

12th February 1941

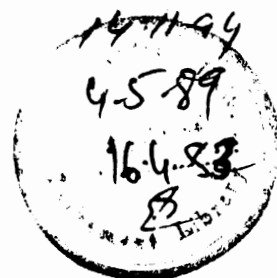
THE
LEGISLATIVE ASSEMBLY DEBATES

Official Report

Volume I, 1941

(11th February to 27th February, 1941)

THIRTEENTH SESSION
OF THE
FIFTH LEGISLATIVE ASSEMBLY,
1941



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Legislative Assembly

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Deputy President:

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MR. L. C. BUSS, M.L.A.

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MR. L. C. BUSS, M.L.A.

SIR ABDUL HALIM GHUZHNAVI, M.L.A.

SIR H. P. MODY, K.B.E., M.L.A.

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LEGISLATIVE ASSEMBLY

Wednesday, 12th February, 1941.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

†17 & 18*.

‡19*.

†20*.

TRAINING CENTRES FOR ARTIZANS.

21. *Dr. Sir Ziauddin Ahmad: (a) Will the Honourable the Labour Member please state which are the training centres at which training is provided for artisans?

(b) Have Government made any arrangements to recruit trained mistries for the factories?

(c) What steps have they taken in this direction?

Mr. Saiyid Hasan Zaheer: (a) A list of technical institutions and training centres selected for training purposes up to 10th February is laid on the Table. The list is being added to from day to day.

(b) and (c). Yes. The National Service (Technical Personnel) Ordinance, 1940, provides for the recruitment of skilled Labour to factories engaged on work of national importance and is administered by the National Service Labour Tribunals constituted for the different Provinces. As a general rule the National Service Labour Tribunals consist of the Labour Commissioner of the Province concerned or an officer of corresponding status who is Chairman, representatives of the Railways, the Technical Recruiting Organisation of the Defence Department and where available a representative of Ordnance Factories. A copy of the Ordinance together

† These questions have been postponed to be answered on the 17th March, 1941.

‡ This question was not asked by the questioner.

with the National Service (Technical Personnel) Rules will be found in the Library of the House.

Technical Training Scheme.

Technical institutions and training centres selected for training purposes up to 10th February, 1941.

1. The Punjab College of Engineering and Technology, Lahore.
2. The Government Technical School, Lahore.
3. The Government Technical Institute, Lucknow.
4. The Victoria Jubilee Technical Institute, Bombay.
5. The Government Engineering School, Nagpur.
6. The Government Technical Institute, Gorakhpur.
7. The Ahsanulla School of Engineering, Dacca.
8. The Bihar College of Engineering, Patna.
9. The College of Engineering, Bangalore.
10. The East India Railway Workshop, Lillooah.
11. The College of Engineering, Guindy, Madras.
12. The Orissa School of Engineering, Cuttack.
13. The Engineering College, Muslim University, Aligarh.
14. The Benares Hindu University Engineering College, Benares.
15. The Government School of Handicrafts, Akola.
16. The Bengal Engineering College, Silpur.
17. The Jamshedpur Technical Institute, Jamshedpur.
18. The Engineering College, Poona.
19. The Indian Institute of Science, Bangalore.
20. The Calcutta Engineering College, Ballygunge.
21. The District Board Technical School, Burdwan.
22. The Great Indian Peninsular Railway Workshop, Matunga.
23. The Great Indian Peninsular Railway Workshop, Parel.
24. The Great Indian Peninsular Railway Workshop, Parel, Head Office.
25. The Hyderabad Technical Training Centre.
26. The Technical College, Dayalbagh, Agra.
27. The Government Technical School, Barisal.
28. The Tirhut Technical Institute, Muzaffarpur.
29. The Eastern Bengal Railway Workshop, Kanchrapara.
30. The Eastern Bengal Railway Head Office, Calcutta.
31. The Ramakrishna Mission Industrial School, Mylapore/Madras.
32. The C. N. Industrial School, Ahmedabad.
33. The Bombay Government Industrial Training Workshop, Ahmedabad.
34. The P. S. G. and Sons, Charity Industrial Institute, Peelamedu/Coimbatore.
35. St. Joseph's Industrial School, Coimbatore.
36. His Royal Highness the Prince of Wales Technical School and Public Works Department Workshops, Jorhat, Assam.
37. Don Bosco Industrial Technical School, Shillong, Assam.
38. The Abdulla Fazalbhoy Technical Institute, Bombay.
39. Moberly Technical Institute, Hoogly.
40. Sarma Valley Technical School, Sylhet, Assam.
41. National Electric Works, Coimbatore.
42. Imperial Works, Mount Road, of Messrs. P. Orr & Sons, Ltd., Madras.
43. The Parsi Technical and Industrial Institute, Surat.

44. The College of Engineering and Technology, *Jadavpur*.
45. The Coronation Technical School, *Khulna*.
46. K. K. Technical School, *Mymensingh*.
47. The Balasore Technical School, *Balasore*.
48. The Bengal Nagpur Railway Workshop, *Khargpur*.
49. The East Indian Railway Workshop, *Jamalpur*.
50. The East Indian Railway Workshop, *Charbagh, U. P.*
51. The East Indian Railway Workshop, *Alambagh, U. P.*
52. The East Indian Railway Workshop, *Head Office, Calcutta*.
53. The East Indian Railway Plant, Depot, *Moghalserai*.

Mr. N. M. Joshi: May I know, Sir, what is the function of the National Service Tribunals?

Mr. Saiyid Hasan Zaheer: I am afraid I cannot answer it without notice.

Dr. Sir Ziauddin Ahmad: Can the Honourable Member tell us approximately the number of mistries who have been recruited already by this Body?

Mr. Saiyid Hasan Zaheer: I am afraid I must ask for notice again.

Mr. N. M. Joshi: Is there nobody on the Government side who can tell me what the National Service Tribunal is? Is there so much ignorance on the Government side?

(No reply.)

Dr. Sir Ziauddin Ahmad: I have been authorised by Dr. Rahman to put his question.

OFFICERS IN THE OFFICE OF THE DIRECTOR OF CONTRACTS GIVEN MILITARY RANK.

22. *Dr. Sir Ziauddin Ahmad (on behalf of Dr. Habibur Rahman): Will the Honourable the Leader of the House please state whether it is a fact that every officer appointed in the office of the Director of Contracts is given a military rank?

The Honourable Sir Muhammad Zafrullah Khan: Yes, with the exception only of those appointed as Officer Supervisors.

PROMOTIONS OF MILITARY RANK OFFICERS IN THE OFFICE OF THE DIRECTOR OF CONTRACTS.

23. *Dr. Sir Ziauddin Ahmad (on behalf of Dr. Habibur Rahman): (a) Will the Honourable the Leader of the House be pleased to state whether it is not a fact that promotions are given to such military rank officers much more quickly than they are given in the regular army?

(b) Is it not a fact that salaries are given on the scale of the salary of military officers of equivalent rank?

(c) Is it not a fact that the salaries given to persons having Indian names for the same work and in the same rank are less than the salaries given to persons having European names?

The Honourable Sir Muhammad Zafrullah Khan: I presume the Honourable Member is referring to promotions and salaries in the Contracts Directorate.

(a) No. Staff appointments carry certain ranks and if an officer of lower rank is appointed to hold such an appointment, he receives temporary promotion to the higher rank laid down for the post. This principle applies to emergency commissioned as well as to regular officers, throughout the Army in India.

(b) Yes, in so far as emergency commissioned officers of His Majesty's Indian Land Forces are concerned. The pay and allowances of emergency commissioned officers of the Land Forces (Indian Army) are lower than those of regular officers (whether British or Indian) holding a permanent commission in the Land Forces (Indian Army).

(c) European British subjects are eligible for Emergency Commissions in His Majesty's Land Forces, and Indians in His Majesty's Indian Land Forces. According to the existing rules, which are, of course, applicable throughout the Army in India, the pay and allowances admissible to officers of the former category are higher than those admissible to officers of the latter category, who are serving in their own country.

Dr. Sir Ziauddin Ahmad: Can the Honourable Member show the necessity for giving military ranks to persons appointed in the Directorate of Supplies, persons who are directly under the Supply Department?

The Honourable Sir Muhammad Zafrullah Khan: That question does not arise out of this question. It might have arisen out of the previous one.

Mr. Lalchand Navarai: With regard to part (c), the Honourable Member said that there is a difference in salaries paid to Europeans and Indians, and that there were rules providing for that discrimination. May I know who made those rules, and whether those rules cannot be modified?

The Honourable Sir Muhammad Zafrullah Khan: The answer to the first part is, I presume, the Government of India; the answer to the second part is there is nothing in this world that cannot be modified.

Mr. Lalchand Navarai: Why was not this distinction removed when making new appointments?

The Honourable Sir Muhammad Zafrullah Khan: How could you remove a distinction with regard to fresh appointments? Fresh appointments had to be made in accordance with the rules already in force.

Maulana Zafar Ali Khan: May I know, Sir, why this invidious distinction between Europeans and Indians is still kept up?

The Honourable Sir Muhammad Zafrullah Khan: I do not know whether the distinction is invidious, but the Honourable Member is aware that in regard to certain services the pay of European entrants into the services is higher than the pay of Indian entrants. That is a question which has often been debated in this House before.

Maulana Zafar Ali Khan: Why should it be higher?

The Honourable Sir Muhammad Zafrullah Khan: I cannot start a debate on this question in answer to supplementary questions.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot have a debate.

Mr. M. S. Aney: In view of the reply of the Honourable Member that there is nothing in this world which cannot be modified, does he propose to make the necessary modifications in these rules in the near future?

The Honourable Sir Muhammad Zafrullah Khan: No, Sir.

Mr. M. S. Aney: Why not?

The Honourable Sir Muhammad Zafrullah Khan: Because the reasons for which the distinction was made still hold.

Dr. Sir Ziauddin Ahmad: May I know, Sir, if Anglo-Indians and Eurasians who are classified as Indians are included in the category of Europeans as far as this rule is concerned?

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

Dr. Sir Ziauddin Ahmad: You want notice even to answer this question?

The Honourable Sir Muhammad Zafrullah Khan: Yes, Sir.

Mr. Lalchand Navarai: Is this distinction observed even in the case of Indians who have the same qualifications as those possessed by Europeans?

The Honourable Sir Muhammad Zafrullah Khan: As I have said, this is part of a very large question of policy which has often been discussed on the floor of this House during debates, and I certainly cannot be expected to initiate a debate during question hour on this matter.

Dr. Sir Ziauddin Ahmad: I take it that the Honourable Member has understood the question itself, therefore, may I know what is the connotation of the word 'European'?

The Honourable Sir Muhammad Zafrullah Khan: I imagine the ordinary connotation of the word "European" would not include Anglo-Indians, but he has put a very specific question, and I would like to look into the matter and see whether the distinction holds good in this case or not.

Maulana Zafar Ali Khan: The policy has been laid down by the British Government that there can be no distinction between Europeans and Indians, and that both will be treated on the same level?

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

Dr. Sir Ziauddin Ahmad: We are all willing to give concessions to Britishers, but not to all Europeans who include Germans and French people also. Why should such concessions be extended to them?

The Honourable Sir Muhammad Zafrullah Khan: No German or French people are given these concessions.

Lieut.-Colonel Sir Henry Gidney: Will the Honourable Member say why is it that 25 per cent. of posts are reserved for Muslims?

(No reply.)

RECRUITMENT OF MR. TEAL OF THE PUNJAB PROVINCIAL SERVICE AS A MILITARY RANK OFFICER.

24. ***Dr. Sir Ziauddin Ahmad** (on behalf of Dr. Habibur Rahman): (a) Will the Honourable the Leader of the House please state whether it is not a fact that Mr. Teal of the Punjab Provincial Service was recruited on 26th September, 1939, and was given the rank of a Staff Captain and a salary of Rs. 1,090?

(b) Is it a fact that he was promoted to the rank of Major on 2nd July, 1940, and made Lieutenant-Colonel on the 1st December, 1940, on a salary of Rs. 2,000?

(c) Did Mr. Teal of the Punjab Provincial Service ever receive any training at the Sandhurst College?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes, except that his salary as Staff Captain was Rs. 1,255 per mensem.

(b) Captain Teal was promoted to the acting rank of Major on the 2nd July, 1940, on his appointment as Deputy Assistant Director of Contracts. The salary of this appointment is Rs. 1,530 per mensem. He was given the rank of Lieutenant-Colonel from the 4th November, 1940 to the 9th January, 1941, to officiate as Assistant Director of Contracts. This appointment carries a pay of Rs. 2,045 per mensem and the rank of Lieutenant-Colonel. He has now reverted to the rank of Major and the appointment of Deputy Assistant Director of Contracts.

(c) No.

Dr. Sir Ziauddin Ahmad: May I know whether a person holding the rank of a Colonel should know how to handle a rifle?

(No reply.)

Dr. Sir Ziauddin Ahmad: Is it not a fact that according to this innovation introduced here, a Captain can become a Colonel in two years?

The Honourable Sir Muhammad Zafrullah Khan: It may be possible.

Sardar Sant Singh: May I know if there is any qualification in Mr. Teal or any training that he has undergone, which qualifies him to join the military service?

The Honourable Sir Muhammad Zafrullah Khan: This is a service with military ranks but its duties are not those of the ordinary military service.

Sardar Sant Singh: May I know if he is a civilian, and, if so, may I know the reason why civilian ranks are not attached to these posts?

The Honourable Sir Muhammad Zafrullah Khan: I do not understand the Honourable Member.

Sardar Sant Singh: My question was why military ranks are given to those persons who are not doing military work and you are creating financial scandals of the first magnitude in the promotions which have been disclosed in this question.

The Honourable Sir Muhammad Zafrullah Khan: If the Honourable Member will make his question more specific I will try to answer him.

Maulvi Abdur Rashheed Ochaudhury: May I know whether Lieutenant Colonel Teal received his rapid promotion due to any distinction attained by him in active service?

The Honourable Sir Muhammad Zafrullah Khan: In the first place, I have explained that Major Teal has reverted to the rank of Major and that his appointment as Lieutenant-Colonel was only for a short period. In the second place, the difficulty with regard to officers in this cadre is that the cadre is a very small one, and as a good deal of expansion has taken place, naturally people who were actually working in the department have in some instances—I believe they are not large but there are instances—received rapid promotion.

Sardar Sant Singh: May I know if there is any instance in which an Indian has been appointed to one of these posts and has received so rapid a promotion as Mr. Teal has done?

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

Dr. Sir Ziauddin Ahmad: May I know whether any real Colonel has ever protested against such appointment for including within their sacred category persons who do not know even to handle a rifle?

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

Dr. Sir Ziauddin Ahmad: I should like to know whether any *bond fide* Colonel with C has ever protested against the inclusion of persons who do not know how to handle a rifle in that sacred category.

The Honourable Sir Muhammad Zafrullah Khan: What has the handling of rifles to do with this question?

Dr. Sir Ziauddin Ahmad: The Honourable Member is also the President of the War Board and should know what Colonels do. I cannot understand this mentality of appointing a person as a Colonel who has never handled a rifle.

Sardar Sant Singh: May I know if the Government of India do not regard such scandalous promotions as exploitation of the Indian taxpayers' money in the name of the war?

The Honourable Sir Muhammad Zafrullah Khan: I do not admit that there have been scandalous promotions.

Mr. Lalchand Navarai: The Honourable Member said that there have been precedents of that nature, of quick promotions. Does the Honourable Member remember even one instance before?

The Honourable Sir Muhammad Zafrullah Khan: I have not followed the Honourable Member.

Mr. Lalchand Navarai: The Honourable Member said that there have been precedents in which officers have got such quick promotions.

The Honourable Sir Muhammad Zafrullah Khan: I have not said that.

Mr. Lalchand Navarai: The Honourable Member I thought said that there have been some instances of such people, and I wanted to know what is that instance. Can the Honourable Member quote any instance?

The Honourable Sir Muhammad Zafrullah Khan: I informed the House some time ago that so long as the Directorate of Contracts was part of the Defence Department no Indians were recruited to this Directorate. Indians have been recruited only since the Directorate of Contracts became part of the Supply Department.

Mr. N. M. Joshi: May I know if the Advisory Committee attached to this department was consulted as regards this appointment and the officer's subsequent promotion?

The Honourable Sir Muhammad Zafrullah Khan: In the first place, the Advisory Committee was not in existence then, and in the second place, the Advisory Committee is not consulted with regard to actual appointments and promotions.

Sardar Sant Singh: Will the Honourable Member take steps that in future the war is not used as a pretext for exploitation of Indian taxpayers' money?

The Honourable Sir Muhammad Zafrullah Khan: I have already taken steps so far as the matter concerns me.

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

RECRUITMENT OF MR. ADDISON AS A MILITARY RANK OFFICER.

25. *Dr. Sir Ziauddin Ahmad (on behalf of Dr. Habibur Rahman): Will the Honourable the Leader of the House please state whether it is not a fact that Mr. Addison was recruited as officiating Staff Captain on 13th April, 1939, on a salary of Rs. 1,000, was promoted as Major on the 3rd September, 1939, and was made Lieutenant-Colonel on Rs. 2,000 soon after?

The Honourable Sir Muhammad Zafrullah Khan: Lieut.-Colonel L. J. L. Addison, Royal Indian Army Service Corps, is a regular Army Officer. He was appointed as Officiating Staff Captain in the Contracts Directorate on Rs. 1,255 per mensem with effect from the 6th April, 1939, and was promoted to the rank of Temporary Major with effect from 3rd September, 1939, on his appointment as Deputy Assistant Director of Contracts. He was advanced to the rank of acting Lieutenant-Colonel from the 5th August, 1940, on his appointment as Assistant Director of Contracts and given a salary of Rs. 2,130 per mensem. The post of Assistant Director of Contracts carries the rank of a Lieut.-Colonel and his salary was fixed in accordance with the rules applicable to Royal Indian Army Service Corps officers.

Dr. Sir Ziauddin Ahmad: In view of the fact that all these appointments and promotions were sanctioned by the Honourable Member himself, may I know whether Government have given him power to create majors, colonels and so on?

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

Dr. Sir Ziauddin Ahmad: Here there are promotions in the ranks of the army. Since these ranks are sanctioned by the Honourable Member himself, I should like to know whether the Army Department have authorised him to create colonels, majors, captains and so on?

The Honourable Sir Muhammad Zafrullah Khan: I still do not follow the question.

Mr. N. M. Joshi: May I ask whether the Government of India propose to consult the Advisory Committee as regards the salaries to be paid, though not as regards the actual appointments, in this department?

The Honourable Sir Muhammad Zafrullah Khan: No, Sir. But I am quite willing that the Standing Finance Committee, if they so desire, may carry out a scrutiny of salaries in the Directorate of Contracts as they carry out in the case of the Supply Department.

Dr. Sir Ziauddin Ahmad: This question discloses the fact that the Honourable Member has got the right to create colonels, majors, captains and so on. Will he confer this title on some of the Members of the Assembly? (Laughter.)

Mr. N. M. Joshi: We do not want these titles.

Lieut.-Colonel Sir Henry Gidney: Is it a fact that when a civilian is appointed to an office in the military department he is granted a military rank for purposes of discipline and gradation, and that is why people who are in the civil are given military ranks?

Mr. President (The Honourable Sir Abdur Rahim): That is not a question. Next question.

PERSONS RECRUITED AS SECOND LIEUTENANTS.

26. *Dr. Sir Ziauddin Ahmad (on behalf of Dr. Habibur Rahman): (a) Will the Honourable the Leader of the House be pleased to state the number of persons who were recruited as Second Lieutenants on Rs. 600 in 1940 and who were promoted to the rank of Staff Captains within a few months on Rs. 1,090?

(b) Is it not a fact that all the six persons so recruited held no job at the time of their appointment? If not, will the Honourable Member be pleased to state the nature of the job each of these officers held at the time of recruitment?

The Honourable Sir Muhammad Zafrullah Khan: (a) Presumably the Honourable Member is referring to European officers only. In 1940 three such officers were recruited for appointment as Staff Captains in the Contracts Directorate but in accordance with the usual procedure were given the initial rank of Second Lieutenants while on probation. The normal period of probation is three months.

(b) No. One of them was employed as Manager in India of Quaker Oats, Co., on a salary of Rs. 1,566 per mensem. The second was the Manager, Paint Department, Spencer & Co., Ltd., Bombay, on a salary of Rs. 600 per mensem plus free car and provisions at cost price. The third was the Production Manager of two flour mills and one oil mill drawing a salary of nearly Rs. 1,200 a month.

APPOINTMENTS AND PROMOTIONS OF OFFICERS IN THE SUPPLY DEPARTMENT AND THE OFFICE OF THE DIRECTOR OF CONTRACTS.

27. *Dr. Habibur Rahman: (a) Will the Honourable the Leader of the House please state whether appointments and promotions of officers in the Supply Department and the office of the Director of Contracts are made with his knowledge and permission?

