

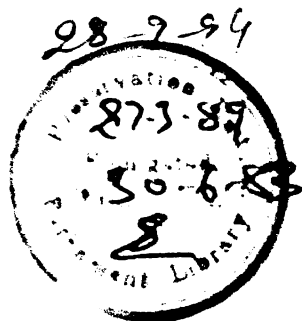
20th November, 1933

THE
LEGISLATIVE ASSEMBLY DEBATES
(OFFICIAL REPORT)

Vol. VIII, 1933

(20th November to 9th December, 1933)

SIXTH SESSION
OF THE
FOURTH LEGISLATIVE ASSEMBLY
1933.



Legislative Assembly.

President :

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

Deputy President :

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

Panel of Chairmen :

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

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

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

Secretary :

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

Assistant of the Secretary :

RAI BAHADUR D. DUTT.

Marshal :

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

Committee on Public Petitions :

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

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

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

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

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

MESSLAD

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LEGISLATIVE ASSEMBLY.

Monday, 20th November, 1933.

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

POINT OF ORDER RE VALIDITY OF THE MEETING OF THE LEGISLATIVE ASSEMBLY IN NEW DELHI.

Dr. Maududdin Ahmad (United Provinces Southern Division: Muhammadan Rural): Sir, I rise to raise a point of order. I maintain that this gathering is not a duly constituted meeting of the Legislative Assembly. It is an unlawful assembly (Laughter) and it is really the good grace of the Chief Commissioner that he has not applied section 144 upon us. (Laughter.) Sir, your original order to change the venue from Simla to New Delhi was not in accordance with Standing Order 3. In clause (1) of Standing Order 3, the Governor General is empowered to appoint the date and the place of the first meeting. The Secretary notifies it and you, Sir, can alter the date of the meeting, but you cannot alter the place of the meeting, because, in Standing Order 3, your powers are definitely restricted. It says:

"After the commencement of a Session, the Assembly shall sit on such days as the President, having regard to the state of business of the Assembly, may from time to time direct."

Therefore, your announcement that we should meet in Delhi was not in accordance with the Standing Orders of the Legislative Assembly. We are here an unlawful gathering and we are not bound to follow the Standing Orders of the Legislative Assembly or other Statutes, but we impose upon ourselves, of our own free will, the rules and Statutes which govern the proceedings of the Indian Legislative Assembly. Sir, this defect was attempted to be corrected by a notification of the Governor General which runs thus:

"Under sub-section (2) of section 63D of the Government of India Act, the Governor General is pleased to direct that the Session of the Legislative Assembly which commenced at Simla on Tuesday the 22nd August, 1933, shall continue to be held in New Delhi."

This notification purports to be issued under sub-section (2) of section 63D of the Government of India Act. But the notification is not in accordance with this section and that is the point which I should like to put before you. This sub-section clearly says:

"The Governor General may appoint such times and places for holding the Sessions of either Chamber of the Indian Legislature as he thinks fit, and may also, from time to time, by notification or otherwise, prorogue such Sessions."

[Dr. Ziauddin Ahmad.]

Therefore, his powers are limited to two things: (1) he can convene a Session of the Assembly at any place and at any time. Once he has convened it, he has exhausted his powers and has only one power left, and that is, he can prorogue the Session; and the power to change the venue, that is the place of the meeting, from one place to another is neither within the jurisdiction of the Governor General nor of the President. In this case the only thing is that if the place of the meeting has to be changed, it must be a fresh Session; it cannot be a continuation of the same Session. One Session of the Assembly can be continued to another time at the same place. There may be an interval of six months or one year, but the same Session cannot be taken to another place without a fresh notification by the Governor General under this clause and also a summons from the Secretary under this notification. In this case I maintain that the Governor General had no power to say simply that he is "pleased to direct that the Session of the Legislative Assembly which commenced at Simla on Tuesday, the 22nd August, shall continue to be held in New Delhi". If we read the original section, we find that it clearly says that "he shall appoint the time and place"

Mr. Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Is it "place" or "places"?

Dr. Ziauddin Ahmad: It says that he "may appoint such times and places for holding the Sessions of either chamber of the Indian Legislature", etc. So the plural is used as it refers to both chambers. In this case when the notification was issued, the time ought to have been mentioned. To simply say that the whole thing is shifted from Simla to Delhi is not the intention of sub-section (2) of section 63D of the Government of India Act. Therefore, I maintain, Sir, that neither you nor the Governor General can change the place of the meeting when once it is convened to another place without a fresh notification and a fresh issue of summons by the Secretary. He or you cannot simply change the place and it cannot be called a continuation of the same Assembly. If a fresh notice is issued, it should always be considered a fresh Session and not a continuation of the old Session. That, Sir, is the point on which I want your decision, and I request you to declare that it is not a regularly constituted meeting of the Assembly.

