred to the Home Government without obtaining the consent of the Indian Legislatures in spite of the promise by the Government of India in 1921 to the contrary and in view of the fact that Aden formed an integral part of the British Indian Administration for about a century this Assembly requests the Governor General in Council to convey to His Majesty’s Government the emphatic protest of this House about the transfer of the said control and the desire of the people of India that the proposed transfer of further control should not be effected and that the Military and Political control should be retransferred to the Government of India .’ ”

Sir, India, as a whole, feel very strongly on this subject, as this has all along been mishandled by the Government of India. To my mind, no words are too strong for criticising Government in this respect and I would say that the Government of India have all along not only mishandled but bungled on this question. They have all along made themselves subservient to the Colonial Office and the British Cabinet. If I am to quote the innumerable promises made to the Indian Legislature and the Indian public outside, from time to time, then, Sir, it will be a volume of history by itself. The origin of the discussion on this subject was on the 26th September, 1921, when a Resolution on this very subject was moved in the other House by the Honourable Sir Phiroze Sethna and the Government, on that occasion, just as in the present discussion, desired to remain neutral and desired to know the views of the representatives of the people of this country on the subject. Sir, the Members of the other House made it clear to the Government that considering the status and position of hellots assigned to the Indians living in different parts of Africa under the Colonial Administration, they would never agree to the transfer of Aden which is mostly populated by Indians and would not like it to be transferred to the Colonial Office. In the course of that debate, on that occasion, Government stated that they had not yet pronounced in favour of this transfer, and, until they do, no Honourable Member had any right to assume that the Government of India were in favour of that proposition. Their position was as announced by the Honourable the Foreign Secretary one of benevolent

neutrality. Sir, that benevolent neutrality brought in the bolt from the blue in the shape of the announcement in this House on the 3rd March, 1927, by His Excellency the Commander-in-Chief that the military and political administration of Aden had been definitely transferred to the Home Government. The amendment adopted by the other House, only the other day, demands the retention of only the civil administration of Aden under the Government of India. On the present occasion also, the Government of India have adopted the attitude of the same benevolent neutrality of 1921 and, as a result of such a neutrality, I will not be surprised, if a few months later, the civil administration is also transferred to the Home Government at our back just as the political and military administration was transferred surreptitiously. It is no wonder, Sir, that the people of this country have lost all faith in the *bona fides* of the present bureaucracy as well as of the British Parliament. This question of the transfer of the control of Aden is only one link in the chain of multifarious false hopes and promises made to the people of this country never to be redeemed by actions. Sir, I am not one of those to believe only in the retention of the civil administrative control of Aden under the British Indian administration. The amendment, which was accepted by the other House, if adopted by this House, as well, will give the world outside the impression that Indian opinion will be fully satisfied if only the civil administration is kept under the Government of India.

Sir, I do not believe in half measures. My objection to this transfer of military and political control in 1927 without our consent is more serious than that of the proposed transfer of civil administration. Aden is one of the most important strategic points in the sea route between India and the West. I hope I will not be taken as a wild visionary, if I say that I believe, and believe it sincerely, that a day will come when India will have the dominion status like the other dominions and the future Government will certainly have the control of their own navies, mercantile marine and the Army. Consequently, the future administrators of the Indian Government must desire to have the controlling power over such strategic points like Aden. Sir, this transfer of control of Aden, to my mind, is another link in the chain of manoeuvres of the British Government to have British control over all strategic ports between Singapore and Gibraltar. I am not going to narrate here how the British Government got the control of Soudan and Egypt and also gradually obtained a partial control of the Suez. This transfer of control of military and political administration of Aden to the Home Government without our consent shows clearly the lurking suspicions in the minds of the British politicians that India may at any time get dominion status or even independence and, with that suspicion in their minds, they have taken away the control of military and political administration in the teeth of Indian opposition. Sir, I do not for a moment see any other reason than the one just now stated by me for the British Government and bureaucracy to adopt the hush hush methods when the military and political control of Aden was transferred in 1927. Since the transfer of military administration in 1927, another rumour was afloat for the transfer of civil control in 1929, when Government reiterated their promise stating that all idea of such transfer had long since been abandoned. Again, in 1931, when the Aden administration was transferred to the Government of India, an apprehension was raised in the minds of the Indian public, that it was the thin end of the wedge for its

[Mr. Bhuput Sing.]

subsequent transfer to the Home Government. Immediately a deputation of those, vitally interested in the Aden trade, waited on His Excellency the Viceroy and Governor General, and it was definitely stated on that occasion that the proposals for the transfer of the control of Aden from Bombay Government to the Government of India were complete in themselves and were made on their own merits. Further on, the Foreign Secretary stated on that occasion that the changed administrative control of Aden from the Government of Bombay to the Government of India was not a step towards any other change. In the course of the discussion with the said deputation, His Excellency the Viceroy, Lord Willingdon, intervened and emphatically endorsed the Foreign Secretary's statements in connection with the apprehended transfer of control of Aden to the Colonial Office and, in order to allay the misgivings of the deputationists, he stated further that no such suggestion had been considered and gave a definite undertaking that, should this question be re-opened in future, all interests and parties would be consulted. In spite of such an assurance, just after the lapse of about two years, the White Paper saw the light of day with a small cryptic reference made therein regarding the question, in which it was stated, that the question of the future administrative arrangements for Aden were under consideration. Immediately a few British Indian delegates to the Joint Select Committee, who were then present in London, waited on a deputation to the Secretary of State on the question of the future of Aden, and they were told that Aden, being neither a province nor an Indian State, the question of its being included in the future Indian Federation was a very difficult one, but however, he did not think that the difficulty was of such a nature, as not to admit of a satisfactory solution. After all these false promises, the Government of India had the courage to issue the Press Communiqué in June last. Sir, the Press Communiqué starts with the fact that Aden is already to some extent under Imperial control. But may I ask the Government of India, whether they were or were not a consenting party to the transfer of military and political control? Then, I would further ask them, how far they committed India to that portion of the control already transferred to the Home Government and whether they obtained the views of the Indian public and of the Legislature to the partial transfer of control already made and which has been mentioned in the Communiqué. If they have not committed themselves to such transfer, this House, to my mind, should unanimously repudiate the whole action of the Government of India in this matter.

