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THE LEGISLATIVE ASSEMBLY DEBATES

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EIGHTH SESSION OF THE FIFTH LEGISLATIVE ASSEMBLY, 1938



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Legislative Assembly.

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LEGISLATIVE ASSEMBLY.

Tuesday, 9th August, 1938.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

REVISED INSTRUMENT OF ACCESSION TO THE FEDERATION.

39. ***Sardar Mangal Singh** : Will the Honourable the Leader of the House please state :

- (a) whether the revised Instruments of Accession to the Federation have been sent to the Princes, and whether any replies have so far been received from them ; and
- (b) whether any Prince has actually signified his willingness to join the Federation, and if so, who he is ?

The Honourable Sir Muhammad Zafrullah Khan : With your permission, Sir, I shall reply to questions Nos. 39, 47, 53, 61, 82 and 88A together.

I have nothing to add to the statement made by the Honourable Sir James Grigg on the 10th March, 1938, in reply to Mr. T. S. Avinashilingam Chettiar's starred question No. 737.

Mr. S. Satyamurti : May I know, with regard to the Instruments of Accession to the Federation, whether no progress has been made since the last reply was given on the 10th of March, 1938, to which my Honourable friend refers ?

The Honourable Sir Muhammad Zafrullah Khan : I am unable to add to that statement.

Mr. S. Satyamurti : Are these Instruments of Accession now taken by Lord Linlithgow to England to discuss them with Lord Zetland, the Secretary of State for India ?

The Honourable Sir Muhammad Zafrullah Khan : I have no information as to what Lord Linlithgow took with him to England.

Mr. S. Satyamurti : May I know whether, to the knowledge of the Government of India, any Instruments of Accessions are now being discussed by the Governor General when he is on leave with the Secretary of State ?

The Honourable Sir Muhammad Zafrullah Khan : I have no information.

Mr. S. Satyamurti : Are Government now carrying on any negotiations with any Indian Prince or Princes, with regard to these Instruments of Accession ?

The Honourable Sir Muhammad Zafrullah Khan : I have no information.

Mr. S. Satyamurti : Has any Prince or have any Princes addressed the Government of India directly or indirectly as regards the terms with regard to their agreement to these Instruments of Accession ?

The Honourable Sir Muhammad Zafrullah Khan : I am unable to make a statement.

Mr. S. Satyamurti : Are the Princes objecting to the draft Instruments of Accession being accepted by them on the ground, first that they must be allowed to administer federal subjects by themselves, and secondly that they must be given more definite concessions with regard to excise and other duties ?

The Honourable Sir Muhammad Zafrullah Khan : The Honourable Sir James Grigg made a very long statement on this matter on the occasion I referred to in my reply, and he also gave reasons as to why it was difficult to make detailed statements from time to time.

Mr. S. Satyamurti : That answer was given in March last, and we are now in August. I am merely pointing out to you and to the House, if I may, that the answer of my friend which says " I have nothing to add " means nothing to add to nothing, because we were not told anything then, and we are now told in August " We have no information ", and I want to know whether to the knowledge of the Government the Instruments of Accession are at any stage, whether anybody dealing with it, or whether it has gone to the cold storage ?

Mr. President (The Honourable Sir Abdur Rahim) : I think the Honourable Member said he has no information.

Mr. S. Satyamurti : Sir, it cannot be that the Government of India have no information.

Mr. President (The Honourable Sir Abdur Rahim) : Perhaps they are not in a position to answer.

Mr. S. Satyamurti : I should like them to say that. We are anxious to know what is happening. If the Government decline to answer, then I can go no further.

Mr. President (The Honourable Sir Abdur Rahim) : From the nature of the answers Government have given, it appears to be clear that they are not in a position to give an answer or they are not prepared to give all that information.

Mr. S. Satyamurti : May I know, Sir, if Government can refuse to answer a question which you have held in order except on the ground of public interest ? They must at least, I submit to the Chair, say, they refuse to answer the question on the ground of public interest.

Mr. President (The Honourable Sir Abdur Rahim) : It is not necessary for the Government or for the Government Member always to say that in replying to questions. From the answers given by the Honourable Member, one can very well presume, what is the attitude of the Government.

Mr. S. Satyamurti : Do Government say that it is not in the public interest to disclose any information about the stage of the Instruments of Accession ?

The Honourable Sir Muhammad Zafrullah Khan : May I draw the Honourable Member's attention to the last seven lines of the reply given by the Honourable Sir James Grigg in March last to which I referred in my reply this morning ?

Mr. S. Satyamurti : Will the Honourable Member please read them out ?

The Honourable Sir Muhammad Zafrullah Khan : " But in the interests of these negotiations themselves their conduct must be confidential, and this necessarily precludes any public announcement at this stage regarding the substance of the matters under consideration or under discussion with States or any statement, except in the most general terms, of the progress made towards Federation, the early achievement of which represents the considered policy both of His Majesty's Government and of the Government of India".

Maulana Zafar Ali Khan : With reference to (b), may I know, Sir, whether Hyderabad State, the premier Native State in India, has declared its willingness to join the Federation, if so, whether they have agreed to send their representative to the Federation by election or nomination ?

The Honourable Sir Muhammad Zafrullah Khan : I have no information on that.

Mr. Manu Subedar : May I draw the attention of the Chair to my question 82 (a) which does not come within the scope of the reply just read out by the Honourable the Leader of the House ? I will read that question, " (a) whether the revised Instrument of Accession embodying the demands of the Indian Princes has been drafted ". I do not want to know what the draft is. I merely want to know whether in view of the expenses incurred in calling out a special man here and that man having left this country, any progress has been made in drafting the Instrument of Accession. That is my question, and I submit to you, Sir, it is not covered by the reply given by the Honourable the Leader of the House.

The Honourable Sir Muhammad Zafrullah Khan : I have just read out a portion of the reply given by the Honourable Sir James Grigg, but the Honourable Member may presume that if somebody was asked to come out to do a particular job of work and has gone back, he must have done that job of work.

Mr. S. Satyamurti : With reference to my question No. 88A, may I ask for a specific reply to clause (a) of that question, whether the final draft of the Instrument of Accession to the Federation is now ready ?

The Honourable Sir Muhammad Zafrullah Khan : Nobody can say what will be the final draft.

Mr. S. Satyamurti : I am not asking what the final draft is likely to be, but I want to know whether the final draft is ready ?

The Honourable Sir Muhammad Zafrullah Khan : I cannot add anything to what I have already said.

Mr. President (The Honourable Sir Abdur Rahim) : I do not think it is worth pursuing the matter any further.

Mr. K. Ahmed : In view of the fact that the Honourable the Leader of the House has answered questions written out by somebody and to which he did not give proper replies,—he named the figures very many and I don't quite remember them,—but I know the substance of the questions which were like a bundle of clothes sent to the *dhobi* shop,—proper replies of which and supplementary questions asked thereto have not been given and that is, I hold, against the rules and standing orders, may I ask the Honourable Member to revise the answer and answer it personally and not to read out the manuscript of somebody which does not cover by the reply ?

Mr. S. Satyamurti : With regard to clause (c) of my question, may I know, Sir, if it is a fact that the final draft....

Mr. K. Ahmed : Sir, I want an answer to my question.

Mr. President (The Honourable Sir Abdur Rahim) : It was not a question at all.

Mr. K. Ahmed : Sir, what I said must not be expunged from the report. It must be down in the proceedings.

Mr. S. Satyamurti : I want to know if the final draft of the Instrument of Accession will be issued on the return of Lord Linlithgow in October this year.

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

Mr. S. Satyamurti : Clause (g) of my question is not covered by the answer of Sir James Grigg. Therefore I should like to have an answer to that question. It is 'whether the Indian princes are being persuaded to send their representatives to the Federal Legislature by election'.

The Honourable Sir Muhammad Zafrullah Khan : I have already explained that on these general questions I have nothing to add to the statement made on the 10th March, for the reasons stated in the last portion of the reply to which I have referred.

Mr. S. Satyamurti : That question was not concerned with this matter at all. I want an answer to this question.

Mr. President (The Honourable Sir Abdur Rahim) : He says he cannot answer.

Mr. N. M. Joshi : My question is a very simple one. I only want to know whether the final form of the Instrument of Accession has been forwarded to the Rulers of the Indian States. Government can very

well say 'Yes' or 'No'. What I want to ask you is this—whether the refusal of the Government to give such simple information does not amount to contempt of the Legislature?

An Honourable Member : It is.

The Honourable Sir Muhammad Zafrullah Khan : No, Sir. I have already answered that.

Mr. Manu Subedar : There is a specific point raised in my question No. 82, part (b). That is not covered by the reply of the Honourable the Leader of the House. The question is "what is the reason causing the delay in sending this out to the Indian States". We do not want to know the draft or the substance of it. We only want to know what are the circumstances which are causing the delay. That is not covered by Sir James Grigg's statement. I am entitled to a reply to this.

The Honourable Sir Muhammad Zafrullah Khan : There has been no avoidable delay.

NEGOTIATIONS FOR INDO-BRITISH TRADE AGREEMENT.

40. ***Sardar Mangal Singh :** Will the Honourable Member for Commerce please state :

(a) when the Indo-British trade negotiations will be concluded ;
and

(b) when this House will be consulted ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Government are still not in a position to say when the negotiations will be finally concluded, but it is hoped that they will now be brought to a close at a fairly early date.

(b) Does not arise.

Mr. S. Satyamurti : With reference to clause (a) of the question, may I ask the Commerce Member whether he can give an indication as to whether the conclusion of these negotiations will be announced to the House before it rises this Session ?

The Honourable Sir Muhammad Zafrullah Khan : I am hoping that it might be possible to announce that, after the talks have been concluded one way or the other.

Mr. K. Santhanam : Will the Honourable the Commerce Member have to fly back again to England ?

The Honourable Sir Muhammad Zafrullah Khan : I hope I may not have to fly back or sail back.

Mr. S. Satyamurti : Did I understand my Honourable friend to say that the negotiations will be concluded one way or the other before the House rises ?

The Honourable Sir Muhammad Zafrullah Khan : That is the hope.

Mr. S. Satyamurti : May I know if the House will be consulted ?

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

Maulvi Abdur Rasheed Chaudhury : Will the House be consulted before or after the negotiations ?

The Honourable Sir Muhammad Zafrullah Khan : That does not arise out of part (b).

Mr. M. Ananthasayanam Ayyangar : What items other than cotton have been settled so far ?

The Honourable Sir Muhammad Zafrullah Khan : The whole matter is under active examination. Even where certain matters have been provisionally settled, they are dependent upon the whole thing being agreed to.

Mr. Manu Subedar : May I know what are the circumstances which have caused the breakdown of the negotiations. On what things have you broken down ?

The Honourable Sir Muhammad Zafrullah Khan : We have not broken down at all.

Mr. Manu Subedar : Then why have you not come to a settlement ? What are the points of difference. That is my question.

The Honourable Sir Muhammad Zafrullah Khan : There have been points of difference in respect of almost everything.

Mr. Manu Subedar : Then why do you keep these things a secret. Why are these negotiations conducted in secrecy ?

The Honourable Sir Muhammad Zafrullah Khan : They have been carried on in exact conformity with the directions given by the House.

Mr. Manu Subedar : Then why have the non-official Indians been gagged while the Lancashire delegation and everybody on the European side including the Board of Trade have been informed of the entire trend of the negotiations.

The Honourable Sir Muhammad Zafrullah Khan : This is travelling very far from the subject matter of the question.

Mr. Sri Prakasa : May I know what is the exact significance of the words ' one way or the other ' used by the Honourable Member in connection with the termination of the negotiations.

The Honourable Sir Muhammad Zafrullah Khan : Sir, I may not possess the same degree of knowledge of the English language that the Honourable Member claims to possess, but I am quite sure that the expression is simple enough even for him to understand.

RESOLUTIONS PASSED BY PROVINCIAL LEGISLATURES ABOUT THE ESTABLISHMENT OF FEDERATION.

41. ***Sardar Mangal Singh** : Will the Honourable the Leader of the House please state :

- (a) which Provincial Governments have so far forwarded the resolutions passed by their respective Legislatures about the establishment of Federation as envisaged in the Government of India Act, 1935 ;

(b) which Provincial Governments are in favour of, and which against, the establishment of the Federation ; and

(c) what view the Government of India hold on this question ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). The Government of India have received from Provincial Governments copies of the resolutions adopted by both Chambers of the Madras and Bombay Legislatures, the Bengal Legislative Council, and the United Provinces, Bihar, Punjab, Central Provinces and Berar, North-West Frontier Province, Orissa and Sind Legislative Assemblies against the establishment of Federation. In six Provinces the resolutions adopted were moved by one of the Ministers. In the case of four Provinces the resolutions were moved by non-official Members and were accepted by the Chamber.

(c) The Honourable Member is asking for an expression of opinion.

Mr. T. S. Avinashilingam Chettiar : Is there any province which has not passed a resolution like this ?

The Honourable Sir Muhammad Zafrullah Khan : Have I not given a detailed reply on this matter ?

Mr. S. Satyamurti : May I know whether these reports received from the several Provincial Governments have been forwarded to the Secretary of State ?

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

Mr. Sri Prakasa : What is the attitude of the Governments of the provinces where such resolutions were moved by non-official members and accepted by the Chamber ?

The Honourable Sir Muhammad Zafrullah Khan : I am unable to say but the fact is that the resolution was accepted by the Chamber.

Mr. S. Satyamurti : May I know if the Government of India have considered these resolutions passed by the Provincial Legislatures in regard to their opposition to Federation ?

The Honourable Sir Muhammad Zafrullah Khan : I gave a reply to that in my reply to part (c) of the question.

Mr. S. Satyamurti : I am simply asking whether the Government of India have considered the opinions of the various Provincial Legislatures.

The Honourable Sir Muhammad Zafrullah Khan : The Government of India always consider whatever is relevant to their functions.

Mr. M. Ananthasayanam Ayyangar : May I know why in spite of the unanimous opinion of the Provincial Governments and Provincial Legislatures the Government are still insisting upon pursuing this Federation ?