(b) Was the sanction of the Finance Department obtained?

(c) Did the expenditure on the newly created posts receive the approval of the Standing Finance Committee?

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

(b) Yes, where necessary under the Rules.

(c) No, as approval was unnecessary.

REPORT BY DR. T. E. GREGORY AND SIR DAVID MEER.

28. *Mr. Govind V. Deshmukh: (a) Will the Honourable the Commerce Member please state if Doctor T. E. Gregory and Sir David Meek who had gone to the United States of America on a trade mission, have submitted any joint or separate reports?

+Answer to this question laid on the table, the questioner having exhausted his quota.

(b) Have Government considered these reports and come to any definite conclusions? If so, what are those conclusions?

(c) Are Government prepared to lay these reports on the table of the House?

(d) What was the cost incurred by Government in connection with this trade mission?

Mr. T. S. S. Pillay: (a) Dr. T. E. Gregory and Sir David Meek have submitted a joint report.

(b) The Report is still under consideration. Action, however, has been taken on information contained in certain parts of the Report. The market for mica and manganese in the United States consequent on the Government of that country building up stock piles has been taken advantage of for increased export of these materials. The attention of the Indian Lac Cess Committee has been drawn to the observations in the Report on the subject of lac. Similarly, the attention of the Coffee Cess Committee has been drawn to the observations on coffee.

(c) Copies of the Report are available in the Library.

(d) Exact information is not yet available but approximately the cost was in the neighbourhood of Rs. 45,000.

Mr. Govind V. Deshmukh: My Honourable friend referred to certain actions taken. What are the actions taken?

Mr. T. S. S. Pillay: I have read out the action that has been taken on information contained in certain parts of the report.

Sardar Sant Singh: May I know if it was not possible for these gentlemen to do the same job by remaining in India without going to America? What have they done by going to America? I want to know that.

Mr. T. S. S. Pillay: No, Sir.

Mr. M. S. Aney: What is the meaning of certain action on certain recommendations? What are those recommendations and what was the action? That is what the Honourable Member wants to know.

Mr. T. S. S. Pillay: Copies of the report are in the Library of the House. I have already referred to two or three points on which action has been taken.

Mr. M. S. Aney: Are those the only points on which action has been taken? None else?

Mr. T. S. S. Pillay: I have already said that the report is still under consideration. We have taken action on some and are still considering the other recommendations.

Mr. M. S. Aney: I am not sure whether the Honourable Member means that the action taken is only with regard to those points specifically mentioned in this reply, namely, coffee, and so on and on. No other recommendations?

Mr. T. S. S. Pillay: No, it is under consideration.

Mr. N. M. Joshi: May I know if copies of the report will be circulated to the Members?

Mr. T. S. S. Pillay: I shall have that suggestion considered.

Dr. Sir Ziauddin Ahmad: Can the Honourable gentleman point out any passage in the report which a journalist or a student of Economics could not write by sitting in the Library of the Assembly?

Mr. T. S. S. Pillay: Several.

WAR MATERIALS ORDERED FROM THE CENTRAL PROVINCES AND BERAR.

29. *Mr. Govind V. Deshmukh: Will the Honourable the Law Member please state:

- (a) if any supply of war materials was ordered from the Central Provinces and Berar; if so, what the nature, quantity and value of the materials supplied was and from which places in these Provinces were such materials supplied; and
- (b) in case no such materials were supplied by the Provinces mentioned above, the reasons why such articles were not supplied?

The Honourable Sir Muhammad Zafarullah Khan: I place on the table a statement giving the necessary information.

Statement showing stores purchased in C. P. and Berar for War requirements during the period 1-9-39 to 31-12-40.

Station.	Description of Stores.	Quantity.	Value.
1. Nagpur	Cloth, Sheeting	1,09,700 Yds.	36,800
	" Douti	33,446 "	10,805
	" Twill	9,45,100 "	2,23,800
	" Cotton Grey	1,600 "	403
	Calico	29,000 "	8,000
	Bandage cloth	1,54,100 "	28,900
	Towelling Cloth	17,900 "	6,000
	Pagri Cloth	17,50,488 "	4,81,665
	Jean, Khaki	40,000 "	12,000
	Cloth, Sheeting	1,10,500 "	81,800
	Cambrie Cotton	42,520 "	18,400
	Cellular Shirting	11,98,000 "	5,04,000
	Netting Mosquito	3,50,000 "	78,385
	Sheets, hospital	60,000 Nos.	1,20,000
2. Rajnandgaon	Netting Mosquito	1,51,400 Yds.	99,125
3. Burhanpur	Towels	52,000 Nos.	19,500
	Twill Cotton	66,900 Yds.	18,816
	Douti Cotton	67,600 "	22,145
	Netting Mosquito	2,50,000 "	61,198
	Gauze absorbent	7,60,000 "	38,281
4. Nagpur	Handloom blankets	4,100 Nos.	28,663
5. Jubbulpore	Fire Bricks	4,134 Nos.	3,500
Do.	Plates Earthenware	9 "	35
6. Raipur	Oil Linseed Boiled	2,400 Galls.	3,000
7. Nagpur	Tent Pins Wood	70,000 Nos.	4,000
8. Nagpur	Dhawa Leaf	3,200 Cwts.	13,400
9. Saugor	Oil Cake	3,000 Mds.	5,300
10. Katni	Quicklime	10 Tons	400
11. Bhatpara	Rice	220 "	29,700
Total Rs.			19,58,021

In addition to the above, quantities of lime, anhydrous and air slaked, and rice and myrabolans were purchased from firms in Bombay but supplies actually came from the Central Provinces and Berar, 5,204 tons of rice valued at Rs. 6,12,000 and timber and Ballies valued at Rs. 7,71,464 were also purchased from the province during the same period.

DEVELOPMENT OF RESOURCES IN THE CENTRAL PROVINCES AND BERAR FOR SUPPLYING WAR REQUIREMENTS.

80. *Mr. Govind V. Deshmukh: Will the Honourable the Law Member please state:

- (a) what resources in the Central Provinces and Berar are, or, can be developed to meet war supply requirements; and
- (b) the steps taken by Government for the development of the resources in the above mentioned Provinces to meet war supply requirements?

The Honourable Sir Muhammad Zafrullah Khan: (a) The resources of the Central Provinces and Berar which can be developed to meet war supply requirements are many. The principal commodities are timber and manganese.

(b) The available timber resources in the Central Provinces and Berar are being exploited to the fullest extent; and the textile manufacturing capacity of the province is also being used. But there are ample supplies of manganese and no further development is considered necessary.

COTTAGE INDUSTRIES IN THE CENTRAL PROVINCES AND BERAR ASKED TO SUPPLY WAR REQUIREMENTS.

31. *Mr. Govind V. Deshmukh: Will the Honourable the Law Member please state which cottage industries in the Central Provinces and Berar were asked to supply war requirements in the year 1940? Were these supplied? If so, of what value?

The Honourable Sir Muhammad Zafrullah Khan: Orders for 4,100 Handloom blankets of the value of Rs. 28,663 were placed by the Indian Stores Department with the Director of Industries, Central Provinces and Berar, and have been complied with.

Dr. Sir Ziauddin Ahmad: May I know whether the question of the development of cottage industries was ever discussed by the Supply Department or the Eastern Group Conference?

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

Dr. Sir Ziauddin Ahmad: It does arise. This question raises the subject of cottage industries in connection with war supply.

WAR MATERIALS SUPPLIED BY PROVINCES.

32. *Mr. Govind V. Deshmukh: Will the Honourable the Law Member please state what kinds of materials and of what values were supplied by the different Provinces to meet war requirements during the year 1940?

The Honourable Sir Muhammad Zafrullah Khan: The value of orders placed by the Indian Stores Department and Contracts Directorate from the 1st September, 1939, to 31st December, 1940, amounted to approximately 76½ crores of rupees. The commodities were so numerous and the number of firms etc., so large that the compilation of details of purchases by items from different provinces in India would in Government's opinion take more time than is warranted.

Mr. Govind V. Deshmukh: I want to know what are the main items of the war supplies from the different provinces?

The Honourable Sir Muhammad Zafrullah Khan: That will entail a great deal of labour on the department which is already overworked.

†33*.

REPORT OF THE STANDING COMMITTEE FOR THE SUPPLY DEPARTMENT.

34. *Mr. Lalchand Navalrai: (a) Will the Honourable the Leader of the House be pleased to state if the Standing Committee attached to the Department of Supply made any report on the working of the department, appointments of officers and their excessive salaries and such kindred matters? If so, will the Honourable Member place it on the table?

(b) Were any irregularities or excesses pointed out? If so, what steps have Government taken with respect to them?

(c) Will the Honourable Member please state how many times and when this Standing Committee met since it was set up?

The Honourable Sir Muhammad Zafrullah Khan: (a) The Honourable Member has apparently misunderstood the functions of the Standing Committees. I would draw his attention to the Home Department Notification No. F-49, dated the 22nd August, 1922, as amended by Home Department Notification No. D. 794-C., dated the 30th January, 1924, a copy of which is in the Library of the House.

(b) Does not arise.

(c) The Committee has met twice. The first meeting took place at New Delhi on the 1st December, 1940, and the second meeting at Calcutta on the 31st January, 1941.

Mr. Lalchand Navalrai: May I know from the Honourable Member if he means that the question of excessive salaries and quick promotions are not to be considered by the Standing Committee?

The Honourable Sir Muhammad Zafrullah Khan: No, Sir.

CHEMICAL EXAMINATION OF SAMPLES OF FOODSTUFFS SENT TO THE SUPPLY DEPARTMENT.

35. *Dr. Sir Ziauddin Ahmad: (a) Will the Honourable the Leader of the House please state whether it is a fact that samples of all foodstuffs sent by contractors to the Supply Department (Director of Contracts) are sent to Kasauli for chemical examination?

(b) Does the Department keep a record of the dates on which samples are sent to Kasauli and the dates on which chemical examination results are communicated to the department?

(c) What is the normal time which chemical examinations at Kasauli take in examining the samples?

† This question has been postponed to be answered on the 26th February, 1941.

(d) Are Government aware that some merchants do not get the chemical results of their samples for a long time sometimes extending to a year?

(e) Are Government prepared to introduce a system by which the results of chemical examination may ordinarily be obtained in a fortnight?

(f) Are Government prepared to introduce a system by which the names of the contractors are not written on the samples sent for chemical examination.

(g) In case the contractors are not satisfied with the examination of the chemists at Kasauli, are Government prepared to arrange a re-examination of the samples by an independent chemist attached to the Imperial Council of Agricultural Research, or by any other chemists?

The Honourable Sir Muhammad Zafrullah Khan: (a) The Officer-in-Charge, Military Food Laboratory, Kasauli, is the analyst for all foodstuffs purchased for the Defence Services of India. Under instructions from the purchasing officer tender and bulk supply samples are sent to Kasauli direct by contractors. They are not sent through the Contracts Directorate.

(b) No special record is maintained but such information is available from the Contracts Directorate's files.

(c) The average time of examination of samples and submission of report is 48 hours.

(d) Government are not aware of any such case.

(e) Under the present system results and reports are ordinarily available long before the expiry of a fortnight.

(f) No.

(g) No. Government do not consider this necessary.

Dr. Sir Ziauddin Ahmad: Will the Honourable Member make inquiries? In some cases they do not send the results for several months.

The Honourable Sir Muhammad Zafrullah Khan: I have already answered that. That was the specific question put by the Honourable Member.

Maulana Zafar Ali Khan: May I know whether it would not be desirable to keep a record of the dates on which samples are sent to Kasauli and the results are announced?

The Honourable Sir Muhammad Zafrullah Khan: I do not know whether that is really necessary.

THE LIAISON OFFICER FOR THE TANNERS OF MADRAS.

36. *Dr. Sir Ziauddin Ahmad: (a) Is the Honourable the Leader of the House aware that the Liaison Officer approached the tanners of Madras to support him?

(b) Is he aware of the fact that the tanners of Madras refused to recognise him, and they said that they wanted no Liaison Officer?

(c) Did the tanners of Madras approach the Honourable the Commerce Member and protest against such appointment?

(d) Is the Liaison Officer permitted to take the contracts of Supply Department himself or for his own firms?

(e) Is the Liaison Officer permitted to act as a middle-man, and purchase articles at lower prices?

(f) If the answer to part (e) be in the negative, are Government aware that the Liaison Officer approached the tanners in Madras for the purchase of tanned leather and other articles?

The Honourable Sir Muhammad Zafrullah Khan: (a), (b), (c), (e) and (f). No.

(d) No. Business with Messrs. Cooper Allen & Co., of which the Liaison Officer is a member, is conducted on the normal business lines in accordance with Government procedure.

Dr. Sir Ziauddin Ahmad: What was the answer to (c)?

The Honourable Sir Muhammad Zafrullah Khan: "No".

Dr. Sir Ziauddin Ahmad: Did the Honourable Member make enquiries of his colleague? I know that a definite protest was made against the appointment.

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member may assume that all necessary inquiries which are desirable for supplying an answer to the House are made in respect of all questions and that they were made in respect of this question.

Dr. Sir Ziauddin Ahmad: The point I raised in this question was that a protest was made by the tanners of Madras and they also sent a protest to the Supply Department. They also protested to the Commerce Member when he visited Madras.

The Honourable Sir Muhammad Zafrullah Khan: That was what the Honourable Member said and I said that that did not happen.

Dr. Sir Ziauddin Ahmad: The Honourable Member does not know about his department?

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member has no business to make a statement of that kind.

Mr. President (The Honourable Sir Abdur Rahim): What was the remark made by the Honourable Member?

Dr. Sir Ziauddin Ahmad: I said that the Honourable Member did not know this particular thing.

Mr. President (The Honourable Sir Abdur Rahim): He has given his answer.

REPORTS BY THE PROVINCIAL DIRECTORS OF SUPPLIES.

37. *Dr. Sir Ziauddin Ahmad: (a) Will the Honourable the Leader of the House please state whether the Provincial Directors of Supplies present periodical reports to the Government about their work and particularly the steps they have taken to encourage industries? If not, why not?

(b) Are these Provincial Advisers expected to meet tradesmen and manufacturers to encourage the supply of the articles for war purposes?

(c) Are these Controllers of Supplies expected to have business instinct?

(d) Are Government aware that some of these Controllers consider themselves to be the lords of businessmen and manufacturers who should periodically go and *salam* the Controllers?

The Honourable Sir Muhammad Zafrullah Khan: (a) Presumably the Honourable Member is referring to the Controllers of Supplies. As these Controllers are working in close contact with the Headquarters, it has not been felt necessary to ask them to submit any periodical reports.

(b) Yes, whenever they find it necessary for the proper discharge of their duties.

(c) I am afraid this part of the question is too vague to admit of a categorical reply.

(d) No.

OFFICERS APPOINTED AS THE HEADS OF SECTIONS OF THE SUPPLY DEPARTMENT.

38. *Mr. Amarendra Nath Chattopadhyaya: Will the Honourable the Leader of the House be pleased to state :

(a) the number of officers appointed at the heads of the various sections of the Supply Department;

(b) if all the heads of the departments are recruited from the Army; and

(c) if some officers have been recruited from merchant offices of Calcutta, Bombay and Madras, who are suppliers to the Government of India?

The Honourable Sir Muhammad Zafrullah Khan: I propose, Sir, to deal with Questions Nos. 38 and 39 together.

The questions asked by the Honourable Member are not sufficiently definite for the collection of information. If he will put fresh questions stating precisely what information he wants, I will do my best to supply it.

INSPECTING AND SUPERVISING STAFF IN THE TECHNICAL BRANCH OF THE SUPPLY DEPARTMENT.

+39. *Mr. Amarendra Nath Chattopadhyaya: Will the Honourable the Leader of the House please state how many hands have been taken in the technical branch of the Supply Department as inspecting and supervising staff, and if all of them are technically fit for the work they are entrusted with?

SUPPLIES MANUFACTURED IN INDIA AND ABROAD.

40. *Mr. Amarendra Nath Chattopadhyaya: Will the Honourable the Leader of the House please state whether the major portion of supplies are manufactured in India? If so, will the Honourable Member be pleased to lay on the table a statement regarding their supplies manufactured in India and in countries outside India.

† For answer to this question, see answer to question No. 38.

The Honourable Sir Muhammad Zafrullah Khan: The bulk of the stores purchased by the Purchasing Organizations under the control of the Department of Supply is of Indian manufacture. In the opinion of Government, the preparation of a statement showing the items manufactured in India and imported from abroad would involve more time and labour than is warranted.

CASES FILED AND TRIED IN THE FEDERAL COURT.

41. *Mr. Amarendra Nath Chattopadhyaya: Will the Honourable the Leader of the House be pleased to state :

- (a) how many cases have been filed and tried in the Federal Court since its inception; and
- (b) if any decisions have been given by the Federal Court in disputes between the States and the British Government in India or between Provincial Governments; if so, whether he will place on the table of the House a statement showing the cases in detail?

The Honourable Sir Muhammad Zafrullah Khan: (a) 24 cases have been filed in the Federal Court since its inception, of which 22 have been heard and two withdrawn. It is understood that other cases are pending in which certificates under section 205 (1) of the Government of India Act have already been given by High Courts.

(b) No disputes of the kind referred to by the Honourable Member have, so far, come before the Federal Court for decision, but decisions have been given by the Court in two cases where there was difference of opinion between the Government of India and Provincial Governments, namely, the Central Provinces and Berar Petrol Tax Case and the United Provinces Cantonments Tax Case.

Mr. N. M. Joshi: May I know whether the Federal Court makes an annual report of its work and whether that annual report is published?

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

ANNUAL COST OF MAINTAINING THE FEDERAL COURT.

42. *Mr. Amarendra Nath Chattopadhyaya: Will the Honourable the Leader of the House please state what has been the actual annual cost of maintaining the Federal Court since its inception?

The Honourable Sir Muhammad Zafrullah Khan: I lay on the table a statement giving the information asked for.

Statement showing the annual cost of the maintenance of the Federal Court since its inception.

Year.	Cost.	
	Rs.	
1937-38	1,19,501	} Actual cost.
1938-39	2,27,000	
1939-40	2,41,686	
1940-41	2,68,000	Budget estimate.

UNSTARRED QUESTIONS AND ANSWERS.

ORDER OF THE CONTROLLER OF PRINTING AND STATIONERY MODIFYING LEAVE ADMISSIBLE TO PIECE-WORKERS IN THE GOVERNMENT OF INDIA PRESSES.

1. Mr. Amarendra Nath Chattopadhyaya: (a) Will the Honourable the Labour Member please state whether it is not a fact that Resolution No. F 119-12/1/28, dated the 8th September, 1928, of the Government of India (Finance Department) stated that the piece-workers in the Government of India Presses are allowed leave for 16 days, 23 days and 31 days in the year in accordance with the length of their service?

(b) Is it not a fact that the above resolution in clause (c) states: Gazetted holidays actually enjoyed may, at the option of the piece-worker, be counted against any leave admissible to him under sub-rule (a) and if so counted, will be paid for?

(c) Is it a fact that an order has recently been passed by the Controller of Printing and Stationery that gazetted holidays should not be counted against any leave admissible to a piece-worker under sub-rule (a)?

(d) If the reply to parts (b) and (c) be in the affirmative, will Government be pleased to state the reason therefor and also the date of the modification?

(e) Is it not a fact that the Controller of Printing and Stationery has no power to modify the orders of the Finance Department of the Government of India?

(f) Is it not a fact that every modification in the Government of India's order is to be published in the *Gazette of India*?

(g) If the reply to part (f) be in the affirmative, will Government be pleased to state in which issue of the *Gazette* it was published?

(h) If the reply to part (e) be in the affirmative, will Government be pleased to state how the Controller of Printing and Stationery was authorised to give such an order?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) and (b). Permanent piece-workers are allowed leave as stated by the Honourable Member.

(c) No.

(d) to (h). Do not arise.

PROMOTIONS OF THE PIECE-EMPLOYEES OF THE GOVERNMENT OF INDIA PRESSES AT CALCUTTA AND DELHI.

2. Mr. Amarendra Nath Chattopadhyaya: (a) Will the Honourable the Labour Member please state whether it is not a fact that the Handbook of the Government of India Press at Calcutta in 1926 shows as follows:

Class.	Number.
16	12
17	8
18	4
19	4
20	4
21	2
22	2
23	2
24	1
25	1

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state the number of employees in the said classes promoted to higher classes in the last three years?

(c) Is it not a fact that all other employees of Government reach the maximum of their scale of pay some time before their retirement?

(d) Is it not a fact that piece-employees of the Government of India Presses at Calcutta and Delhi do not enjoy the maximum of their scale even when they retire?

(e) If the reply to parts (c) and (d) be in the affirmative, will Government be pleased to state the reason therefor?