In coming to the next argument of geographical remoteness of Aden from India, may I ask the Government whether such geographical remoteness of Gibraltar from England stands in the way of its control by the Home Government? Sir, if, owing to remoteness of Aden from India, it is to be transferred to the Home Government, then I would say that Aden should be transferred to the Arabs, and Gibraltar to the Spaniards. I thought, Sir, that there was bankruptcy in British statesmanship, but it is a new experience to me that there is bankruptcy of common sense amongst the members of the British Cabinet, but for which, they, who are governing Singapore, Malta and Gibraltar from their headquarters in Great Britain which is geographically so distant and remote

from those places, would not have raised objections to India's administering Aden, owing to geographical remoteness.

Before I conclude, I think I should put it in a nutshell that Great Britain is very keen and bent upon getting the control of Aden to make it another naval base in the west of India as they have made Singapore a naval base in the east of India so that India may always be kept between these two fires. Considering all these factors I hope that the House will agree with me when I say that arrangements should be made for the re-transfer of the military and political control to the British Indian administration with whom the civil administration is existing at present. With these words, I move my amendment and commend it to the House for its acceptance.

Mr. President (The Honourable Sir Shanmukham Chetty) :
Amendment moved :

“ That for the original motion the following be substituted :

‘ In view of the fact that the Military and Political Control of Aden have been transferred to the Home Government without obtaining the consent of the Indian Legislatures inspite of the promise by the Government of India in 1921 to the contrary and in view of the fact that Aden formed an integral part of the British Indian Administration for about a century this Assembly requests the Governor General in Council to convey to His Majesty's Government the emphatic protest of this House about the transfer of the said control and the desire of the people of India that the proposed transfer of further control should not be effected and that the Military and Political control should be retransferred to the Government of India ’.”

Mr. President (The Honourable Sir Shanmukham Chetty) : Does the Honourable Member, Dr. Ziauddin Ahmad, wish to move his amendment ?

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

“ That for the original motion the following be substituted :

‘ While recording their emphatic protest against the complete transfer to the Colonial Office of Aden Settlement which has for about a century been an integral part of British Indian Administration, the Assembly requests the Governor General in Council to convey to His Majesty's Government the strong desire of the people of India that the proposed transfer should not take place ’.”

Sir, at the outset I should like to make clear the distinction between Aden Administration and Aden Protectorate. Now, the Aden Settlement consists of a very small tract of land, about nine miles long and two miles wide, and it is practically an island just like Bombay, because at one place it is only about a furlong wide and the sea water goes over it. Now, as regards the Protectorate of Aden, we have nothing to say ; that is a question for the Imperial Government to settle and India is not directly connected in the Aden Protectorate. But we are directly concerned with what is called the Aden Settlement. It should not be confused with the Aden Settlement. This Aden was occupied by Major Bayley in 1839 with the help of Indian forces taken from Bombay. The population of Aden at that time was only 3,000. The Honourable the Leader of the House has given the latest figures of the population. I have got also the round figures. On account of the development of the port, the population of Aden increased from 3,000 in 1839 to about 56,000, out of which about 30,000 are Arabs, 10,000 are Indians, 4,000 are Jews, 5,000 are Europeans and 7,000 are Somalis. Now, Aden has got a very peculiar position about the port. It is well protected and surrounded on all sides

[Dr. Ziauddin Ahmad.]

by rocks and hills and we have to go through a narrow strip in order to reach the port of Aden. This port of Aden was developed almost entirely by Indian capital. The Indians spent something like five crores of rupees in order to build wharves, godowns and warehouses and a large number of buildings. At the same time, the Indian Government spent large sums of money in developing the fortress and barracks and for carrying on the civil and military administration. I have got no accurate knowledge of the amount which the Indian Government spent on this account, but Mr. Cook, in a speech, in the year 1921, said that the expenditure was in the neighbourhood of 50 lakhs a year. Taking the statement of Mr. Cook, in 1921, I can safely conclude that the expenditure of the Government of India must have been between 30 and 40 crores of rupees ; and, considering the expenditure both by the Indian people and the Indian Government, I can safely say that the Aden Settlement was developed by incurring an expenditure of between 35 and 40 crores of rupees by the people and the Government of India. Now, whenever any question of a transfer comes in, the question of 40 crores should not be overlooked. We should get the amount back with compound interest. The vast expenditure both by the people and by the Government, and the hard work of Indian Merchants developed favourable situation and the safety attracted a large number of foreign people, the Arabs, Jews, Somalis, and Europeans. They came to Aden to enjoy a prosperous life which the Indian money and Indian brain created for them.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

Now, this increase of population from neighbouring countries naturally developed their trade relations with the countries from which these people came, and the Indians of Aden were the first to open trade relations between Aden and Africa and Aden and Arabia, and they built up their country crafts and their country steamers in order to carry on their trade. They went further ; they also built up an Indian steam navigation company which is now carrying goods from Aden to the neighbouring places in Arabia and in Africa.