The Honourable Sir Brojendra Mitter (Law Member): Sir, I am afraid the Honourable Member, Dr. Ziauddin Ahmad, has misread sub-section (2) of section 63D. That section empowers the Governor General to appoint the time and place for holding a Session of this House. Probably Dr. Ziauddin does not realise that when a power is given to any person under a Parliamentary Statute, that power can be exercised from time to time. It is not that once the power is exercised it is exhausted. I shall refer you to the Interpretation Act of 1889 which governs the Government of India Act. Section 32 says this:

"Where an Act passed, after the commencement of this Act, confers a power or imposes a duty, then, unless the contrary intention appears, the power may be exercised and the duty shall be performed from time to time as occasion requires."

Therefore, the power given to the Governor General under section 63D can be exercised by the Governor General once, twice, or as many times as occasion requires. Here he has chosen to exercise it twice: once he

fixed Simla as the place of meeting for the Session and the second time he has chosen to exercise his power by the notification which has just now been read out, that is, he has chosen to fix New Delhi. Therefore, there is no irregularity or illegality in the notification. The fallacy into which my Honourable friend has fallen is this. He seems to think that once the power is exercised it is exhausted, and the Governor General's hands are tied and that he can only call this meeting by prorogation and a fresh summons. But that is not so.

Mr. President (The Honourable Sir Shanmukham Chetty): The Chair agrees with the Honourable the Law Member in the interpretation that he has placed on sub-section (2) of section 68D of the Government of India Act which defines the power of the Governor General to fix the place of a Session of the Legislative Assembly. In addition to that the Chair would like to draw the attention of the House to another factor. In the notification which convened this Session of the Assembly at Simla the Governor General says that "he is pleased to direct that a Session of the Legislative Assembly shall commence at Simla on Tuesday, the 22nd August, 1931". The notification, therefore, fixing Simla as the venue for this session says that the session shall commence, and the subsequent notification says that it shall continue to be held at New Delhi; and, under these circumstances, this meeting of the Indian Legislative Assembly is duly constituted.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur ~~and~~ Orissa: Muhammadan): Am I to understand, Sir, that this meeting has been legalised by this notification?

Mr. President (The Honourable Sir Shanmukham Chetty): The Chair has said that this meeting is duly constituted and is perfectly legal.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Do the Government or the Chair accept the argument of Dr. Ziauddin Ahmad that the President has no inherent right to change the venue of the Session and that he can change the time only?

Mr. President (The Honourable Sir Shanmukham Chetty): It is not necessary to express any opinion on that point for the decision on the point of order raised by Dr. Ziauddin. But since the Honourable Member wants a ruling of the Chair on that point also, it can be said that reading section 68D (2), of the Government of India Act, it is plain that the President has no power to change the venue of a Session: it is only the Governor General who has got the right to do that.

Honourable Members desiring to take their seats will kindly come to the table to make the prescribed oath or affirmation of allegiance to the Crown.

MEMBERS SWORN.

The Honourable Sir Brojendra Mitter, K.C.S.I (Law Member).

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): On a point of order, Sir,

[Sir Brojendra Mitter.]

as the candidate of the Swaraj Party in the first election to the office of President of this Chamber. I repeat that it was not in execution of the wrecking policy of the Swaraj Party that Mr. Patel stood as a candidate, and in proof, I cite his own statement of the 2nd September, 1926, delivered at the conclusion of his first term of office as President of this Chamber:

"As some of you are already aware",—

He said—

"one of the objects—I will not say the only object—which induced me to accept this office was to demonstrate to the British Government that public men in India, if they have been in some quarters described as irresponsible and destructive critics of the existing system of administration, are so because they have not been entrusted with responsibility."

At an earlier date, Mr. Patel had shown the same spirit when, as I am informed, he resisted the strong pressure put upon him to join in the spectacular walk-out of the 8th March, 1926. Of his capacity to guide and control the discussions of this House, Mr. Patel gave convincing proof from the beginning and thereby fulfilled his main purpose in standing for election as President. In office, Mr. Patel was not a wrecker but a stout upholder of the constitution and jealous custodian of the dignity and privileges of this Chamber.

This, Sir, is not the occasion on which to recall the unhappy differences of opinion between Mr. Patel and the Government of India. Speaking for Government, I say that we shall never give to the memory of Mr. Patel an unkind thought and we shall remember him only as the man who proved the capacity of Indians to preside over this Assembly.

Sir, with your leave, I should like to mention a personal incident which may interest the Members of this House. A few days before his death, my wife and I went to see Mr. Patel at his clinic near Geneva. It was manifest, and he fully realised it, that the end could not be far off. He wished to be remembered to Lord and Lady Willingdon; and, turning to my wife said: "Remember me to all". On my wife asking him if we could carry any message for any one in particular, he again said: "No, remember me to all". When we were coming away, he charged me to give you a message, a message of goodwill to all Parties in this House. Sir, we left the sick chamber with a heavy heart.

I conclude, Sir, by asking you, after giving opportunity to all sections of this House to express their feelings of admiration and regret, to adjourn the meeting of this House until tomorrow.