The Honourable Sir Muhammad Zafrullah Khan : Is not that asking (c) in a different manner ?

Mr. M. Ananthasayanam Ayyangar : I have put the question in a clearer form.

Sardar Mangal Singh : May I know whether the Government of India have forwarded these resolutions to His Majesty's Government in the United Kingdom ?

The Honourable Sir Muhammad Zafrullah Khan : That was the question put by Mr. Satyamurti.

Mr. T. S. Avinashilingam Chettiar : We do not want an expression of opinion. We only want to know whether as a matter of fact the Government of India are pursuing this matter in spite of the unanimous opinion of the Provincial Governments ?

Mr. S. Satyamurti : We want to know whether the Government of India are taking steps to implement Federation as provided for in the Government of India Act of 1915.

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

Mr. S. Satyamurti : It arises in this way. We want to know the reasons why the Government of India, in spite of the unanimous opinion of the Provincial Legislatures, are still pursuing the imposition of this Federation.

The Honourable Sir Muhammad Zafrullah Khan : I have already answered that. It does not arise out of this question. Will the Honourable Member put down a question.

Mr. S. Satyamurti : It arises in this way.....

Mr. President (The Honourable Sir Abdur Rahim) : It will require a discussion on the whole subject of Federation.

Mr. S. Satyamurti : I merely want to know why the Government ignore the opinions of the Provincial Legislatures. We are entitled to an answer on that point.

The Honourable Sir Muhammad Zafrullah Khan : I have nothing to add to what I have said.

Mr. Manu Subedar : May I know if the resolutions of the Provincial Legislatures have been accepted or rejected by the Government of India ?

The Honourable Sir Muhammad Zafrullah Khan : That is asking part (c) of the question in another form.

Mr. Manu Subedar : I am merely asking for information as a matter of fact as to whether the Government of India have accepted or rejected those resolutions ?

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

Mr. Sri Prakasa : In view of the fact that a Legislative Chamber can accept a resolution despite the opposition of Government, may I know the exact attitude of the Governments of the four Provinces where these resolutions were moved by non-official members of the Legislature ?

The Honourable Sir Muhammad Zafrullah Khan : That the Honourable Member can easily discover by reference to the report of the proceedings of those Legislatures.

Mr. M. Ananthasayanam Ayyangar : May I know what action has so far been taken upon those resolutions passed in certain Provinces ?

The Honourable Sir Muhammad Zafrullah Khan : That question was put in another form and I have asked for notice.

Mr. M. Ananthasayanam Ayyangar : I am really surprised, Sir, at this answer.....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member asked for notice.

Mr. Sri Prakasa : Sir, on a point of order. In reply to my question the Honourable the Leader of the House said that I could easily get the information I wanted, by referring to various documents published in various parts of the world, and I ask, is that a satisfactory answer ?

Mr. President (The Honourable Sir Abdur Rahim) : The proceedings of Legislatures are always published for the information of the public, and it has always been held that if information can be had from a source like that, then Honourable Members may be properly referred to such information.

Mr. Sri Prakasa : Then I submit, Sir, that this reply should have been given to the question at the start, because we could have found out from the proceedings of the various Legislatures as to who moved the resolutions, etc., but as the Honourable Member did not do that at the start.....

Mr. President (The Honourable Sir Abdur Rahim) : That is only arguing. Next question.

Mr. K. Ahmed : Sir, as the Government are not at all giving proper information in reply to this question, I submit this is a proper subject for a vote of censure.....

Mr. President (The Honourable Sir Abdur Rahim) : Order, order. I have called the next question.

Mr. K. Ahmed : Sir, this fact must go in on the records.....

(*Cries of "Order, order".*)

RECOMMENDATIONS OF PROVINCIAL GOVERNMENTS ABOUT THE AWARD OF TITLES.

42. ***Sardar Mangal Singh :** Will the Honourable the Leader of the House please state :

- (a) which Provincial Governments submitted their recommendations regarding the award of titles mentioned in the last Honour's list ;
- (b) which Provincial Governments did not submit any recommendations about the award of titles ;

(c) which Provincial Governments have so far intimated to the Government of India the resolution passed by their respective Legislatures against conferring any titles on the British subjects residing in their territories ; and

(d) what view Government hold on this question ?

The Honourable Sir Muhammad Zafrullah Khan : With your permission, Sir, I will answer parts (a) and (b) together.

Provincial Governments as such are not the authorities which submit recommendations for honours or titles.

Part (c).—Bombay, United Provinces, Central Provinces and Berar.

Part (d).—The Honourable Member is asking Government for an expression of opinion.

Seth Govind Das : What have Government done in this respect, upon the recommendations of these Provinces ?

The Honourable Sir Muhammad Zafrullah Khan : Government have noted that opinion.

Mr. Mohan Lal Saksena : May I ask on whose recommendation titles were conferred in Provinces in which the Governments have refused to make recommendations ?

The Honourable Sir Muhammad Zafrullah Khan : It is not the function of a Provincial Government as such to make recommendations.

Mr. S. Satyamurti : May I ask, in regard to the conferment of titles on individuals in the provinces apart from those serving with or under the Government of India who are the authorities who make recommendations for the grant of titles ?

The Honourable Sir Muhammad Zafrullah Khan : I am not sure but I should think it is the function of the Governor as such.

Mr. S. Satyamurti : May I know if subordinate officials are allowed to make recommendations for titles above the heads of Governments ?

The Honourable Sir Muhammad Zafrullah Khan : I cannot say.

Mr. Mohan Lal Saksena : Is there any statutory provision for the grant of titles ?

The Honourable Sir Muhammad Zafrullah Khan : I am unaware of that. Anyway if specific information is required, the Honourable Member had better put down a question.

Mr. Mohan Lal Saksena : On what basis did the Honourable Member say that it is the function of the Governor ?

The Honourable Sir Muhammad Zafrullah Khan : I have said that with a certain amount of diffidence ; I am quite sure it is not the function of the Provincial Government.

Mr. M. Ananthasayanam Ayyangar : May I know whether it comes in in any of the provincial lists or central lists ?

The Honourable Sir Muhammad Zafrullah Khan : I am not aware whether it does.

Mr. M. Ananthasayanam Ayyangar : How then do the Government of India impose this obligation on the Local Governments to make recommendations ?

The Honourable Sir Muhammad Zafrullah Khan : No such obligation rests upon the Local Governments.

Mr. M. Ananthasayanam Ayyangar : I say that collectors make such recommendations.

The Honourable Sir Muhammad Zafrullah Khan : I have no information on that.

Mr. M. Ananthasayanam Ayyangar : Does the Honourable Member deny that collectors make recommendations ?

The Honourable Sir Muhammad Zafrullah Khan : I neither deny nor affirm that ; I have said I have no information.

Mr. M. Ananthasayanam Ayyangar : How is it the legitimate duty of the collectors to make such recommendations and how are they entitled to make recommendations of this kind, if the Honourable Member is quite sure that that is not so ?

The Honourable Sir Muhammad Zafrullah Khan : I have said that I have no information.

Mr. Abdul Qaiyum : Is there any statutory duty cast on the Government of India to exploit the weakness of certain individuals by granting titles ?

(No answer.)

HIGH PRICES OF ARTICLES MANUFACTURED BY THE TATA STEEL COMPANY.

43. ***Dr. Sir Ziauddin Ahmad :** (a) Will the Honourable the Commerce Member state whether it is not a fact that the prices of various articles manufactured by Tata Steel Company went much higher than the fair selling price fixed by the Tariff Board on the basis of which quantum of protection was given ?

(b) Is it not a fact that all the benefits of higher prices went to Tata Company and not to the Government ?

(c) Is it not a fact that special bonus was given to the Manager and Heads of Departments ?

(d) Is it not a fact that Mr. Dalal was given 3½ lakhs over and above his salary of Rs. 6,000 per mensem, and his salary is thus 50 per cent. more than the salary of the Presidency Governor ?

(e) Was the protection given in the interest of developing the industry ?

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

(b) No, Sir. Some of the benefit of higher prices accrued to Government also in the shape of increased receipts on account of income and super-taxes.

(c) and (d). Government have no information beyond what is contained in the published accounts of the Tata Iron and Steel Company, Limited, for the year 1937-38.

(e) The Honourable Member's attention is invited to the Statement of Objects and Reasons of the Iron and Steel Duties Act, 1934.

Mr. K. Santhanam : Is it a fact that for several years afterwards the prices fixed by them as the proper prices were not reached as a matter of fact ?

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

Mr. M. Ananthasayanam Ayyangar : Are Government aware that even to this day the Tatas sell pig-iron to Indian merchants at Rs. 44 whereas their export price is only Rs. 24 ?

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

Mr. S. Satyamurti : Have Government considered the question of regulating the prices of articles produced by industries to which protection is given, in the interest of all concerned ?

The Honourable Sir Muhammad Zafrullah Khan : That is a very large question which does not arise.

Dr. Sir Ziauddin Ahmad : Is the interest of the Government confined only to the income-tax, or do they get any share from the profits ?

The Honourable Sir Muhammad Zafrullah Khan : The interest of Government is not confined only to income-tax, but that is the only manner in which they have received a share.

Dr. Sir Ziauddin Ahmad : Their share consists only in the income-tax, or in the excess profits also ?

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

Dr. Sir Ziauddin Ahmad : Have Government got any machinery by means of which they can secure that the help given to them for a fair selling price should be withheld if they get something more than the fair selling price, in which case that should go to the Government or to the consumers ?

The Honourable Sir Muhammad Zafrullah Khan : I should have thought that machinery would be for the purpose of finding statistics or facts, but what the Honourable Member is suggesting is certain action to be taken ?

Dr. Sir Ziauddin Ahmad : Have Government got any machinery for finding these out ?

The Honourable Sir Muhammad Zafrullah Khan : Yes.

Dr. Sir Ziauddin Ahmad : Will Government tell us what was the excess gained by them over and above what was given to them by the Act of 1934 ?

The Honourable Sir Muhammad Zafrullah Khan : Those documents in which these particulars are given are equally available to the Honourable Member.

Mr. Ram Narayan Singh : If no further protection is necessary, will Government consider the question of discontinuing protection ?

The Honourable Sir Muhammad Zafrullah Khan : That always comes under review at suitable intervals.

FAIR SELLING PRICE OF BARS AND GALVANISED CORRUGATED IRON SHEETS.

44. ***Dr. Sir Ziauddin Ahmad :** (a) Will the Honourable the Commerce Member please state whether it is not a fact that the fair selling price of bars, on which protection was given, was calculated at Rs. 106 per ton and it is now Rs. 165 per ton ?

(b) Is it not a fact that the fair selling price of galvanised corrugated iron sheets was Rs. 170 per ton, and it is now Rs. 240 per ton and it went up to Rs. 320 per ton ?

(c) Do Government propose that a portion of the excess profit of the protected industries may go to the Government ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). Yes, Sir, but for current prices of these articles, I must refer the Honourable Member to price quotations published in various newspapers and trade journals.

(c) I would refer the Honourable Member to my reply to part (b) of his question No. 43 just given.

FEE CHARGED AND MEDICAL INSPECTION OF HAJ PILGRIMS AT KAMARAN QUARANTINE STATION.

45. ***Dr. Sir Ziauddin Ahmad :** (a) Will the Education Secretary be pleased to state the amount of fee charged from every Hedjaz pilgrim to meet the Kamaran quarantine expenses ?

(b) What is the total amount collected in the year 1937-38 ?

(c) How was this money spent ?

(d) Were the pilgrims examined medically on the boat, or were they compelled to get down ?

(e) For what period were the ships detained at Kamaran for medical inspection ?

Sir Girja Shankar Bajpai : (a) Rs. 8 per head.

(b) Rs. 2,88,666.

(c) It is utilised for the maintenance of the Kamaran Quarantine Station.

(d) Pilgrims were examined medically on board.

(e) About two hours.

Mr. Abdul Qaiyum : May I know if the practice of disembarking pilgrims at Kamaran was discontinued in 1937 and that there is no such thing as quarantine at present in existence ?

Sir Girja Shankar Bajpai : The quarantine in any case depended upon whether a ship was actually suspected of having on it a case of infectious disease, but I think my Honourable friend is correct in saying that the actual practice of disembarkation has been discontinued since 1937.

Mr. Abdul Qaiyum : In view of the fact that this practice has been discontinued and that the Haj Enquiry Committee has recommended its reduction to Rs. 3, have Government reduced the fee charged from each Haji to Rs. 3 instead of Rs. 10 ?

Sir Girja Shankar Bajpai : I would like to inform my Honourable friend that the Government of India have under active consideration the question of reducing the fee from Rs. 8 to Rs. 3.

Mr. Sri Prakasa : Is it not a fact that the spiritual value of these pilgrimages is enhanced by the amount of discomfort experienced by the pilgrims on the way ?

Sir Girja Shankar Bajpai : I think my Honourable friend is a more learned doctor on Muhammadan theology than I am.

Dr. Sir Ziauddin Ahmad : Will Government be pleased to mention what is the amount of saving Government have had in connection with this quarantine—the difference between income and expenditure ?

Sir Girja Shankar Bajpai : Well, as a matter of fact, the income varies from year to year, being dependent upon the number of pilgrims that go.

Dr. Sir Ziauddin Ahmad : What was the amount realised last year ?

Sir Girja Shankar Bajpai : I have already given the figure for the last year. The amount realised was Rs. 2,88,666 and the expenditure incurred was Rs. 1,45,000.

Dr. Sir Ziauddin Ahmad : What has happened to the balance ?

Sir Girja Shankar Bajpai : When the expenditure exceeds the income, the balance is utilised to cover the deficit.

Mr. Abdul Qaiyum : Is it a fact that this amount is added on to the steamer fares of Hajis ?

Sir Girja Shankar Bajpai : I believe that the shipping companies are under an obligation to recover the quarantine fee as part of the fare.

Dr. Sir Ziauddin Ahmad : Suppose the quarantine is stopped altogether at Kamaran, will the Government still maintain a staff at Kamaran ?