(f) Will Government be pleased to state how many compositors, binders and such other piece-employees of the Government of India Presses at Calcutta and Delhi have been promoted to selection grade during the period 1938 to August 1940 and the class in which they were at the time of their retirement?

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

(b) Twenty-four piece-workers were promoted to higher classes in the selection grade.

(c) No.

(d) and (e). Many do not reach the maximum as promotions in the selection classes depend *inter alia* on the number of vacancies.

(f) The numbers are as follows:

Press.	Promotions to the selection grade during January, 1938 to August, 1940.			Retirements during January, 1938 to August, 1940.	
	Compositors.	Binders.	Other categories.	Category.	Classes.
Calcutta	19	28	16	4 Compositors 5 Binders Other categories	1 each in classes 16, 19, 20 and 21. 1 in class 15. 2 in class 16. 2 in class 17. 1 in class 15.
New Delhi	8		7	11 compositors 5 other categories.	7 in class 15. 1 each in class 16, 17, 18 and 25. 1 each in class 10, 12 and 15. 2 in class 14.

RETIREMENT OF GOVERNMENT OF INDIA PRESS EMPLOYEES BEFORE REACHING THE MAXIMUM OF THEIR SCALES OF PAY.

3. Mr. Amarendra Nath Chattopadhyaya: (a) Will the Honourable the Labour Member please state whether it is not a fact that the scale of pay of a case foreman of the Government of India Press at Calcutta is Rs. 200—10—300?

(b) Is it not a fact that most of the employees have to retire before they reach the maximum of their scale?

(c) If the answer to the preceding part be in the affirmative, will Government be pleased to state the reason therefor?

(d) Do Government intend to modify the existing system? If not, why not?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) Yes; but the scale is applicable to the persons who were in Government service prior to the 18th July, 1931. For those who entered service on or after that date the scale is Rs. 150—10—250.

(b) and (c). The incumbents of the post who retired recently did not reach the maximum of their scale as the post is a selection one and the incumbents are generally selected from amongst the Section-holders of the press at a fairly advanced age.

(d) No. Government do not guarantee that every incumbent of that post should reach the maximum of the grade before retirement.

SCALE OF PAY OF THE MONO-CASTER OF THE GOVERNMENT OF INDIA PRESSES.

4. Mr. Amarendra Nath Chattopadhyaya: (a) Will the Honourable the Labour Member please state whether it is a fact that the pay of the Mono-caster of the Government of India Presses is fixed at the scale of Rs. 30—35 per month?

(b) Is it not a fact that the pay of the Mono-caster of the East Indian Railway Press is higher than that of the Government of India Press?

(c) Is it not a fact that the pay of the type-supplier and rule moulder is higher than that of the Mono-caster? If so, why?

(d) Is it not a fact that the Mono-casters by the very nature of their work die before they reach their age of retirement?

(e) If the answer to part (d) be in the affirmative, will Government be pleased to state whether they intend to consider an increase in their salaries?

(f) Will Government be pleased to state the names of the Mono-casters of the Government of India Presses at Calcutta and Delhi who retired during the last ten years?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) Yes, in the case of the Calcutta Press. This is also the scale of pay for Mono-casters of the New Delhi Press, who were in employment before the 18th July, 1931.

(b) They are about the same.

(c) No, not in all cases.

(d) No.

(e) Does not arise.

(f) Mr. Hari Charan Das and Mr. Ajit Senapaty, Government of India Press, Calcutta, and Mr. Jagat Ram, Government of India Press, New Delhi.

DEDUCTIONS IN THE EARNINGS OF THE GOVERNMENT OF INDIA PRESS COMPOSITORS AT CALCUTTA AND DELHI.

5. Mr. Amarendra Nath Chattopadhyaya: (a) Will the Honourable the Labour Member please state whether it is a fact that the compositors of the Government Presses are employed on piece as well as on hour system?

(b) Is it a fact that the checkers check the outturn of the compositors on the basis of papers, forwarded to them being certified by the Section-holders?

(c) Is it a fact that work—both piece and hours—is distributed among the compositors by the respective Section-holders under their immediate supervision, who issue certificates accordingly?

(d) Is it a fact that the checkers of the Government of India Presses, Calcutta and Delhi, deduct almost daily something from the actual hours of work of the compositors, in spite of certificates from the Section-holders?

(e) Is it a fact that the majority of the Piece-workers Committee of 1922 stated in paragraph 22 of their report that the differences among the checkers were serious?

(f) Is it a fact that these deductions by the checkers seriously affect the earnings of the compositors and thereby the class-rates and the pensions?

(g) If the answer to parts (a) to (f) be in the affirmative, will Government be pleased to state if any action has been or is being taken or is contemplated to be taken at an early date to remedy the present faulty checking system in the said Government of India Presses at Calcutta and Delhi?

(h) Will Government be pleased to state how many deductions have been made by the checkers in connection with the actual hours of work of the compositors and the amount of the loss incurred thereby by the compositors during the last one year at Delhi and Calcutta, separately?

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

(d) Deductions are made by the checkers if the time charged is considered excessive. The Section-holders are not responsible for checking the time charged for by compositors.

(e) No.

(f) Government are given to understand that this is not the case.

(g) Does not arise.

(h) Government do not propose to collect the information as in their view the result will not be commensurate with the time and labour involved..

MOTION FOR ADJOURNMENT.

DETENTION OF PROF. N. G. RANGA, M.L.A.

Mr. President (The Honourable Sir Abdur Rahim): I have received notice of a motion for adjournment from Mr. Deshmukh. He wishes to discuss a definite matter of urgent public importance, namely, the detention of Prof. Ranga, Member of this Assembly, at Trichinopoly Junction Station at 3 P.M. yesterday while on his way to attend this Session in pursuance of the Summons received by him to discharge his duty as a Member towards his constituency. I received a telegram from Prof. Ranga himself in which he says that he was detained under the order of the Madras Government. Is that the fact?

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): I do not know.

Mr. President (The Honourable Sir Abdur Rahim): That is what he says in his telegram.

Mr. N. M. Joshi (Nominated Non-Official): May I say a word on that point?

Mr. President (The Honourable Sir Abdur Rahim): On what point?

Mr. N. M. Joshi: Whether action under the Defence of India Act is not a Central responsibility even though the orders may be issued by the Provincial Government.

Mr. President (The Honourable Sir Abdur Rahim): I am simply asking now; I wanted to be sure about the fact. I take it that Prof. Ranga was detained under the orders of the Government of Madras.

Mr. N. M. Joshi: Yes. On that point, Sir, the Defence of India Act was passed by this Legislature. It is not an ordinary criminal law . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not argue and have a debate on it. He can put a point of order.

Mr. N. M. Joshi: Sir, it is recognized that the Defence of India Act was passed in connection with this war and war is a Central responsibility. I, therefore, contend that any action taken even by the Provincial Government under the Defence of India Act is a Central responsibility and must be dealt with by this Legislature

Mr. President (The Honourable Sir Abdur Rahim): I cannot accept this contention that any order passed by a Local Government under the Defence of India Act becomes a responsibility of the Government of India. Under the Act each Local Government has got to administer its provisions and the responsibility in a case like this is entirely that of the Government which passed the order.

Mr. N. M. Joshi: May I say one word more?

Mr. President (The Honourable Sir Abdur Rahim): No more. I cannot have any more arguments. In accordance with a previous ruling on this subject, I rule that the motion is out of order.

RESOLUTION *RE* APPOINTMENT OF A COMMITTEE TO EXAMINE THE CONDITIONS OF DETENUS UNDER THE DEFENCE OF INDIA ACT—*contd.*

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume consideration of the following Resolution moved by Mr. Joshi on the 15th November, 1940:

"That this Assembly recommends to the Governor General in Council that he should take immediate steps to appoint a committee to examine and report without delay :

- (a) whether conditions under which the detenues under the Defence of India Act have to live in prisons are suitable and adequate; and sufficient privileges are granted to them for communication outside by way of letters and interviews; and, if not, what improvements should be made therein;

[Mr. President.]

- (b) whether their families are provided with suitable maintenance or not; and, if not, what assistance Government should give them;
- (c) whether those who are interned or externed under the Defence of India Act have difficulty in maintaining themselves or their families, and whether it is necessary to give them any assistance from Government; and in case, it is necessary, what should be the amount of such assistance."

Sardar Sant Singh (West Punjab: Sikh): Sir, this Resolution of the Honourable Mr. Joshi on the working of the Defence of India Act is a milk and water Resolution—so modest; he calls it a modest one, I call it something like the mildest one which could come from a Member who wants to keep his constituency in good humour as well as do the public service which he is called upon to do as a Member of this House. As a matter of fact, the working of the Defence of India Act for the last two years in India shows that the Act is being used not with a view to the successful prosecution of the war alone, as was given out at the time when the Defence of India Act was introduced and carried through in this House, but for purposes other than those for which it was intended. I need hardly point out that under the pretence of the use of that Act, people have been detained who were engaged in lawful activities

The Honourable Sir Reginald Maxwell (Home Member): On a point of order, Sir. Is the argument of the Honourable Member relevant to the Resolution, which relates to the conditions under which detenus are confined?

Mr. President (The Honourable Sir Abdur Rahim): What was the argument?

Sardar Sant Singh: My argument is that I am afraid that the Defence of India Act is being used for purposes to prevent the lawful activities of the people and, as such, its working requires to be checked in all its details and with regard to all the provisions which it contains. The provision which pertains to this particular Resolution is about those people who have been detained under the Act

Mr. President (The Honourable Sir Abdur Rahim): How does the Honourable Member make this relevant to the Resolution, under what head of it?

Sardar Sant Singh: May I submit, Sir, that before I come to the actual treatment meted out to the persons detained, I have to explain the background in which

Mr. President (The Honourable Sir Abdur Rahim): No, no. The Honourable Member must deal with the Resolution itself.

Sardar Sant Singh: Sir, the reason why I deal with the general aspect of the Defence of India Act is

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot go into the general aspect of the Act.

Sardar Sant Singh: I will proceed with this particular issue. The particular issue involved is that people have been detained and without

trial who ought to be treated in a manner which may be called humane and the reason for this is obvious. First of all, these people have been detained without any specific charge having been brought against them. They do not know for what activities of theirs they are suffering detention under the Defence of India Act. And, secondly, their families are deprived of their services and of the livelihood which the detained people earned for their maintenance. Therefore, it is essential that the Government of India should work this Act in a spirit which should win the confidence of the public that it is being worked on humane and just lines. Now, taking certain instances in which this Act has been used against persons holding particular political views and of which instances have been quoted in the two speeches given by Maulana Zafar Ali Khan and Mr. Joshi the other day, is it not fair that they should be provided with all the amenities of life during the period of their detention? Here, I am tempted to draw the attention of the House to the modifications which the British Parliament have adopted in Great Britain. The members of the British Cabinet themselves moved a resolution in Parliament the other day in which they wanted the sanction of Parliament for appointing a Committee to go into each case so that Parliament may be satisfied that the Act was being worked in the spirit and for the purposes for which it was intended to be passed in that House of Commons. I wonder, Sir, why a chapter is not taken from the Parliamentary debates in this connection and a leaf is not taken from the book of Parliament.

The Honourable Sir Reginald Maxwell: May I interrupt the Honourable Member? The Committee to which he refers was dealing with the cases of enemy aliens.

Sardar Sant Singh: I understand that the Committee was dealing with each particular case in which the action was taken under the Defence of the Realm Act?

The Honourable Sir Reginald Maxwell: Cases of enemies only. Of men of enemy nationality only.

Sardar Sant Singh: Not Britishers?

The Honourable Sir Reginald Maxwell: No.

Sardar Sant Singh: My reading about the Committee, as the account appeared in the Press, is that action under the Defence Act is not taken till that Committee has looked into the case and recommended that the action was called for. However, I will look it up again and come to this subject after looking into the parliamentary debates on this point. However, a pledge was given to us at the time that this legislation was passed that this legislation would be used for the purpose of the successful prosecution of the war alone. Sir, the detention of these people without trial is not justified; they can prevent the successful effort towards the prosecution of the war only in a very remote degree. It is not directly connected and I hope the Honourable Member

Mr. President (The Honourable Sir Abdur Rahim): I must again ask the Honourable Member to confine himself to the Resolution and refer only to those who are actually detained.

Sardar Sant Singh: I have to refer in some degree

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member will not be allowed to refer to anything which is outside the Resolution.

Sardar Sant Singh: The conditions which the Committee will have to examine and report are contained in three parts of this Resolution. First of all, they will have to find out whether they are being detained in a place suitable for their health and whether sufficient privileges are being granted to them during the period of detention. I wonder what attitude the Government can take in a matter of this kind except to agree to this examination being carried out. It can be said that the Government are doing what they can by their official agency to look into these matters. But may I point out to the Government that the official agency will not do in such matters. A Committee appointed for this purpose will have to concentrate upon this subject and will submit a report which will be a public property and which will be open to public examination and public criticism. Besides, an official agency is not likely to create that confidence in the public as a non-official agency would. The second point is about providing adequate allowances to the families of those who have been detained. So far as I remember, a question was asked in this House on this point and the Government reply was that they were not prepared to sanction allowances in such cases. May I know why a family should be deprived of the means of livelihood which an earning member of the family was providing them on account of that earning member being detained? Why should it not be the duty of the Government to provide the family with the same means of living in which the family was living before this person was detained? The justice and fair-play demand that in such cases the family should be granted adequate allowance. Under the circumstances, my submission is that the Government should take a sympathetic attitude towards this modest Resolution and accept it so that the confidence of the public may be restored in the Government's action in such matters. After all, detention without trial is not a normal course of giving punishment to a subject. It is an abnormal matter and as such it should be met with abnormal measure and that abnormal measure is that a humane treatment should extend in the working of this particular provision of the Defence of India Act rather than the strict technical procedure of a jail life. With these words, I support the Resolution.

Maulana Zafar Ali Khan (East Central Punjab: Muhanımadan): Sir, like my friend, Sardar Sant Singh,—I will not go to the length of saying that the Defence of India Act is being used

An Honourable Member: The Honourable Member has already spoken on this Resolution.

Mr. President (The Honourable Sir Abdur Rahim): I understand the Honourable Member has already spoken.

(Maulana Zafar Ali Khan resumed his seat.)

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I have not spoken on this motion yet and the view taken on the last occasion was that this motion should not be detained for long. Unluckily, it could not be finished then although the Honourable Mr. Joshi was very anxious that it should be finished as early as possible so that the treatment meted out to these detenues should be improved without delay. However, as it had to be postponed, I believe, having heard the Honourable Mr. Joshi who gave instances and who also pointed out the difficulties of these detenues, Government must have done something by this time. I would, therefore, like the Honourable the Home Member to tell us how far he has proceeded to remedy the wrong and to what extent further amenities have been afforded to these detenues. Now, Sir, it is a modest Resolution. I would say that it contains only one item. When we passed the Defence of India Act, we did not discuss it at any great length and passed it in the interests of the prosecution of the war. Some of its provisions were very extensive and in some respects they were harsh. In some other respects we merely gave a blank cheque to the Executive to administer that law in the interests of the exigencies of the war. But it was expected that when they were proceeding against persons who were to be confined as detenues either in jails or within certain areas or who were being externed, the treatment to be given to them would not be the same that is given to an ordinary criminal or a man who has gone into the detention on account of a crime involving moral turpitude. It was expected that the Government itself would do certain things so that no complaint may be made against it. But what has been the result? The result has been, as was mentioned by Mr. Joshi and other speakers, that they are not given even ordinary comforts and ordinary amenities. Now, the point is who are these people who have been detained and how they have been detained? They were not given any trial. The allegations against them were not proved in any court of law and they were not even proved to show that there was any substance in them beyond mere suspicions. We know how the C. I. D. reports come and in the cases under the Defence of India Act the C. I. D. must be very active to get even those men locked up against whom they even had an unfounded suspicion. And a word from the C. I. D. is more or less a death-warrant to the man against whom the report is made. It is very necessary, therefore, that the Government should go into these complaints and the grievances that have been made.

Now, Sir, the Honourable Mr. Joshi has taken pains to collect facts. He has got facts and he has got proof of them. He told us that there are two categories of these detenues. Now, I will take up the grievance of those detenues who have been detained in jails. Now, so far as these men are concerned they had good station in life, they had good home comforts and they could also take care of their families. Having been detained they were given a life which was absolutely different from that which they enjoyed before their detention. There ought to be certain considerations for them to see that, though they may not be given the same comforts as they used to enjoy in their private life, some concessions are given to them. If such concessions have not been given to them so far, they must be given to them at once. The first difficulty which has been mentioned is with regard to small matters of convenience. They are not being supplied soap or oil or materials for shaving.

An Honourable Member: They can grow hair.

Mr. Lalchand Navai: That would also harm them. Now-a-days everybody is clean shaven. Apart from that, if a man has been accustomed all his life to get himself clean shaven, if all of a sudden he is forced to grow his hair, he would become sick. The other complaint is they are not being given newspapers. I know one or two newspapers are being given, but they are not worth reading. It has become almost the fashion now-a-days with everybody to read newspapers the first thing in the morning.

The other complaint was they are not given facilities for smoking. Here I must say plainly that I have no sympathy with this complaint. I am myself not a smoker and, therefore, I do not know what comfort they derive from smoking. But all the same I do not want to grudge them this comfort if they had been accustomed to smoking all their lives. I see that smoking has become a habit which has come from fashion only through contamination. If these people cannot do without smoking, then why should they not be given cigarettes.

The next complaint was with regard to food. Food should not be supplied to them as if they are criminals, but should be supplied to them as gentlemen. This complaint against food also should be removed. With regard to facilities for recreation, I should like to know from the Honourable the Home Member if any steps are taken to make them keep good health. I was simply astounded to hear from Mr. Joshi with regard to the conditions for medical treatment. He quoted the instance of a man who was suffering from toothache and owing to acute pain when he approached the Officer in charge of jail to arrange for the extraction of his tooth, the poor fellow was told that he should pay the doctor's fees. Wherefrom could that detenu get the money for meeting the medical charges? Did he take any money with him? On the contrary these people who are the breadwinners of their families having been detained, their families are left helpless and they themselves are starving. Under those circumstances, how is it possible for the families to defray the medical charges of the detenu. Instances such as these are pitiable and if they are true, it is high time that Government looked into the matter and slackened the rigours of the administration of the rules made under the Defence of India Act.

The other complaint is that people are kept apart from one another. Even two detenues are not kept together in some cases. I do not know why even those some cases should happen. It is for the Government to explain. Are they to be kept in solitary confinement? When they are in detention nothing should be done of a retaliatory nature. Such things are not right.

Then with regard to facilities for visits, I am told that they do not allow detenues to mention their grievances or their complaints to their relatives.

Mr. N. M. Joshi (Nominated: Non-Official): I did not say that.

Mr. Lalchand Navai: That was how I understood my Honourable friend. However I will not pursue the matter. I would only say that all conveniences should be given to them to speak freely with their relatives and friends when they go there. With regard to the letters written by the detenues, they should not be sent to the C. I. D., but they should be sent

to the Superintendent of the Jail and in the ordinary course those letters will be opened by him and if there is anything objectionable, he can withhold the transmission of those letters and not otherwise.

With regard to daily allowances, I heard from my Honourable friend, Dr. Banerjee, that previous to the enactment of the Defence of India Act, the detenus were being given certain allowances, and in some cases their families also were given some allowances. I do not know why it should be said that their families should not get any allowances. Where Government has good grounds to believe that the families are such that they can maintain themselves in spite of the absence of the detenu, in those cases, the families need not be given allowances; but in cases where the detenu is the only breadwinner, then in fairness, Government should give the family some allowances for having deprived it of its breadwinner. The acuteness of the grievance is all the greater with regard to the detenus who have been externed, and those who are asked to remain within a certain area and not to go out. It is something like double surveillance. In such a case, how can the poor externee make both ends meet? In the first place he is asked to go out of the place where he has been earning his livelihood and he is thrown into a new place where even though he might go about, there is no chance of his getting any livelihood. He shall have to start anew and he may find it very difficult to earn his living. With regard to the families of such externees, they do require some allowance to keep them going. These are fair and just demands which should be complied with. You cannot brush these aside as unfair and unjust.

With regard to the terms of the Resolution my Honourable friend, Mr. Joshi, is asking only for the appointment of a small committee. But we know that even this committee of three would take a long time. My Honourable friend, the Leader of my Party, when he made his speech last time, said that when the facts are there and the details have been given showing their grievances and the unfair treatment meted out to them, and as there are letters to prove that, what more is this committee required to do? It would have been better if we had asked the Governor General in Council to take action. I fully endorse that view put forward by my Leader.