Mr. Abdul Matin Chaudhury (Aesam: Muhammadan): Sir, on my own personal behalf, I desire to pay my tribute of respect to the memory of the late Mr. Patel. I, Sir, had the privilege of close association with Mr. Patel and apart from the fact that I consider his death as a great national calamity, I mourn his loss as a personal bereavement. Mr. Patel, Sir, had an eventful career, but his chief claim to the homage of posterity lies in his distinguished record as the President of this Assembly. Though, Sir, his brilliant career in the Chair had partially eclipsed his earlier achievement in the Bombay Legislative Council, in the Imperial Legislative Council and in the Legislative Assembly, I think it is pertinent to recall that Mr. Patel was one of the greatest parliamentarians of his day. He was a vigorous and a persistent critic of the Government.

He voiced India's aspirations with a courage and tenacity that extorted the highest admiration of his countrymen. As we all know, Sir, his knowledge of parliamentary practice and procedure was unrivalled, and his ingenious brain knew how to make them subserve the advancement of the national cause. As a President, he realised that the interpretation of the rules and standing orders gave an immense scope to the President for the development and protection of the constitutional rights of the citizen, and he never wavered in what he thought to be his duty to his country. In the early days of the Assembly, Sir, when traditions were growing, when new precedents were being created, the country could always rely upon Mr. Patel in exercising his power in the direction of liberalising the constitution. At a time when there was a great popular prejudice against Council entry, it was Mr. Patel's assertion and vindication of public rights from the Chair that helped to dispel that prejudice and enhanced the prestige of the Assembly in the eyes of the public. Those, Sir, who scoffed at the Assembly came to realise the potentialities of the popular Chamber. Mr. Patel, Sir, raised the status of the Assembly and status of the Chair in the estimation of the public. His outstanding merit, Sir, as a President was his sturdy independence. You will remember, Sir, how we all shared his rebukes, his frowns equally, yet, Sir, a more jealous custodian of the rights and privileges of this House you will not find in the annals of parliamentary history in India. He it was who was responsible for separating the Legislative Assembly Department from the trammels of the Legislative Department of the Government of India. And, Sir, as the administrative head of that Department, in his dealings with his subordinates, he was kind, sympathetic just and impartial, and evoked from the members of the Assembly staff a deep feeling of loyalty, devotion and attachment. Outside the Assembly, Sir, he was a staunch nationalist, a prominent Congressman and an ardent patriot. His last thoughts in his dying days in a foreign land were for the independence of his country, his own motherland which he loved so dearly, whose cause he fought so valiantly and to whose service he had dedicated his life. Sir, I would join with the Honourable the Leader of the House in asking you to adjourn the House out of respect to his memory.

Diwan Bahadur A. Ramaswami Mudaliar (Madras City: Non-Muhammadan Urban): On behalf of myself and the Party with which I am associated I should like to join in the sentiments of sorrow and admiration that have been given expression to by the Leader of the House and by my Honourable friend, the Deputy President. The death of Mr. V. J. Patel must naturally come home more closely to those who are on this side of the House than even to the Government Members. We, non-officials, have come to realise that in Mr. Patel as President of the Assembly we had a unique champion of popular cause and of popular rights. The career of Mr. Patel, particularly during the last 15 years, is an open book to his country, but throughout that career there is one fundamental dominating fact which must arrest the attention of any future historian who comes to write the political history of this country, and that is, that Mr. Patel was a valiant fighter throughout, one who did not know what it was to yield on any particular occasion and one who kept up with that firm grip and determination which he alone could have shown, the cause for which he had worked. Mr. V. J. Patel was, as you know, a brilliant President of the Bombay Corporation. He had made history in that capacity. He was a brilliant Member of this

[Diwan Bahadur A. Ramaswami Medalliar.]

Assembly. But the best laurels that he won were in that Chair which he occupied as the first elected Indian President of the Parliament of India. Mr. Patel's dogged determination, his persistence, his indomitable courage and his patent nationalism stood him in good stead when he occupied that Chair as President of the Assembly. Time after time he has had to come to grips with various sections of this House, but there can be one thing truly said of Mr. Patel and his career as President, that at no time, in no connection and under no circumstances did he give in as a matter of expediency or policy against what he considered was his true judgment, what he considered was his duty according to his best lights. Opinions may vary about the contribution that Mr. Patel was able to make, but I venture to think that there can be only unanimity on this issue that as a great nationalist, as an independent fighter, he held his ground right through and that he did service for his country of a unique character.

Mr. Patel's sojourn in foreign parts has been referred to both by the Leader of the House and by my Honourable friend, the Deputy President. I can bear testimony to the fact that amidst conditions of the most morbid kind from a physical point of view, when he was quite certain that he had not a long span of life before him, when physical infirmity was invading him day after day, he still kept one ideal and one ideal alone whether it was in Berlin, or Vienna, or Geneva. Whatever audience he addressed, whatever people he spoke to, he spoke for the freedom and independence of his country. I remember one instance that was reported to me when I was at Geneva somewhat prior to the Law Member's visit to that place. There was an Indian National Congress held in that city. Mr. Patel was so sick, was so invalidated that his doctors firmly refused to allow him to attend the Congress. But Mr. Patel would not give in. He wanted to be carried on a stretcher and to be allowed to address the audience lying on that stretcher, and nothing but the determination of the audience itself to refuse to allow Mr. Patel to commit what was then considered as an act of suicide, did prevent him from making the address that he wanted to make. That would have been the final peroration for his country and for his countrymen that he would then have made.