Sir Girja Shankar Bajpai : My Honourable friend is asking a hypothetical question.

Dr. Sir Ziauddin Ahmad : Is the staff utilised for any other purpose except for quarantine ?

Sir Girja Shankar Bajpai : The quarantine staff is utilised only for the purpose of quarantine.

Dr. Sir Ziauddin Ahmad : The quarantine time is limited to a few weeks only. What does the staff do for the rest of the year ?

Sir Girja Shankar Bajpai : It is impossible to get the staff only for the period of the Haj and so they have to be maintained on a permanent footing.

Dr. Sir Ziauddin Ahmad : Is it not possible for the Government of India to send temporarily from India men in their permanent service for a few years and give them an allowance ?

Sir Girja Shankar Bajpai : If they go on temporary service for a few years, they will have to be paid all the year round. You cannot get them for a few weeks.

Dr. Sir Ziauddin Ahmad : You can get any number of men for this short period ?

Sir Girja Shankar Bajpai : That is my Honourable friend's opinion.

Mr. Abdul Qaiyum : In view of the fact that the quarantine has been discontinued, has there been any reduction in the number of staff employed at Kamaran ?

Sir Girja Shankar Bajpai : I think there has been reduction in the staff, but if my Honourable friend wants details, I would like to have notice.

Mr. Abdul Qaiyum : I merely want you to reduce the amount.

Sir Girja Shankar Bajpai : I have already said that I have taken up the question of reducing the amount and I hope that I shall be able to reduce it.

Dr. Sir Ziauddin Ahmad : Is this quarantine maintained on account of the demand from the Government of Arabia or is it maintained because of the sweet-will of the Government ?

Sir Girja Shankar Bajpai : It is not maintained by the sweet-will of the Government. It is maintained under obligations which the Government of India have assumed under the International Sanitary Convention.

COUNTRIES CONDUCTING NEGOTIATIONS FOR TRADE AGREEMENT WITH INDIA.

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

(a) with what countries the Government of India are conducting trade negotiations at present ; and

(b) at what stage those negotiations are ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). The Government of India are at present conducting trade negotiations with His Majesty's Government in the United Kingdom for the conclusion of a trade agreement. His Majesty's Government in the United Kingdom in consultation with the Government of India are also negotiating the renewal of a treaty of 1891 with the Sultan of Muscat. The former Treaty will expire in February, 1939. These negotiations are still in progress.

Mr. T. S. Avinashilingam Chettiar : May I ask whether there have been any trade negotiations with Ceylon ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir. The position with regard to Ceylon is that negotiations will be taken up shortly after the completion of the trade negotiations with the United Kingdom.

Mr. T. S. Avinashilingam Chettiar : May I ask whether the Government intend to postpone the trade negotiations with Ceylon till an agreement is concluded with the United Kingdom ?

The Honourable Sir Muhammad Zafrullah Khan : I do not know in what manner this question is different from the previous one.

Mr. M. Ananthasayanam Ayyangar : May I ask why the Government of India is not directly negotiating a trade treaty with the Sultan of Muscat ?

Sir Aubrey Metcalfe : May I answer, Sir, this question. The Government of India are not negotiating directly with the Sultan because the original treaty relations are between the Sultan of Muscat and His Majesty's Government.

Mr. S. Satyamurti : In view of the Resolution of this House to terminate the Ottawa Agreement which also recommended that they should conduct trade agreements with other countries, may I know the reason why the Government of India are not conducting the trade negotiations with Germany, Italy, the United States of America and others with whom we have actual trade relations ?

The Honourable Sir Muhammad Zafrullah Khan : One reason is that unless they know how they are likely to stand with regard to the United Kingdom with reference to preferences and other matters that may be the subject matter of a trade agreement, it is difficult to decide on what basis trade negotiations may be started with other Governments.

Mr. S. Satyamurti : With regard to the Anglo-Indian trade negotiations, are the Government of India actively keeping in mind the necessity to conclude them in the best interests of this country and that they will not be allowed to fetter our hands in any degree or in any way, with regard to our trade negotiations with other countries ?

The Honourable Sir Muhammad Zafrullah Khan : The Government of India are keeping in mind all the factors that were pointed out to them during the debate.

Mr. Manu Subedar : May I ask from the Foreign Secretary whether it is not a fact that the Residency in Muscat is maintained from the revenues of India and whether in view of that fact the negotiations could not be taken up directly ?

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

Mr. M. Ananthasayanam Ayyangar : Is it one of the conditions of the treaty that India should not have a direct treaty with Muscat ? What are the impediments for the Government of India to directly negotiate a treaty with the Sultan of Muscat ?

Mr. President (The Honourable Sir Abdur Rahim) : That does not arise.

Sardar Mangal Singh : *May I ask whether any trade negotiations are being carried on with the United States of America ?*

The Honourable Sir Muhammad Zafrullah Khan : I have already given a very complete answer.

INTRODUCTION OF FEDERATION.

†47. ***Mr. T. S. Avinashilingam Chettiar :** Will the Honourable the Law Member state :

- (a) whether they have made any time-table for the introduction of federation ;
- (b) when they expect its inauguration ; and
- (c) how many princes have signed, or agreed to sign, the revised Instrument of Accession ?

AMENDMENT OF THE GOVERNMENT OF INDIA ACT, 1935.

48. ***Mr. T. S. Avinashilingam Chettiar :** Will the Honourable the Leader of the House state :

- (a) whether they have received any representation from anybody about the need for the amendment of the Government of India Act, 1935 ;
- (b) whether they are in correspondence with His Majesty's Government over this matter ; and
- (c) if so, what are the specific matters over which amendments are being sought ?

The Honourable Sir Muhammad Zafrullah Khan : I regret that I am not in a position to make any statement on the points raised by the Honourable Member for the reason that it would not be in the public interest to do so.

Mr. S. Satyamurti : May I ask whether the Federation of the Chambers of Commerce and Industry have not pressed the Government of India on the question of amending sections 111 to 117 of the Government of India Act with regard to commercial discrimination ?

The Honourable Sir Muhammad Zafrullah Khan : There is a specific question on this subject later on.

Mr. T. S. Avinashilingam Chettiar : Apart from the fact as to what steps they are taking, can they say yes or no ? What is the reply to part (b) ?

The Honourable Sir Muhammad Zafrullah Khan : The reply to the whole question is that I am unable to make a statement because it is not in the public interest to do so.

SCHEME FOR HOLDING INDUSTRIAL, ART AND AGRICULTURAL EXHIBITIONS.

49. ***Mr. Amarendra Nath Chattopadhyaya :** (a) Will the Honourable Member for Commerce be pleased to state if it is a part of the scheme of the Central Government to hold industrial, art and agricultural exhibitions ? If so, will the Honourable Member for Commerce

†For answer to this question, see answer to question No. 39.

be pleased to state the number of industrial exhibitions held under the initiative and patronage of the Central Government between the years 1930 and 1938, and the places where they were held ?

(b) Will the Honourable Member be pleased to state the amount paid by the Central Government for the aforesaid exhibitions, respectively ?

(c) Will the Honourable Member be pleased to state if it is a part of the Central Government's scheme to hold such exhibitions in the different Provinces after the inauguration of Provincial Autonomy ?

(d) If not, will Government be pleased to lay on the table a scheme of the Central Government for such exhibitions to encourage industries of India in general ?

The Honourable Sir Muhammad Zafrullah Khan : (a), (c) and (d). I presume the Honourable Member refers only to large scale exhibitions such as have been held in various parts of India from time to time. The holding of such exhibitions is a matter of provincial concern and constitutionally the initiative must lie with the Provincial Governments, the Central Government confining their attention to the Centrally Administered Areas. One such Exhibition is held annually in Delhi. The initiative in respect of the Exhibition is entirely non-official, but it is patronised by Government Departments.

(b) Grants have been made by the Central Government during the last few years to certain large scale exhibitions held outside Centrally Administered Areas but these grants were made expressly for the purpose of exhibiting handloom products and improved handloom machinery and appliances and were met out of the Central Revenues fund earmarked for the development of the handloom industry. The amounts of the grants were as follows :

	Rs.
Bihar and Orissa Provincial Exhibition, Patna, held in 1935-36.	10,000
All-India Industrial Exhibition, Delhi, held in 1935-36.	7,500
The United Provinces Industrial and Agricultural Exhibition, Lucknow, held in 1936-37.	30,000
All-India Exhibition of Arts and Industries, Punjab, Lahore, held in 1937-38.	40,000
	<hr/>
	87,500

Mr. M. Ananthasayanam Ayyangar : May I ask if any Exhibitions are held under the auspices of the Government of India in foreign countries ?

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

Mr. M. Ananthasayanam Ayyangar : I thought the question was sufficiently general.

The Honourable Sir Muhammad Zafrullah Khan : My impression is that no Exhibitions are held under the patronage of the Government of India in foreign countries, but in certain fairs the Government of India have taken part. If the Honourable Member wants a specific and considered reply, he must put down a question to that effect.

REPORT OF SIR JAMES PITKEATHLY ON THE AMALGAMATION OF THE LONDON AND INDIAN STORES DEPARTMENT.

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

- (a) whether Sir James Pitkeathly has submitted his report on the amalgamation of the London and Indian Stores Department ;
- (b) If so, what is the nature of his recommendation ; and
- (c) whether Government have considered his report and come to any conclusion in the matter ?

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

(b) and (c). The Report is at present under examination by the Government of India. I regret that I am unable at this stage to disclose the nature of the recommendations made in it.

Mr. T. S. Avinashilingam Chettiar : May I ask when the examination of the matter is likely to be finished ?

The Honourable Sir Muhammad Zafrullah Khan : It is being considered. I really cannot specify any particular date.

PROTECTION OF PURCHASERS FROM BEING MISGUIDED BY FICTITIOUS TRADE MARKS.

51. ***Mr. Brojendra Narayan Chaudhury :** Will the Honourable Member for Commerce please state :

- (a) if it is compulsory for imported goods to carry marks of the country of origin ;
- (b) if it is a fact that in Japan a place has been newly named ' Sweden ' and that matches imported from Japan bear the mark ' Sweden ' ;
- (c) if it is a fact that similarly ' Mecklesfield ' is the name marked for Japanese silk goods ; and
- (d) what steps Government propose to take to protect purchasers from being misguided by these marks ?

The Honourable Sir Muhammad Zafrullah Khan : (a) No, Sir, unless the goods also bear some marking which would otherwise be misleading.

(b) and (c). Government have no information.

(d) As is indicated in the reply to part (a) the existing law protects purchasers from being misguided by such marks.

Mr. Brojendra Narayan Chaudhury : Will the Honourable Member kindly inquire from the office of the Calcutta Trade Journals whether the facts stated in parts (b) and (c) are correct ?

The Honourable Sir Muhammad Zafrullah Khan : No case has so far been reported to Government.

Mr. Manu Subedar : Is it not a fact that representations have been made by the Chambers of Commerce that the Japanese trade associations have been copying trade marks and stamps and other marks used by Indian Mills for selling their goods in India ?

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

Maulvi Abdur Rashid Chaudhury : Now that it has come to the notice of the Government, will they make enquiries ?

The Honourable Sir Muhammad Zafrullah Khan : It is not necessary. No such case has been reported to Government. As I have indicated in my reply to part (d) the law provides a remedy for such cases.

Maulvi Abdur Rasheed Chaudhury : It has now come to the notice of the Government. Why not they make enquiries ?

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

ARCHÆOLOGICAL EXCAVATIONS TO BE MADE BY SIR LEONARD WOOLLEY.

52. ***Mr. Brojendra Narayan Chaudhury :** Will the Secretary for Education, Health and Lands please state :

- (a) the financial arrangements of the invitation offered to Sir Leonard Woolley to spend the winter in India ;
- (b) the name of the party, association or state which bore the expenses of Sir Leonard Woolley's explorations in North-West Syria ;
- (c) if other States and Associations interested in Archæology get the benefit of explorations made by the Survey of India ;
- (d) if the party first to move in the correspondence or negotiation fructifying in the invitation to Sir Woolley to visit India, was the Government of India ; if not, who it was ;
- (e) if he is aware that the Indian explorations at Mohenjodaro, etc., are likely to benefit those interested in explorations of North-West Syria and whether the Government of India intend to ask such States or Associations who are particularly interested in North-West Syria, to bear the entire cost of Sir Woolley's visit to India ; and
- (f) if there is any truth in the report current in Simla that Lady Woolley is also connected officially with the visit of Sir Woolley ; if so, what will be Her Ladyship's functions, and who will bear her costs, and how much ?

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

(b) Government have no information.

(c) The published results of the activities of the Archaeological Survey are available to any person, association or Government on payment of the purchase price.

(d) The negotiations were initiated by the Government of India.

(e) In view of the answer to part (c), this does not arise.

(f) Lady Woolley will act as her husband's Secretary during the latter's visit to India. She will receive no salary but only travelling and subsistence allowance.

Statement.

(a) Honorarium at the rate of Rs. 1,000 a month for the period of his visit to India (including days spent in voyage), plus a lump sum of £500 for the whole period.

(b) First class 'B' return passage by P. and O. for Sir Leonard and Lady Woolley between Marseilles and Bombay and cost of direct first class overland journey by rail between London and Marseilles.

(c) First class actual travelling expenses in India for self and Lady Woolley.

(d) Voyage allowance at 10 sh. per diem during voyage to and from India.

(e) Outfit allowance of £75.

(f) Joint maintenance allowance while in India for self and Lady Woolley at the rate of Rs. 1,500 per mensem.

Mr. Brojendra Narayan Chaudhury : Is it a fact that the cost to be incurred will be about Rs. 30,000 ?

Sir Girja Shankar Bajpai : No, Sir. It will be Rs. 25,000.

Mr. Brojendra Narayan Chaudhury : The Government of India communiqué mentions "In order to provide for fruitful co-operation in this particular field of exploration between the archaeologists in India and the archaeologists working in the near East, it appeared desirable, etc.". In view of this, will the Government extend the scope of co-operation to the field of finance also ?