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

Mr. Lalchand Navalrai: Sir, the Resolution is very modest and I support it.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-

Muhammadan Rural): Sir, I rise to support this Resolution, 12 Noon. although I do not feel much enthusiasm for it because it is not a matter which really requires a committee. The question is very simple and can be dealt with by Government straightaway without any committee. The Resolution, as I read it, relates to two classes of people. Clauses (a) and (b) relate to people who are detained in jail without trial.

Mr. N. M. Joshi: No, I have not said that.

Mr. Akhil Chandra Datta: It comes to that. I do not think the Honourable Member refers to people detained in jail after trial.

Mr. N. M. Joshi: I have made no distinction.

Mr. Akhil Chandra Datta: In any case the question raised in this Resolution does not arise very appropriately with regard to people who are convicted and detained in jail after trial. But it really arises with regard to those people who are detained in jail without trial under the Defence of India Rules and who come within clauses (a) and (b) of the Resolution. Clause (c) refers to the class of people who are interned or externed. Now, what is the law on this subject which governs the conditions of the detenus? Rule 26 of the Defence of India Rules is the relevant rule under which orders may be made directing that a person be detained, directing that he shall not be in any such area or place in British India as may be specified in the order, requiring him to reside or remain in such place or within such area in British India as may be specified in the order, and in sub-rule (f):

"imposing upon him such restrictions as may be specified in the order in respect of his employment or business, in respect of his association or communication with other persons, and in respect of his activities in relation to the dissemination of news or propagation of opinions;"

These are the different classes of restrictions which can be imposed under the Defence of India Act. Then as regards the conditions to which this Resolution relates, we find in sub-rule (5) of rule 26 the conditions under which they are to live, as to maintenance and other matters, in regard to which orders may be passed by the Central Government or the Provincial Government from time to time. So far as the Central Government is concerned some conditions have been laid down by a notification of the Home Department, dated the 2nd October, 1940, under which Security Prisoners are divided into two classes, I and II, according to the state of their health, and their education, status and mode of living before arrest. Then it is said:

"For each class of Security Prisoners an appropriate scale of accommodation, furniture, clothing, diet and other necessities shall be prescribed by the Chief Commissioner."

This refers to Delhi and I take it similar rules have been made by the Provincial Governments also. I shall confess at once that so far as these orders go there is hardly anything to complain about because it is definitely laid down that regard will be paid to their education, health, status in life, etc., and for each class of Security Prisoner there must be an appropriate scale of furniture, clothing, diet, etc., and "other necessities", which, I take it, must relate to necessities of the body as well as those of the mind. The mind requires as much food as the body, e.g., newspapers, books, etc. The rules themselves are quite fair but the whole trouble is that these orders are never carried out in actual practice. They are merely paper rules and are an eye-wash and a camouflage. Mr. Joshi placed a long list of grievances with regard to accommodation, furniture, diet and other necessities. . . .

Mr. N. M. Joshi: And allowances also.

Mr. Akhil Chandra Datta: I am coming to that. We want the Government will see that these orders are carried out in the spirit in which they are made. That is about the conditions of the detenus in jail.

I do not find in these rules any provision made for allowances for their families. The words in the rule are very general as to maintenance. I do not think, without straining that expression "maintenance", it can be said to cover the case of family allowances. So there is no provision made for family allowances. Mr. Joshi says that if for any reasons of state you find it necessary to detain persons and specially detain them without trial, then it is the duty of Government not only to maintain the persons themselves but their families as well: and he extends the principle to those who are interned or externed, because after all practically speaking, if a man is interned or externed he loses his job and he cannot earn his livelihood by normal avocation; so that with regard to both these categories of persons, Mr. Joshi's contention is that it is the duty of Government to maintain their families, otherwise Government is not discharging its duty.

I think Mr. Joshi is perfectly justified in making that demand. This is not the first time that people are detained for reasons of state during a war. There was the last great war and people used to be detained during that war also, and I am perfectly sure that during that war family allowances used to be given to the families of those persons who were detained under the Defence of India Act of that war. I have personal knowledge of detenus who used to receive such family allowances. We do not know why that policy has been changed. We do not know when that policy has been changed and why. My contention is that it is the moral obligation of Government to maintain their families. There is also the legal obligation. As regards family allowances I do not know what exactly is the law, but I know that as a matter of fact family allowances used to be given. I hope the Honourable the Home Member will enlighten us on this point whether there is any law, written or unwritten, as regards provision for family allowances to the detenus.

Mr. Joshi has also pointed out that as a matter of fact more comforts are given to the German prisoners and the Italian prisoners. It is very difficult to understand why more comforts are given to those with whom you are fighting and who are fighting you and why you do not care for the comforts of those whom you suspect of having some sort of sympathy with those people or who do not like to prosecute the war effort as much as you wish them to do. In any case, this is a matter which I do hope the Honourable the Home Member will throw some light upon. It is really extremely irritating to find that more comforts are given to German and Italian prisoners than to our own people. . . .

Mr. M. S. Aney (Berar: Non-Muhammadian): You want light or you want comfort?

Mr. Akhil Chandra Datta: I want both and comfort. I do not wish to detain the House longer. My contention is that the rules on the subject should be given effect to loyally and properly; and with regard to family allowances there should be some provision made; we should like to know the policy of the Government on the question. Sir, I support the Resolution.

The Honourable Sir Reginald Maxwell: Sir, the speeches made in support of this Resolution have been very reasonable in tone and I am

[Sir Reginald Maxwell.]

perfectly ready to give the House such information as I possess in answer to it. The latest available figures about the number of security prisoners detained under Rule 26 show that the number under detention at the end of last month was about 700. Of these, some 102 persons had been detained in connection with the *satyagraha* movement and I shall refer to these later. Leaving them aside, the number of prisoners with whom this Resolution is concerned is about 600 up to date. I think it will be admitted that a figure of this order, after eighteen months of war, and in a population such as that of India, does not indicate any excessive readiness on the part of the authorities to use their powers of detention. The majority of the prisoners detained come from the provinces of Madras, Bombay, Bengal, United Provinces, Bihar and the Punjab; and the numbers from other provinces are insignificant or none

Mr. M. S. Aney: How many from the Punjab?

The Honourable Sir Reginald Maxwell: 115 from the Punjab.

Mr. M. S. Aney: And Bengal?

The Honourable Sir Reginald Maxwell: 141.

Mr. N. M. Joshi: May I ask whether the number of interned or externed persons is included or they are separate?

The Honourable Sir Reginald Maxwell: I am speaking of persons detained, not persons restricted. I will refer to persons against whom restriction orders have been passed, later on. I am speaking now of persons detained under Rule 26

Maulana Zafar Ali Khan: Any one from the Indian States?

The Honourable Sir Reginald Maxwell: No. Excluding certain ex-military prisoners, the number detained by orders of the Central Government is 29 and the rest of the persons I have mentioned have been detained by orders of the Provincial Governments. Of the prisoners mentioned, 166 are detained at present at Deoli, including eleven of the Central Government prisoners, and the rest at Deoli come from the United Provinces, the Punjab, Bihar and the North-West Frontier Province. The general conditions of confinement are laid down in the Deoli Detention Camp Order, a copy of which has been placed in the Library of the House. This applies in full only to the Deoli Detention Camp, but it has been supplied to all Provincial Governments as a model for the treatment of their own security prisoners. It is being followed in general by the provinces with certain variations in detail. I should wish the House to understand that I can speak with authority only of prisoners detained at Deoli, that is, in the Central Government's custody. However, since the last debate I have written to all provinces asking them to clear up some points that were raised and they have supplied me with information about their own prisoners on some of the specific points about which anxiety was expressed.

Now, as regards the conditions of confinement, security prisoners are divided into two classes according to their state of health, education, status and mode of living before arrest. The treatment of class I prisoners corresponds generally as regards diet and accommodation to that of B class

convicts, and that of class II prisoners corresponds to that of C class convicts,—in regard to diet and accommodation, I say. In other respects the privileges allowed to them correspond more nearly to those of A and B class convicted prisoners. For instance, security prisoners of both classes are allowed to wear their own clothes. They are not compelled to work, but they are encouraged to do so, and they will be paid for any remunerative work which they may do.

Of the 166 prisoners detained at Deoli, 77 have been placed in class I and 89 in class II. Exact figures are not available of each class in the provinces, and in some cases the classification is still under revision. It may, however, be taken as certain that a very large proportion of all the prisoners are in the higher class.

Maulana Zafar Ali Khan: You mean in the provinces?

The Honourable Sir Reginald Maxwell: Yes.

As regards the other privileges and conditions, firstly as regards letters, class I security prisoners are allowed to write two and receive four letters a week; class II prisoners may write and receive one letter a week. They are supplied with writing materials by Government. The House will remember that A class convicts are allowed only one letter a fortnight, and B class convicts only one letter a month; so that these conditions compare favourably with those of convicts.

An Honourable Member: Who pays for postage stamps?

The Honourable Sir Reginald Maxwell: Government.

Then as regards interviews, class I security prisoners may have one interview a fortnight, class II prisoners may have one interview a month. I understand, however, that the United Provinces have allowed one interview a week to class I prisoners and one a fortnight to class II prisoners. But under the standard rules the interviews allowed are the same as for A class convicts.

An Honourable Member: Does one interview mean that only one person can interview at a time?

The Honourable Sir Reginald Maxwell: Up to three persons are allowed at one time.

Prisoners receive no personal allowances, that is, in their place of detention, but class I prisoners are allowed to receive amounts up to Rs. 10 a month from relatives or friends to supplement their amenities if they want to; for instance, such things as smokes; and class II prisoners may receive up to Rs. 5 a month from outside.

As regards other conditions, there were two particular things which have been mentioned during the debate, one as regards medical treatment and the other newspapers and books, and also recreation. I have made inquiries from all provinces on these points, and I find that in the first place all these prisoners receive free medical treatment as a matter of course. They get all the medical attendance that would be available to any person in custody in any jail

Maulana Zafar Ali Khan: What is the percentage of these prisoners who have been receiving pecuniary help from their relatives?

The Honourable Sir Reginald Maxwell: Will the Honourable Member allow me to finish my speech without interrupting me so often, otherwise I shall not be able to finish my speech within the time at my disposal.

The points raised regarding medical treatment, however, especially concerned medical treatment of a special kind, that is, dental or ophthalmic. I made inquiries about that also from all provinces, and they have all explained the arrangements they have made for such treatment at Government expense where the prisoner is unable or does not wish to pay for his own treatment. If facilities do not exist in the jail itself, there are arrangements for transferring the prisoner to a hospital where the treatment can be given. For instance, prisoners at Deoli are transferred, if necessary, to the Victoria Hospital at Ajmer. I understand from one province that some security prisoners have been using the facilities afforded to them in order to obtain good medical treatment for longstanding complaints which they had before they were detained,—in fact it has been a great convenience to them; and from another province I understand that the special medical treatment has been of a much higher standard than the prisoners could have afforded for themselves.

I think the House may rest assured that complaints of lack of treatment, whether for special complaints, such as dental or ophthalmic, or for ordinary purposes are totally without foundation

Mr. Lalchand Navairai: What about that toothache man?

The Honourable Sir Reginald Maxwell: I have said that any prisoner suffering from toothache gets dental treatment free.

As regards newspapers and books, all provinces, where there are any considerable number of prisoners, have made arrangements to supply them with a selection of daily or weekly newspapers from an approved list. Prisoners of course are allowed also to obtain papers from an approved list at their own expense from outside. At Deoli 18 daily newspapers in various languages, two weekly papers, and one monthly are supplied to the prisoners at Government cost, and books are provided from the public library, Ajmer, and the Ajmer Jail library. Similarly in all provinces books are available to prisoners from the jail libraries.

As regards recreation, this is provided in various forms in most provinces, and where it is not provided free, games are also available at prisoners' expense. It must be understood that Government cannot afford to provide expensive facilities for recreation, and the prisoners have to take what is available, but at the same time at Deoli the facilities for recreation are very extensive both for indoor and outdoor games.

As regards the minor requirements commented upon in the debate, first, considerable concern was expressed about soap. I find on inquiry that this is provided everywhere at Government expense, and the complaint is totally untrue. Government cannot, of course, provide soaps at the fancy of the prisoners, and I think that where there have been complaints, it is because the prisoners wanted scented soaps. Similarly, shaving is everywhere done by convict barbers if the prisoners do not possess their own shaving material; nobody goes without a shave. I think generally Honourable Members should beware of listening to complaints of this kind which

they may get by letter or otherwise from security prisoners, who are not, in general, persons of good character. I myself visited the Deoli detention camp on the 28th December and saw everything. The result of my inspection was such that it rather surprised me. I had expected to find rather a bleak and barren place and the prisoners having a rather miserable time of it, but I found that the place was most excellently organized. It is true that the prisoners are behind barbed wire, but they have ample space within it. They have large recreation grounds provided for them and games are regularly organized. Their accommodation is ample and spacious and airy. I found them engaged, and apparently comfortably engaged, some playing chess, others reading and so forth. They are provided with reading rooms where I found prisoners reading what they wanted. Their messing arrangements are excellent. I saw some of them having their meals. They appeared to be quite good, and at any rate the prisoners appeared to have no lack of appetite. All the standard equipment of the prisoners was shown to me, their clothing, bedding and such things, which are supplied to them. I certainly thought that no prisoner could complain of the class of articles with which he was issued free by Government

Sardar Sant Singh: Was it a paradise?

The Honourable Sir Reginald Maxwell: I am telling the Honourable Member what I saw. He may go himself if he likes.

Sardar Sant Singh: Just like the Andamans it was a paradise!

The Honourable Sir Reginald Maxwell: The medical facilities in particular I examined. Hospital accommodation within the detention camp is really excellent and is as good as I have seen anywhere. There are qualified doctors.

An Honourable Member: Have they medicines in stock?

The Honourable Sir Reginald Maxwell: I saw the health chart and found that the general health of the prisoners was remarkably good, including the records of their weights. Some of them have been gaining weight more rapidly than is good for their health.

An Honourable Member: Then why shirk an enquiry?

The Honourable Sir Reginald Maxwell: I certainly do not mind showing Deoli to any Honourable Member of this House. There is absolutely nothing to be concealed at Deoli as regards the treatment of these prisoners. At the time of my visit they did not know who I was. I went round with the Superintendent and the prisoners I believe were told by somebody when he was asked, "This is some P. W. D. man". They had no idea who I was and I was able to listen to their ordinary complaints and remarks as we went round and I found scarcely anybody who had anything to complain of and on the whole they were on very good terms with the Superintendent.

(At this stage Sardar Sant Singh tried to interrupt the Honourable Member).

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member ought not to interrupt the speaker.

The Honourable Sir Reginald Maxwell: Then I come to the next question of family allowances. The principle followed in respect of family allowances is that Provincial Governments may in exceptional cases grant allowances to the dependants of security prisoners when it is necessary on the ground that the detention has deprived the family of its income and left it in such destitute circumstances as to make assistance necessary. That is the principle agreed upon with the Provincial Governments. The number of applications received is comparatively small and all the cases are very carefully investigated. So far as information is available to me from what I have received from the provinces, allowances have been given in about a dozen cases, the amounts varying from Rs. 35 a month to Rs. 10 a month. However, not all these applications are such as require serious consideration. For instance, one province reports that in one case the brother of a prisoner asked for an allowance for himself and his family on the ground that the prisoner had been maintaining them, that is, family of the brother of the prisoner. In fact, no doubt a good many extravagant claims are made. While on this point, however, the House must remember that, if a person engages in revolutionary activities, it is he who lets his family down and not the general taxpayer who is expected to pay these allowances. The argument used by my Honourable friend, Mr. Aney, and I think, by Mr. Akhil Chandra Datta, that the detention of the family breadwinner places an obligation on Government to provide for the maintenance of his family, would, if carried to its logical conclusion, apply also to convicts. What happens to the family of a person convicted of a crime who is detained in prison? It is an unfortunate thing that, when anybody renders himself liable to be deprived of his liberty, his family suffers. The only thing I can say about it is that we feel and sympathise with the family, but the person responsible for it is the offender.

An Honourable Member: But he has not been proved to be an offender.

The Honourable Sir Reginald Maxwell: In most cases, the persons whom we are now considering did not earn anything much by honest work of which they are now deprived. They were paid agitators.

Mr. N. M. Joshi: That is also honest work!

The Honourable Sir Reginald Maxwell: Let them go to their masters, the persons who paid them for carrying on their subversive activities and ask them for the relief which their family needs.

Mr. M. S. Aney: Can you prove who their masters are? If you prove that, your obligation is at an end.

The Honourable Sir Reginald Maxwell: I know some of their masters.

Now, I will come to the question of persons not detained but restricted by orders under Rule 26. The question of allowance to persons restricted does not, of course, arise unless restriction to a particular area or exclusion from a particular area has involved loss of employment. It is chiefly in Bengal that restriction orders have been passed, and there most particular instructions have been given by the Provincial Government to employ these powers so as to interfere as little as possible with the normal life of the person affected. In some cases where it was found that hardship had been

caused by these orders, the orders were modified in accordance with this policy in order to give the persons an opportunity to continue to earn their own livelihood. Fiftysix applicants in Bengal have applied for personal allowances and in two cases an allowance of Rs. 10 a month has been granted. In the North-West Frontier Province an allowance of Rs. 30 a month has been granted to one restricted person. Elsewhere no applications appear to have been received and the number of restriction orders is very small.

I would refer again to the persons detained for satyagraha. The usual practice has been not to take action against persons giving notice of their intention to commit an offence but to prosecute them after the offence has been committed. Where, however, the satyagraha demonstration was likely to create excitement or disturbance or to attract crowds, especially in large cities, the expedient has sometimes been adopted of arresting such persons in advance and detaining them under the Defence of India rules. This is chiefly being done in Bombay and it should not be repugnant to the promoters of the movement since they have expressed their wish to avoid disturbances connected with satyagraha. It must be remembered, however, that the persons so dealt with would in every case have been convicted of a substantive offence if they had not been arrested in advance. Their treatment as security prisoners does not compare at all unfavourably with that which they would have received as convicts and they should rather be regarded as self-ordained convicts and not really within the scope of this Resolution.

However, a great majority of the persons detained are not of the class which commits symbolic offences. Excluding satyagrahis, almost all the persons detained are either communists or revolutionaries. About 94 were revolutionaries or terrorists arrested in Bengal. There are also, as I have said, a certain number of ex-military prisoners and a few suspects detained for miscellaneous reasons connected usually with enemy activities. But the remaining number, about 480 persons, were, almost without exception, either acknowledged communists or else active supporters of the communist programme of violent mass revolution. Some of these, including especially those whose detention was ordered by the Central Government, formed the central directorate of the communist organisation in India and their detention was necessary to cripple the communist machinery. In the case of all these persons, whether terrorists or communists, it is incorrect to say, as several speakers have asserted, that they were detained only on suspicion. Government have enough dangerous people on their hands not to wish to add to their number by mere arrests on suspicion. In every case where action of this kind has been taken, it has been based on definite knowledge of the activities of the persons concerned.

In many cases, no doubt, had the facts been known to the courts, a conviction would have been possible but this would have involved the disclosure of secret information and the institution of a series of trials which would certainly have been prolonged like the Meerut Conspiracy Case and is not a thing which can be contemplated in time of war. But it is sufficient justification for the action taken that it was known that these persons were plotting action which was definitely intended to help the enemy in this war or to prejudice the peaceful government in the country in ways which could not be tolerated in war. In war, we cannot

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take risks to the same extent as in peace. It is therefore irrelevant to argue that the persons should receive specially favourable treatment because they were not convicted. I can give the House an illustration of the kind of persons we are dealing with, out of their own mouth. I will read one or two passages from a publication called the 'Proletarian Path' which was published by the Communist Party at the Ramgarh session of the Congress. This document urges that "India has to make revolutionary use of the war crisis" and it goes on to expound this revolutionary use. The first step is taken as follows:

"Political general strike in the major industries together with country wide no-rent and no-tax action constitute the first step towards this objective."

After developing that point, it goes on to say that when that stage has been reached "the national movement will enter into a new and higher phase—the phase of armed insurrection" and it goes on to expound that further again. It says:

"In order, however, to smash the State machinery and not merely to paralyse it, in order to win over the rank and file of the army and not merely shake it up, the movement will have to develop into nation-wide armed insurrection."

Now, listen to this:

"Storming of military and police stations by armed bands of national militia in rural as well as urban areas, destruction of Government institutions, actual offensive against the armed forces of the Government on the most extensive scale—these will increasingly become the chief features of the struggle."

A programme of this kind is not the programme of any legitimate political party in this country and the action taken against the organisers is not taken for political reasons but solely as a matter affecting the security of the country in war. Under the arrangements described, the persons concerned are given privileges far more than they deserve or than would be given by other belligerent countries to their traitors. These persons are receiving all the consideration which humanity demands. They will not be tortured or ill-treated. We are not monsters . . .

Mr. M. S. Aney: Thank God.