It is a sad thought that we have had to mourn the death of so many Leaders during the last few years. They had worked for the liberation of their country. They had worked for giving India that status which was rightly hers in the comity of nations, a galaxy of stars of the first magnitude in the political firmament of India—Pandit Motilal Nehru, Lala Lajpat Rai, Sir Muhammad Shafi, Maulana Muhammad Ali, Mr. J. M. Sen-Gupta and now Mr. Patel. The tragedy of it all is that these people, who had devoted their whole life to the cause of India, had not even been able to see above the horizon some glimpse of that future which they had hoped for and which they had dreamt of, some hope that India will have that place for which they had consecrated their lives. It is a tragic thought. Mr. President, that man after man, the foremost men of our country should pass away and that time should elapse also before their ideas and ideals, their hopes and aspirations, could take any tangible form. There are many memorials which will be raised by a grateful nation to the memory of Mr. Patel. I am perfectly certain that the suggestion that I have seen developed elsewhere of a bust for Mr. Patel within the precincts

of this House will take shape in the near future. But whatever storied urn or animated bust may be raised for him, none can speak so eloquently of the greatness of Mr. Patel as President, none can speak so eloquently of his sturdy independence, of his nationalism, of his love for his country, and of his zeal, almost burning patriotism to see his country take its proper place in the comity of nations, as that Chair which will proclaim to succeeding generations of India's Parliamentarians and succeeding Speakers of India's Parliaments, the ideals that Mr. Patel stood for, the lofty independence that he exhibited, the tone that he gave to the discussions in this House, and the place that he earned for himself and succeeding Speakers, Mr. President, as the first Citizens of India, the elected Speakers of the Parliament of this country. Sir, I associate myself with the motion.

Mr. G. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Few people in this House have been, I believe, so intimately associated with the politics of Vithalbhai Patel as myself, and it is of the politician that I propose to speak today more than the President. As regards presidential rulings and controversies, I leave it to history to pronounce a verdict. But I believe I am competent to pronounce a verdict so far as Mr. Patel's politics were concerned. It was not always on the same side that I worked or voted in the meetings of the Congress Committee. There was a stormy occasion when Vithalbhai Patel brought a vote of censure against me. It was a stormy Committee of the Calcutta Congress: I had just returned from prison, so had the late Pandit Motilal Nehru and the late lamented C. R. Das. They were Pro-Changers, and of Mr. Patel's contribution in this connexion, I shall presently speak. I was at that time a No-Changer and my party had a majority in Committee and in Congress. Mr. Patel's awful indictment, and I believe more or less justified indictment from a party point of view—it was a violent, aggressive and remarkable indictment—his indictment inspired even some members on my side. He was not an eloquent speaker, but he was a great tiger of the Congress who mauled you and scratched you in Committee. After my answer, when he knew that he had exaggerated his case and that he had created a certain revulsion even on his own side though some of my adversaries on my side agreed with him,—before putting the motion to the vote, he withdrew it on the suggestion of the President who was the late C. R. Das, which incident proved that Mr. Patel was a good lieutenant, which also showed that he was capable of generosity, and which act, combined with the personal charms of C. R. Das, ultimately drew me to the side of the Pro-Changers.

Sir, today I refer to one of the greatest contributions that Mr. Patel made to the country, and that was as a member of the Civil Disobedience Enquiry Committee. Civil disobedience had been poisoned and paralysed as a movement by internal dissensions about ten years ago. The movement had ceased to move, but nobody had the courage to come forward and say: "You must now carry on the national fight in another direction". Mr. Patel suggested that there should be an enquiry into the possibility of reviving the Civil Disobedience Movement. The suggestion was accepted by the Congress. There was an enquiry and I am not revealing the secrets of my prison house when I say, as I was assisting the late Pandit Motilal Nehru in the writing of the Civil Disobedience Enquiry Committee's report, that the chapters relating to Council Entry were written by the late lamented Vithalbhai Patel. His death, therefore, on a more or less like occasion

[Mr. C. S. Ranga Iyer.]

When history is about to repeat itself has been a tragedy from every point of view. I believe Mr. Patel's heart was not in the Civil Disobedience Movement. At any rate I believe he realised even when he entered that movement its limitations, but the greatest sacrifice that a man can make is the sacrifice of one's own convictions in face of the collective wisdom of one's Party, the surrender of one's ego to the greater ego of the nation. He sacrificed his own opinions and convictions and entered that movement. Probably, had he persisted in the Chair and stuck to his own personal convictions, the history of India might have been all these crowded months and recent years differently written.