Sir, the civil administration has always been under the Government of Bombay till the year 1931 and the taxes were collected on behalf of the Bombay Government. The administration was carried on on the same lines as the administration in the Bombay Presidency. They opened schools, they built hospitals and they had the same system of administration as is carried on in the Bombay Presidency. Changes occurred during the war and, as a war measure, the War Office occupied and took possession of the whole administration of Aden. But that was only a war administration and it was handed back to us as soon as the war was over in the year 1919. Sir, we, Indians, had no personal quarrel with Germany or other enemy countries. We really fought, because of the British Government as we formed part of the British Empire. After the war was over, the various countries, who had taken part in the war, were given rewards. Lands taken out from Germany were given to East Africa, West Africa and to South Africa and so on, but may I ask what India obtained for large sums of money she spent in the war, and also for the loss of lives ? We always urged on the floor of the House that in return for the services which India

rendered to the British Government we should have been given some share in the war indemnities of the allies in the shape of a Colony in Africa, but instead of that, something is taken away from us ; we are supposed to be good and loyal subjects of the British Empire and we are made to believe that we can always count on their help ; but when the question of distribution of reward comes in, we are passed over. We naturally expected that India would be given some territory for her war services, but, instead of that we are threatened to lose what we ourselves built by our own money. Our services, our sacrifices in men and money are all forgotten, and without any reference to Legislature the military control was transferred from the Indian Government to the Home Government. This is a question, Sir, on which we have strong views, and we strongly protest such a course of action and I agree with my friend, Mr. Bhuput Sing, in his strong protest. We had not forgotten the high handed policy of the Home Government in transferring military control, they raised the question of the transfer of civil administration of the Aden Settlement. One can argue that the protectorate does not form part of the Indian Government, and the army is required for the broader purpose of the protectorate, and not for maintaining order and peace in the Settlement. But, at the same time, I do maintain that even if the proposed transfer was to be made, it ought to have been made with the consent of the Indian Government and Indian Legislature and this House should have been given an opportunity to discuss the whole question, before the transfer of the military control from Indian Government to Home Government. I consider such transfer as breach of contract. The story did not end here. In 1927, Honourable Members will probably remember that Sir Denys Bray, replying to a question in this House, said : " I hasten to add that all idea of such a transfer (transfer of Aden Settlement) has long been abandoned ". The Commander-in-Chief also, in the year 1927, on the occasion of the Budget debate in the Council of State, said :

" As Honourable Members are aware, the Settlement of Aden itself is peopled to a very great extent by our fellow Indian subjects. The Government of India have thought it right that their welfare and interest should not go outside the pale of the Government of India. It will accordingly be retained as part of the Settlement and the Municipality of Aden will remain under the Government of India."

Now, Sir, these assurances were given to us by responsible Members of the Government of India, and we thought that the Government would honour those assurances. If the Home Government really wish that the administration in India should be stable and the people should trust the Government, then it is the duty of the Government at Home to abide by the assurances given by responsible Members of the Government of India, but, if the Home Government are not going to honour the utterances of responsible officers here, the administration will be placed in a very difficult position indeed. . . .

The Honourable Sir Joseph Bhoré : I do not want to interrupt my Honourable friend, but I did, in my opening remarks, explain what the real meaning was of the Foreign Secretary's remarks made on the occasion to which my friend refers.

Dr. Ziauddin Ahmad : My friend really is a politician, and all politicians use words which they can interpret in their own way ; but unfortunately the people of India will naturally interpret the simple English in its true meaning : my friend cannot change the feelings of the people by the quibble of words. In 1931, when this transfer was made

[Dr. Ziauddin Ahmad.]

from the Bombay Government to the Government of India, we scented that there was going to be further trouble in store, and immediately a deputation, led by Mr. Mehta, waited on His Excellency the Viceroy, and the Political Secretary gave us to understand that it was only being transferred for the sake of convenience. We then thought that probably it was the first step to the second transfer from the Government of India to the Colonial Office. But, at that time, we were given an assurance that nothing would be done to prejudice the interests of this country, and we naturally trusted the Government. What hidden interpretation can my Honourable friend put on it ?

Sir, the question of Aden is somewhat different from the question of Burma. In regard to Burma, I can quite understand that the whole decision should be left to the people of Burma. If they want separation, let them have it ; but if they don't want to separate themselves from us, we will always welcome them and we are ready to help them ; but, in the case of Aden, it is a different proposition. The people of Aden do not want a transfer. Those Indians who have got their investments in Aden do not want a transfer, Arabs don't want a transfer, the Jews don't want a transfer. No one wants a transfer. The Home Government desired to confiscate it simply because we are weak. The Honourable the Leader of the House quoted the resolution passed by few Arabs who really belong to the protectorate and he did not mention the resolution passed by 500 Arabs residing in the Settlement. Sir, in reply to a deputation led by His Highness the Aga Khan, to which reference was made by my friend, Mr. Bhuput Sing, the Secretary of State gave a clear reply that the difficulties were not " insurmountable " ; no political problem is insoluble, if we put our heads together. The Members of the Round Table Conference and of the Joint Select Committee, who are now working in London, will not find difficulty to find a solution, and I hope they will do so. It may be said that it is very difficult to secure their representation in the Federation. I do not know when the Federation is coming. It may not come in the lifetime of any of us who are now present in the Assembly, and it is somewhat premature to discuss this question. But even if the Federation comes into existence immediately, the position of the Aden Settlement will be similar to other important places like Secunderabad, Bangalore and other towns which have only Municipalities under the control of the Government of India and which will always remain under the Government of India, and, therefore, I see no difficulty in keeping the Aden Settlement also under the Government of India, like those small places which I have just mentioned and which will continue to remain under the Government of India.

Now, Sir, coming to the financial side, at present Aden is a paying concern to the Government of India. Aden was a source of great expenditure for a very long time, but now it is the other way round. The income from Aden is about 18½ lakhs and the expenditure is about 10½ lakhs, and so, really speaking, Aden is not a burden to the Indian Budget. As regards the military expenditure, if we take the military expenses, from a broader point of view and not only from the point of view of India, only for the purposes of protecting the routes, I should say, the expenses ought not to be borne by India alone, but also by all those countries who are benefited by the position of Aden. Sir, we are now suffering from a great deal of

unemployment, and any measure, making the problem of unemployment more acute, will always be a source of trouble to India and will always be resented by us. If the administration of Aden is transferred, then all those people who are now employed there, and all those people who carry on trade there and also their relations here as well as in Aden will be hard hit. Their number should not merely be calculated from the number that actually reside and carry on trade in Aden, but it must include a large number who now reside in the Bombay Presidency and other places in India, and so, if this transfer takes place, a very large number of people will suffer. Therefore, I would sincerely request the Honourable the Leader of the House to convey to His Majesty's Government that the proposed transfer will produce very great resentment throughout India and that the people of this country would regard it as a breach of faith. We expected substantial reward for the services which this country rendered during the great war, but, instead of that, we are having a punishment. First the military control was taken away, then the civil administration is going to be taken away. This will certainly produce great disappointment throughout the length and breadth of this country. Sir, with these few words, I move my amendment.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : Amendment moved :

“ That for the original motion the following be substituted :

‘ While recording their emphatic protest against the complete transfer to the Colonial Office of Aden Settlement which has for about a century been an integral part of British Indian Administration, the Assembly requests the Governor General in Council to convey to His Majesty's Government the strong desire of the people of India that the proposed transfer should not take place ’.”