Sir Girja Shankar Bajpai : If any association of archaeologists had asked the Government of India to invite Sir Leonard Woolley, then the question of co-operation in the matter of finance would have arisen. But it does not arise in the present circumstances.

Mr. Brojendra Narayan Chaudhury : The Government of India have definitely said that there should be fruitful co-operation and that is why I am asking why not in the field of finance also ?

(No answer.)

Mr. M. S. Aney : May I know whether this expenditure is going to be incurred out of the provision already made this year for the Department of Archaeology or whether it is the addition to that ?

Sir Girja Shankar Bajpai : I think the expenditure is going to be met from an *ad-hoc* provision.

Mr. Manu Subedar : May I ask whether the Secretaryship is a necessity or a convenience ?

Sir Girja Shankar Bajpai : I presume that in her matrimonial capacity her presence is a convenience and in her capacity as Secretary, it is not a convenience but a necessity.

Mr. Abdul Qaiyum : Does her share of expenses come out of this Rs. 25,000 ?

Sir Girja Shankar Bajpai : We are merely paying her travelling expenses and we have included, I think, the sum of Rs. 500 a month on account of her subsistence allowance.

Mr. Badri Dutt Pande : Is it a separation allowance for her ?

Sir Girja Shankar Bajpai : No ; it is compensation for her coming with her husband.

REVISED INSTRUMENT OF ACCESSION TO THE FEDERATION.

†53. ***Seth Govind Das :** Will the Honourable the Leader of the House please state :

- (a) the stage in which the revised Federal draft of Instrument of Accession at present is ; and
- (b) whether it is a fact that the final touches to the draft will be given in personal consultation with His Excellency the Viceroy when he visits London ?

REPORT OF THE COMMISSION APPOINTED TO ENQUIRE ON THE CAUSES OF UNREST AMONG INDIAN WORKERS IN MAURITIUS.

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

- (a) whether the Commission appointed by the Mauritius Government to enquire into the causes of unrest among Indian workers in that colony, has submitted its Report ;
- (b) whether it is a fact that the Commission recommended for a ten per cent. increase in the agricultural wage prevailing there before the strike of August last ;
- (c) whether Government are aware of the contemplation of the Mauritius Government to introduce a Bill in their Local Legislative Council entitled " The Public Emergency Powers Bill " ;
- (d) the aims and objects of that Bill ;
- (e) whether the Mauritius Government are going to give effect to the recommendations of the Commission, so far as the increase of wages is concerned ; and
- (f) whether he had any correspondence with the Mauritius Government in the matter, and the results thereof ?

Sir Girja Shankar Bajpai : (a) Yes.

(b) Yes, but without prejudice to any decision that might be taken under the Minimum Wage Ordinance, 1934.

†For answer to this question, see answer to question No. 39.

(c) and (d). Government have made enquiries.

(e) and (f). The Government of India are in correspondence with His Majesty's Government in the matter.

DISTURBANCES AMONG THE INDIAN WORKERS IN BRITISH GUIANA.

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

(a) whether it is a fact that there have been disturbances, as a result of discontent, among the Indian workers in some estates of British Guiana ;

(b) the actual cause of the disturbances ; and

(c) the action taken by Government in the matter ?

Sir Girja Shankar Bajpai : (a) to (c). Government understand that there was unrest on two estates in British Guiana but that as a result of the efforts of the Commissioner of Labour, the matters under dispute, which related chiefly to wages, were amicably settled. His Majesty's Government have decided to send out a Royal Commission to the West Indies which, it is understood, would enquire into the economic condition of the people generally.

Mr. M. Ananthasayanam Ayyangar : Is it at our cost that the Royal Commission has been set up ?

Sir Girja Shankar Bajpai : It is at the cost of His Majesty's Government.

Mr. Mohan Lal Saksena : Is there any Indian on the Commission ?

Sir Girja Shankar Bajpai : As far as I know it does not include any Indian.

Mr. Mohan Lal Saksena : Did the Government of India make any representations to that effect ?

Sir Girja Shankar Bajpai : His Majesty's Government took the decision to appoint a Royal Commission and as the scope of the enquiry includes territories in which there are no Indians the Government of India would not have been on very strong grounds in asking for the inclusion of an Indian in the personnel of the Commission.

Mr. M. Ananthasayanam Ayyangar : Is it also one of the terms of reference that the conditions of Indians in those countries should be enquired into also ?

Sir Girja Shankar Bajpai : The general question remitted to the Royal Commission is an enquiry into the economic condition of the peoples of those territories. In British Guiana and in Trinidad and to a certain extent in Jamaica, there are Indian populations so that the Commission will look into their condition naturally.

Mr. M. Ananthasayanam Ayyangar : What steps have the Government of India taken to impress upon the Royal Commission to make a special report on the conditions of Indians in British Guiana ?

Sir Girja Shankar Bajpai : My Honourable friend seems to assume that in so far as the question of land settlement is concerned the interests of the Indian community in these territories are different from those of others. If what my Honourable friend wishes to enquire is as to whether the Government of India are considering any suggestions in order to ensure that the Indian case is properly presented my answer is in the affirmative.

PROHIBITION OF ASSISTED EMIGRATION OF INDIAN LABOUR TO MALAYA AND REPATRIATION OF CERTAIN LABOURERS.

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

- (a) whether Government have declared their decision to prohibit assisted emigration of Indian labour to Malaya ;
- (b) whether Government have asked the Malayan Government for the desirability of repatriating, free of cost, all labourers who are without employment or unwilling to work on reduced wages ;
- (c) whether Government have received any reply thereto ; if so, what it is ; and
- (d) the number of such labourers likely to be repatriated ?

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

(c) The Malayan Governments are considering the question but have not yet come to a decision.

(d) In view of the reply to part (c) of the question, it is not possible to say.

Mr. T. S. Avinashilingam Chettiar : How many Indian emigrants have been repatriated already ?

Sir Girja Shankar Bajpai : There is another question later on on the order paper and I think my Honourable friend had better wait until it is answered.

UNEMPLOYMENT CONVENTION PASSED AT THE WASHINGTON INTERNATIONAL LABOUR CONFERENCE IN 1919.

57. *Mr. N. M. Joshi : Will the Honourable Member for Labour be pleased to state :

- (a) whether the Government of India have given notice of their intention to denounce the unemployment convention passed at the Washington International Labour Conference in 1919 ;
- (b) if so, why they propose to denounce the convention ;
- (c) whether they propose to consult the Legislature before the denunciation becomes effective ; and
- (d) if not, why not ?

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

(b) The reasons are explained in the letter from the India Office to the Director, International Labour Office, a copy of which is placed on the table of the House.

(c) No.

(d) Government did not consider such a course necessary.

Copy of letter No. E. & O. 2373/38, dated the 14th April, 1938, from the India Office, to the Director, International Labour Office.

I am directed by the Secretary of State for India to inform you that the Government of India have decided to denounce the International Labour Convention adopted at the Washington Labour Conference in 1919 concerning Unemployment and that the necessary notice has been given to the Secretary-General of the League of Nations. In apprising you of this decision I am to indicate the reasons which have led to it.

2. The Government of India Act of 1935 has effected important changes in the constitutional position in India, and in particular, has altered substantially the relations between the Central Government and the Provinces in the sphere of labour. Whereas prior to 1st April, 1937, the Central Government had powers of superintendence, direction and control over the Provincial Governments in that respect, the latter are now autonomous within their own sphere. So far as the present question is concerned, the position is that "Unemployment" is now a matter upon which the Provincial Governments and Legislatures possess exclusive jurisdiction. In other words, the power both of legislation and administration has passed entirely from the hands of the Central Government.

3. In respect of the Unemployment Convention, the effect is briefly as follows. Whereas the Government of India had formerly power to require the submission of the statistics whose supply is obligatory under Article 1 of the Convention, they have now no such power. Further, whereas they formerly constituted a "central authority" having ultimate control over the provincial authorities for the purposes of Article 2 of the Convention, such power of control has now disappeared.

4. The Government of India felt themselves justified in ratifying the Convention by the existence of the Indian Famine Relief system, which has, under the conditions prevailing in India, served the purpose of providing against the effects of unemployment. The view has been held in some quarters that the creation of agencies on Western lines—particularly for industrial workers—is required if India is to give due effect to the provisions of the Convention. Though not admitting the validity of this view, the Government of India have from time to time reviewed the possibility of setting up such employment agencies. But up to the end of the period during which the Central Government were responsible for the subject of unemployment the conditions had not in their judgment become ripe for such a step, and as has been already explained, the Constitutional responsibility for the subject has now passed to the Governments of the Provinces.

5. For all these reasons the Government of India consider it undesirable that India should continue to be bound by the provisions of the Convention and have therefore reluctantly decided that its denunciation is the only proper course to be taken. They are, however, confident that this step will have no adverse effect on those in India whom the Convention was designed to protect.

Mr. N. M. Joshi : May I ask whether the Indian Legislature is considered as a constituent of the competent authority which ratifies or denounces conventions?

The Honourable Sir Muhammad Zafrullah Khan : There is no statutory obligation to consult the Legislature when notice of denunciation is given.

Mr. N. M. Joshi : May I ask whether the Honourable Member has recently read a statement made by Sir Thomas Holland who represented this department. His statement is this :

"This Assembly is one constituent of the competent authority and I congratulate the Assembly on having the privilege."

If, Sir, this Assembly is part of the competent authority which ratifies or denounces the convention may I know why the Government of India did not consult the Legislative Assembly before denouncing the convention and why even after asking them, they refused to consult the legislature. Have the Government of India denounced the statement of Sir Thomas Holland that the legislature is a constituent part of the competent authority ?

The Honourable Sir Muhammad Zafrullah Khan : That is an argument.

Mr. N. M. Joshi : May I ask whether the Government of India have denounced the statement of Sir Thomas Holland that the legislature is a constituent part of the competent authority ? It is a question, not an argument.

The Honourable Sir Muhammad Zafrullah Khan : It is an argument. The Honourable Member reads out a statement to me of which he has given no notice and then asks me to pronounce upon it.

Mr. Mohan Lal Saksena : Is it not a fact that whenever Government do not want to ratify a convention they come to this House for its opinion ?

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

Mr. N. M. Joshi : My question has given sufficient notice, and that is, whether they propose to consult the legislature before the denouncement becomes effective.

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

Mr. N. M. Joshi : If the Honourable Member did not read the previous commitments of the Government of India it is his fault and not mine. I am asking him why he does not propose to consult the legislature.

The Honourable Sir Muhammad Zafrullah Khan : The Honourable Member does not seem to have read the letter I have mentioned. The reason given is that it is no longer the concern of the Government of India and there is no purpose in consulting the legislature or anybody else. It is now the concern of the Provincial Governments.

Mr. N. M. Joshi : As to the statement of the Honourable Member that I have not read that statement I may tell him that I have read it very carefully. Here is a convention which was ratified with the consent of the legislature and now they are denouncing it without the consent of the legislature. I want to know the reasons why Government do not propose to consult this legislature.

The Honourable Sir Muhammad Zafrullah Khan : I have given the reasons. I have said that this matter is no longer the concern of the Central Government but is the concern of the Provincial Governments who have become autonomous. The Central Government has no longer any authority in the matter, and therefore the consent of the legislature will not invest the Central Government with that authority.

Mr. N. M. Joshi : Are international affairs the concern of the Provincial Governments or of the Government of India ?

Mr. President (The Honourable Sir Abdur Rahim) : I cannot have any discussion on that.

Mr. T. S. Avinashilingam Chettiar : May I know whether the denouncement was made with the consent of the Provincial Governments ?

The Honourable Sir Muhammad Zafrullah Khan : I am not quite sure but I think not.

Mr. T. S. Avinashilingam Chettiar : If it is a matter for the Provincial Governments, may I know why the Government of India denounced this thing without the consent of the Provincial Governments ?

The Honourable Sir Muhammad Zafrullah Khan : The Provincial Governments' business is to administer this matter ; they are not concerned with the international obligations.

Mr. Mohan Lal Saksena : May I know whether the Government of India have anything to do with the labour administration in the Centrally Administered Areas ?

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

Mr. N. M. Joshi : May I know whether international affairs are the concern of the Provincial Governments or of the Government of India ?

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

INTRODUCTION OF LABOUR LEGISLATION IN THE CENTRAL LEGISLATURE.

58. ***Mr. N. M. Joshi :** Will the Honourable Member for Labour be pleased to state :

(a) whether the Government of India propose to introduce any labour legislation in the Central Legislature in the immediate future ; and

(b) if so, on what subject or subjects ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). Government propose to introduce during the current session of the Legislature two Bills, one to abrogate certain defences in suits for damages in respect of injuries sustained by workmen, and the other to regulate the employment of children in docks and railways.

COLLECTION OF STATISTICS OF UNEMPLOYMENT IN INDUSTRIES.

59. ***Mr. N. M. Joshi :** Will the Honourable Member for Labour be pleased to state :

(a) whether they have completed consideration of the question of legislation for the collection of statistics of unemployment in industries ;

(b) if so, what their decision is ; and

(c) if not, what the delay is due to ?

The Honourable Sir Muhammad Zafrullah Khan : (a), (b) and (c). The Honourable Member presumably refers to the question of legislating for the collection of statistics of employment in industries. The Provincial Governments have been asked to place before their respective Legislatures resolutions empowering the Indian Legislature to regulate the matter by central legislation. No further action can be taken until the necessary resolutions are passed by the Provincial Legislatures.

CONDITION REGARDING FAIR WAGES IN FORMS OF CONTRACTS OF THE
GOVERNMENT OF INDIA DEPARTMENTS.

60. ***Mr. N. M. Joshi :** Will the Honourable Member for Labour be pleased to state whether all the Departments of the Government of India have taken steps to insert in their forms for contracts to be entered into on behalf of Government, a condition regarding fair wages ?