Mr. Patel was a tireless patriot. He might have been sometimes tiresome to his opponents, but he was a tireless patriot and, in the Presidential Chair, it is the patriot who dominated the President. Who cannot recall, who does not recall the fact that political opponents who refused to enter the Viceroy's House and who had boycotted Viceregal parties and dinners were willing to meet the Viceroy in Patel's house. The President's house became the rendezvous of opposing politicians, of "rebels" on the one side and the Viceroy on the other and had Patel stuck to the Chair, probably reconciliation would have been easier, instead of the differences being allowed to develop into a storm within and outside, but it will always be said that Patel loved his country with a passionate and profound love.

Mr. K. G. Neogy (Dacca Division: Non-Muhammadan Rural): We on this side of the House deem it our duty and privilege to associate ourselves wholeheartedly with the tribute of respect and admiration and affection that has been paid to the illustrious dead. Vithalbhai Patel is dead, but he will live in the pages of history in a manner in which very few of his contemporaries will live. He was a staunch patriot a selfless worker in the cause of his country, whose very last thoughts were with us and for us. Sir, the whole country is mourning the loss of such a noble son of India, but those of us who came into intimate touch with him in this House feel it as a personal loss; and as one, who has sat in the Assembly ever since its creation, permit me to say that he made the largest contribution to the dignity, the prestige and the independence of that exalted position that you occupy today. Sir, to us who worked under his presidentship, the memory of those days will continue to be a cherished possession and I join with my friends in making the suggestion that his memory should be perpetuated in a visible manner in the precincts of this House and I request you to take the lead and the initiative in that matter.

Mr. Muhammad Yamin Khan (Agra Division: Muhammadan Rural): I was a Member of the other House when Mr. Patel was elected the first President of this House and I well remember watching the proceedings of the election from the Council of State gallery on that memorable occasion. I know it was a momentous decision which was taken in putting up Mr. Patel as the candidate for the Presidentship and that changed the whole policy of the Congress which had come with a definite purpose at that time in this House. I need not go into the work which Mr. Patel did in this House, because that would be repeating what has already been said so ably by so many different speakers. It was unfortunate that when I was visiting Vienna, I could not see Mr. Patel. He was living

a long distance away from the town and I had very limited time at my disposal. Though we differed from Mr. Patel on many matters, that was on a point of principle and there was nothing behind that. With these few words, I associate myself and my Party with all that has been said by the Leader of the House and I fully support this motion.

Sir Leslie Hudson (Bombay: European): Sir, on behalf of myself and of the European Group, I wish to associate myself with what has fallen from the speakers who have preceded me and with the universal expressions of regret which have been made not only in this House but outside this House at the passing of Mr. Vithalbhai Patel who for so many years and with ability occupied the Chair of this Honourable House. I was not, of course, a Member of this Honourable House at the time when Mr. Vithalbhai Patel was elected as the first Indian President of this Assembly, but I well remember that on being elected to the Chair he stated that he renounced all party feeling and all party interests and that he would conduct the business of this House with impartiality and justice, and, Sir, the records of this House show with what success he carried out those intentions.

Sir, Mr. Patel was gifted with great charm, with great affability and courtesy and he invariably treated the members of the European Group in this House with kindness and consideration. It was not an easy matter for him to follow in the Chair Sir Frederick Whyte, who was so gifted and so capable in Parliamentary affairs, but it was patent to the world that Mr. Patel was himself a Parliamentarian of no mean order and although he encountered many difficulties, he stood up against them manfully and well. Once again I associate myself with what has fallen from the other Members of this House.

Raja Bahadur G. Krishnamachariar (Tanjore cum Trichinopoly: Non-Muhammadian Rural): I have not had the pleasure and the honour of being associated with the late Mr. Patel either inside the House or outside, but I have heard a great deal about his doings both as a public man in India and as the first elected President of this Assembly and to a certain extent I was compelled to follow his proceedings both outside and here and, Sir, if I may be allowed to say so, I entirely associate myself and the Party, which I have the honour to represent, with the feelings of admiration and affection that have been showered upon his memory today by my Honourable friend, the Leader of the House, and my friends in the opposition.

Sir, I believe there is a Latin proverb which says, "do not speak ill of persons who are dead". I am not going to speak anything ill of him, but I had a great complaint against him and that is that he did not belong to the orthodox party, but to the reformed party. I tried my best to convert him when, as a member of the Orthodox Deputation, I waited on His Excellency Lord Goschen to protest against the Sarda Act, but I was defeated. At the same time, I can well remember and I gratefully remember his promise to give to those that represented the orthodox view the fullest opportunity to give expression to their views and in as strong a manner as possible. We were all satisfied so far as personal courtesy and consideration could be shown to a party which at that time was not quite popular in this House. However, Sir, there is no denying the fact that he was one of very few capable persons who, if he had lived, would have, as my friend, Mr. Ranga Iyer, said, made easier the question of reconciliation

[Baja Bahadur G. Krishnamachariar.]