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : Does Mr. Ranga Iyer want to move his amendment ?

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadian Rural) : No, Sir, I don't want to move it.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran : Non-Muhammadian) : I also don't want to move my amendment.

Mr. B. Das (Orissa Division : Non-Muhammadian) : I was fortunate enough to be present at a dinner which the non-official Members of the Central Legislature gave to the Secretary of State in London. My Honourable friend, the Finance Member, also was present there. The Secretary of State tried to talk to us heart to heart and told us that he would like to see the atmosphere of misunderstanding to be removed so that Britishers and we Indians can approach the constitutional problems in a spirit of fairness and goodwill. Since then, and also for a few months before that, I have been trying to approach the constitutional problems that face us with all the goodwill as if the Government of India were our own Government in spite of their being a subordinate branch of the British Government. I have been trying to see if, by my action, by my criticism and by the influence we wield in the country we could remove that atmosphere of misunderstanding. But when I approach the problem of Aden and see the way in which it is surreptitiously brought before this House, I question myself whether those who are controlling the destinies of the British Government are also trying to remove the points of misunderstanding that are always occurring in

[Mr. B. Das.]

the discussion of problems between India and England. The previous speakers have made it clear that India is not getting her constitutional rights about Aden. Sir, facing the problem of Aden, I have to ask the question, not of the Government of India, because I am grateful to them for being neutral in this matter whether in the debates in the other House or today on the floor of this House, but of the British Government. If I can interpret, I feel that it is always an atmosphere of mistrust of the Britishers against the Indians. The ill treatment of Indians by the Colonial Governments has already been referred to. That is one reason why we do not want Aden, where so many thousands of British Indians live, to be transferred to the Colonial Secretary of His Majesty's Government.

I miss here my Honourable friend, Mr. Bajpai, and the Honourable Sir Fazl-i-Husain who always speak for the administration of Indians overseas in the British colonies. Sometimes I find Mr. Bajpai's heart flows with the milk of human kindness when he describes the distressing circumstances of those refugees from South Africa who are living in great difficulty at Budge Budge in Calcutta and also says that their condition is not so bad as described by questioners like Mr. Gaya Prasad Singh or Mr. Maswood Ahmad. Sir, we know what happened to the Indians who went to Natal, who went to South Africa, how these barren lands were tilled and made arable by the Indian settlers, and how today they have been hounded out from South Africa. The same is the condition in Kenya, in Tanganyika. In Kenya, Indians have lost their wheat trade. In Tanganyika, they have got their cotton trade, but Indians are treated there as pariahs ; they have not got the same status as the post-war British settlers who are demanding today advantages and privileges that are denied to the British Indians. So, if we feel distrust at the proposal of the transfer of the civil administration of Aden to the British Government, we have precedents. The precedents are written in the blood and suffering of millions of Indians that are suffering today in the colonies of South Africa, Tanganyika, Kenya and East African territories. That is one aspect.

I want to examine a little in detail where lies the confidence of the

4 P.M.

British Government and the Britishers in the Indians.

Do they trust us ? I say they do not. They want us to trust their words, but they do not trust us. If Aden had been administered for nearly 70 years by the Bombay Government and the Government of India, what has happened today to transfer or to propose the transfer of the civil administration of that territory to the Colonial Government ? At this stage, I wish to make it clear that I am supporting the motion which has been moved by my Honourable friend, Mr. Bhuput Sing. It is a most comprehensive one and reflects the real feeling of the Indians who are sitting on this side of the House and who represent the teeming millions that are outside this House. If, during the War, the military administration of Aden was transferred to the British Government, there was no necessity for the transfer of that administration perpetually. It has been done, and the Government of India, as I observed a few moments ago, is a subordinate branch of the British Government and had to agree. When they trot out the saving of a few lakhs of rupees, one laughs at such an argument. It is often said

that Aden is the Gibraltar of the British Dominion of Australia, the Malaya Peninsula and other British territories in the far East. The Britishers today do not want to trust Indians with the control of the military and civil administration of Aden. England has got us under her thumb. England can do anything. Can she, in the name of justice, say that Aden must be transferred from India to England? Although we are original members of the League of Nations, those who represent us there have not the courage to take up this question before the League of Nations. I ask Britain to take this case to the League of Nations. Let there be a committee appointed by the League of Nations and let it give its verdict. If the verdict is that Aden, which is the Gibraltar of Asia, should be in the hands of Britain, I would be the first to agree to it, but will my Honourable friend, the Leader of the House, say that the Government of India would insist on his Majesty's Government that the whole question should be referred to the League of Nations? He dare not. They are the subordinates of the mighty British Government.

My Honourable friend, the Leader of the House, talked of the representation received from the Arabs. Do they belong to the Aden town or do they belong to the protectorate? Today we have no control over the British policy in Afghanistan. If the British Government want to have an Arab protectorate, let it be administered from Indian Aden. We are ready to provide a site for the British plenipotentiary or the Ambassador who will control these Arab protectorates, but it is no use trotting out that these Arabs do not want to remain under the Government of India, but would prefer to go to the Colonial Government. They have sufficient knowledge of the maladministration of the Colonial Office. What happened? 30 Arabs met at a meeting. None of them were residents of Aden. They suggested that Aden should be transferred to the British Government. Afterwards, 500 Arabs, residents of the town of Aden, met and protested against this managed meeting of 30 Arabs and they demanded that the present administration of India should continue for ever. No argument is necessary even to convince a child.