The Honourable Sir Reginald Maxwell: . . . but, at the same time, so long as I am here they will not be pampered while their own action compels us to put them out of the way for reasons of safety during the time the country is engaged in a life and death struggle.

Now, a comparison has been made of enemy internees. Mr. Joshi has compared the treatment of security prisoners with that of German and Italian detenus and said that he cannot understand why greater comforts and facilities should be allowed to the latter. The comparison is not a valid one because although civilian internees are not prisoners of war, they are, by international agreement, being treated in accordance with the principles of the Geneva Convention of 1929. It must be remembered that the treatment of British subjects, including Indians, similarly interned in enemy countries is on a reciprocal basis. We are, therefore, not free to do anything else but in any case I would not say on the merits that the distinction between enemy internees and security prisoners is not justified. I myself would in any case give the preference to enemy internees, who

have nothing against them except that they owe allegiance to enemy countries, rather than to persons who have been deprived of their liberty for plotting against their own country and against those who are fighting for it.

Now, Sir, some comparison has been made regarding the previous practice in regard to detenus. Dr. Banerjea considered that the previous treatment of detenus in Bengal was more liberal than the present practice and Mr. Aney has compared the treatment given to persons dealt with under the Regulations of 1837 and 1818. The persons dealt with under the latter regulations were mostly of a different type but the point is the same. The answer is that even if we assume that the previous treatment was not too lenient, the presence of war conditions does make a difference in what is appropriate or inappropriate. In times of peace, these people were at best a pest or a disease but not a fatal one. In war, they are traitors and so far as they do not meet the fate that traitors deserve, they may think themselves lucky.

Now, I come finally to the question of a committee. There is no useful function which a committee could perform. It is not a question of obtaining information, since Government have all the information which they need and are perfectly ready to place it at the disposal of the House. There is no question whether these prisoners have vital necessities or are well looked after. Beyond that, the question of what further privileges or concessions should be allowed to them is a question of policy, not of fact. The Mover's intention is clearly only to set up a committee for the purpose of recommending concessions over and above what is really necessary. Where Government have the tremendous responsibility of maintaining the security of the country in a time of grave emergency such as this, they cannot divest themselves of it but must deal with the matter solely from the point of view of what is needed to win the war. Several speakers have spoken as though these prisoners were deserving of special sympathy, as though Government had almost to apologise to them for depriving them of liberty to carry on their plots. It is suggested that the action of Government can only be justified if these persons are made so comfortable that they have nothing to lose from their detention. If we wished to encourage others to carry on such plots, there could be no better way. I am not in the least apologetic. Government have nothing to apologise for in taking action which was necessary in the urgent interests of the country. These prisoners are not decent honest persons deserving of sympathy. The great majority of them are utterly worthless persons whose life is spent in plotting the downfall of society. They may perhaps be the Honourable the Mover's friends: I hope not: but other Honourable Members, I am convinced, will think differently of them and would join me in feeling that persons capable of the worst kinds of treachery do not deserve the sympathy of this House. Sir, I oppose the Resolution.

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): May I ask what the number of restricted persons is. I do not think the Home Member gave us that information.

The Honourable Sir Reginald Maxwell: I have not exact information about that but the best information I have shows that some 700 persons

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have had restriction orders of one kind or other passed against them. Of these, 561 are in Bengal, that is to say, the numbers in other provinces are comparatively small. The greatest number in any other provinces is 47 in Assam.

Qari Muhammad Ahmad Kasmi (Meerut Division: Muhammadan Rural): Has the Honourable Member got the number in Delhi?

The Honourable Sir Reginald Maxwell: No, Sir. I am afraid I have not got the number in Delhi. I think there are none or only one or two orders passed in Delhi.

Sir Syed Raza Ali: Sir, the political creed of the Mover of this Resolution, my Honourable friend, Mr. Joshi, is a sufficient indication that there is no desire on his part to embarrass the Government in the present critical situation. The same, I am sure, is the feeling of this House. The feeling, so far as I am able to judge, of this House is that it does not want to do anything which would either embarrass the Government or have a prejudicial effect on the Government's efforts for the successful prosecution of the war. Now, fortunately as regards the terms of this Resolution they are modest indeed. There is no desire, let it be noted, on the part of the Mover of this Resolution, or so far as I have been able to see on the part of any speaker who spoke in support of the Resolution, to subject to criticism the measures that have been taken by the Government so far in prosecution of the war. The point that arises out of the Resolution is a very small point indeed, *viz.*, whether it is necessary to institute an inquiry into the condition of those against whom action has been taken either by the Central or by the Provincial Governments under the Defence of India Act Rules. Now, the Honourable the Home Member went into a lengthy statement of the action taken against a certain number of people who either have been deprived of their liberties or on whose actions restrictions have been placed either by the Central or the Provincial Governments. Unfortunately, he was not in a position to state clearly the number of those on whom restrictions have been imposed by Government; the total number as given by him, which includes both the restricted persons and the detenus, comes to seven hundred and seven. It would have been of some little interest to know as to what is the number of persons on whom restrictions have been imposed. Now, take the case of Delhi itself. My information is somewhat startling and I give it in this House, so that the Honourable the Home Member may have it within his power to verify the facts and inquire into the condition of those persons against whom restrictive orders have been passed. A friend of mine who is in touch with some of these people against whom action has been taken, and who, fortunately, is also a Member of this House, told me two days ago that action had been taken against a man in Delhi for taking part in the funeral of his brother and for going to the graveyard. The position was that a restrictive order had been passed against this man. That restrictive order did not allow him to proceed beyond certain circumscribed limits. Unfortunately, in the meantime, his brother died and he had to go to the graveyard to take part in the burial of his brother, and action was taken against him, *viz.*, he is being prosecuted. Indeed since the prosecution arises out of his disobedience

of the restraint imposed upon him. I believe it is a meet and proper case to be inquired into. Well, similar other cases were given to me by my friend; I hope that my friend is present here in this House—though I do not see him in this part of the House. I hope he will make his point clear and give a list of those persons against whom action of this somewhat unduly severe character has been taken by the Delhi Administration.

Now it is not my purpose to deal, either province-wise or according to the alleged degree of violence, with these detenus against whom action has been taken. It may be that the action taken by the Central Government and the various Provinces is justified. Well, the Home Member seems to have made out on this point alone a *prima facie* case, but a *prima facie* case is not always, as we all know, a case which has been proved up to the hilt. I was wondering, when my Honourable friend, the Home Member, came to grips with the question, *viz.*, the last portion of his speech dealing with the appointment of a Committee, I was wondering all the time what was really the argument against the appointment of such a Committee so far as he is concerned. I remember, Sir, that during the late War more than one Committee was appointed—some of them were appointed by the Government of India and others by the Local Governments—to inquire into the cases of people who had been deprived of their liberty by the Government's action. In fact I distinctly remember one case in which two Judges of the High Court were appointed to re-examine and review the order that had been passed against certain persons depriving them of their liberty under the Defence of India Act of that time. What the Government did then was to appoint a committee to examine and see whether there was any justification for keeping those persons in custody against whom action had been taken six months, twelve months or two years before. The inquiry went much further than what is contemplated in my friend, Mr. Joshi's Resolution. There the whole thing was re-examined and the merits of the case were gone into. The detenus were released if it was found that it was not necessary to keep them under restraint any longer. Now, my Honourable friend, Mr. Joshi, does not ask the Government in his Resolution to take a drastic action of this character. What he does ask is that a Committee should be appointed to go more or less into two questions. Broadly speaking, there are only two questions and no more. He wants the Committee to see whether the conditions under which these detenus are living are suitable. That really raises more or less questions of health and environment. Secondly, he pleads that in fit and proper cases allowances should be granted either to the detenus themselves or, in case where such detenus have left families without provision, to their families. I think both points, on the face of it, are reasonable. Let me make it quite clear that I have no sympathy with those who want to bring about a radical disturbance in our society either by violent or non-violent means.

An Honourable Member: Non-violent means also?

Sir Syed Raza Ali: Yes, non-violent means also. I have no sympathy with these people. After all, there is not much difference
 1 P.M. between the sort of non-violence that is being practised in India today and the violence in some other countries. It is a case of six of one and half a dozen of the other. At present the non-violence that is being

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practised is really a farce. But I do not think I should say harsh words about those who through their own action have absented themselves from this House. Therefore, I will say no further. Anyway, the point is this that I do want to maintain the present structure of society and if there are any communists or Fascists or Nazis who want to bring about a revolution, I would certainly support the Government of India in such action as it takes against such persons. All the same, having said that much, let me make it quite clear that there is no reason why every man should not be given a reasonable chance when he can have no recourse to a court of law. The real difficulty is this that these orders passed by the Government of India are executive orders. These orders are not tested by any court of law. No legal evidence was taken in support of the charges or allegations on which these detenus have been deprived of their liberties. Therefore, I think it is only just and proper that a Committee of the nature recommended by Mr. Joshi should be appointed to conduct this inquiry.

One of the difficulties raised by the Home Member was the question of policy. The Home Member pointed out that the treatment meted out to these detenus raised a question of policy and the Government of India were not prepared to divest themselves of the power of shaping this particular policy or entrusting it to other hands. Now, I do not think that is a fair statement of the case or a correct statement of the case either. Let the Government of India keep the question of the control of this particular policy into their own hands.

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

Sir Syed Raza Ali: Very well, Sir. All I can say is this that we are in the midst of war and it is up to Government not to do anything which would alienate public sympathy. The Resolution raises a very small point. I assure my Honourable friend, the Home Member, that if he were to appoint a Committee recommended in this Resolution, it would not affect prejudicially either the Government of India or their policy in any way. Let the Government act courageously: let them be a willing party to the acceptance of this Resolution and let a Committee be appointed. I assure the Honourable Member that he will actually find that after the recommendations of such a Committee have been received, his hands will be even stronger than they are today. Sir, I support the Resolution.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, there are only a few questions which I would like to ask the Honourable the Home Member and through him the Government on this Resolution. As the Honourable the Home Member himself has been to the Deoli jail and has inspected the conditions there, I was surprised to hear the arguments which he advanced in his favour. His argument was that he went to the Deoli jail and in that jail he went *incognito* to give an impression to the Deoli jail people, to the prisoners and to the detenus as if he was a P. W. D. officer. At the same time, his argument was that he did not receive any kind of complaints against the jail authorities or the conditions in the jail. I fail to understand the sequence of these

two arguments which he has advanced. If a person goes there *incognito* how is it possible for the prisoners to go to him and to explain to him the conditions prevailing in the Deoli jail? I appeal to this Honourable House whether it stands to reason that when a person goes there *incognito*, how is he to be approached? How are the prisoners and detenues to represent to him the conditions prevailing there and is it possible that a detenu would dare to approach the Honourable the Home Member under those conditions? I submit it is absolutely impossible and, therefore, the argument that has been advanced by the Honourable the Home Member on this point falls flat. I submit that he ought to reconsider his argument and consider the pitiable condition of the detenues in the jail. As detenues, what rights have they in the jail? Have they any right to report either to the Government or to the Honourable the Home Member or even to their relations about the conditions in which they are kept? Is it possible for them to do this? I submit it is impossible. If they write to their parents, if they approach their friends or if they write about their case to the Provincial Government or even to a Member of this House, you can well imagine what would be the condition of those detenues in that jail. They will be submitted to all sorts of restrictions. Not only restrictions but all kinds of punishments will be given to them.

As I have risen to speak on this Resolution with a heavy heart, I would just ask the Honourable the Home Member certain questions only. Is it not possible for him to appoint, as my Honourable friend, Sir Raza Ali, said just now, a Committee just as the jail visitors are allowed to inspect the jail? I take every word that has fallen from the lips of the Honourable the Home Member to be the Gospel truth that the conditions that he found were satisfactory. Of course, they were satisfactory from the Government's point of view. But does he imagine that those conditions are in keeping with the rules which have just been read out by the Honourable the Deputy President before the House? Sir, am I to believe that the Honourable the Home Member, when he entered the Deoli jail had a copy of the rules in his hand? It is difficult for me to imagine he had the rules in his hand. If he did not have them in hand, did he have them by heart? How can he say that everything is all right in Deoli jail and that the Deoli jail prisoners are quite comfortable? I want to be sure that what I am speaking in the House today as regards Deoli jail prisoners should not injure their condition there. I should, therefore, like to avoid telling openly and frankly what I feel about the condition prevailing there.

The next point is this. How does the Honourable Member expect an old relative or an old mother or an old father of a detenu to go all the way to Deoli to interview the detenu. I understand Deoli jail is about 60 miles from the nearest railway station.

Mr. N. M. Joshi: It is 75 miles from Kota which is the nearest railway Station for people from the Bombay side.

Mr. Muhammad Azhar Ali: How does the Honourable the Home Member expect the poor old relatives to reach Deoli? The Honourable the Home Member said that he would be pleased to allow any Member of this House to see the Deoli prisoners. How can the poor relations of the detenues see them in Deoli? Is there any comfortable means of communi-

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cation? I admit there are busses. Is it possible for a man to travel 60 miles by bus and return the same day, for I understand there are no hotels in Deoli where these visitors could take their food and rest. What is the comfort provided for them? Therefore is it right on the part of the Honourable the Home Member to say that the conditions there are quite comfortable. (Interruption.) I know it is quite comfortable for the Honourable Member to be sitting here and so why should he worry about the poor detenus? Have the Government arranged for the opening of any bazar or shop where the detenus could purchase their requirements. I am making these submissions to the Honourable Member so that he might take steps for making such arrangements, if they do not already exist for people who go to Deoli to visit the detenus.

As regards the appointment of a committee, I do not see why there should be any objection for the Central Government or the Provincial Governments to appoint a committee of their own trusted people.

Mr. President (The Honourable Sir Abdur Rahim): The House will now adjourn for Lunch and the Honourable Member can continue his speech after Lunch.

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

The Assembly reassembled after Lunch at Half past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

Mr. Muhammad Azhar Ali: Sir, I was on the point of the functions of the Committee as proposed in the Resolution. One of their functions, it is reasonable to suggest, should be to see whether the rules framed for these detenus are fit for them and whether they are or are not properly observed. When the Honourable the Home Member was in Deoli he could not possibly see to every detail in connection with these rules. Therefore, the committee should be formed to examine the defects of these rules and see how they are working. The Honourable the Home Member was good enough to dub these people, whether detenus or satyagrahis, as men of bad character, and that, I submit is very strong and unjustifiable language. Many of them are people educated in English universities, as much as any Englishman in this House, and also graduates of Indian universities. According to Government's present ideas they may not be good people today, but many of these people, including our Congress friends in this House, were even running the Governments in the provinces; and it is quite possible that when the new constitution comes these very friends of ours on the Treasury Benches will work under them and call them men of high character. It may suit Government now to call them men of bad character, but tomorrow, if it suits their purpose, they will call them gentlemen of the first water.

Mr. N. M. Joshi: What do they call Mr. M. N. Roy now?

Mr. Muhammad Azhar Ali: My submission is that they should work in spirit of co-operation with Indians. They are in the midst of a great war and these are days when a policy of pacification should be followed and they should not be harsh and indiscreet.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member's time is up.

Mr. Muhammad Ashar Ali: I will now only say that this Resolution should be taken as a good proposal from the side of the Opposition, and Government should be more conciliatory in their attitude and accept it.

Mr. Amarendra Nath Chattopadhyaya (Burdwan Division: Non-Muhammadan Rural): Sir, I am surprised to see that there is an opposition even to this very modest Resolution which simply recommends to the Governor General to appoint a committee to examine and report on the conditions under which detenues under the Defence of India Act have to live in prisons. A man who has not been to prison as a detenu can hardly realise and appreciate the agonies of a detenu. The Honourable the Home Member goes *incognito* as a P. W. D. officer and sees in Deoli Camp a happy family living there from day to day and perhaps he wished to exchange places with them. Why does he not change places with them? Their only crime is that they love their country and that they are anxious to have their own government. They cherish the philosophy of the communists or the socialists or the nationalists, and it is a crime to cherish them or any of these political philosophies. If it is not a crime for the British Government to send somebody as an ambassador to Russia, the fountain-head of communism, why should it be a crime to study the history and philosophy of communism here in India? I may tell, Sir, that there is no communism nor communists here, there may be students of communism. And those who study and appreciate communism are taken to be the greatest enemies of the British Government. These are men of education, culture and social status who all of a sudden are taken from their homes and deprived of the liberty to work for themselves and their families and kept in confinement, depriving even their families of their means of livelihood and sustenance; and the British Government shamelessly say they are justified because these are traitors and men of worthless character. Sir, I never heard a more unworthy speech on the floor of this House than the one delivered by the Honourable the Home Member this day. To abuse persons behind their backs, while they are kept in prison from an advantageous position is not worthy of the Honourable the Home Member. We know who these men are and what character they bear and education they have, and it really hurts us when a responsible official on those Benches speaks in this strain and in such language and I wish that he should withdraw those remarks that fell from his lips. The Resolution says "to report on the conditions". What are the conditions? Free people doing their daily duties, carrying on their day to day routine work, doing some political work for the country, are all of a sudden taken into custody: and while they were expecting to have some sort, of even a mockery of a trial they are deprived of that privilege. Even the worst criminal, a proved criminal, has a right to have a trial; but these political people, these political workers in a slave country like India, are deprived of that privilege; and still this civilised government shamefacedly says that there is justification for this. The Honourable Member says the conditions in these jails are fine and that he keeps them comfortable within the jail precincts. They have been given a long space-

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to walk and a badminton ground and some kind of sports too and that is enough. Sir. It is not enough for any man it cannot be enough for any one deprived of liberty, I say, this government ought to be more humane and more human. No doubt this government is passing through very bad times and it is not for us now to embarrass them further; but if they continue like this, I am sure they will have to repent for it.

The Resolutions says 'suitable and adequate'. We want a committee to see if what is said here is true. From the picture that the Home Member has painted of the Deoli prison, it seems to be a very happy place. But what is the harm if a committee is appointed to go and look at it and verify all that has been told here by the Honourable the Home Member? The Resolution further says "if sufficient privileges are granted to them for communication." I ask why do not Government give them ample latitude? "Sufficient privilege" is indefinite. They may be given the privilege of writing according to their necessity. One may write one letter a week and another may write five letters a week. They cannot go on writing any number of letters; and, consequently, if Government do not fix any limit, they cannot lose anything by it. The Resolution then says "whether their families are provided with suitable maintenance or not." I say Government are bound to maintain them. Government take away the bread-winners or would be breadwinners of the family, all of a sudden. What would be the condition of such a family. The English people cannot appreciate what we mean by family. There family means a wife and a child or a minor son. It is not so here. Our families consist of old parents, widowed sisters, cousins and many dependants; and when you take away a breadwinner or prospective breadwinner of the family, you deprive the whole family of their grub; and that is not a desirable attitude on the part of the government. If the government has to deprive, then it must deprive after proving that such persons are undesirable. The words "suitable maintenance" also are indefinite. A middle-class Bengali may live on a certain amount under certain circumstances. How can you fix "suitable maintenance" unless a committee is appointed which can look into this? One cannot live happily unless he earns at least Rs. 2,500 a month, but perhaps he wants somebody else to live on Rs. 50 a month. That is the difficulty. Therefore, a committee should be appointed to look into the real grievances of these people who have been deprived of their freedom.

Clause (c) of the Resolution says "whether those who are interned or externed under the Defence of India Act have difficulty in maintaining themselves or their families and whether it is necessary to give them any assistance . . ." It requires no argument. The Honourable the Home Member asked what we intend to do with convicts. Are Government to give them family subsistence? Sir, convicts are generally those who have been proved to have committed some immoral act, who have been charged with some acts of moral turpitude. None of these things is applicable in the case of political workers. They have neither been proved to have committed any immoral act, nor to have committed anything treasonable or anything like it. Nothing has been proved against them. Unless you prove that they are guilty of something, you cannot punish them. This is bad in principle and in practice it cannot be better. Therefore I support the Resolution with the following words.

The unworthy remarks made by the Honourable the Home Member should be withdrawn with regard to persons who have been incarcerated without any proof and without any trial. It is indeed a matter of pity that we should find the Honourable the Home Member saying here that these men are of worthless character and are traitors. Traitors to whom? Why should the Honourable the Home Member be allowed to use these words which are not worthy of him? Sir I do not wish to use stronger terms? With these remarks I support the Resolution.

Major Nawab Sir Ahmad Nawaz Khan (Nominated Non-Official): Sir, I oppose this Resolution, because I think it is against the Defence of India Act

Mr. M. S. Aney: Please speak up. I thought you supported it.

Major Nawab Sir Ahmad Nawaz Khan: I supported the other side of it and not your side, because I think that it is against the real object for which the Defence of India Act was framed. The object, I think, for demanding such a committee is to give more and more concessions to the detenus—it is not to reduce the present concession. The other objectionable and dark side which I see of giving more concessions is that it will give a lead and persuasion to many people to commit such deeds against the Government and the Defence of India Act, as a device to enjoy those concessions

An Honourable Member: Horrible!