between all the warring elements in this country and brought it to a satisfactory conclusion. Sir, it was fated otherwise. Where we want one thing, God wills it otherwise, and his absence is sorely felt today. But there is no help for it and we all must bow to the decree of Providence. With these few words, Sir, I join in the request that his memory may be fitly perpetuated in this House by the manner that has been suggested.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural):

Sir, I rise to perform a sacred and solemn duty, a duty which we owe not only to the departed but which we owe to ourselves. My friend, Mr. Ranga Iyer, has said that there are very few in this House who can claim a more intimate association with the late Mr. Vithalbhai Javerbhai Patel, and probably he thought there might be at least some in this House who can claim as much intimate association with him, if not more, and I claim to be one of them. Sir, if I rise today to pay my tribute to the memory of the great departed, I do so not only as a Member of this Assembly, but as one who intimately knew him and knew his love for his country and countrymen.

Sir, much has been said about the policy of a certain Party as a member of which he had entered this Assembly. This is neither the occasion nor the place when I can fittingly reply to all that has been said about the Party and its policy, but, Sir, I cannot overlook one observation that the walk-out of the 18th March, 1924—it was not 1924, it was 1926—had not his approval. I can say, Sir, from my own personal knowledge that the walk-out of 1926 had his full support. I am not going to place before this House all the reasons—neither is this the time nor the place to do so—which prompted him to be in the House while other members of the Party to which he once belonged walked-out. Sir, this is neither the place nor the time to discuss the philosophy of walking-outs and walking-ins, but I feel it my duty to refer to this observation, because I believe that this was not quite correct.

Sir, the name of Mr. Vithalbhai Javerbhai Patel will live in the pages of history written in letters of gold for all times to come as a sturdy champion of the rights and privileges of Members of this House as also of the rights and privileges of his countrymen. Sir, he has been ever a sturdy fighter for the rights of his countrymen, and although he was not destined to enter the promised land, but he had a glimpse of it from distance, and it may be fittingly said of him that "Life's race well run, life's work well done, and now comes rest", though in a foreign land. Sir, with these few words, I associate myself with all that has been said about the great departed by previous speakers.

Sir Abdulla-al-Mamin Suhrawardy (Burdwan and Presidency Divisions: Muhammadan Rural): Sir, during my membership of the Assembly it has been my misfortune to lament the loss of many a friend and colleague. During the Simla Session alone, I lamented, along with others, the loss of Nawab Sir Zulfiqar Ali Khan and Nawab Sarfaraz Husain Khan, deplored the tragic end of Mr. Burge, cut off in the prime of life, and that of Mr. B. N. Misra, and mourned the death of Mrs. Annie Besant. When the Session closed in gloom with the passing away of that great and high-souled Prophetess of Humanity and High Priestess of Universal Brotherhood, little did I dream that we would re-assemble

in Delhi under the shadow of the death of a President of the Assembly and the first day of the Session would be dedicated and devoted to paying tributes to his memory.

Mr. Patel was not only a President, but as the House knows, he was the first Indian and the first elected President of the Assembly. What it meant to be the first elected President can only be realised when we remember and recall to mind the narrow majority of votes by which he triumphed over his powerful opponent who was supported by Government. No doubt, like you, Sir, he subsequently enjoyed the triumph of unopposed election to the Chair when a newly elected House gave its verdict on his first term of office and vindicated his choice and the fitness of Indians to fill positions of the highest responsibility which, as remarked by the Honourable the Leader of the House, was his main object in seeking election to the Chair. The path is now easy and smooth for his successors. But it is the first step which costs and is always beset with difficulties.

It is a curious coincidence that the news of Mr. Patel's death reached India on the day the Select Committee of the Reserve Bank Bill met in Delhi for the first time and that he passed away before the passing of the Reserve Bank Bill. Assembled as we are in Special Session to consider the Reserve Bank Bill on the fortunes of which the late President exercised no small influence, the thoughts of many of us go back to the days when the first Reserve Bank Bill was debated in the House in 1927 or 1928. Many of us recall the tense excitement and anxious expectancy with which the results of divisions were awaited and the dramatic incident in which the scale was turned against Government by the unexpected vote of a Member who was apparently pledged to neutrality. But we all know that the voice was the voice of Jacob, though the hands were the hands of Esau. The walls of this House which had oft resounded and reverberated to the sound of the voice of the departed President bear witness to his inexhaustible resourcefulness and ingenuity and his brilliant intellectual feats and *tours de force*. Some of us chafed under his rulings and were restive, but all listened in tense and breathless silence. It would be idle on my part to attempt to pay my personal tribute to or dwell on the virtues of one to whom glowing tributes have been paid from one end of India to another. He was undoubtedly a remarkable personality of unquestioned ability and he has left his mark indelibly on the annals of the Assembly and on the course of events during the years of destiny. He veritably filled the Chair, and his presence dominated the House. He has left behind traditions of indomitable will and dauntless courage to serve as an inspiration and example to his successors in moments of difficulty and perplexity. Well it may be said of him as of the great Architect, "*Si Monumentum Requira, Circumspice*—If you want a monument for him, Look around". Sir, I associate myself with what has fallen from the Honourable the Leader of the House and the speakers who have preceded me.