Now, Sir, I will take up the six points that have been mentioned in this Government communiqué about Aden. I would only say that they are not worth the ink with which it has been printed. I know, the Honourable Members of the Treasury Benches will not take part in the debate, but can they say that any of the pledges given to India by either Britain or the Dominion Governments or the Colonial Administrations have been fulfilled? The Secretary of State for India has assured the deputation that waited on him at London that the cases of the Aden people would come to the Bombay High Court. Why should it come to the Bombay High Court? Why should a Colonial Secretary of His Majesty's Government correspond with a subordinate Government like the Government of India and the Government of Bombay which is still much more subordinate? Why should they do it?

Now, I will take up point No. 1. I have already referred to it and I do not want to discuss it again. As regards point 2, no Suzerain Government has ever tied itself down to any pledges to a subordinate Government. As regards point 3, it is said: His Majesty's Government would maintain the existing policy of making Aden a free port unless some radical change in the present economic situation should take

[Mr. B. Das.]

place. That is no solace to us. Aden might be a free port, but once the control passes out of our hands, similar pretexts will be brought out as happened in the case of East Africa or South Africa and Aden will be closed to the trade of India. Incidentally, I am reminded of a little stir created by the Anglo-Indian Press. As far as I can remember, it was the *Statesman* which published an editorial inciting the feelings of the Bengalis who have got a little feeling towards Aden, because their taste is for Cheshire salt. I do not wish to refer to that sort of managed agitation carried on particularly by the *Statesman*. It has been ably replied to by a prominent business magnate, my esteemed friend, Mr. Husseinbhoj Laljee of Bombay, and, I am sure, the Government have read it. I hope they will send a copy of it to the Secretary of State for his perusal. Then, point 4 says that His Majesty's Government would do their utmost to maintain the present standard of administration and would not impose any additional taxation unless such a course became, in their opinion, absolutely necessary. Every sentence begins with a rider and a qualifying clause. Suppose there is a war and the King of the Hedjaz invades Aden, then there will be further taxation. This kind of pledge cannot satisfy us. We all know the policy of His Majesty's Government in other Colonies, how Indians were asked to pay the poll tax even, which happens to be a most inhuman tax. We are asked to trust to the mere verbiage. My friend, the Honourable the Foreign Secretary, is present here, and may I ask him what were the traditions of the Foreign Offices before the war? Hush hush policy, intrigues, secrecy, these were the things with which they started the Great War. I do not blame the Foreign Office of His Majesty's Government alone. I blame the Foreign Offices of every Sovereign Government. I do not think my Honourable friend, the Foreign Secretary, is carrying on those intrigues, but that has been the tradition of other Foreign Offices. Their policy had been to set one nation against the other. I expect that, in the near future, we will also have our Foreign Office and if we will have our control over it, we will start with a clean slate. Our policy will be the policy of truth and righteousness and not of intrigues.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : Utopia.

Mr. B. Das : My Honourable friend, Mr. Jadhav, might have had an inkling of the Political Department of the Bombay Government while he was a Minister in that Government.

An Honourable Member : He was not allowed to see anything.

Mr. B. Das : It may be thought to be an Utopia by some of my friends here. But the Great War, with its massacre of millions of people, cost the world billions of money, the gold for which my Honourable friend, the Finance Member, is so very anxious to retain in his Reserve Bank. The Great War taught us one lesson. Abolish these intrigues and do away with these Foreign Offices and their satellites and the world will live more peacefully and more amicably. So, Sir, this point 4 is an expression which not only my Honourable friend, the Foreign Secretary, but even the lowest paid clerk in his office can set aside as valueless.

Now, let me examine point No. 5—the proportion of Indians would be retained in the Aden Service for some years. Sir, once the transfer

takes place, not only those Indians, who are in service, but even those who have settled down there would be turned out from there bag and baggage. Even martial law may be declared there on the pretext that the Indians are agitating there and are a seditious people.

Then I come to point No. 6—no racial legislation or segregation would be permitted by His Majesty's Government. Sir, If I understand the English language, the word "would" does not indicate that there is any guarantee that no racial legislation would be permitted by His Majesty's Government. Has it not been permitted in South Africa, in Kenya, in Tanganyika and other places? Can we even read with a grain of confidence this point No. 6, which His Majesty's Government have advanced and which my Honourable friend, the Leader of the House, wants us to swallow and to believe in the pledges of His Majesty's Government. As my Honourable friend, Mr. Bhuput Singh, said a few minutes ago, Britain has broken so many pledges that India cannot believe in any of these pledges. Sir, these are no pledges, they are mere pious expressions put in the sophistic language of the Foreign Department or the Colonial Department.

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

Sir, I must now refer as to why Britain has changed its policy. Gentlemen administering the Foreign Office of the Government of India started the Russian bogey and the Afghan bogey. Russia has now settled down to its 10 years plan of economic and industrial development and so the British Foreign Office cannot bring out any stunt about the Russian bogey. So, now we are having the bogey of Japan and America. How would they come? They will come through the Pacific Ocean. Therefore, there will be a Singapore base and an Aden base. Hence, Aden must be transferred to the control of British Government. And what is happening here? My Honourable friend, the Foreign Secretary, cannot even have an Indian to read the cypher messages lest the subject nation may come to know too much of the secrets of the Government of India and of the British Government and create revolt or war in India.