Major Nawab Sir Ahmad Nawaz Khan: It may seem to you horrible, but if you will allow me, I will prove how many people will do this if you give them so many enjoyments and concessions. Long ago when there was such a Resolution or discussion—I believe in 1931 or 1932—for prisoners or detenus in connection with the Bengal terrorists, the same objection was raised by many other Members and myself too that we should not show our sympathy for such persons, which the law does not require nor give them so much concession that other people should commit the same crimes. Now the point worth consideration is that the Defence of India was made solely with a view to stop such mischievous activities so that they may not interfere with the peaceful administration and the war efforts all over the country. If there had been no war, I think we could have extended the sympathy of this House to our countrymen who are in jail, but the conditions at present are altogether different

Mr. N. M. Joshi: What did you do last time when we discussed the case of terrorist prisoners?

Major Nawab Sir Ahmad Nawaz Khan: Therefore, I think that it is in the interest of Indians themselves that we should first look to achieving success in war and everything else should follow later. Now, Sir, if this Committee is appointed, there will be another difficulty, and it is this. Hindus, Muslims and others according to their mentality and political creed, will differ, and I am sure, and I can safely predict that

[Sir Ahmad Nawaz Khan.]

there will be no unanimity among the members of the Committee on this question. All of us Indian Members know our own defects,—I need not elaborate that point,—and I am really very sorry and ashamed of our own defects,—but we hide them. We ought to express our own defects so that we may remedy them. Now, what is the real cause of the present deadlock? Everybody knows it, but we Indians throw the blame on the Government, but the real cause is our own disunity, and the same disunity will be introduced among the members of this Committee. The result will be waste of time and energy without achieving any good to anybody.

As the Honourable the Home Member has explained, the Government do not wish to inflict any real hardship on any of these people knowingly or intentionally. I do admit—one thing which is somewhat irrelevant and I shall not discuss it in detail here that—sometimes it does happen that on account of our own mutual jealousies, private hostility and enmity, we try to entangle some innocent persons or do exaggerate matters,—but that point is not to be discussed here and, as I said, it is irrelevant to talk of it now. The Committee will have nothing to do with such cases, because such cases are really often rare. Of course, such cases do occur, but we need not discuss that matter now. My friend, Mr. Azhar Ali, said, that these people who are being detained today might perhaps become Ministers tomorrow or some of them were Ministers yesterday, but I must remind him that the law has to take its own course. The present law under the Defence of India Act says that any person who commits a prejudicial act will be dealt with according to its provisions. That is the present law, and, therefore, action has been taken against these people. But if tomorrow that law is changed and some of the very same people may be made the Premiers in this country, because the whole law will be changed then. We have to look to the time and to the law for that time. The same is the case not only in India but all over the world. When there is a change of party, those belonging to the previous party are sometimes hanged or tried and punished. Therefore, it is not reasonable to say that because the law might be changed tomorrow we should not treat these people according to the provisions of the law which is now in force.

An Honourable Member: Precautionary measures.

Major Nawab Sir Ahmad Nawaz Khan: I say the law should be made more stringent so that such undesirable people may not repeat their mischievous activities easily.

Mr. Muhammad Azhar Ali: And then you will be hanged.

Major Nawab Sir Ahmad Nawaz Khan: I know many Honourable Members will be hanged and I will not be the last person to be hanged. I think the Mover of this Resolution has already achieved his object, that is, to show to his countrymen that he did his best for these people, but on account of certain opposition he could not be successful. So I congratulate him, because he has succeeded in his object in both ways, but I would advise my friends here to see that war efforts should be attended to first, and everything else can follow afterwards. Sir, I oppose the motion.

Qazi Muhammad Ahmad Kasmi: Mr. Deputy President, the time at my disposal being short, I will take up the question of restrictions first. The Honourable the Home Member was pleased to remark that restriction orders are being very carefully used in Bengal, but I would like to draw his attention to the way in which these orders are being put into effect, in a province which lies directly under the nose of the Central Government itself. I shall just read out for his information one of the notices that are usually served on alleged political workers some of whom had never acted as political workers, and even when they say that they have nothing to do with politics at present. Some of these people are of course political workers, but I do not think that any such orders as the one I am going to read out are justified in the case of either people who are actual political workers or who are believed to be political workers—they having taken at some time of their life a part in political affairs. This is what this notification says:

"Whereas the Chief Commissioner of Delhi is satisfied that it is necessary to make an order under sub-rule (1) of rule 26 of the Defence of India Rules in respect of Sami Ullah, son of Nasir Ullah, by origin a resident of the Hardoi district in the United Provinces but more recently living in Kucha Chelan in the Faiz Bazar Police station area of the Delhi City with a view to preventing him from acting in a manner prejudicial to the defence of British India and the maintenance of public order:

Now, therefore, in exercise of the power conferred by the sub-rule cited the Chief Commissioner is pleased to direct that the said Sami Ullah

- (i) shall reside and remain within the limits of Delhi Municipal Ward No. 11 and shall not go outside those limits except in so far as it may be necessary for him to do so in order to fulfil the requirements of the next direction, and
- (ii) shall attend the Faiz Bazar Police station every day at 8 A.M., 12 noon, 4 P.M. and 8 P.M. and report his presence to the officer in charge of that police station or such other police officer as the officer in charge may appoint for this purpose, and
- (iii) shall not without the previous permission in writing of the District Magistrate of Delhi join or continue in any meeting or procession of more than twelve persons other than a meeting or procession of a purely domestic or religious character.

This order shall remain in force until revoked or modified by the Chief Commissioner."

Now, Sir, this is a notification which cannot be justified. To call upon a person to remain within a particular limit in the city of Delhi is totally unjustified without assigning adequate reasons. And what is that particular limit? You will be astonished to know that it does not cover even 1/12th part of the area of Delhi. The person who has been served with this notice happens to live near the Juma Mosque, and that mosque happens to be outside the limits specified in the order, he cannot go there to say his prayers; as he is allowed to move about only in Ward No. 11. Again a person is asked to attend the police station so many times, and sometimes the police station happens to be a mile away, and so if a man has to attend the police station four times, it would mean he would have to walk eight miles day. The result is that he cannot go and attend prayers in the mosque which is just across the road from his shop. It is in such a connection that one person has probably been convicted or action taken against him by the authorities because, according to the prosecution the offence was, not that he went to the graveyard, but only attended the '*fatiha*' (prayers) ceremony of his sister. I can tell the Honourable Member if he wants to make enquiries as to what sort

[Qasr Muhammad Ahmad Kazmi:]

of persons have been served with such orders. I have got a letter from one Alauddin. He is a man of about 70 years of age. Both his eyes have been operated upon for cataract some time back and he was doing a little work as an agent. He says:

"I work as an agent and have got to go in and out of city for supplying goods, and I have a shop in Sarai Hafiz Banna. But from 18th December, 1940, when the restriction was imposed, the whole of my business has been upset and it is difficult to maintain myself which is becoming very troublesome. (I am just reading the translation.) Both of my eyes had been operated upon for cataract, and due to this I feel considerable difficulty in going to the police station at 8 in the night and it is not possible for me to walk without a guide and I cannot even see without spectacles during day time. I was operated upon for cataract in Dr. Shroff's hospital. Now that I am deprived of getting the medicine my eye-sight is getting still worse. These are the facts about myself."

I will just read out another case. A person who had been served with this order wanted to go on the last Id occasion to say his prayers in the Idgah, and this is how he was treated. What the authorities do is they do not commit themselves in writing. They only communicate their orders through the sub-inspector or some other officer and keep themselves in the back. This is a letter by one Muhammad Usman.

"With reference to your order dated the 18th December, 1940, under sub-rule (1) of rule 26 of the Defence of India Rules, I, Mohd. Usman, son of Munshi Abdul Khaliq, beg to state that I have been a member of Majlise Ahrar for a time and have attended the Procession and Public Meetings in different manners. But now I have left that and have no interest in Politics."

I am working as a compounder in Dr. Noor Ahmed Dispensary and have no time to take part in Politics.

Your good-self have wrongly been informed that I am taking part in any activities which is prejudicial to the defence of British India.

In such case it is very troublesome for a peaceful citizen to abide by your order as I have to go in every part of the city for dressing and to collect the money of the bills. Besides I use to go to listen to the Holy Quran at Masjid Junglawali at Bara Hindu Rao early in the morning. I hope your good-self will permit me to go there, as you have allowed to join the purely religious gathering with the permission of the District Magistrate of Delhi.

Your order proves a hindrance in my services which will remain no longer, and the attendance of four times in the Police Station at Hauze Kazi is more troublesome and dangerous for my services. Will you kindly taking this into consideration remove the ban imposed on me, for which I will be highly obliged."

You can guess the result. The man is still under the same difficulties and is probably about to be removed from the service which he was having in the hospital.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadian Urban): Is Majlise Ahrar an illegal association?

Qasr Muhammad Ahmad Kazmi: Practically an illegal association. Then:

"To

The Chief Commissioner, Delhi.

Sir,

I am in receipt of your reply of my letters dated 21st December, 1940 and 2nd January, 1941, through Mr. Ajaz Hussain Shah, C.I.D., Inspector yesterday morning. He says that you are not ready to think over my case at present and even you are not allowing me to go to Idgah to say my prayers, it means that you are interrupting in my religion.

Id prayer is said in an open ground, for that Idgah is built, so I am forced to say my prayer in Idgah on January 9, 1941.

As you have allowed me in your order of the 18th December, 1940, to attend the religious processions and meetings in my ward No. 6 but Idgah is out of ward, so I must be allowed to offer my prayer, religious gathering at Idgah. If you do not allow me to say my prayer at Idgah then I will understand that you are interfering with my religion which you or any law has no right to interrupt.

Please allow me in writing to offer my prayer at Idgah on January 9, 1941. The reply must be sent till the morning.

Dated 6th January 1941.

The result was that no reply was received and the man could not go. The question is as to how far these regular attendances at the police station and this restriction to go along only on one side of the road and not to go on the other side can be considered to be restrictions in the interest of the defence of India. It may be meant for striking terror or horror in the minds of the people, but to say that this is meant really to restrict any anti-war activities is absurd on the very face of it. There happen to be 13 or 14 such notices issued in Delhi and the result is that people are hampered in their work and are suffering very badly from the consequences of these restrictions. I would not bother the House with many more quotations, but I will just read out one more. He is a gentleman who has got a shop. He says:

"I have got a shop in Sarai Hafiz Banna. I pay Rs. 52-9-0 per month as rent. In addition to my personal expenses I have got to pay Rs. 85 to my servants and this year I have to pay income-tax amounting to Rs. 80-10-0. My business is mostly with outsiders and I have got to sell goods on credit. But on account of this restriction neither can I go out of the ward nor can I go to another ward for purchasing any goods on account of which my business is suffering very badly. I have not got even half the custom that I used to have before. You can very well understand as to how my business will be affected."

These are some of the specimens which I do not think the Honourable the Home Member will feel can be justified under any circumstances.

If such is the condition in Delhi itself, you can very well imagine what will be the condition in other places about which the Honourable the Home Member has only got assurances and has not seen the thing himself. Now, so far as the persons who are interned are concerned, I have got to make one submission. It is all very well for the Government to say that they will have to undergo a considerable amount of expense and worry in bringing cases against these persons and therefore they have kept these persons in jail without any trial, but the mere fact that they are not brought to trial is an admission by the Government that it is not possible for them to prove their case. Otherwise it is only an assertion or allegation which cannot be proved in regard to persons against whom the provisions are being worked. Are the Government prepared to appoint an impartial judicial committee who will take evidence against the various persons who have been detained in jails and come to a conclusion as to whether the allegations made by the Government against such persons can be proved in a court of law. Whatever the reasons may be which make the Government unwilling to take these cases to the courts.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member's time is up.

Qazi Muhammad Ahmad Kazmi: I am just finishing. My submission is that these persons detained without a trial and without being charged cannot be punished. Their activities can be restricted but no more is to

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be done against them and to compare them with the A class or B class prisoners who are in jail on account of certain offences committed by them is not correct. These are persons who have not been tried and who have not been convicted of any offences. The utmost that the Government can do is to restrict their liberty but they cannot come in the way of their amenities of life. With these words I support the Resolution.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): I move for closure.

Mr. N. M. Joshi: Nobody wants the closure now.

Mr. Deputy President (Mr. Akhil Chandra Datta): Mr. Deshmukh.

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): Sir, Mr. Joshi in urging for better treatment for detenus put his case like this: He said 'give the detenus the same treatment that you are giving to the Germans and Italians who are fighting against Britain' and we incidentally happen to go to war with Britain. He put his case very strongly. The Honourable the Home Member drew a distinction between these two cases. I am sorry he is not here at the moment. He said that the Italians and the Germans are loyal to their Government and their country. Indians are loyal to their country, but they are not loyal to the Government of this country as established by law today, whatever that law is.

An Honourable Member: Lawless law.

Mr. Govind V. Deshmukh: I think he was committing the greatest blunder in putting his case that way. There is no distinction at all. The Germans and Italians are trying to subvert this Government and the British Government in England. Challenges have been thrown on the floor of this House, but are not accepted by the Government to prove the case against the detenus. They assume that these people want to subvert the Government of this country. Well assume it. You find that Germans, Italians and the detenus want to subvert this Government. Where is the distinction? I find no distinction at all. It is on all fours with the Germans and Italians who are fighting this country and Great Britain. So, I submit that Mr. Joshi's argument is very sound. There should be no preferential treatment so far as the Germans and Italians are concerned. . .

An Honourable Member: What about the case of De Gaulle?

Mr. Govind V. Deshmukh: Mr. Joshi put his case very strongly. There is no argument so far as that plea is concerned. Then we are told by the Nawab of Dera that conditions there are so nice. As a matter of fact they are enjoying themselves. (The Nawab of Dera rose to interrupt.) I am not giving way. The reply to that argument is in the figures given by the Honourable the Home Member. In a population of 32 crores whom starvation is staring in the face, only 606 persons have gone there. If the conditions are so enjoyable at Deoli, I hope the Major Sahib will not be tempted to go and visit that place and ask to be treated as a detenu. Then we are told that there were no complaints.

The Honourable the Home Member has said that he went round and found nobody approaching him with any complaints. If it had not been given out that a P. W. D. officer was coming, very likely the detenus would have taken it into their heads to complain. We are told by previous speakers that among the detenus are professors, journalists and all sorts of persons. If they had gone to a P. W. D. officer and made complaints, the officer would have told them: 'Nonsense, you call yourself professors and journalists and come to me with complaints, a man who repairs arches bridges and buildings. Have you not got sense enough not to approach me'. It would have been better for the Honourable the Home Member to announce that he was going to pay a visit and that those who had any complaints to make may approach him and make the complaints. I am quite sure that in that case the detenus would have come forward to make complaints. They did not want to make complaints to the wrong man. Then again we are told by the Nabab-the-Major: what is the good of having a committee like this? When we want to go into this question of comforts, then the question of Hindu and Muslim would arise. Well, Sir, so far as the detenus are concerned, they are a brotherhood by themselves. The treatment they get is all under the same rules, whether they are Hindus or Muslims and I think that this Resolution is intended to remove the grievances of the detenus irrespective of caste or creed or faith and, therefore, the Resolution deserves the support of all. I, Sir, have full faith that this resolution would be supported by this House. It has been suggested that "there were no complaints, and there are no complaints, there can be no complaints, because we are administering the rules so nicely, the rules by themselves are so nice, the comforts given are so enjoyable, etc." If that is so, then why are you afraid of having a Committee? Why not appoint a Committee of non-officials to strengthen your hands and say, "this is what I told you, well, there is a report which endorses my speech on the floor of the House"? Why are you afraid of shunning this inquiry and getting a report? Sir, all through out the debate all that has been emphasized is that a Committee should be appointed, and that a report should be made, but I wish to emphasize these words "immediate steps" in the Resolution which have not been up till now emphasized strongly:

"That this Assembly recommends to the Governor General in Council that he should take immediate steps to appoint a Committee to examine and report without delay."

Well, what I submit is this, that if any Committee is appointed—I have not got any hope that this Resolution will be passed—it can do no wrong to the Government. However, I hope the Governor General in Council, to whom this request is made, will be gracious enough to have a Committee and dispel the fears of persons who are either detenus or connected with the detenus. Let me say one or two words more. What happens is this,—particularly in certain cases this has happened,—a person is arrested. Very likely in the dead of the night he is taken away. His father who is an ailing person is in the House. It may be there are others also; a family is dependent on him. If this man is all of a sudden taken away, what happens is this. It is not only that he suffers or is made to suffer, but the whole family. What the Government as a matter of fact does is this; they are killing so many birds with one stone. They are getting hold of one man and thereby making the whole family suffer; in other words, they say, there is the indirect responsibility of the whole

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family for the acts of the detenu. It is said, "it is not we who let the family down but the detenu himself; therefore, we are not in any way responsible for the sufferings of the family." I submit they cannot ignore this moral responsibility; they must discharge this responsibility of seeing that such persons who are really solely dependent on a person who is the mainstay of the family, if he is taken away, are cared for, and then the family should be maintained. With these few words, Sir, I support this Resolution.

Major Nawab Sir Ahmad Nawaz Khan: On a word of personal explanation, Sir. I only said that the conditions should not be made so attractive. There was a challenge from my friend, Mr. Deshmukh. . . .

Mr. M. S. Aney: This is no personal explanation.

An Honourable Member: I move that the question be now put.

Major Nawab Sir Ahmad Nawaz Khan: I said that the conditions should not be made so attractive. . . .

Mr. Deputy President (Mr. Akhil Chandra Datta): This is no personal explanation.

Major Nawab Sir Ahmad Nawaz Khan: I never said that Mr. Joshi was going to please his constituency,—I said, to his countrymen.

Mr. N. M. Joshi: Mr. Deputy President, I would like at the outset to thank the Muslim League Party and the Nationalist Party for the whole-hearted support they have given to my Resolution and the proposals contained in that Resolution. Sir, some of my Honourable colleagues have blamed me for making my Resolution a very modest one. Unfortunately, Sir, that is my fault. I am always a moderate and a practical man and I have no need to apologize for making my proposal a very modest one. Sir, the Honourable the Home Member in his speech I thought rather irrelevantly made some remarks about the character of the detenus. I feel, Sir, the Honourable Member was carried away by his enthusiasm in opposing my very modest proposal. Otherwise such an experienced man like the Honourable the Home Member would have seen that the remarks about the character of the detenus were not called for. I feel that his remarks were not only uncalled-for but unjust and unfair, undignified and, if I may say so about a very prominent Member of this Assembly, very irresponsible. The Honourable Member said that these detenus were men of bad character.

An Honourable Member: Worthless.

Mr. N. M. Joshi: He said they were worthless. He said he hoped I had no friends amongst them. Mr. Deputy President, I have a number of friends amongst them, and not only that . . .

An Honourable Member: You must then be of a bad character.

Mr. N. M. Joshi: I am proud of having their friendship as much as I would be proud of having the Honourable the Home Member as my friend. Mr. Deputy President, I know some of the detenues very well. I know there are young men amongst them of whom every father would be proud. I do not know whether the Honourable the Home Member has a son or not, but let me tell him that amongst the young men whom he has detained in jail, there are young boys who will not be found to be less worthy than his own sons if he has any. I know of a young man who has been recently detained; he has passed the B.Sc. in first class, he has won a prize, he has been given a fellowship in a Bombay college and he is no paid agitator. Let me assure the Honourable Member that his father is as wealthy as the Honourable the Home Member. I am sorry that the Honourable Member should have called these people also "traitors". They may be mistaken about the methods which they are following. But a Britisher who engages himself for the sake of pay in holding a foreign country in bondage should call an Indian who fights for the freedom of his country—it may be in a wrong way—to be a traitor is thoroughly unjustified. Sir, I am not a communist, I am too much of a democrat to be a communist. But to call the communists traitors is unjustified. Sir, the Honourable the Home Member said that he gives better treatment to the Germans and the Italians because he is forced to do so on account of the International Convention. Not only that—if he had stopped there, I wouldn't have said much—but he went further and said that, he did not see much fault in them except that there is a war between Great Britain and Germany and Italy. He should have known that amongst them there are Nazis and Fascists. It is not a fault to be a Nazi or a Fascist in the eyes of the Honourable the Home Member, but it is a fault to be a communist and to be a revolutionary. Well, Sir, I cannot accept his doctrine that a Nazi or a Fascist is a man who does his work by constitutional methods and he is a revolutionary. He objects to a man being a communist and a revolutionary. So, in the opinion of the Honourable the Home Member the Fascists and the Nazis who are in the Concentration camp in Ahmednagar have no other fault. But it is a fault, a great sin, to be a communist and a revolutionary. I hope the Honourable the Home Member will re-examine his views as regards the comparative merits of a communist and a revolutionary on the one hand and a Fascist and a Nazi on the other. His Government has been telling the whole world that they are fighting the Nazism and Fascism and he, from his place in this House, sees no fault in being a Nazi and a Fascist. Well, Sir, I shall not deal with that question any further.