The Honourable Sir Muhammad Zafrullah Khan : I presume the Honourable Member is referring to contracts for works. If so, I may tell him that all contracts for works in charge of the Public Works Department under the Central Government contain a stipulation that the contractor should pay his labourers not less than the wages paid for similar work in the neighbourhood. The State-managed Railways have been instructed and Company-managed Railways have been invited to follow this practice. Contracts in charge of the Military Engineer Services also contain a similar clause. In this connection, I may point out that the Royal Commission on Labour, while making recommendations relating to labour employed on public works, expressed the view that the method adopted elsewhere of a "fair wages clause" could not be applied without modification in India.

Mr. Manu Subedar : What is the position with regard to contracts for the purchase of articles ? Is it intended to insert this "fair wages clause" there also.

The Honourable Sir Muhammad Zafrullah Khan : I do not see how that can be done, but if the Honourable Member will put down a question I will try to give him an answer.

REVISED INSTRUMENT OF ACCESSION TO THE FEDERATION.

+61. ***Mr. N. M. Joshi :** Will the Honourable the Leader of the House be pleased to state :

- (a) whether the final form of the Instrument of Accession has been forwarded to the Rulers of the Indian States ;
- (b) whether he is prepared to take steps to publish for the information of the public a copy of the general conditions in the Instrument of Accession in its final form ; and
- (c) if not, why not ?

†For answer to this question, see answer to question No. 39.

**STATEMENT MADE IN THE HOUSE OF COMMONS BY LORD STANLEY REGARDING
THE CREATION OF NEW PROVINCES.**

62. ***Mr. K. Santhanam** : Will the Honourable the Leader of the House be pleased to state :

- (a) whether the Government of India were consulted with reference to the statement made in the House of Commons by Lord Stanley on the 2nd May, 1938, regarding the creation of new Provinces ;
- (b) whether they are aware that the Madras Legislative Assembly has recommended the division of the Province into linguistic provinces ; and
- (c) whether they are aware that the reply given by Lord Stanley has created much resentment in several parts of the Madras Presidency ?

The Honourable Sir Muhammad Zafrullah Khan : With your permission, Sir, I will make a brief statement in regard to the question of the creation of new Provinces on a linguistic basis.

In March, 1938, the Madras Legislative Assembly and the Madras Legislative Council passed resolutions in the following terms :

“ This Assembly Council recommends to the Government that the view of this Chamber of the Legislature of Madras be communicated under section 290 of the Government of India Act, 1935, to His Majesty in Council that steps may be taken as early as possible for the constitution of separate provinces so as to place under separate autonomous provincial administrations the areas wherein the language predominantly spoken is respectively Tamil, Telugu, Kannada and Malayalam.”

The Government of Madras forwarded copies of the resolutions together with the debates to the Government of India and requested that they may be transmitted to the Secretary of State. The Provincial Government stated in their letter that, in all the circumstances, they were of the opinion that the demand for the constitution of separate Provincial administrations on a linguistic basis should be conceded.

In accordance with the procedure laid down in section 290 of the Government of India Act, 1935, the initiative in the matter rests with the Crown.

A copy of the Madras Government's letter and of the resolutions passed by the Chambers of the Madras Legislature were accordingly forwarded to the Secretary of State. Since then, an occasion arose as a result of a question in the House of Commons to define the attitude of His Majesty's Government towards the demand for the creation of new provinces. I shall read out the question and the reply given by the Under Secretary of State on the 2nd May for the information of the Honourable Member :

Mr. Cary,—To ask the Under Secretary of State for India, whether he is aware that in more than one province the creation of new provinces is being urged ; and whether he can indicate the attitude of His Majesty's Government in relation to this matter.

Lord Stanley,—Yes, Sir. In reply to the second part of the question, I would remind my honourable Friend that under the Government of India Act, 1935, the initiative in the matter of the creation of new Provinces rests with the Crown. I would also invite his attention to the observations of my right honourable Friend the Home Secretary when this provision of the Act, then clause 272 of the Bill, was under discussion on 9th April, 1935. My Noble Friend is in full accord with his predecessor in this matter and would not regard it as in the interests of India to embark upon a policy of creating new Provinces at the present time.

The Government of India also received in July copies of resolutions adopted by the Bombay Legislative Council and Legislative Assembly on the subject of the creation of a separate Karnataka province. These together with the provincial Government's letter have also been forwarded to the Secretary of State. The policy defined by His Majesty's Government in the reply given in Parliament quoted above will apply to this case also.

Mr. K. Santhanam : Sir, the answer does not deal with my question.

Mr. President (The Honourable Sir Abdur Rahim) : It was a long answer ; I do not know if the Honourable Member was able to follow it.

Mr. K. Santhanam : I have followed it very carefully. In part (a) of my question I wanted to know whether the Government of India were consulted with reference to the statement made in the House of Commons, and no reply has been given to that.

The Honourable Sir Muhammad Zafrullah Khan : I am unable to make a statement on that.

Mr. K. Santhanam : It is a question of simple fact, whether they were consulted or not.

The Honourable Sir Muhammad Zafrullah Khan : It is not the policy of the Government of India, to disclose the substance or the fact of consultation with the Secretary of State.

Mr. S. Satyamurti : Sir, on a point of order. According to the Standing Order, it is only when there is a " controversy " between the Secretary of State and the Government of India, that they cannot give any information. But I submit that according to rule they can in no circumstances, unless of course there is a controversy of opinion between them and the Secretary of State, refuse to disclose whether they were consulted or not. They are of course entitled to use their pet phrase " public interest " and refuse to give information ; that is a different matter. But I do not think, Sir, that either you or the House will acquiesce in this position taken up by the Leader of the House that in all matters of correspondence between the Secretary of State and the Government of India, they will refuse to reply, unless it is a matter of " controversy " which is the word used in the Standing Order.

Mr. President (The Honourable Sir Abdur Rahim) : I do not know whether the Honourable Member who has raised the point of order wants the Chair to give a direction to the Member of Government how to answer

a question like that. If that is the intention of the Honourable Member, I am afraid the Chair is not in a position to give any such direction. If the Honourable Member of the Government is not in a position to give an answer to a question like this, and he will not do it, then I am afraid the Chair has no initiative in the matter and must leave it to the discretion of the Government whether they should answer such a question or not.

The Honourable Sir Muhammad Zafrullah Khan : May I state that ordinarily—the Honourable Member said “under no circumstances whatever”—the view of the Government is that ordinarily it is not in the public interest to disclose whether there has or has not been consultation between the Secretary of State and the Government of India over a particular matter, and if there has been consultation, what was the subject matter of the consultation.

Mr. S. Satyamurti : If I may say so, I respectfully agree with you, Sir, that it is not the duty of the Chair to give a direction to the Government to answer a question, but we have got this rule—rule 9 at page 84 of the Manual—which says :

“In matters which are or have been the subject of controversy between the Governor General in Council and the Secretary of State or a Local Government no question shall be asked except as to matters of fact, and the answer shall be confined to a statement of facts.”

This rule is made with reference to matters which are in correspondence between the Government of India on the one hand and the Secretary of State or a Local Government on the other : and it says that even in matters of controversy a question may be asked with regard to matters of fact : this is a matter of fact : we do not want to know what the Government of India said. My friend, Mr. Santhanam, merely wants to know whether they were actually consulted. I can understand a refusal to answer on the ground of public interest ; but to claim that ordinarily the Government of India will refuse to answer all questions concerning matters of correspondence between the Secretary of State and themselves, even in matters of fact is, I submit, against the letter and spirit of the rule and therefore I ask for your ruling that they should normally be answered except when they claim protection on the ground of public interest.

Mr. President (The Honourable Sir Abdur Rahim) : As regards Rule 9 (I do not know if there is any other rule bearing on the point), as the question did not disclose any matter of controversy I admitted the question ; but it is still for the Government to exercise their proper discretion whether they should answer a question or not. I quite agree with the Honourable Member who raised this point of order that ordinarily there ought to be no difficulty on the part of Government to answer a question like that ; and certainly rule 9 does not preclude the Government from answering a question except when the question relates to any matter of controversy, and if any such question is put then the answer would be confined to a statement of facts.

Mr. S. Satyamurti : May I then ask whether the Government of India were consulted by the Secretary of State before he gave the answer in the House of Commons, to which my Honourable friend referred ?

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

Mr. S. Satyamurti : You have not given any reply.

The Honourable Sir Muhammad Zafrullah Khan : I have said that I am unable to make a statement.

(b) WRITTEN ANSWERS.

ARCHÆOLOGICAL EXCAVATIONS TO BE MADE BY SIR LEONARD WOOLLEY.

63. ***Mr. K. Santhanam** : Will the Secretary for Education, Health and Lands be pleased to state :

- (a) whether Leonard Woolley has been invited to visit this country next winter ;
- (b) the nature of the work he is expected to do ;
- (c) whether the present officials in the Archæological Department could not do that work ; and
- (d) the estimated cost of the visit ?

Sir Girja Shankar Bajpai : (a) Yes.

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

(c) Government consider that Sir Woolley's experience will be of value to the officers of Archæological Survey of India. No reflection on the competence of the officers is intended or implied.

(d) About Rs. 25,000.

ASSISTANCE TO SMALL INDIAN INDUSTRIES.

64. ***Mr. Sham Lal** : (a) Will the Honourable Member for Commerce be pleased to state the reasons why Government have suspended the departmental inquiry in regard to assistance to small Indian industries ?

(b) How are small industries intended to be assisted in these days of great competition with foreign countries ?

The Honourable Sir Muhammad Zafrullah Khan : (a) I would refer the Honourable Member to the Commerce Department Press Communiqué, dated the 3rd November, 1937, and to the answers given by Mr. Dow on the 1st February, 1938, to Mr. Avinashilingam Chettiar's starred question No. 41 and its supplementaries.

(b) The reasons given in the Press Communiqué still hold good generally, but, as is stated therein, Government will continue to watch the situation carefully and will be prepared to give special attention to the needs of any industry that may be adversely affected.

CONCLUSION OF A TRADE AGREEMENT WITH THE UNITED STATES OF AMERICA.

65. ***Mr. Sham Lal** : Will the Honourable Member for Commerce be pleased to state :

- (a) whether it is a fact that Indian businessmen suffer from difficulties in the United States of America ;

- (b) whether it is a fact that there is a Trade Commissioner working on behalf of India in the United States of America to strengthen trade relations ;
- (c) if so, whether it is one of the duties of the Trade Commissioner to have a separate treaty negotiated with that country ; and
- (d) if not, whether Government propose to take any steps in this direction ?

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

(b) Yes. An Indian Trade Commissioner has recently been appointed in New York.

(c) No.

(d) The matter is at present receiving the attention of the Government of India in consultation with His Majesty's Government in the United Kingdom.

PROHIBITION ON ADVERTISEMENTS OF INDIAN MEDICINES FOR VENEREAL DISEASES IN GREAT BRITAIN.

66. *Mr. Sham Lal : Will the Secretary for Education, Health and Lands be pleased to state :

- (a) whether it is a fact that practitioners of various systems of medicines prevalent in India are not allowed to advertise their preparations about venereal diseases in Great Britain through the press and posters ;
- (b) if so, whether Indian newspapers and journals advertising such medicines reach the public in Great Britain ; and
- (c) if so, how these restrictions are being enforced ?

Sir Girja Shankar Bajpai : (a) Under the British Venereal Disease Act, 1917, it is a penal offence :

- (i) to treat or offer to treat by any advertisement or public notice or announcement any person for venereal disease or prescribe or offer to prescribe any remedy therefor ;
- (ii) to advertise in any way any preparation or substance of any kind as a medicine for the prevention, cure or relief of venereal disease.

(b) Government have no information.

(c) Presumably by the operation of the penal provisions of the said Act.

ELECTIONS UNDER THE INDIAN TEA CONTROL ACT, 1938.

67. *Mr. Brojendra Narayan Chaudhury : With regard to Department of Commerce Notification, dated Simla, the 30th June, 1938, No. 213 (2)-Tr. (I.E.R.)|38, issued under sub-section (1) of section 4 of the Indian Tea Control Act, 1938, will the Honourable Member for Commerce please state :

- (a) if any notice was issued, asking the intending candidates to be elected under section 3 (1) (b), (e) and (f) of that Act to file nomination paper ;

- (b) if the Indian owners as voters were asked to vote ;
- (c) which is the precise ' authority ' or ' body ' which failed to nominate or select under section 4 (1) ;
- (d) if Government prescribed the manner of elections ; if so, what are the rules ; and
- (e) if Government appointed anybody to conduct the elections ; if so, who is that authority ?

The Honourable Sir Muhammad Zafrullah Khan : (a) to (e). The attention of the Honourable Member is invited to the Press Communiqué issued on the 15th July, 1938, on this subject, copies of which are in the Library.

The Indian Tea Control Act (Electoral) Rules, 1938, have since been issued in the Gazette of India of the 23rd July, 1938, and steps have already been taken to consult the electorates.

UTILISATION OF UNOCCUPIED HOURS OF OFFICIAL DAYS OF THE LEGISLATIVE ASSEMBLY FOR NON-OFFICIAL BUSINESS.

68. ***Mr. Brojendra Narayan Chaudhury :** Will the Honourable the Leader of the House please state :

- (a) the total number of hours during which this Assembly sat on official days during the last Session to conduct business (exclusive of interpellation hour) and the number of official days ;
- (b) if it is a fact that on many a day there was no business on the agenda to occupy the House till 5 P.M. ;
- (c) if there was such loss of time on non-official days ;
- (d) the steps proposed to keep the House fully occupied in future ;
- (e) if he is prepared to consider the suggestion that the rules be amended so that unoccupied hours on official days may be utilised for non-official business ; and
- (f) the number of official days required to transact the business actually done during last session and the financial loss to Government due to prolongation of the session by short hours working ?

The Honourable Sir Muhammad Zafrullah Khan : (a) The number of official days was 36 excluding three days on which meetings were cancelled and one day which was devoted to Mr. B. Das's Child Marriage Restraint (Amendment) Bill. A calculation of the number of hours devoted to official business would involve an amount of labour disproportionate to the value of the result.