Sir, I began my speech by saying that I was ready to trust if I saw the signs of trust, but unfortunately I see the signs of mistrust all over as time passes. I trust, Sir, that if the British Government at all want to take away Aden from India, they will agree with the proposal of the people of India and of the Government of India to refer the matter to the arbitration of the League of Nations. One point more and I have finished. What about the crores and crores of rupees which have been sunk on the development of Aden and its port and harbour? Is Great Britain willing to pass over a cheque of these crores of rupees to my Honourable friend, the Finance Member? As a business man I would like to know if all these moneys would be forthcoming to us from Great Britain and I may examine as a business proposition if a huge sum comes towards the reserve of the Reserves Bank which my Honourable friend, the Finance Member, is creating. Sir, I am afraid it is going to be the policy of the lion and the lamb. If the lion wants to take away Aden, we cannot do anything, helpless as we are. But justice demands that Britain should not transfer Aden. If Britain wants to be honest, she

[Mr. B. Das.]

should transfer immediately the military administration of Aden to India.

Mr. N. N. Anklesaria (Bombay Northern Division : Non-Muhammadan Rural) : Sir, I support the amendment of my Honourable friend, Dr. Ziauddin Ahmad, and oppose the amendment of my Honourable friend, Mr. Bhuput Sing.

At the outset I must express my surprise at the attitude which the Government Members propose to take up in connection with the present motion. Sir, very telling arguments, based on facts and reasoning, were addressed on the present matter in the other place by Sir Phiroze Sethna and those arguments do require an answer from the Government Benches. That answer not having come, we are left to our own conjectures as regards the case which the Government Benches have on the present matter. The Government of India are the guardians and protectors of the interests of India, and in a matter like the present, which is vitally concerned with the interests of India, we should have expected that the Government would have given us advice and guidance, but they propose to be silent. I can understand their position if there was some written or unwritten rule of constitutional practice which debars them from giving expression to their honest opinions on the floor of the House. I am quite sure that no such rule exists, because had it existed, it would have applied equally to the Provincial Governments, but what do we find ? On the last occasion, when the question of the transfer of Aden was before the Bombay Council, Sir Ernest Hotson expressed himself in unmistakable terms as to the real wishes and desires of the Bombay Government. In the other House, in 1922, the Honourable Mr. Pratt, who represented the Bombay Government there, expressed in unmistakable terms his opposition to the proposal of separation of Aden from India. I say, why should the Government of India not come forward and express their opinion on the floor of the House on the present occasion and give us advice and guidance. If the Government of India are silent, because they believe that the argument on which His Majesty's Government base their proposal for the separation of Aden from India has neither reason nor justice behind it, then, I say, my Party and myself wholeheartedly agree with that opinion and belief and we earnestly and respectfully invite the Government Benches to express themselves clearly on the floor of the House today. The arguments, in support of the proposal for transfer of Aden from India, are fourfold. The arguments are based on constitutional grounds, on geographical grounds, on grounds of economy and, fourthly, there is the argument of the *fait accompli*. As regards the geographical arguments, it is based on the difficulty of administering Aden from such a distance as separates Aden from India. Now, in the first place, this presupposes that there has not been up till now good administration of Aden. But what are the real facts ? The communiqué contains the opinion of His Majesty's Government as regards the present standard of administration of Aden. In fact, His Majesty's Government propose to take the present standard of administration as their own standard of administration in the future. Secondly, His Majesty's Government ought to have known that Whitehall is more distant from Aden than India. As regards the argument based on constitutional

grounds, it is said that it is very difficult to fit in Aden in the coming Indian Federation. I can understand this argument if it is a question of fitting in the whole of the Aden protectorate in the Indian Federation, but the question involved on the present occasion is simply that of fitting in of the settlement of Aden in the Indian Federation and I see absolutely no constitutional difficulty about it. It is then said that the transfer of Aden will save India from the burden of about 20 lakhs of rupees. As Sir Phiroze Sethna pointed out in the other House, this is of course an exaggeration. I am sure, the Honourable the Finance Member will be able to correct the facts of His Majesty's Government on the present topic.

The Honourable Sir George Schuster (Finance Member) : As my Honourable friend has referred to me in the matter, I should like to take this opportunity of pointing out that the statements made by the Honourable Sir Phiroze Sethna in the Council of State were calculated to give a somewhat misleading impression of the position. The position is this, that the contribution, from which India would be saved, if this transfer took place, amounts at present to something like £120,000 on the past year's estimates. We have not yet got the final accounts for the year. But it might in any year be as much as £150,000 and, in fact, in past years, it was as much as that. That is clear gain to India, a sum amounting to something like £150,000. On the other side, there will be no loss on the scale indicated by the Honourable Sir Phiroze Sethna. At present, the Aden budget almost, one might say exactly, balances. Taking the average from 1927-28 to 1933-34, the average showed a deficit of about two-third lakhs a year. At present, there is a slight favourable balance of a few thousands, but the present position is precarious, because the balance is obtained by maintaining special economies which probably cannot be maintained indefinitely. I think the fairest way of looking at it is that the Aden budget is practically evenly balanced. I think if we take it in that way, there is no gain or no loss one way or the other on account of the ordinary administrative expenditure and that the military contribution will be a clear gain. This is the most accurate way in which to regard the effects of this proposal for transfer of Aden.

Dr. Ziauddin Ahmad : There seems to be some confusion. Out of the budget of £120,000 for civil administration, a portion is for military expenditure. It was stated on one occasion that no military was required for the civil administration, but it was really required for preserving the trade routes. My submission is that the military is required for the benefit of all the countries affected on the trade route and, therefore, the whole amount should not fall on India. Had the military been required for the Aden Settlement, then it would have been a legitimate charge on Indian finance, but if it is required for the Aden protectorate or for the defence of the trade routes, then it is not correct that India should pay the entire expenditure.

The Honourable Sir George Schuster : My Honourable friend is under a misapprehension, if he thinks we are paying the whole of the expenditure. India is paying one-third of the expenditure with a maximum of £150,000 a year.

Mr. President (The Honourable Sir Shanmukham Chetty) : In view of the importance of the financial consideration, the Honourable the

[Mr. President.]