The Honourable the Home Member told us in the first place that there were only 700 people in the jails. He did not give us the number of people who were interned or externed. He did not know their number perhaps.

The Honourable Sir Reginald Maxwell: I did give the figure to the Honourable Member.

Mr. N. M. Joshi: I am sorry I did not hear the figure which he gave.

The Honourable Sir Reginald Maxwell: I said that the number was about 700.

Mr. N. M. Joshi: He told us that those people who were detained in jails were 700.

The Honourable Sir Reginald Maxwell: I said that the number of restricted was also about 700. I was asked after my speech and I gave the figure.

Mr. N. M. Joshi: So, the number of the people who were detained was 700. Then, he said it is not a very large number. It all depends upon what standard we place before ourselves. A man who does not like to imprison people or detain people and who believes in freedom as I do will consider the number of 700 to be a very large one. The Honourable Member who sees no fault in being a Fascist and a Nazi considers the number 700 to be a very modest and a small one. It all depends upon the view which we take and the respect that we pay to freedom. To me it is a very large number. Then, he gave a description about the paradise that exists at Deoli. I would like the Honourable Member to go there and live there for a year. Then he will know what a hell mere detention in jail makes of a life. You may give all the facilities to a man and a palace to live in, but if he is in a jail in that condition he would prefer to be free and be even a poor man. Unfortunately, the Honourable the Home Member is not going to be in a prison nor even externed or interned.

Sir, I do not wish to go into the details of the question. The Honourable Member said that his Government do not want to pamper the detenus. Well, Sir, I am not asking the detenus to be pampered. I want the detenus to be treated justly and fairly. My first demand was that they should be given all the facilities in the jail and he said Government are doing for them all they could. Unfortunately, there is a difference of opinion. I and the other Members of the House feel that the Government are not doing what they ought to do. Moreover, we differ in facts. He told me that in all the jails soaps are being provided. My information is that they are not provided everywhere. He said that a man can get his tooth extracted without paying. He said that the toothache could be removed at Government expense. My information is that he is not right in making that statement. I also suggested that the families of the detenus should be given some allowances. Then, he said that these detenus are making very extravagant demands. He told us that somebody's brother writes that on account of the detention of his brother, he is deprived of his means of subsistence. Well, Sir, it is true that in India we consider the younger brother to be a responsibility of the elder brother. Perhaps in his own country that may not be so; but I know something of Great Britain and I know that even in Great Britain an elder brother will consider it to be his responsibility to maintain his younger brother if he has no parents. Sir, the Honourable the Home Member told us that there are 12 people out of 700 who are getting family allowances. I would like this question to be examined as to how many of these 700 people deserve an allowance for maintaining their families and for their own small needs. If after the examination it is found that it is only 12 people who need this assistance, then the Legislature will have no complaint. I know something about the needs of these detenus. I make it my business to inquire whether there are any of them who need some help. I have a small fund at my disposal. We have a Committee and we use it quite properly. I sometimes inquire into the needs of the detenus and I am quite sure in my own mind that

if I begin to help all the deserving cases, my fund would be exhausted in a short time. I am not therefore talking of the needs of the detenus without having some knowledge of their needs. The Honourable Member said that the number of applicants for assistance for their families is not very large. That fact shows that the detenus are not people who will write to Government for assistance to their families unless they have a real need. I have knowledge that some of the detenus in Nasik have already applied to the Government—I do not know whether they have applied to the Central Government or to the Provincial Government of Bombay. I do not yet know whether the Central Government or the Provincial Government of Bombay, to whomsoever they have written, have sanctioned those applications. I do not know their number exactly. I have copies of some of the applications which they have sent. The Honourable the Home Member himself admits that at least in some cases it is the duty of the Government to help the detenus by giving allowances to their families.

Then, Sir, the Honourable Member has not realised that although you give the detenus the privilege of interviews, they cannot avail of this for want of money. I know it costs about Rs. 75 for a family to go to Deoli. I have some friends in Deoli and it is not easy for the wives of these people to go to Deoli every fortnight even though the Government have given them the privilege of having two interviews a month. I would, therefore, suggest, that the Honourable the Home Member should consider not only the question of the maintenance of the families of the detenus but to give railway fares to the relatives of the detenus who want to have interviews with them.

Sir, I do not wish to go into further details. But I would say one word about the argument which the Honourable the Home Member used in opposing my demand for the appointment of a committee. The Honourable the Home Member asked me what would be the function of this Committee. Well, Sir, the first function of this committee will be to examine, after looking into the condition of the detenus, whether the rules made by the Central Government and by the Provincial Government are just and fair and meet adequately the needs of the situation, they should also see whether the rules made by the Government of India are being actually followed in all jails and prisons not only in provinces, but even in the Central jail at Deoli. I do not know what the rules are about the prisoners associating with each other, but I know that in Deoli, as the Honourable the Home Member described, there are two divisions of prisoners, the first and second division. These divisions are arbitrarily made. A man of the second division may have friends in the first division with whom alone he has friendship, but some people have the misfortune of being put in the second division and they cannot mix with other people.

The Honourable Sir Reginald Maxwell: Snobbery.

Mr. N. M. Joshi: It is not a question of snobbery, but it is a question of friendship. To my Honourable friend, it is snobbery but these people are not snobs. You have to choose your friends on account of similarity of temperament and of interest. The Honourable Member talks of snobbery. Let me assure him that if he would abolish all the classes in jails

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and prisons and in the concentration camps, he will always have my vote. I have always considered this division among the prisoners to be a wrong thing, to be an obstacle for jail and prison reform.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member's time is up.

Mr. N. M. Joshi: It is the Government of India who have introduced this snobbery if anybody has done it.

I do not wish to say anything more except this that this committee, if appointed, has got enough work to do in examining the rules, in seeing that the rules are enforced or not and also in examining whether the Government of India have made sufficient provision for the destitute families, and for the needs of the detenus themselves.

Then, Sir, I should like to make one suggestion before I sit down. It is true that a temporary committee will not meet the needs of the situation. There would be necessity for a permanent advisory committee to the Government of India and to the Provincial Governments in advising them whether assistance to the families is necessary or not, in particular cases. I hope, Sir, that the Honourable the Home Member will reconsider the view which he has taken about my Resolution and that he will bow to the public opinion of this House and accept the Resolution. If he does not do so, I hope the House will know how to do its duty and they will vote for my Resolution.

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

"That this Assembly recommends to the Governor General in Council that he should take immediate steps to appoint a committee to examine and report without delay:

- (a) whether conditions under which the detenus under the Defence of India Act have to live in prisons are suitable and adequate; and sufficient privileges are granted to them for communication outside by way of letters and interviews; and, if not, what improvements should be made therein;
- (b) whether their families are provided with suitable maintenance or not; and, if not what assistance Government should give them;
- (c) whether those who are interned or externed under the Defence of India Act have difficulty in maintaining themselves or their families, and whether it is necessary to give them any assistance from Government; and in case, it is necessary, what should be the amount of such assistance."

The Assembly divided:

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

AYES—23.

Abdul Ghani, Maulvi Muhammad.
Abdur Rasheed Chaudhury, Maulvi.
Aney, Mr. M. S.
Azhar Ali, Mr. Muhammad.
Banerjee, Dr. P. N.
Chattopadhyaya, Mr. Amarendra Nath.
Das, Pandit Nilakantha.
Datta, Mr. Akhil Chandra.
Deshmukh, Mr. Govind V.
Easak Sait, Mr. H. A. Sathar H.
Ghaseuddin, Mr. M.
Ghulam Bhik Nairang, Syed.

Ismail Khan, Haji Chaudhury Muhammad.
Joshi, Mr. N. M.
Lalchand Navsrai, Mr.
Mitra, Pandit Lakshmi Kanta.
Muhammad Ahmad Kazmi, Qazi.
Murtuza Sahib Bahadur. Maulvi Syed.
Parma Nand. Bhai.
Raza Ali, Sir Syed.
Sant Singh, Sardar.
Zafar Ali Khan, Maulana.
Ziauddin Ahmad, Dr. Sir.

NOES—40.

Abdul Hamid, Khan Bahadur Sir.
 Abdul Hamid, Khan Sahib Shaikh
 Ahmad Nawaz Khan, Major Nawab
 Sir.
 Bewoor, Sir Gurnath.
 Boyle, Mr. J. D.
 Buss, Mr. L. C.
 Caroe, Mr. O. K.
 Chapman-Mortimer, Mr. T.
 Clow, The Honourable Sir Andrew.
 Dalal, Dr. R. D.
 Dalpat Singh, Sardar Bahadur Cap-
 tain.
 Dehejis, Mr. V. T.
 Frampton, Mr. H. J.
 Ghuznavi, Sir Abdul Halim.
 Gidney, Lieut.-Colonel Sir Henry.
 Gwik, Mr. E. L. C.
 Ikramullah, Mr. Muhammad.
 Imam, Mr. Saiyid Haider.
 Ismael Ali Khan, Kunwar Hajee.
 James, Mr. F. E.
 Jawahar Singh, Sardar Bahadur
 Sardar Sir.

Kamaluddin Ahmed, Shams-ul-Ulema.
 Kushalpal Singh, Raja Bahadur.
 Lawson, Mr. C. P.
 Maxwell, The Honourable Sir
 Reginald.
 Mazharul Islam, Maulvi.
 Miller, Mr. C. C.
 Muazzam Sahib Bahadur, Mr.
 Muhammad.
 Mudaliar, The Honourable Diwan
 Bahadur Sir A. Rameswami.
 Mukharji, Mr. Basanta Kumar.
 Pillay, Mr. T. S. S.
 Rahman, Lieut.-Colonel M. A.
 Rau, Sir Raghavendra.
 Shahban, Khan Bahadur Mian Ghulam
 Kadir Muhammad.
 Sivaraj, Rao Sahib N.
 Spence, Sir George.
 Staig, Mr. B. M.
 Tyson, Mr. J. D.
 Zafrullah Khan, The Honourable Sir
 Muhammad.
 Zaheer Mr. Saiyid Hasan.

The motion was negatived.

RESOLUTION *RE* APPOINTMENT OF THE CHAIRMEN OF CERTAIN
 PORT HAJ COMMITTEES AS *EX-OFFICIO* MEMBERS OF THE
 LOCAL PORT TRUST BOARDS.

Sir Abdul Halim Ghuznavi (*Dacca cum Mymensingh*: Muhammadan
 Rural): Sir, I beg to move:

"That this Assembly recommends to the Governor General in Council that the
 Chairmen of the Karachi, Bombay and Calcutta Port Haj Committees be appointed
ex-officio members of the Port Trust Boards of Karachi, Bombay and Calcutta,
 respectively."

Let me begin by saying that no less than twenty thousand pilgrims
 embark and disembark from these three ports. And the Chairman of the
 Port Haj Committee of Karachi, in a long letter to me, explained the
 difficulties of the pilgrims in embarking and disembarking from that port
 and also the other two ports. He suggested that I should move a Resolu-
 tion and Government may be moved to take three members of the three
 Port Haj Committees, preferably their chairmen, as *ex-officio* members in
 the Port Trust Boards.

What is the position of these Port Trust Boards? Half a century ago,
 these Acts were passed forming these Boards in the various
 ports. Nothing has since been done, although many changes
 have taken place to revise these port Acts. Speaking of the Calcutta Port
 Trust, there are 19 members, and the House will be shocked to hear that
 there are only four Indians among those 19 members. What is the
 position of the trade? I will give you an instance at once. The Muslim
 Chamber alone has got about 26 crores worth of the export and import
 trade; and the Indian Chamber, Calcutta, has 38 crores. The total, I
 believe, is 180 crores. Of this 180 crores, 88 crores is handled by the
 Indian Chamber, and 26 crores is handled by the Muslim Chamber. Still
 the position is that we have got 4 out of 19 representatives in the Port

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Trust Board. Taking Calcutta again,—of the 19 Commissioners, the Bengal Chamber of Commerce—the European Chamber—has 6 representatives there. The Chairman is an Englishman, and the Deputy Chairman is also an Englishman. Then, there are the Agents who are *ex-officio* members. There are 7 *ex-officio* members, and 12 elected, of whom we have got only 4. In Bombay, the number of Indians is 12 out of 22—not much—and I have not got the trade figures: probably that would have shown that the Indians had perhaps three-fourths, if not more, of the export and import trade there, and still they have only 12 out of 22. Similarly, in Madras, with 15 members, there are only 5 Indians; and, in Karachi, out of 15 members, there are only 7 Indians. In Chittagong, out of 12, we have got only 4 Indians. My point in giving these figures is this: we have not got proper representation in these Port Trust Boards. No one is there to look after the comforts or discomforts of these pilgrims who go year after year in large numbers—not less than 20,000 a year—from these three ports. What happened this year? It is my personal experience as Chairman of the Calcutta Port Haj Committee. The Committee is not represented on the Port Trust Board. We begged of the Port Trust people

Mr. M. S. Aney (Berar: Non-Muhammadan): Who is the Chairman of the Haj Committee?

Sir Abdul Halim Ghuznavi: Myself in Calcutta. We begged of these Port Trust people to put the boat at Outram Ghat, and not at Kidderpore. It would be very difficult for these people to go to Kidderpore, 7 miles from the centre where they had to stay, but Outram Ghat is only a mile. But there was no one there to consider the difficulties which the pilgrims had to undergo; and our request was denied, and these pilgrims had to go to Kidderpore for the Haj this year—they have not yet returned. Therefore, unless one of the members of these three Port Haj Committees is in the Trust Board, our difficulties will remain as now. If one of us is there, we could explain to the Port Trust Board how to give these facilities for embarkation and disembarkation

Mr. M. S. Aney: Now you have got a Special Officer.

Sir Abdul Halim Ghuznavi: The Special Officer is a Government official, and he has nothing to do with the Ports.

Then, as regards the facilities for disinfection and medical inspection of the pilgrims, there is a note about a Haj Committee Report in 1929, which expressed its dissatisfaction with the arrangements for disinfection and medical inspection of pilgrims in the Port of Calcutta. Nothing has been done yet. The Chairman of the Karachi Port Haj Committee has written to me this letter:

"The Karachi Port Trust Board has a right to send a representative to the Karachi Municipal Corporation, North Western Railway Advisory Committee and Karachi Port Haj Committee. While the Karachi Municipal Corporation, North Western Railway administration have reciprocal right to send each a representative on Karachi Port Trust, the Karachi Port Haj Committee has none. The Chairman of the Karachi Port Trust, Board is an *ex-officio* member of the Port Haj Committee."

Why should we not have the Chairman of these three Committees as an *ex-officio* member of the Port Trust Boards in these three ports? The

difficulties that I want to explain to the House are as follows: The reason which has induced us to come before this House to represent these grievances is that the House may vote with me in asking for a representation in these three Ports Trust. The Haj Inquiry Committee in 1929 expressed their dissatisfaction with the arrangements existing for disinfection and medical inspection of pilgrims in the Port of Calcutta, but nothing so far has been done—by the Port Trust Board of Calcutta. It will be certainly necessary to make more elaborate arrangements here, because in Calcutta there is no special *musafirkhana* or camp where pilgrims can be placed under observation as required under the provisions of Article 92 of the International Sanitary Convention, 1926, and individual inspection is carried out by the Port Health staff on the open wharf itself at Outram Ghat or at one of the berths at Kidderpore Docks, at whichever place embarkation of pilgrims may take place. The Haj Committees have always protested against the existing arrangements, and they say that the "manner in which pilgrims are examined by the Port Health staff is, to say the least, uncivil." Pilgrims are required to open their chests and stomachs before the crowd of people assembled around them. The medical inspection should, therefore, take place in a screened place and the pilgrims should be asked to enter the place one after another

An Honourable Member: Is any one of the members a Muslim?

Sir Abdul Halim Ghuznavi: One is a Muslim member, a representative of the Muslim Chamber.

Now, these are some of our grievances, and if one of the members had been on the Port Trust Board, he could have persuaded the other members of the Board to agree with his views after telling them the actual difficulties of the pilgrims. They suggested that the pilgrims should be asked to enter the place of inspection one after another, but the Port Trust has not yet accepted this proposal. They are flocked together, and are asked to take off their clothes, and then they are examined in the presence of others which the pilgrims do not like. The Haj Inquiry Committee further said:

"As the embarkation of the pilgrims takes up much time—sometimes extending to a whole day—a shed should be built near the steamer ghat for the comfort of pilgrims, their relatives, and friends, and the volunteers. There should also be arrangements for drinking water and for temporary lavatory. In the absence of any seating arrangements at Outram Ghat or at the Docks, the age-worn pilgrims are put to great trouble and hardship while awaiting embarkation for hours together. Adequate seating arrangement should also be made in future. It is reported that the question of improving existing arrangements at Calcutta for embarkation of pilgrims and their medical inspection and disinfection was taken up by the Public Health Commissioner with the Government of India, a few years ago, but due to the outbreak of the war it was definitely shelved for unascertainable reasons. The Port Haj Committee of Calcutta, have not taken up the question so far, but anything they propose to do will have to be done in co-operation with the authorities of the Calcutta Port Trust as no improvement of a permanent or temporary nature in the existing arrangements can be made without their active co-operation and consent. It will be the duty of the representative of the Committee on the Port Trust Board to secure that necessary co-operation as it is easier to achieve the object from within than from without. As no arrangement can be perfect for all time to come a representative of the Haj Committee is necessary to represent to the Trustees from time to time the difficulties experienced by the Haj pilgrims sailing from the port. The Trustees may like to lend a more willing and sympathetic ear to the grievances of the pilgrims when one among the Trustees is there to represent to them their difficulties."

Sir, I hope I have been able to make out a case as to why we want a member of the Port Haj Committees on the Port Trust Boards, because, as

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I have said, unless one of these members is there, it is difficult for that Port Trust Board to realise the actual difficulties of the pilgrims, and if one member is on the Port Trust Board, he will be able to explain things properly to the other members and make them sympathise with the difficulties of these pilgrims.

I have also shown that all these improvements are necessary, speaking of the Calcutta Port for the moment,—because the Executive Officer has pointed out the impossibility of carrying out any of these improvements until and unless we have the active co-operation and sympathy of the Port Trust Board where we are not represented. Not one of us is there to explain the difficulties of the Haj pilgrims. That is my first ground. Then, my next ground is, if the Government under some special Acts, can appoint some *ex-officio* members on Municipalities, Chambers of Commerce and the like, why can't they give a seat for a member of these Haj Committees on these Port Trusts to look after the interests of these Haj pilgrims. If a member of this Haj Committee had been on the Port Trust Board of Calcutta this year, the pilgrims who sailed recently would not have experienced the difficulties they had to. For instance, no mention was made in Calcutta as to when exactly the ship was to leave the port. That was, of course, a secret, and it had to be kept a secret because of the war,—and I can understand it,—but surely the agents of the shipping company ought to have told confidentially at least the Chairman of the Haj Committee as to when the boat would sail. The only order that was passed was that these pilgrims had to assemble at these three ports at such and such an hour on such and such date. But look at the hardship of these poor pilgrims. They were not told that the ship would sail on a particular date. They were asked to assemble in the Calcutta Port before such and such date. And when was that fact notified? Just ten days before the ship was to leave the port. They assembled there. The Port Commissioners did nothing whatever to assist us. On the other hand, instead of helping us, instead of the Outram Ghat where the embarkation generally takes place, they shifted to Kidderpore Ghat, nearly 7 miles away from Calcutta, where these poor pilgrims had to assemble for their examination.

Another reason why these Haj Committees since their formation are able to do good work is this. The pilgrims were not looked after well before, but the Government have also done their duty, and I congratulate them on assisting us as much as possible now and giving us certain facilities which they had not done before. These bodies should, as a matter of course, have got membership as *ex-officio* to these ports of embarkation and disembarkation. With these words, I move:

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

"That this Assembly recommends to the Governor General in Council that the Chairmen of the Karachi, Bombay and Calcutta Port Haj Committees be appointed *ex-officio* members of the Port Trust Boards of Karachi, Bombay and Calcutta respectively."

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): I lend my strong support to my Honourable friend, Sir Abdul Halim Ghuznavi's Resolution. Most of the time of the House today was taken up by Mr. Joshi's Resolution and as we have a large amount of work to do still, I shall make a very brief speech. Placed as the House is, constituted as we

are at the present moment, arguments do not tell here. 23 versus 40—that is the writing on the wall. So, I will not make use of any arguments. I will say only this, if it pleases Mr. Tyson and if it please Sir Andrew Clow, the Resolution will be passed. Otherwise, Sir Abdul Halim Ghuznavi will have to follow in the footsteps of Mr. Joshi.