(b) The House rose by lunch time on ten days and somewhat earlier than the usual hour on four other days.

(c) No.

(d) Government have always made and will continue to make every effort so to arrange the programme of a Session as to minimise the risk of the House being at any time insufficiently occupied. The circumstances of the last Delhi Session were wholly exceptional and do not establish the necessity for any special action.

(e) No.

(f) The Honourable Member apparently assumes that from the fact that the Assembly disposed of the official business of the Session in X hours it follows that, so far as official business was concerned, the Session could have been reduced to the number of days resulting from the division of X by the number of hours in a normal working day. This assumption is entirely erroneous. If it had been possible to foresee the rapidity with which the Assembly disposed of the official business falling to be transacted before the House embarked upon budget business it would have been possible to open the Session a week later but this could not be foreseen. Absence of the usual volume of work in the later part of the Session was due exclusively to the fact that the House disposed of all stages of the general budget including the Finance Bill in one full and three fractional days in lieu of the normal 14 full days. It was impossible to use the time saved with the effect of shortening the duration of the Session because the Motor Vehicles Bill and the Income-tax Amendment Bill, the reference of which to Select Committee formed an essential part of the business of the Session, were not and could not have been ready for introduction before the date on which they were actually introduced. It follows that the Honourable Member's question does not arise.

LEGISLATIVE ASSEMBLY ELECTORAL RULES.

69. ***Mr. Brojendra Narayan Chaudhury :** Will the Honourable the Leader of the House please state :

- (a) if there is any edition of " The Legislative Assembly Electoral Rules " after the publication corrected up to the 1st September, 1926 ;
- (b) if any Resolution has been passed by the Legislative Assembly as contemplated in the second proviso to rule 22 ; if so, when ; and
- (c) if the necessary correction slip has been issued in case such Resolution has been passed after 1st September, 1926 ?

Mr. J. Bartley : (a) No, but a new edition of the publication entitled " Legislative Assembly Electoral Rules and Regulations " corrected upto the 25th August, 1934, was issued in that year.

(b) Yes, on the 1st September, 1926. But I may inform the Honourable Member that the amendments made on the 1st April, 1937, omitted both the substantive clause imposing the sex disqualification and the proviso enabling it to be removed by Resolution.

(c) A correction slip to the 1924 edition of the publication entitled " Legislative Assembly Electoral Rules and Regulations " inserting the regulations made in pursuance of the Resolution of the Assembly was duly issued and the Regulations were duly issued and the regulations were

duly reproduced in the 1934 edition of that publication. No amendment of the rules being involved, no question of issuing a correction slip to the publication entitled "Legislative Assembly Electoral Rules" arose but I may inform the Honourable Member that the publication in question has not been kept up to date by the issue of correction slips.

COLLECTIONS OF STATISTICS OF UNEMPLOYMENT IN INDUSTRIES.

70. ***Prof. N. G. Ranga** : Will the Honourable Member for Commerce and Labour be pleased to state :

- (a) whether Government had asked for the views of the Provincial Governments on the subject of a proposed Central legislation regarding compilation of statistics for industrial employment ;
- (b) whether Government have received the views of any Provincial Government ; and if so, whether any of the Governments have expressed their opposition to such legislation ; and
- (c) Government's future policy regarding this legislation ?

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

(b) The views of all the Provincial Governments have been received. None has opposed legislation.

(c) I invite the attention of the Honourable Member to the answer I have just given to Mr. N. M. Joshi's question No. 59.

WORKING IN THE MANGANESE MINES IN THE CENTRAL PROVINCES AND IN THE KHEWRA MINES.

71. ***Prof. N. G. Ranga** : Will the Honourable Member for Commerce and Labour be pleased to state :

- (a) whether, in view of the renewed working of the Manganese mines in the Central Provinces, the Central Government have advised the Central Provinces Government to take immediate steps to apprise the workers of the repeal of the Workmen's Breach of Contract Act (XIII of 1859) ; and
- (b) what the average daily hours of work in the Khewra mines are ?

The Honourable Sir Muhammad Zafrullah Khan : (a) The matter primarily concerns the Government of the Central Provinces. It was suggested to that Government in 1933 that action should be taken by their officers on the recommendation of the Royal Commission on Labour to which the question apparently refers.

(b) The information is not available, but figures showing the average hours worked per week in each important mining field in British India are given in the annual report of the Chief Inspector of Mines in India, a copy of which is available in the Library of the House.

APPOINTMENT OF A DIRECTOR FOR THE PROPOSED CENTRAL DAIRY RESEARCH INSTITUTE.

72. *Pandit Sri Krishna Dutta Paliwal : (a) Will the Secretary for Education, Health and Lands please state if Government intend to appoint a Director for the proposed Central Dairy Research Institute ?

(b) If so, what steps, if any, have Government taken in that connection so far ?

(c) Has the post been advertised ?

(d) Do Government propose to consider the desirability of appointing an Indian to this post ?

Sir Girja Shankar Bajpai : (a) Government have decided to appoint a Director of Dairy Research.

(b) and (c). Advertisements asking for applications for the post are expected to issue shortly.

(d) I would invite the Honourable Member's attention to the assurance given in reply to parts (d) and (e) of Mr. Manu Subedar's starred question No. 614 on the 3rd March, 1938.

ENLARGEMENT OF THE IMPERIAL DAIRY INSTITUTE AND ESTABLISHMENT OF A CENTRAL DAIRY RESEARCH INSTITUTE.

73. *Pandit Sri Krishna Dutta Paliwal : Will the Secretary for Education, Health and Lands please state :

(a) whether it is a fact that the Imperial Council of Agricultural Research secured the Government's approval and provision of funds to the extent of six lakhs for a scheme for the enlargement of the existing Imperial Dairy Institute at Bangalore and the Anand sub-station ; and

(b) whether Government intend to leave the question of establishing a Central Dairy Research Institute, or enlarging the existing Imperial Dairy Institute at Bangalore and the Anand sub-station, to the Imperial Council of Agricultural Research ?

Sir Girja Shankar Bajpai : (a) No. The scheme to which the Honourable Member refers, and which was approved by the Government of India in 1936, was a Central Government scheme and not an Imperial Council of Agricultural Research scheme. It has since been held in abeyance.

(b) No.

**RESOLUTIONS OF THE GOVERNING BODY OF THE IMPERIAL COUNCIL OF
AGRICULTURAL RESEARCH.**

74. *Pandit Sri Krishna Dutta Paliwal : (a) Will the Secretary for Education, Health and Lands kindly state if the attention of Government has been drawn to the following three resolutions of the Governing Body of the Imperial Council of Agricultural Research :

1. This meeting of the Governing Body of the Imperial Council of Agricultural Research requests the Government of India to grant at least Rs. 25 lakhs per annum for agricultural research.
2. The Governing Body of the Imperial Council of Agricultural Research is of opinion that the Council should have full power over the appointment and terms of service of its own staff and Secretariat, and the money now provided by the Government of India for defraying the cost of staff and secretariat should be placed at the disposal and under the control of the Council so that any savings effected under this head may be applied towards the promotion and furtherance of the objects of the Council.
3. In view of the importance they attach to dairy research, to the production and handling of milk in India, and their desire that the fullest efficiency should be secured, the Governing Body hope that before the final location of any Central Dairy Research Institute which may be set up in future, is determined, the Provincial Governments and this Council will be consulted and given an opportunity of expressing their opinion on the proposals as a whole ;

(b) if so, what steps, if any, do Government propose to take as regards those resolutions ?

Sir Girja Shankar Bajpai : (a) and (b). Government have not yet received copies of the Resolutions of the Governing Body of Imperial Council of Agricultural Research, passed at its last meeting, to which presumably the Honourable Member refers. In any case, the proceedings of the Council are confidential, except to the extent that the Council itself may desire to give them publicity.

BAN ON THE EMIGRATION OF INDIANS TO CEYLON.

75. *Pandit Sri Krishna Dutta Paliwal : (a) Will the Secretary for Education, Health and Lands be pleased to state whether his attention has been drawn to the following news published in the *Daily Sainik* of Agra, in its issue of 13th July, 1938, on page 4 :

“ The Ceylon Planters' Association has requested the Home Government to remove the ban on emigration of Indians to Ceylon ” ?

(b) Has any communication been received from the Ceylon Government announcing the withdrawal of ban against the emigration of Indians to Ceylon ? If so, will Government please place the same on the table ?

Sir Girja Shankar Bajpai : (a) No.

(b) The Honourable Member is under a misapprehension. The ban on recruitment of Indian labour for Ceylon was placed by the Government of India and not by the Government of Ceylon.

SAFEGUARDING OF THE INTERESTS OF INDIANS IN FIJI.

76. ***Pandit Sri Krishna Dutta Paliwal :** (a) Will the Secretary for Education, Health and Lands be pleased to state whether his attention has been drawn to the leading article in the *Daily Arjun*, dated the 15th July, 1938, under the caption "Possibility of annihilation of Indians in Fiji", in which the following observations are made :

"The position of Indians in Fiji is so strong that no excuse can be allowed to do injustice to them. The present generation of Indians was born in Fiji and therefore Indians have the same right on Fijian soil as Fijians. If steps are not taken to save Indians from their complete destruction, the consequences will be grave. It is therefore the duty of the Government of India to avert the crisis."

(b) Will Government be pleased to state the steps taken so far to safeguard the interests of Indians in Fiji ?

(c) Have Government received any representation from the Indians in Fiji ?

(d) What steps, if any, do Government intend to take to safeguard the interests of Indians in Fiji ?

Sir Girja Shankar Bajpai : (a) Yes.

(b) to (d). According to my reading, the article referred to by the Honourable Member deals with two grievances, (i) alleged refusal of the Fiji Government to renew country retail stores licences to Indians, and (ii) difficulties of Indian agriculturists in getting their leases of native lands renewed. Government have received representations on both subjects. As regards (i), they have been informed that the matter has been amicably settled. The subject matter of (ii) is engaging the attention of Government.

STAFF OF THE LEGISLATIVE ASSEMBLY DEPARTMENT.

77. ***Mr. K. Santhanam :** Will the Honourable the Leader of the House be pleased to state the staff of the Assembly Department and the respective salaries ?

The Honourable Sir Muhammad Zafrullah Khan : A statement is laid on the table.

Statement showing the designation, number and grades of pay of the officers and ministerial staff employed in the Legislative Assembly Department.

Class of post.	No. of posts in class.	Pay.
Secretary	1	Rs. 2,500—75—3,250.
Deputy Secretary	1	Rs. 1,300—50—1,700.
Assistant Secretary	1	Rs. 1,000—50—1,250.
Superintendent	2	Rs. 600—40—800.
Council Reporter	8	Rs. 450—25—750.
Assistant—Upper Time Scale	3	Rs. 375—25—500.
Assistant	14	Rs. 200—15—365 (Efficiency bar) 380—15—500.
Assistant (new scale)	1	Rs. 140—10—280 (Efficiency bar)—10—310—15—400.
Clerk—Special Grade	1	Rs. 300—25—350.
Clerk—Second Division	20	Rs. 100—8—172 (Efficiency bar) 180—8—300.
Clerk—Routine Division	3	Rs. 60—2—80—3—125. (Efficiency bar after 95).
Translator	1	Rs. 125—10—325.
Stenographer	2	Rs. 175—12½—300 (Efficiency bar) 312½—375—15—450—25—500.
Senior Assistant to the Watch and Ward Officer	1	Rs. 80—4—120—5—200. (Efficiency bar after 125).
Junior Assistant to the Watch and Ward Officer	6	Rs. 60—3—90—4—150. (Efficiency bar after 110).

PUBLICATION OF THE REPORT OF THE TARIFF BOARD ON SUGAR INDUSTRY.

78. *Mr. Manu Subedar : (a) Will the Honourable the Commerce Member please state when Government intend to publish the report of the Tariff Board on sugar industry ?

(b) Has the Tariff Board recommended greater protection than is in existence now, either directly or indirectly by the reduction of the excise duty ?

(c) Are Government aware of the great discontent amongst the sugar manufacturers in the country owing to the uncertainties of the trend of their future policy ?

The Honourable Sir Muhammad Zafrullah Khan : (a) The Honourable Member is referred to the answer given on the 4th February, 1938, to Mr. T. S. Avinashilingam Chettiar's starred question No. 134 and supplementaries. The Report is still under consideration.

(b) Government are not prepared at this stage to disclose the nature of any of the recommendations made by the Tariff Board.

(c) Representations to that effect have been received from certain commercial bodies.

POSSIBILITY OF RUNNING MOTOR VEHICLES BY MEANS OF DIESEL OIL.

79. ***Mr. Manu Subedar** : (a) Will the Honourable the Commerce Member please state whether Government have noticed a report on the possibility of running Diesel motor from soya bean and other vegetable oils for the United Kingdom as a defence measure, providing against the possible shortage of petrol during war ?

(b) Do Government intend to secure a report on this subject from the Industrial Research Bureau ?

(c) Have Government got any Diesel lorries in the Defence or any other Department, on which these experiments could be made in order to find specific results as to the behaviour of such oil for the purpose of driving ?

(d) Have Government considered the bearing of this matter at all with regard to the question of motor fuel in India ?

(e) If the answer to part (d) be in the affirmative, in which Department and how ?

The Honourable Sir Muhammad Zafrullah Khan : (a) No such report has been brought to the notice of Government.

(b), (c), (d) and (e). Experiments are being made at the Government Test House, Alipore, under the control of the Industrial Research Bureau on the practicability of using the commoner vegetable oils of India as fuels and lubricants in internal combustion engines. An Eight H. P. Lister Diesel Engine and a Morris Commercial 4 Cylinder 15 H. P. Petrol Engine have been installed at the Test House for carrying out practical tests.

An account of the work already done on the investigation has been published in the Annual Reports of the Bureau for the years 1936-37 and 1937-38, copies of which are available in the Library of the House.

REPORT OF THE COMMITTEE ON THE POSSIBILITIES OF PRODUCTION OF POWER-ALCOHOL FROM MOLASSES.