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

12 Noon. Sir, as one of the representatives of the Presidency, whose distinguished son the late Vithalbhai Patel was, I feel it my duty to say a few words on this sad occasion. The qualities of head and heart of the lamented Mr. Vithalbhai Patel have been described in this House by others, and I need not take the time of the House over them

[Mr. B. V. Jadhav.]

again. He was a very ardent patriot and, anyone, who came in contact with him, even for a very short time, came to realise how deeply he felt for the advancement of his country. The grief with which his mortal remains were received in Bombay by the inhabitants of that place showed how deeply he had engraved himself on the hearts of the people. Thousands and thousands of people went to pay homage to his last remains and it was really a sight to those who were present on that occasion. But on behalf of Bombay I shall have to raise a protest, that the British Government kept up their reputation for being very unimaginative. They would stand by the letter of their rules and regulations and would not budge an inch. Heavens would have fallen perhaps if the coffin had been allowed to be opened when his funeral procession started and that was another reason perhaps why Government ordained that the coffin was not to be opened until it was actually in the Hindu cemetery. I would not speak anything more, but what I feel is that the Government and the British people are very unsympathetic. By showing a little courtesy, they would have endeared themselves to the people of Bombay, but by remaining stiff they have driven another nail, I shall say, which will rankle into the hearts of the people for many many years to come. With these words, I associate myself with what has fallen from the previous speakers and I also add my humble voice to the request that the memory of Mr. Vithalbhai Patel be perpetuated in this House.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, towards the fag-end of my student career about 1910, I used to look upon Mr. Patel as the greatest social reformer. His Bill is still known as the Patel Bill. It went to the lesser lights of the Legislature and lesser men have won their laurels over the Bill for which Mr. Patel fought and worked so hard. In spite of the difference of opinion with my friend, Raja Bahadur Krishnamachari, Mr. Patel's name will go down in history as a great social reformer and one who brought social reforms within the pale of the Legislature where it was considered for the first time through his efforts.

Sir, I met Mr. Patel for the first time in 1918 at the special session of the Congress at Bombay, where he was the Chairman of the Reception Committee. I then used to see him in a Turkish cap, as my friends wear here, which was the emblem of Hindu-Muslim unity at the time and he had also then a flowing beard. Throughout his life Mr. Patel stuck to his motto, namely, that he was for sturdy nationalism and never for communalism. I came to be associated with him in the practical politics of the Congress in 1921 when I tried to help him to be elected as a member of the Working Committee of the Congress when the All-India Congress Committee session was held in Bombay. Without the 12 votes of Orissa Mr. Patel would not have been elected as a working member of the Congress Working Committee, and we know the consequences already referred to by my friend, Mr. Ranga Iyer, which led to the Civil Disobedience Inquiry Committee and the partial co-operation of the Congress with the Government on the floor of this House. I would also like to refer to the fact that during 1918 and 1919, Mr. Patel went to give evidence before the Joint Committee of Parliament in London, which illustrates that his mind was not destructive as has often been mentioned in certain sections of the Press and platform. His memory is hallowed today throughout the country. If I can picture the future, I will say that Mr. Patel will remain for ever the leader of the youth. He was a tenacious fighter and for tenacious

fighting no other Indian leader can come up to his mark. Even today we find that amongst the youth and amongst the womanhood of India little Patels are springing up, who are tenaciously sticking to their political principles and I have heard it mentioned "I am a little Patel and I will fight till the last". Sir, to me it is a matter of great personal regret that his brother, Sardar Vallabhbhai, another great leader, was not allowed to see the remains of his dear brother, Mr. Vithalbhai Patel, when the body was cremated at the Sonapur Burning Ghat in Bombay. God alone knows the fears and suspicions which were in the mind of the Government for not allowing Sardar Vallabhbhai Patel to see his brother, but we, who are friends of both—seldom, Sir, two brothers happen to be such great national leaders in any country—cannot visualise why he was not allowed even to see his remains. Sir, Mr. Patel is gone, but his noble memory shall ever remain cherished and enshrined in our hearts till we have also parted from this world. Sir, when you will send the tributes that this House is paying to Mr. Vithalbhai Patel's memory, Sardar Vallabhbhai Patel will at least know that there are some colleagues of his on the floor of this House who have felt for him deeply that he could not see the face of his beloved brother before the cremation. Sir, I associate myself with all that has fallen from this side and I conclude by saying that Mr. Patel's name will ever remain a hallowed memory throughout India.