What is the Resolution? Sir Abdul Halim Ghuznavi wants that in three places, Karachi, Bombay and Calcutta, where there are Haj Committees the Chairman of the Port Haj Committee should be taken as an *ex-officio* member of the Port Trust Committee. He has not said that the Chairmen of the Port Haj Committee at Calcutta, Bombay and Karachi should be *ex-officio* Chairmen of the Port Trust Committees there, although I should have liked him to frame his Resolution in those words. Not only nine crores of Mussalmans of India but the Mussalmans of Afghanistan, the Mussalmans of Central Asia and those of Baluchistan—are served by the Karachi Haj Committee. The same may be said of the Calcutta and Bombay Haj Committees. There is no Port Haj Committee in Madras, but I hope there will be one soon and then this matter will be taken up for consideration in connection with Madras. The interests of these lakhs and crores of Mussalmans must be safeguarded by the Government so far as the representation of their interests in the Port Trusts is concerned. I tell you that if *ex-officio* Chairmen of the Port Haj Committees are taken as members of the Port Trust Committees they will do something at least to safeguard the interests of the Mussalmans. If my Honourable friend, Sir Andrew Clow, will go through the constitution of the working of these Port Trust Committees he will find that there is not a single Mussalman there.

The Honourable Sir Andrew Clow (Member for Railways and Communications): Oh, yes, there is.

Maulana Zafar Ali Khan: Not worth the name. Possibly one per cent. or half a per cent. not more than that. My Honourable friends here laugh. Whenever we talk of safeguarding our interests they say we are communalists. What are we to do? We know perfectly well that in these Port Trust Committees the representation of the Mussalmans in substance is nil or very nearly nil, because there is nobody to represent their case. So, if the modest demand of Sir Abdul Halim Ghuznavi as embodied in this Resolution is accepted, the Chairmen of the Port Haj Committees as *ex-officio* members of the Port Trusts of those places will do something to place before the Port Trust Authorities the case of the Mussalmans and something would be done. Otherwise there is no chance. This was the point on which I wanted to lay some stress and after having done it, I again declare that I lend my strong support to Sir Abdul Halim Ghuznavi's Resolution.

The Honourable Sir Andrew Clow: Sir, the Resolution seeks to add the Chairmen of the three Port Haj Committees to the three Port Trusts and seeks in particular to add the Chairman of the Calcutta Port Haj Committee to the Calcutta Port Trust. I think I am right in saying that the Chairman of the Calcutta Port Haj Committee is my esteemed friend who moved this Resolution.

An Honourable Member: That is only for the present and not for ever.

The Honourable Sir Andrew Olow: I am not, therefore, at all surprised at the eloquence with which he pleaded his case. I fully appreciate my Honourable friend's anxiety to add another to the various public services that he has given or is giving in Calcutta and elsewhere . . .

Sir Abdul Halim Ghuznavi: Next year I won't be Chairman.

The Honourable Sir Andrew Olow: But I hope that if I have to oppose the Resolution he will not attribute it to any doubt on my part of his competence. I feel sure that he would be an adornment to the Trust, but as he recognises, personalities must change and that my opposition is based rather on principles than on any question of personalities.

I have not yet found out what the advantage to be gained by adding these gentlemen to the Port Trusts is. One advantage I can see is that, if Sir Abdul Halim Ghuznavi had been a member of the Trust, he would have been a little clearer in his mind as to where their functions began and ended. They are not responsible for the port health officers who do not work under them. The port health officers are officers of Government serving under another department. My Honourable friend complained that there was very short notice of when and where a particular ship was going to sail. That was for reasons which are outside the purview of the Port Trust. I should not be at all surprised to find that the Port Trust themselves did not know when it was going to sail.

Sir Abdul Halim Ghuznavi: But they did know. They could have given Outram Ghat instead of the Kidderpore Docks.

The Honourable Sir Andrew Olow: They obviously could not disclose information which they were not entitled to disclose. It is for those responsible for despatching the ship, and that is not the Port Trust—to say, subject to any orders of Government, when that ship was likely to sail. I think Sir Abdul Halim Ghuznavi himself recognises that the secrecy on that occasion was in the best interests of the Hajis themselves.

When I got notice of this Resolution I asked the Chairmen of the three Port Trusts concerned to send a report showing the number of cases relating to the Haj which had come up before the Trust in the last three years. In all the three cases the schedule was blank.

An Honourable Member: Because there was nobody.

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan-Urban): It would remain blank for the next 30 years if there is nobody to raise these questions. (Further Interruptions.)

The Honourable Sir Andrew Olow: There are members there who are perfectly able to raise questions if they do arise. The Port Haj Committees are also able to put questions before the Trusts, perfectly able to do so. In fact, I think that Sir Abdul Halim Ghuznavi himself mentioned that in some cases the Chairman of the Port Trust himself is on the Haj Committee, so matters can be really brought to his notice.

Sir Abdul Halim Ghuznavi: The Chairman cannot bring up the subject before the Committee. The Chairman is also on the Haj Committee but that is only in Karachi, not in Calcutta.

The Honourable Sir Andrew Olow: Maulana Zafar Ali Khan said that there were no Muslims on the Port Trust. The Mover of the Resolution said that the Muslim Chamber of Commerce in Calcutta itself elects a member and my recollection is that in Karachi the only non-official nomination resting with Government is a nomination at present of a Muslim gentleman.

The broad point is that these Port Trusts are not directly concerned with questions that very rightly concern the Port Haj Committees and to which they give such close attention. The actual berthing of a ship on a particular dock is not a question that will come before the Trust as such in the ordinary course of events. It will be a question for the Chairman and I have heard no instance during this debate of a Port Haj Committee making any proposal in the interest of the Hajis, which was not sympathetically considered by the Port Trust. I am quite sure that all Trusts would give their most earnest consideration to any proposal emanating from such a quarter. The argument was used that because in one instance a Port Trust was represented on the Haj Committee, therefore, the Haj Committee ought to be represented on the Port Trust. It sounds very logical but it is not really. This House, for example, is represented on the Indian Institute of Science at Bangalore and a lot of other bodies but nobody suggests that because of that these bodies should elect representatives to sit in this House.

It is of course a fact that the ships for the Haj sail from these ports. They form a proportion of the shipping from these ports but I wonder if the House realises how very small that proportion is. I have looked up the figures for the last three years. Take for example the case of Calcutta. Within the last three years, the number of ships cleared for the Haj was four.

Sir Abdul Halim Ghuznavi: The Calcutta Port was closed.

The Honourable Sir Andrew Olow: Only for one year. For the previous year it was two.

Sir Abdul Halim Ghuznavi: Take the figures for this year. It is 4,000.

The Honourable Sir Andrew Olow: It is one ship this year. It was closed for one year. Two ships were cleared in the previous year and two in the year previous to that. The total number of ships clearing from Calcutta is 4,000.

Sir Abdul Halim Ghuznavi: It is 3,700 this year. 3,700 persons.

The Honourable Sir Andrew Olow: You are talking of persons, I am talking of ships. 4,000 ships cleared from Calcutta, that is more than a ship for every Haji. Let us go to Bombay where no special circumstances were mentioned to exist.

Sir Abdul Halim Ghuznavi: Why do you give the Calcutta Corporation a representative on the Port Trust?

The Honourable Sir Andrew Olow: That is because the corporation is very closely concerned with the affairs of the Ports on which the prosperity of the city so largely depends. However, let us go to Bombay, where the number of Haj ships is of course larger. The proportion in the last two years before the war, which were normal years, was about one half per cent. of the actual number of ships and perhaps about one per cent. of the tonnage. In Karachi the average for the last three years is one per cent. in numbers and about two per cent. in tonnage. Even if these figures had been larger than they are, they would not have constituted, in my view, a justification for having one member solely representing the Haj Committee on these by no means large bodies, because, as I have said, they are not concerned to any large extent with problems peculiar to the Haj. Whatever personal qualifications the Chairman of these Committees may have, and I have conceded that Sir Abdul Halim Ghuznavi himself well possesses them, they can bring no specialised knowledge to bear on the ordinary questions that come up before the Port Trust. I am afraid, to be quite candid, that the only effect I can see of adding these Chairmen would be that it would mean one additional Muslim representative on the Trust in each of the three ports.

Sir Syed Raza Ali: Any particular objection to that?

The Honourable Sir Andrew Olow: No particular objection to that but I think that if it is to be added, it should surely be added on sound grounds. It is not a sound argument to suggest that because these Haj Committees will elect a Mussalman, therefore, they must be represented on the Port Trust. Surely, that is neither logic nor justice. I hope I shall not be charged with being unduly suspicious but I cannot help wondering if that is not the main attraction of the proposition for those who have moved or sponsored this Resolution. In fact, I thought I detected in Maulana Zafar Ali Khan's speech a virtual admission that that was so, and that the object of the Resolution was to secure additional Muslim representation. Now, I am not out to say that the representation on all the Port Trusts is ideal. I do not think that the figures which the Mover of the Resolution quoted were entirely accurate but conditions change and the constitution of the Port Trusts, which may have been suitable a number of years ago, is always liable to revision. We have under consideration the revision of the constitution of one of the Trusts at the moment but I would submit to the House that the existence of a Port Haj Committee does not constitute a valid ground for adding additional members to these Trusts. I oppose the Resolution.

Dr. Sir Ziauddin Ahmad (United Provinces, Southern Divisions, Muhammadan Rural): I was rather surprised at the speech delivered by my Honourable friend, the Member for Communications. He unnecessarily charged the Honourable Sir Abdul Halim Ghuznavi with being selfish, as he happened to be the President of the Port Haj Committee.

The Honourable Sir Andrew Olow: I said the opposite. I said that he was unselfish for he wanted to render additional service.

Dr. Sir Ziauddin Ahmad: This Resolution was really tabled by several members and it was an accident that Sir Abdul Halim Ghuznavi happened

to draw it in his name. It was not he who initiated this Resolution. I know that it was really initiated by the Haj Committee at Karachi who were feeling enormous difficulties. I have got before me a bundle of papers which they submitted to the Members of the Assembly. I was not surprised by the argument of my Honourable friend when he said that the object of the Resolution is to add one more Muslim Member to the Port Trust. Even if it did add a Muslim Member, there was no harm as was pointed out by one of my colleague here. There is no doubt that the Port Trust at Calcutta had no sympathy for the Mussalimans. Some years ago I drew attention to it on the floor of this House. The Chairman of the Port Trust said in a public meeting that Muslims are not fit for service in the Port Trust and we raised strong objection to it, on the floor of this House. We also protested several times that the scholarships given by the Port Trust were never given to the Muslims. If by chance this particular Resolution adds one more member, it is only in the fitness of things, because the interests of the Muslims are not at present adequately safeguarded in these three places. I may assure him that our object in this resolution was not to add one more member to these Port Trusts. Our object is this. These pilgrims represent a special interest which cannot be adequately represented by any of these Chambers of Commerce. In the case of the Chambers, whether they are European or Indian, the interests are identical. I mean they represent the same class of work but in the case of the Hajis the interests are entirely different and they cannot be represented by any of these Chambers of Commerce. Therefore, it is not a question of Muslims and Hindus; it is not a question of communal representation but it is a question of the representation of interests,—never mind, what the percentage of that interest is. Here, we have got an important category who ought to be represented on the Port Trust,—never mind what their percentage is—but it is an important interest and it ought to be safeguarded; and it is unfair on the part of Government to oppose this particular Resolution; but, as was pointed out, in the House as is now constituted, arguments have no force, we are at the mercy of the Government. Sir, I support the motion.

Maulvi Abdur Rasheed Ochaudhury (Assam: Muhammadan): Sir, I would not have risen at this stage to speak but for the fact that the Honourable the Communications Member thought it worth while to say that this Resolution is intended chiefly to put three more Muslims on the Port Trusts of Karachi, Bombay and Calcutta. In fact it is not a fact that the object of this Resolution is to add three more Members to these Trusts. Sir, this is absolutely necessary. Sir, the Communications Member said that the addition of these members will have no bearing on the duties of the Port Trust Committee. That is also not a fact. I think it will do a good deal to facilitate conditions for these Hajis if there is one Muslim at least on the Port Trust Committees at these places. Had there been a sufficient number of Muslims on the Port Trusts, this would not have happened that the Hajis would have to travel seven miles to Kidderpore instead of their providing a ship at Outram Ghat at Calcutta. This is simply due to the absence of Muslim members on the Port Haj Committee that such things happened. It reminds me of a thing which I had a mind to bring to the notice of the House sometimes. I am a Member of the Central Advisory Board of Education and the last sitting of that Board was fixed on the 11th of January. On

[Maulvi Abdul Rasheed Chaudhury.]

the 9th of January there was the 1d day for Mussalmans. I being a Member living at a distance of some two thousand miles from Madras, it could not be expected that I would have left my 1d and gone to attend a sitting of the Central Advisory Board of Education at Madras. Sir, had there been a Muslim gentleman as Secretary on that Committee, he would not have certainly fixed the sitting on the 11th, knowing full well that the 9th was the 1d day. Similarly, if there is a Muslim Member on the Port Trust, he would certainly see what are the conditions of the Hajis; he would have certainly represented in this case that the arrangements for Hajis should be at Outram Ghat and not at Kidderpore. Sir, it would add a good deal to the convenience of Haj pilgrims if on these three Port Trusts the Port Haj Committees were represented. I think, Sir, that this simple Resolution should not be opposed by the Communications Member. I support the resolution.

Mr. J. D. Tyson (Secretary, Department of Education, Health and Lands): Sir, the question of medical arrangements at the ports has been introduced into this discussion. I do not know that that is primarily the concern of the Port Trusts at all. I am afraid we must in the Education, Health and Lands Department, claim a certain responsibility for the arrangements for Port Health Officers. Our Port Health Officers are not on the Port Trust Committees. They are under the Central Government direct. I am free to admit that the arrangements for the examination of deck passengers in Calcutta, whether at Outram Ghat or at Kidderpore, have not been satisfactory from our point of view, and it is quite true that the Public Health Commissioner has been down to Calcutta and examined them and complained to the Port Trust that they could do more than they do now to improve matters in the way of providing accommodation, but the position is that when deck passengers in large numbers are going on board a ship, medical inspection has to be performed quickly and the provision of separate cubicles and accommodation where they could be examined in private and where they need not "open their chests and stomachs in public", as was said, would really provide no solution. They have to pass the doctor quickly and they just line up. There is no indecency or impropriety in the procedure, I understand. The Port Trust only come into it to the extent of providing accommodation, and even if they provided elaborate accommodation for the privacy of passengers being examined, I doubt very much if the pilgrim passengers, of whom there are a large number to be got on the ship in a very short time—would be able to take advantage of it. So far as the arrangements in Bombay and Karachi are concerned, we have reason to believe that they are very satisfactory and, therefore, even if there were anything in the argument drawn from the fact that medical arrangements in Calcutta are not very satisfactory, it would not be an argument applicable to Bombay and Karachi which are covered by the Honourable Member's Resolution. In any case the pilgrims constitute only a small fraction of the deck passengers who leave these various ports and it is not obvious, therefore, why a body interested only in the pilgrims should be represented on the Port Trusts on behalf of the passengers in general or even deck passengers. So far as Karachi goes, I understand that the liaison between the executive officers of the Port Trust and the Port Haj Committee is

so good that no matter affecting the pilgrims has been brought up before the port trustees for the last three years, and, therefore, it does not really look as if there was any crying need for the representatives of the pilgrims in the person of the Chairman of the Port Haj Committee to be a member of the Port Trust. So far, therefore, as the health grounds go, I am afraid I can see no reason why this Resolution should be accepted.

Dr. Sir Ziauddin Ahmad: Sir, I move that the question be now put.

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

"That the question be now put."

The motion was adopted.

Sir Abdul Halim Ghuznavi: Sir,

Mr. M. S. Aney: I wish to bring to the notice of the President that the convention of this House is that whenever a Leader of the Party stands to address the House, closure is not moved.

Dr. Sir Ziauddin Ahmad: I requested the Honourable Member not to speak.

Mr President (The Honourable Sir Abdur Rahim): At any rate, the Chair has nothing to do with that.

Sir Abdul Halim Ghuznavi: Sir, I was surprised to hear my Honourable friend, Sir Andrew Clow, when he said that perhaps not myself, but the gentleman, who had suggested this Resolution, had in mind to get three more additional Muslims in the Port Trusts. Does my Honourable friend know the position of these three Port Trusts? In this Budget Session I will ask the Government to repeal this worn-out Act of three Port Trusts and to have the representation of the Mussalmans in all the various Port Trusts according to the proportion of the trade they carry on in India. The proportion of the trade which is carried-on in India by the Mussalmans is not represented on the Trust Boards anywhere. My Honourable friend quoted the figures of the percentage of the ships that sail from Calcutta *vis-a-vis* the percentage of the pilgrims, and said that it was decimal point something. And, in the case of Bombay, he was generous enough to give us $1\frac{1}{2}$ per cent. May I ask him what percentage of representation you have given us on those Trust Boards according to the trade that we carry on in India? You have overwhelmed these Boards with the Europeans and European interests and the Indian interests have been neglected. Look at the trade that the Muslim Chamber carries on. It comes to about 25 crores. With the greatest difficulty and after fighting for five years we have got one representation in the Trust Board of Calcutta. What is the representation of the Bengal Chamber there? Out of 19

Sir Syed Raza Ali: Rather out of 12 elected members.

The Honourable Sir Andrew Clow: Out of 10 commercial members.

Sir Abdul Halim Ghuznavi: Out of 10, Europeans have got six seats and the Indians are given only four seats. Compare the trade which the Europeans carry on from Calcutta now with the Indian trade. So, give us the representation on the Trust Board according to our trade. We do not want any favour. You always say that the representation must be proportionate to the trade you carry on. So, compare the trade and give us representation accordingly. It was possible for the Europeans to have this number on the Trust Board, say, a hundred years ago, but the position now is quite different. You do not want to give the Port Haj Committees any representation on these Trusts, and you ask, how could they serve your interests? If a Chairman of the Port Haj Committee had been on the Port Trust Board, things would have been quite different. Put me there for one year, and see what changes I can effect there.

Mr. M. S. Aney: You will make their lot miserable.

Sir Abdul Halim Ghuznavi: Sir, 20,000 pilgrims go every year from these three Ports. Is it not the duty of the Government to see that every facility is given to these Port Haj Committees to look after the interests of these pilgrims at the time of embarkation and disembarkation? How can the Haj Committees discharge their duties efficiently unless you help them to be on these Boards where they can represent their difficulties?

The Honourable Sir Andrew Clow: They can approach the Port Trust if there are any difficulties.

Sir Abdul Halim Ghuznavi: If I ask for an interview, they will ask me certainly to see them in their Committee room as a private individual, because I am not a member of the Board. But if I am a member of the Board, I will be able to exercise the right of my vote and that makes all the difference. If I am a member of the Board, I will be able to defeat the Europeans by persuading my colleagues to join me. That is what I can do as a member of the Board, but they do not allow me to do that. You do not give me my representation on the Board. If I go to the Board as the Chairman of the Port Haj Committee, I will be able to create no effect. But if I am member of the Board, I will be able to induce them by exercising my vote. But you do not allow me to do that and yet you say: "How will you be benefited by getting there members?" If I become a member of the Board, I will be in a position to tell them that the arrangements for the embarkation of the pilgrims are not satisfactory, that there is no shed for them, and that the sanitary arrangements are not up to the mark. All these things are done by the Port Trusts. My Honourable friend, Mr. Tyson, took me to task and said that I had mixed up this question with the Port Trust which has nothing to do with it. But my Honourable friend does not realise that the Port Health Officer has to go and examine at the port of embarkation, and I am disputing whether he does his duty and whether the Hajis get the necessary facilities at the port of embarkation. Unless you make me a member of the Board, I cannot go before the Board and impress my views and get votes for my proposition.

My Honourable friend, Maulana Zafar Ali Khan, said—perhaps he did not know—that there were no Muslims on the Port Trust at Calcutta.

But, as I said, they represent the various Chambers of Commerce. Surely you cannot expect him to take up this business of the Port Haj Committee because he will be ignorant unless he is a member of that Committee. If he is not a member, he knows nothing. How can he help the cause of the Hajis before the Port Trust Board?

Maulana Zafar Ali Khan: I said Muslim representation was nearly nil.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member should be in his place if he wants to address any remark.

Sir Abdul Halim Ghuznavi: Exactly, you are perfectly right. You said nearly nil.

Mr. President (The Honourable Sir Abdur Rahim): It is now past five of the Clock, and I do not know whether the Honourable Member wants to take more time. If so, I shall adjourn the House and he can continue his speech on the next Resolution day.

Sir Abdul Halim Ghuznavi: Yes, Sir.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 18th February, 1941.