80. ***Mr. Manu Subedar** : (a) Will the Honourable the Commerce Member please state whether Government propose to make available to Members of the Assembly a copy of the report of the Committee in the United Provinces on the possibilities of the manufacture of power alcohol from molasses in this country ?

(b) Have Government reached any conclusions on this subject ?

(c) What form will the encouragement of this industry for the production of power alcohol take ?

Sir Girja Shankar Bajpai : (a) Government have not yet received a copy of the Report.

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

EXPENSES INCURRED IN CONNECTION WITH THE NEGOTIATIONS FOR INDO-BRITISH TRADE AGREEMENT AND VISIT OF LANCASHIRE DELEGATION TO INDIA.

81. ***Mr. Manu Subedar :** (a) Will the Honourable the Commerce Member please state whether Government will give an estimate of the cost of officials' and non-officials' allowances and travelling and other expenses incurred in connection with the Indo-British trade negotiations, including the substantive salaries of the officials engaged on the work from the beginning of the negotiations up to the nearest date available ?

(b) What portion of the expenses incurred by the Lancashire non-official delegation, who visited this country, was incurred by Government ?

(c) Did the non-official delegation from Lancashire come in response to an invitation from the Government of India ?

The Honourable Sir Muhammad Zafrullah Khan : (a) I lay on the table a statement giving the required information.

(b) Rs. 428 only.

(c) Yes, Sir.

Statement showing the expenditure incurred in connection with the Indo-British Trade Negotiations, including the salaries of officials placed on Special Duty for these negotiations.

IN INDIA.

		Rs.
1936-37 .. ..	..	6,442
1937-38 .. ..	..	27,411
From 1st April, 1938	..	14,840 (latest figures available).
Total .. ..	..	48,693

IN ENGLAND.

Year ended 31st March, 1938	..	£13,561 11 5
1st April to 26th July, 1938 ..	..	£2,075 9 6
Total .. ..	..	£15,637 0 11 or Rs. 2,08,494.
Total for India and England	..	2,57,187 0 0

REVISED INSTRUMENT OF ACCESSION TO THE FEDERATION.

†82. ***Mr. Manu Subedar :** Will the Honourable the Law Member state :

(a) whether the revised Instrument of Accession embodying the demands of the Indian Princes has been drafted ;

(b) what is the reason causing the delay in sending this out to the Indian States ; and

†For answer to this question, see answer to question No. 39.

- (c) what is the approximate time when it is intended to have this sent out ?

SECURING OF FREEDOM OF NATIONAL ECONOMIC POLICY FOR INDIA.

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

- (a) whether Government have perused the resolutions passed at a meeting of the Committee of the Federation of Indian Chambers of Commerce and Industry held at Bombay on 25th June, 1938, demanding *inter alia* that the Government of India Act should be amended, so as not to militate against India's ability to lay down its own national economic policy ;
- (b) whether Government have taken, or propose to take, any action thereon ; and if so, what that action is ; if not, why not ; and
- (c) whether Government have taken, or propose to take, any action under section 118 of the Government of India Act, 1935, and if not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). Government have seen the resolution regarding commercial safeguards passed by the Federation at their meeting held on the 25th June, 1938. They have also received a letter on the subject from the Federation which is under their consideration.

(c) The convention referred to in section 118 (1) of the Government of India Act, 1935, can be made only after the establishment of Federation and it is, therefore, not possible for the Government of India to take any action now.

INDIA'S DELEGATION TO THE LEAGUE OF NATIONS.

84. ***Mr. S. Satyamurti** : Will the Honourable the Law Member please state :

- (a) on what principles the delegation to the next Assembly of the League of Nations was selected :
- (b) whether any terms of reference or instructions have been given to them, especially in regard to the proposed recognition of the Italian conquest of Abyssinia, the question of non-intervention in Spain, and the Japanese war against China ;
- (c) whether they have been specifically instructed to vote with His Majesty's Government in the League on all or any of the matter coming before the League ;
- (d) if so, the reasons for it ;
- (e) whether Government will place on the table of the House any instructions given or proposed to be given to this delegation to the League of Nations on behalf of India ?

The Honourable Sir Manmatha Nath Mukerji : (a) On the principle that the Delegation should be composed of the most suitable persons available.

(b) The delegates will, in due course, receive instructions on all matters included in the agenda. The specific questions mentioned by the Honourable Member do not figure on the agenda and no occasion to issue instructions with reference thereto is anticipated.

(c) No.

(d) Does not arise. But I may inform the Honourable Member that in the event of its becoming necessary to issue instructions on questions of foreign affairs likely to effect the relations of the British Empire with other countries the delegates would be instructed to act in accord with the United Kingdom delegation whose instructions in such matters would as usual take account of the interests of India as of other parts of the Empire.

(e) No.

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

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

- (a) the reasons for appointing Mr. John Sargent, Director of Education, County of Essex, as Educational Commissioner of the Government of India ;
- (b) what his experience and qualifications are ;
- (c) whether he has any knowledge of Indian educational conditions or requirements ;
- (d) the terms of conditions and the period for which he has been appointed ;
- (e) whether there was no Indian available for that post, and if so, how Government came to that conclusion ;
- (f) whether Government propose to impose as one of the conditions of his appointment that he should train an Indian or Indians to take his post at the end of his period of office ; and
- (g) if not, why not ?

Sir Girja Shankar Bajpai : (a) and (b). The Honourable Member is referred to the Press Communiqué, dated the 20th June, 1938, on the subject, a copy of which is available in the Library of the House.

(c) So far as Government are aware, Mr. Sargent has at present no knowledge of Indian educational conditions or requirements. This was not considered necessary as the main purpose of the appointment is to place at the disposal of those familiar with Indian conditions, first-hand knowledge of what has been done in the domain of technical and vocational education elsewhere, so that this can be adapted to Indian requirements.

(d) A statement is laid on the table.

(e) The Government of India carefully examined the possibility of selecting an Indian for the post. Considering its functions, it was essential to choose a person who had wide and varied experience of a system of education based, in the elementary stages, on training through activity and adequately equipped with facilities for vocational and technical education. They were reluctantly forced to the conclusion that no Indian possessing these qualifications was at present available in India.

(f) and (g). As has already been indicated, Mr. Sargent's special experience will be at the disposal of the Central Advisory Board of Education and the Provinces. It is hoped that through these contacts, he should be able to give many Indian officers insight into the principles and methods on which the problem of educational reconstruction has been practically tackled elsewhere. That combined with the practical experience of reconstruction which educational officers will acquire in the Provinces during the next few years should, in the opinion of the Government of India, suffice to provide an adequate field of choice to fill the next vacancy in the post of Educational Commissioner. The Honourable Member may rest assured that Mr. Sargent's experience will be ungrudgingly placed at the disposal of Provincial Ministers and their officers. An express provision to this effect in his contract is not considered necessary.

Statement.

The terms and conditions of Mr. Sargent's appointment are as follows :

- (i) Pay—Rs. 3,000 a month ;
 - (ii) Overseas pay—£13-6s.-8d. a month ;
 - (iii) Benefits of the Contributory Provident Fund, Government contributing one-twelfth of his salary, if he contributes an equal amount ;
 - (iv) Leave in accordance with the model leave terms sanctioned for officers on contract ;
 - (v) Period of appointment—five years ;
 - (vi) First Class " B " passages for himself and his family at the beginning and at the end of his term of office.
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REPATRIATION OF INDIAN LABOURERS FROM CERTAIN COLONIES.

86. ***Mr. Badri Dutt Pande :** (a) Will the Secretary for Education, Health and Lands be pleased to state the number of Indian labourers who were repatriated from Burma, Malaya, Fiji and Ceylon, to India via Madras and other Indian ports, since April, 1938, up to date ?

(b) Why were they repatriated ?

(c) Who bore the expenses of repatriation ?

Sir Girja Shankar Bajpai : (a) The figures for Malaya, Fiji and Ceylon are :

Malaya—7,800 ; Fiji—195 ; Ceylon—820. There is no State-aided repatriation from Burma.

(b) Assisted emigrants to Malaya and Ceylon are entitled to a free return passage to India on certain conditions and the Indian labourers who have returned to this country did so of their own option. As regards Fiji, *ex-indentured* Indian labourers are entitled to a free or assisted passage to return to India whenever they choose to avail themselves of it.

(c) The Government of the Colonies concerned.

CERTAIN SUPERIOR APPOINTMENTS IN THE IMPERIAL COUNCIL OF
AGRICULTURAL RESEARCH.

87. ***Mr. Badri Dutt Pande :** (a) Will the Secretary for Education, Health and Lands be pleased to state whether Sir Bryce Burt, the Vice-Chairman of the Imperial Council of Agricultural Research Institute, is still officiating, or has been confirmed, in the post ?

(b) Has Mr. N. C. Mehta, the Secretary of the Council, reverted to the Province from which he came and, if so, why ?

(c) Has anybody been appointed as " Sugar Entomologist ", or is the appointment still under consideration ?

Sir Girja Shankar Bajpai : (a) Sir Bryce Burt continues to officiate in the post.

(b) Yes ; on the expiry of the normal tenure of the appointment.

(c) No such appointment has been made nor is one contemplated at present.

EXTENSION GIVEN TO THE CHIEF CONTROLLER OF STORES.

88. ***Mr. Badri Dutt Pande :** Will the Honourable the Commerce Member be pleased to state the circumstances that led to the decision to give another extension to the term of office of the Chief Controller of Stores in India ?

(b) How many years of service has the present incumbent put in ?

(c) How many extensions have so far been allowed to him and for what reasons ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (c). Sir James Pitkeathly, Chief Controller of Stores, Indian Stores Department, has been granted a second extension of service for one year with effect from the 10th November, 1938, in the public interest.

(b) He has been in Government service since the 1st October, 1909, and has held his present post since the 1st January, 1922.

REVISED INSTRUMENT OF ACCESSION TO THE FEDERATION.

†88A. ***Mr. S. Satyamurti :** Will the Honourable the Law Member please state :

(a) whether the final draft of the Instrument of Accession of Princes to the Indian Federation is now ready ;

†For answer to this question, see answer to question No. 39.

- (b) if not, when it is expected to be ready ;
- (c) if it is a fact that the final draft of the Instrument of Accession will be issued on the return of Lord Linlithgow to India in October this year ;
- (d) whether the main objections of the Princes to Federation are in respect of the administration of federal subjects and finances ;
- (e) whether the States demand that the administration of even Federal subjects should remain in the hands of the States ;
- (f) whether the States are anxious to safeguard themselves in respect of excise and other duties ;
- (g) whether the Indian princes are being persuaded to send their representatives to the Federal Legislature by election ; and
- (h) whether the Government of India have heard from any Prince or Princes recently in respect of this matter ?

UNSTARRED QUESTIONS AND ANSWERS.

DRAFT CONVENTION ON THE HOURS OF WORK FOR MARITIME WORKERS.

2. **Mr. N. M. Joshi** : Will the Honourable Member for Commerce be pleased to state :

- (a) whether in accordance with the statement laid before the Assembly on 1st October, 1937, regarding the draft convention on the hours of work for maritime workers, he has addressed a letter to the various parties concerned ;
- (b) if so, whether their replies have been received ;
- (c) whether he proposes to publish the replies for the information of the public ; and
- (d) what is the decision of Government on the subject ?

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

- (c) No, Sir. It is not customary to publish such correspondence.
- (d) The matter is still under consideration.

CONVENTIONS OF THE INTERNATIONAL LABOUR ORGANISATION CONCERNING LIABILITY OF SHIPOWNER IN CASE OF SICKNESS, ETC., AND SICKNESS INSURANCE FOR SEAMEN.

3. **Mr. N. M. Joshi** : Will the Honourable Member for Commerce be pleased to state :

- (a) whether the Government of India have completed the consideration of the Conventions (International Labour Organisation) concerning liability of the shipowner in case of sickness, etc., and concerning Sickness Insurance for Seamen ; and
- (b) if so, what is their decision ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). The question of ratifying the Convention is still under examination and a statement embodying the decisions taken in the matter will shortly be laid before this House.

**RECOMMENDATION OF THE INTERNATIONAL LABOUR ORGANISATION
CONCERNING SEAMEN'S WELFARE IN PORTS.**

4. **Mr. N. M. Joshi :** Will the Honourable Member for Commerce be pleased to state :

- (a) whether he has received replies from the various parties to whom the Recommendation (International Labour Organisation) concerning Seamen's Welfare in Ports has been referred by him ;
- (b) if so, whether he proposes to publish the correspondence ; and
- (c) what action has been decided upon ?

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

(b) No, Sir. It is not customary to publish such correspondence.

(c) The matter is still under consideration.

**CONVENTIONS OF THE INTERNATIONAL LABOUR ORGANISATION CONCERNING
THE MINIMUM AGE OF ADMISSION OF CHILDREN TO EMPLOYMENT AT
SEA.**

5. **Mr. N. M. Joshi :** Will the Honourable Member for Commerce be pleased to state when in pursuance to his statement laid before the Assembly on 1st October, 1937, on the Conventions (International Labour Organisation) concerning the minimum age of admission of children to employment at Sea, he proposes to introduce legislation regulating the age of employment of children at Sea ?

The Honourable Sir Muhammad Zafrullah Khan : The matter is being borne in mind for consideration at the next suitable opportunity.

MOTIONS FOR ADJOURNMENT.

Mr. President (The Honourable Sir Abdur Rahim) : The next motion for adjournment in the list is in the name.....

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : Sir, we cannot hear a word of what you say.

Mr. President (The Honourable Sir Abdur Rahim) : Will the Honourable Member try to listen ?

Mr. K. Ahmed : When your predecessors presided, Sir, we heard everything : but for the last few years we hear nothing. I cannot hear you at all. You had better raise your voice.

Mr. President (The Honourable Sir Abdur Rahim) : The next motion for adjournment is in the name of Mr. Sham Lal....

Mr. Sham Lal (Ambala Division : Non-Muhammadan) : I do not move it.

CONDITION OF INDIAN LABOUR IN MALAYA.