Mr. President (The Honourable Sir Shanmukham Chetty): It has been our melancholy duty from time to time to mourn the loss of our colleagues and of men and women distinguished in the public life of this country. Today one more has been added to the list of those for whom we mourn. Like many other Honourable Members in this House, the grief to me on this occasion is personal. For, I am one of those who have had the privilege of not merely enjoying Vithalbhai Patel's personal friendship, but of working in close association with him in the Swaraj Party. Many Honourable Members referred to the greatness of Vithalbhai Patel as a public man, as a patriot and as a President, but few, except those who have been intimately in touch with him, could realise what a great friend he was. Beneath his stern exterior there was in Vithalbhai Patel a sense of humour which made him an intensely human person, a great personal friend. Probably the world at large would not realise as much as his intimate friends this trait in the character of Vithalbhai Patel. In him we have lost one of the most remarkable personalities that walked the stage of India's public life. Honourable Members have paid glowing and fitting tributes to his memory as a great patriot and as a great public man. Great as he was as a patriot, great as his work has been as a servant of his motherland; his work will shine as a great President of the Indian Legislative Assembly. He had no misconceptions in his mind as to what was expected of him when he was elected to this high office. Reference has been made to the political creed of the Party to which he belonged and to which I belonged at that time. I can speak perhaps with some authority on the mental struggle through which Vithalbhai Patel had to pass before he accepted the Presidential Chair. He knew that his tenure of office was not merely a trial of his personal capacity, but that Indian publicmen were on their trial through him. There were those who cast doubts upon the capacity of Indians for constructive work, there were those who cast doubts upon the capacity of Indians to fill posts of responsibility and Patel realised to the fullest extent that in him as

[Mr. President.]

the first elected President of this Assembly India's public men were on their trial. I know from my intimate association with him during those five years that he was actuated by that great thought in everything that he did, both inside and outside this House. I have had the privilege of sitting down on those benches and watching from day to day the magnificent manner in which he conducted the proceedings of this House and today in my capacity as the occupant of that Chair when I have to refer almost every day to the rulings that he gave, I realise more than I realised in those days how well he maintained the independence and dignity of this Chair and of this House. I know that many of his rulings were hotly resented by certain sections of this House, but reading them in the calm light of reason, one would realise that in every one of his major rulings, Mr. Vithalbhai Patel strived his utmost to confine himself within the four corners of the constitution, the rules and the Standing Orders under which this House works. I know from personal experience that not on one single occasion was he actuated by any motive of partiality to the political Party to which he belonged and every one of those rulings could be justified on the strict interpretation of the rules and Standing Orders governing the procedure of this House. He fearlessly maintained the dignity of this Chair. In public life he was a great fighter, but few would realise that he had possessed in an ample measure that great quality which was necessary to enable one to be a successful fighter, he had in him an indomitable capacity for work. If he fought with courage, if he fought with confidence, he did so because he knew his own ground. It is very rarely that in the ranks of our public life would we come across one who was such a hard worker. From what I have observed of him, it was his capacity for hard work, it was his capacity for mastering the details of the subject which he was called upon to deal with that really gave him that confidence and that courage to fight and that is a quality which we might all emulate. It has been said that contemporaries are good witnesses, but bad judges. We cannot sit in judgment over Vithalbhai Patel, but we certainly are competent as his contemporaries to pay testimony to the qualities which he exhibited in every walk of life, and I feel confident that on the strength of that testimony the future historian, who would be the proper judge, would give Vithalbhai Patel an eminent place amongst the ranks of the great sons of India. It would be my duty to convey to the relatives of Vithalbhai Patel the deep sense of sorrow of this House at the loss sustained by his death. As a mark of respect to his memory I adjourn the proceedings of this House.

The House now stands adjourned till tomorrow morning eleven of the clock.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 21st November, 1933.

LEGISLATIVE ASSEMBLY.

Tuesday, 21st November, 1935.

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

QUESTIONS AND ANSWERS.

ILLNESS OF MUZAFFAR AHMAD, A PRISONER OF THE MEERUT CONSPIRACY CASE.

1056. *Mr. S. C. Mitra: (a) Is it a fact that Muzaffar Ahmad, a prisoner of the Meerut Conspiracy Case, is now imprisoned in a jail in the United Provinces?

(b) If so, will Government be pleased to state whether they propose to transfer him to Alipore jail?

(c) Are Government aware that Muzaffar Ahmad is suffering from chronic appendicitis as stated by the Civil Surgeon, Meerut?

The Honourable Sir Harry Haig: (a) and (b). Orders have been issued for the transfer of the prisoner to a jail in Bengal.

(c) I have no information.

Mr. M. Maswood Ahmad: Will Government be pleased to state in which jail he is now confined?

The Honourable Sir Harry Haig: No, Sir; I do not think I am concerned to give that information. This, after all, is the case of a prisoner who is confined in a provincial jail, and I consider that it is a provincial matter.

Mr. M. Maswood Ahmad: Are Government aware if any facilities were given to him for medical examination with regard to his appendicitis?

The Honourable Sir Harry Haig: No, Sir; I have no information on that point.

PAWINDAH TRADERS OF KHURASAN DOING BUSINESS IN BENGAL AND BIHAR AND ORISSA.

1057. *Bhai Parima Wand: (a) Are Government aware that Pawindahs, inhabitants of Khurasan (Afghanistan), have been coming to India in large numbers via Dera Ismail Khan for over 60 years now for the purpose of trade?