Finance Member will be well advised to intervene in the debate and make a full statement about the financial implications.

Mr. N. N. Anklesaria : Sir, if the statement of the Honourable the Finance Member has convinced the House that I am incorrect in the statement which I made, I will simply say that I stand corrected.

Passing now to the fourth class of arguments, namely, the arguments based on what they call a *fait accompli*, I am a very humble individual, but I cannot help saying that His Majesty's Government have not shown good sense in giving expression to such an argument in support of their proposal. Sir, the argument of *j'y suis et j'y reste* is an argument which a strong man, when he has got no reason or justice in support of such an argument, addresses to the weak man. It never carries conviction; it irritates and it creates discontent and it also creates, if the discontent is prolonged, disaffection. Sir, when I say all this I am not oblivious of the fact that every Indian is interested in the upholding and the maintenance of that glorious phenomenon which we call the British Empire,—as much interested as any other member of the British Empire. And I further say that there is none in this House so very unpatriotic and so very lacking in the pride of his British citizenship as not to whole-heartedly vote in support of a proposal like the present, if it could be proved that such support was necessary for the maintenance of the British Empire. I have looked through the arguments in the communiqué and I fail to find any argument which would show that if the support, such as I mention, were withheld, the British Empire would dissolve into nothingness. Sir, on the other hand there are arguments which ought to carry great conviction to His Majesty's Government and induce them to refrain from further prosecuting the present project. The prospect of separation has created a good deal of discontent in this country, discontent which no good Government could possibly ignore. I will not indulge in exaggerated language and talk of "the rape of Aden", or of "the open day loot" or of "the scandalous act of expropriation", but this much I may say that it is hard on the British Indians, who have by investment of capital and energy in the development of Aden acquired vested interest in it of which they cannot easily and advantageously divest themselves if they choose to leave Aden. I must also say that it is not fair to British India, after it has spent enormous sums of money amounting to crores of rupees in the development of Aden and when that sacrifice and that investment are on the eve of bearing fruit, to take away Aden from India.

Thirdly, Sir, there is the question of the pledges given by responsible British Indian statesmen. My Honourable friend, the Leader of the House, tried to explain away the pledge given by Sir Denys Bray. If his explanation has carried conviction to the House, I have nothing further to say. Sir, I also share the fears of Indians who have made Aden their home about their position under the jurisdiction of the Colonial Office. Those fears are by no means imaginary as would be shown by the plight of Indians in the different British possessions under the jurisdiction of the Colonial Office. The present condition of the neighbouring places like Berbera, Bulhar and Zaila furnish significant instances of what Aden may have in store for her if she is transferred completely to the Colonial Office. No doubt, Sir, the communiqué of His Majesty's Government does give assurances against racial discrimination, but I am afraid the assurances

cannot reassure Indian opinion. On the plea of once bitten twice shy, we Indians would simply decline to believe in the ability of His Majesty's Government to carry out those assurances, however much we may believe in the sincerity and *bona fides* of the present advisers of His Majesty's Government who have given those assurances. How many times similar assurances for safeguarding the interests of Indians as against the unreasonable demands of the white settlers have been honoured in the breach rather than in the observance by His Majesty's Government! If the Government Members wish, I am prepared to give them a list of instances in point.

In conclusion, Sir, I would appeal to His Majesty's Government not to press the matter any further at the present time lest, small as it may appear to be, it may act as the proverbial cloud which may darken the momentous issues which are now before the two countries. I would also appeal to the Honourable Members of the Government of India to come forward and express on the floor of this House their complete agreement with the non-official Members in the present connection. By so doing they would, in my opinion, command more regard and more confidence from this side of the House than they would be doing by remaining silent; and also, in the words of my friend, Mr. Ranga Iyer, "that way lies statesmanship".

Mr. B. B. Puri (West Punjab : Non-Muhammadan) : Sir, on behalf of my Party, I entirely endorse the amendment proposed by my Honourable friend, Mr. Bhuput Sing. I, however, do not wish to inflict any lengthy speech, because most of the matter is already within the cognisance of the House. The matter was thrashed out in the Council of State, and most of the arguments addressed on the floor of this House have been more or less a repetition of what has already been said elsewhere. Therefore, I do not wish to follow that course. It seems to me, Sir, that a very light view should be taken of the matter.

This question of Aden reminds me of a well known saying of Lord Charles Beresford who received on one occasion an invitation to stay in a country house, and he sent the following telegram in reply : "Sorry, cannot come, lie follows by post". The fact of the matter was that he could not possibly go, and in the telegram he stated candidly also promising to send the usual false excuse by post. Sir, it seems to me that Aden is already *taken away*, and the present ceremony corresponds to the *lie* which we have received by post. This is an empty form through which we are going. As a matter of fact, if the British Government, in spite of their assurances and undertakings, solemn as they were, are guilty of having committed acts of breach of faith, how can we now expect that, in compliance with our wishes, they are going to reconsider the whole programme regarding Aden which they must have already chalked out? Therefore, it seems to me that it is a barren ceremony that we are going through. The British people have already made up their minds to take away Aden, and they are not going to reopen the question just because of the opinions expressed by my friend, Mr. Bhuput Sing, or Mr. Puri or anybody.

But, Sir, I am inclined to take, as I promised, a lighter view of the whole thing, and that reminds me of the story of a servant of a Commander of a ship who, while the Commander was sitting in his office, rushed up to him and said : "Sir, would you call a thing to have been

[Mr. B. R. Puri.]

lost if you know where it is ?” Kindly mark the words “ Sir, would you call a thing to have been lost if you knew where that thing was ? ” So the Commander turned round and said : “ Certainly not ”. “ Well, Sir, if that is so, then your tea kettle is at the bottom of the sea.” He had already dropped it, and having done so, resorted to this philosophic method. Why should we consider that Aden is lost ? We know where it has gone to ; we know where to find it. We may not have the power to recover it back, but why cry and weep over it ? They have got the power to take it, and they have taken it. I heard, Sir, a whisper in some quarters that we practically created this Settlement ; as a matter of fact, we have fed it, we have nursed it and brought it to its present prosperous state. Therefore, it is urged in certain quarters that even if the thing is taken away from us, we are entitled to some sort of compensation. I will advise my friends on this side of the House not to say a word about it. Bargaining with a powerful opponent is always a losing game. Even if there is any offer made, please be careful. That offer would be more or less like the offer of a stingy aunt who asked her little nephew :

Auntie : “ Well, John, will you let me kiss you if I give you a penny ? ”

John : “ What only a penny ? Why, I get more than that for taking castor oil.”

Therefore, be careful. If any kiss of that kind even on a payment is offered, you will ultimately find that it is not so very delicious. The best thing is to take a philosophic view of the whole matter and to submit to the will of the powerful and the mighty. But if you ask our honest opinion, I say you have no right to take Aden away, you have no right to touch it. By the usual nibbling process and by instalments you have done us out of it and now when you say : “ Please discuss the matter and send us your final opinion ”, don’t we know what you are going to do ? Thanks, we understand the game. We don’t want half measure ; either take the whole or give the whole.

Major Nawab Ahmad Nawaz Khan (Nominated Non-Official) : Sir, the great war has brought about numerous changes in every country, and it is well known that Aden was primarily taken under British possession for strategic purposes. After the war, on account of the numerous changes that have taken place all over the world, it has been found necessary now, not only for the sake of India, but for the sake of other countries as well, to separate Aden from India and to transfer it to the control of the Colonial Office. If Aden had been taken merely for the sake of trade and commerce for the Bombay Presidency, then all the objections urged by Honourable Members would have been perfectly justifiable, but it is well known that originally Aden was taken for military and political purposes, and for the safety and protection of India ; but, after the war, things have so much changed that Aden is now required for the same purpose for other countries.....

Mr. B. V. Jadhav : Which other countries ?

Major Nawab Ahmad Nawaz Khan : I may say South Africa, Egypt, Arabia and the Near East. If you have a little time tomorrow, we can

discuss what those countries are, and what effect the transfer of Aden will have on the Near East; it will take hours and hours to discuss these questions. I think, Sir, it is really the Imperial interests and prudence of His Majesty's Government which demand separation of Aden from India. ("Hear, hear", from the Nationalist Benches.) People who have got some experience of administration and also of military interests know well, that there is a necessity for the Imperial Government for separating Aden from India. I believe that many Honourable Members know it very well in their heart of hearts, but they want to oppose Government proposals as a matter of practice.

Dr. Ziauddin Ahmad : I do not want to interrupt the Honourable Member. Is he speaking on behalf of the Government of India or of the Home Government ?

Major Nawab Ahmad Nawaz Khan : I am a Member of the Assembly and I have as much right to express my opinion as you have. I am going to say a little bit further to my Mussalman friends, that we must have sympathy with the interests of Arabs there.

Dr. Ziauddin Ahmad : Since the Honourable Member has referred specially to the interest of Arabs, may I mention that the Arabs of Aden do not want separation from India ? I have got a resolution in my pocket which I could not read out because I understand that there was a time limit of 15 minutes.

Major Nawab Ahmad Nawaz Khan : I have the same authority from the Arabs who say that Aden ought to be separated from India. I tell you, it is in the Bible and we see also in practical life, that one man cannot serve two masters. The Arabs cannot serve two masters, the British and the Indians. They must serve the British master and they want not to be under the Indians.

(At this stage, Mr. B. Das rose in his seat.)

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member has listened to the expression of opinion on this side of the House very patiently and it must give a patient hearing to the other side.

Major Nawab Ahmad Nawaz Khan : If Aden is separated, the Arabs will have a better chance for their trade, commerce and other things. I have a great sympathy for the losses which the people of Bombay and other Indians have to suffer, but you cannot avoid it. We patiently suffer sometimes the losses which occur when there is an earthquake, and, in order to satisfy ourselves, let us consider it as a political earthquake which has separated Aden from India. We cannot keep Aden with India and sacrifice the Imperial interests of the British Empire for the sake of commerce of the people of Bombay or the money which the Government of India spent there. By the separation of Aden, the Government of India or the British Government do not feel any pleasure, nor they do it merely to tease the Indians or to bring some losses on the people of Bombay. They have to consider primarily the Imperial interests and the interests of many other countries which is a far more important matter, and they have to look at the thing from that point of view. Our mistake is that we see our side only and do not see the other side. If we see the other side also, then we shall be in a real position to judge properly. If Aden is separated from India,

[Major Nawab Ahmad Nawaz Khan.]

we will have the advantage of an addition of Rs. 24 lakhs on account of salt duty, in addition to Rs. 20 lakhs stated in the Government's communiqué, because at present Aden salt is treated as Indian salt, and if Aden is separated, the Aden salt will be taxed as foreign salt. I admit, by the separation of Aden there would be losses to some people in Bombay, but that loss is inevitable. The Government here or the Home Government cannot avoid these things, and we will have to bear gladly all these losses. I have a better experience than other Honourable Members here, because my province is a province which is called the frontier province. There we have to sacrifice many of these things for the sake of administration, political and military matters. So, I can realise better the position of the Government than people coming from far off provinces where they enjoy a life of peace, pleasure and happiness. I respect the Honourable Members who are hundred times abler than myself, and are more well read, but it is a question of experience. I realise the wants and necessities of the Government more than them, because it is our daily experience there.

Sardar Sant Singh (West Punjab : Sikh) : The Government Benches are not cheering you.

Major Nawab Ahmad Nawaz Khan : Because you have to cheer me this time and they are waiting. I want to have cheers from you, my friend, and you have cheered me many a time. I, therefore, support the motion moved by my Honourable friend, Sir Joseph Bore (Laughter), for the complete separation of Aden from India as stated in the Government communiqué.

The Assembly then adjourned till Eleven of the Clock on Monday, the 18th September, 1933.