Mr. President (The Honourable Sir Abdur Rahim) : The next after that is in the name of Mr. Chettiar—to discuss the condition of Indian labour in Malaya and the Government of India's indifference in the matter. I must point out that it is not a definite matter within the meaning of the rule. The Honourable Member only says "the condition of labour in Malaya". It is very general : it may have been going on for a long time and not any recent matter which has cropped up which requires the Government of India's attention.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot : Non-Muhammadan Rural) : Will you kindly hear me, Sir ? We have received reports recently that wages have been reduced in Malaya.....

Mr. President (The Honourable Sir Abdur Rahim) : That is not mentioned—that is what I am saying. If the Honourable Member wishes to discuss it, the motion must mention it.

Mr. T. S. Avinashilingam Chettiar : Will you hear me completely, Sir ? The point I want to impress is this. I am sorry it has not been mentioned in the motion specifically, but this much I can state : there have been questions.....

Mr. President (The Honourable Sir Abdur Rahim) : It must be in the notice. I rule that the motion is not in order as the terms of the notice are too general and do not raise any definite matter for discussion.

The next is in the name of Mr. Satyamurti : that is barred. The next one, also in his name, is about the appointment of a non-Indian as the Educational Commissioner.....

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : I do not move it.

Mr. President (The Honourable Sir Abdur Rahim) : The next one, also in his name, is to discuss the failure of the Government of India to protest against England's proposal before the Council of the League of Nations to recognise the conquest of Abyssinia by Italy.

Mr. S. Satyamurti : I want to move it.

Mr. President (The Honourable Sir Abdur Rahim) : It has been disallowed by the Governor General. The next is about the failure of the Government of India to institute a proper inquiry or to take any suitable step as regards the rupee exchange ratio in spite of alarming conditions and facts.

Mr. S. Satyamurti : I do not move it.

Mr. President (The Honourable Sir Abdur Rahim) : The next is about the indefinite continuation of Ottawa preferences in favour of the United Kingdom, despite the recent failure of the Indo-British trade talks....

Mr. S. Satyamurti : I do not move it.

Mr. President (The Honourable Sir Abdur Rahim) : The next is to discuss the failure of the Government of India to abandon the bombing of the tribal area, as evidenced by the recent statement by the British Premier in the House of Commons.

Mr. S. Satyamurti : I want to move it if the Governor General has not disallowed it.

Mr. President (The Honourable Sir Abdur Rahim) : It has been so disallowed. The next is to discuss the unsatisfactory composition of the Committee appointed to enquire into XB engines.....

Mr. K. Santhanam (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : I am not moving it.

RECOMMENDATIONS OF THE WEDGWOOD COMMITTEE.

Mr. President (The Honourable Sir Abdur Rahim) : No. 12,—Action of the Government in passing final orders on some of the recommendations of the Wedgwood Committee despite the Resolutions of the Public Accounts Committee which have been placed before the Assembly, without consulting the Assembly.

Mr. S. Satyamurti : I want to move it, Sir. I hope the Governor General has not disallowed that at least.

I will make a brief statement of facts. The Wedgwood Committee, Sir, make certain recommendations about railway management in this country. On that, the Public Accounts Committee made certain recommendations asking the Government not to implement those recommendations. Those recommendations were placed before this House on a date which was allotted with the consent of the Government and in the course of the debate, the then Member in charge, Sir Sultan Ahmad, and others spoke. It was then understood that a further day would be set apart, but somehow it was not given. In the meantime, the Railway Board have passed orders with the consent of the Government of India on some of those recommendations on which the Public Accounts Committee have made specific recommendations that they ought not to be accepted by the Government.....

Mr. President (The Honourable Sir Abdur Rahim) : What is the nature of those recommendations ?

Mr. S. Satyamurti : For example, the Public Accounts Committee said there should be no Tariff Board Member on the Railway Board. The Government have appointed one, and secondly the new scales of pay which were recommended recently and accepted by the Government were intended to produce economy, and we agreed to those scales. But the Wedgwood Committee said that the new scales of pay did not attract the right type of men, and the Railway Board said : ' We agree, we will have to give to some new entrants increased scales of pay '.

Again they said they wanted to import men for the Commercial Department, and we said 'No' in the Public Accounts Committee. But the Railway Board again said : 'We want men from England'.

Mr. President (The Honourable Sir Abdur Rahim) : A number of items ?

Mr. S. Satyamurti : Yes.

I do not want the vote of the House or consent of the House on any of these particular matters, but I want the vote of the House on a definite matter of importance, and the subject on which I seek the vote of the House is this,—the action of the Government of India in implementing the recommendations of the Wedgwood Committee's Report, in spite of the recommendations of the Public Accounts Committee to the contrary, which had been placed before this House. These are only a few illustrations. The reason why I seek the vote of the House is this. There are far more dangerous recommendations in the Wedgwood Committee's Report about company management, finance and so and so forth, which will upset the entire policy of the Government. We are afraid that, if we do not censure the Government now, they will go on accepting the Wedgwood Committee's recommendations behind our backs, and it is to prevent them from carrying out those recommendations, that I want this motion to be allowed.

The Honourable Mr. A. G. Clow (Member for Railways and Communications) : Sir, in the first place, my objection is based on the ground that it is not a matter of urgency. In the first place, I will call your attention to the fact that on the 25th August last year, almost a year ago, this question was raised, and I read the following extract from the proceedings.

" **Mr. President** (The Honourable Sir Abdur Rahim) : The next motion is in the name of Mr. Satyamurti. He proposes to move the adjournment of the House to consider a definite matter of urgent public importance, namely, the failure of the Government to consult the Assembly before taking steps to implement the recommendations of the Wedgwood Committee's Report.

Mr. S. Satyamurti : I do not move this motion. The Government are giving us a day—the next Friday—for discussing this Report."

In other words, this very point of principle which my friend is now trying to make was a point which he raised last year.....

Mr. S. Satyamurti : The Government had not then taken any action on the Wedgwood Committee's Report.

The Honourable Mr. A. G. Clow : In other words, what he was saying was that Government had failed to consult the Assembly before taking steps.

Then, as regards implementing the recommendations, I have here a long statement showing what action Government took on the recommendations, and this was laid on the table of the House in January last, when it was perfectly open to my friend to bring forward a motion of this character if he thought it was barred by the previous motion.

Mr. President (The Honourable Sir Abdur Rahim) : Having heard the facts from both sides, I am afraid.....

The Honourable Mr. A. G. Clow : May I correct myself,—it was not placed on the table of the House, but it was placed in the Library.

Mr. S. Satyamurti : There is a difference. Our attention was not drawn to it. It was only in the Public Accounts Committee when the railway witnesses came before us, this document came to our notice, and then we knew exactly what action had been taken. I was dumb-founded when my friend said that it was laid on the table of the House.

Mr. President (The Honourable Sir Abdur Rahim) : What is the practice in this matter,—to place it on the table of the House or in the Library ?

Mr. S. Satyamurti : I should respectfully submit that when the matter had been discussed in the House,—it should have been sent to us.

The Honourable Mr. A. G. Clow : I am informed by one official and one non-official Member that this was circulated with the Railway Budget.

Mr. S. Satyamurti : No, Sir. Let us be sure of the facts.

Mr. President (The Honourable Sir Abdur Rahim) : Does the Honourable Member say that it was circulated with the Railway Budget ?

The Honourable Mr. A. G. Clow : I cannot say that from personal knowledge, but I have been informed by two Members of the House, and they believe it was so, but I will let you know.

Mr. K. Santhanam : My impression is that this document was circulated only to members of the Standing Finance Committee.

Mr. President (The Honourable Sir Abdur Rahim) : I do not know how long it will take to find out what happened.

The Honourable Mr. A. G. Clow : I will have the facts before this afternoon or tomorrow morning.

PUBLICATION OF THE REPORT OF THE TARIFF BOARD ON SUGAR INDUSTRY.

Mr. President (The Honourable Sir Abdur Rahim) : Very well, I will pass on to the next. No. 13.—Inordinate delay on the part of the Government in publishing the Sugar Tariff Board Report in spite of constant requests by Indian public and commercial bodies.

Mr. S. Satyamurti : Yes, Sir, I want to move it.

This Report was submitted to the Government more than a year ago, and last year, I think the Finance Member brought forward a Bill to extend the protection to the sugar industry for a year. The industry does not know where it stands. We were hoping that after the Finance Member had got his Bill through for extending its effect for one year, this Report would be published for public criticism. My information is that now the Government do not intend to publish the report till after they have made up their minds as to what action they should take, so as to prevent public opinion from being expressed in time.

Mr. President (The Honourable Sir Abdur Rahim) : What is the practice in this matter ?

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour) : The usual practice is to publish the Tariff Board Report setting out what action Government propose to take on that Report ; it is never published before Government have made up their minds as to what action they are going to take. In this case there has been no departure from the previous practice.

Mr. President (The Honourable Sir Abdur Rahim) : When was this Report made ?

The Honourable Sir Muhammad Zafrullah Khan : I believe it was made in December last.

Mr. S. Satyamurti : Yes, but *interim* action has already been taken. My submission is this, that the practice of the Government to publish their Tariff Board Report along with their proposals is not consistent with public interest as we conceive them to be. A judicial or a *quasi-judicial* body is appointed to recommend to Government what protection is to be given to a particular industry, and its recommendations have to come before this House for a vote as to what amount of protection should be given or no protection should be given at all. In order to enable the public to express an opinion to the extent to which this Government can be influenced by any public opinion.....

Mr. President (The Honourable Sir Abdur Rahim) : Was any demand for publication been made ?

Mr. S. Satyamurti : Yes, the Chambers of Commerce have repeatedly raised this question. The sugar industry have been knocking at the doors of the Government again and again, asking them to publish this Report.

Mr. President (The Honourable Sir Abdur Rahim) : In this Assembly ?

Mr. S. Satyamurti : Yes, Sir, questions were asked, and we pressed on the Government to publish the Report.

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

Mr. S. Satyamurti : The answer was they would not publish the Report, until they had come to a conclusion. Then, Sir, it simply means that the Government presents us with a *fait accompli* and says 'you go where you like'. This House should be given an opportunity and the public concerned and the industry concerned should be given an opportunity of pronouncing its opinions so as to influence the Government. If the Government do not want to consult this House, it is their look out but the industry concerned must have an opportunity of presenting their point of view. We want to upset the present practice and it is for the House to decide whether that practice should be upset or not.

Mr. President (The Honourable Sir Abdur Rahim) : I understand that the practice has always been to publish such a report along with the opinion of the Government. Mr. Satyamurti contends that this is wrong and that the proper practice ought to be to publish the report first, so that the public may be able to pronounce upon it. This may

[Mr. President.]

be a perfectly legitimate demand on the part of Mr. Satyamurti and others who think alike with him on this matter, but the practice being what it have been described to be by the Honourable the Leader of the House, I do not think the proper procedure to upset it is by means of a motion for adjournment. It ought to be done by a Resolution or in some other way. I, therefore, rule it out of order.

Then, the next motion is also in the name of Mr. Satyamurti, No. 14.

Mr. S. Satyamurti : Sir, I do not move it.

Mr. President (The Honourable Sir Abdur Rahim) : The next motion is in the name of Mr. Ayyangar about altering the shilling and the rupee ratio.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : I do not move it.

INCREASE IN THE INDIAN DEFENCE CHARGES.

Mr. President (The Honourable Sir Abdur Rahim) : The next motion is in the name of Mr. Satyamurti, No. 16, about the increase in the Indian Defence charges. Does he wish to move it ?

Mr. S. Satyamurti : I very sincerely want to move it.

Mr. President (The Honourable Sir Abdur Rahim) : Is there any objection ?

The Honourable Sir James Grigg (Finance Member) : We have no objection.

Mr. President (The Honourable Sir Abdur Rahim) : The motion will be taken up at 4 o'clock.

THE CONTROL OF COASTAL TRAFFIC OF INDIA BILL.

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

“ That the Bill to control the Coastal Traffic of India, as reported by the Select Committee, be recommitted to a Select Committee consisting of the Honourable the Law Member, the Honourable the Commerce Member, Mr. F. E. James, Dr. G. V. Deshmukh, Mr. B. Das, Mr. Bhulabhai J. Desai, Syed Ghulam Bhik Nairang, Sir Cowasji Jehangir, Babu Baijnath Bajoria, Seth Haji Sir Abdoola Haroon, Pandit Krishna Kant Malaviya, Dr. Sir Ziauddin Ahmad, Pandit Lakshmi Kanta Maitra, Sir Muhammad Yamin Khan, (and, with your permission, I want to add three more names, namely,) Mr. S. Satyamurti, Mr. C. C. Miller, and Mr. Venkatachalam Chetty....

Mr. M. S. Aney (Berar : Non-Muhammadan) : May I suggest one more name, that of Sardar Sant Singh ?

Sir Abdul Halim Ghuznavi :

“ Sardar Sant Singh and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

Honourable Members are aware that the notice of this Bill which is before the House was given some time in June, 1935, and for four long years I have been struggling on with it. It was introduced in April, 1936, and the principle of this Bill was accepted by this House on the 2nd September, 1937, when the Bill was referred to a Select Committee. The Select Committee completely redrafted the original Bill with the object of providing a more practical scheme for achieving the object aimed at by the Bill, which is so to control the coastal traffic as to check unfair competition and develop Indian shipping. The Bill was so altered by the Select Committee as to require republication. When I moved for the republication of this Bill on the 31st March, 1938, I did not expect a long speech from Mr. Dow who was then Secretary of the Commerce Department. He made it clear on the floor of the House, to satisfy his kith and kin, the British vested interests, that the Government were against this Bill. He said :

“ I do not rise to oppose the motion for circulation, but to make perfectly clear the attitude of Government with regard to this Bill. Government were wholly opposed to the Bill in its original form, and they are still opposed to it in the form in which it now appears from the Select Committee.”

Four long years have passed, and I have not been able to convince the Government that the time had come when they ought to have brought in a comprehensive Bill of their own, instead of leaving it to a private Member of this House, but they would do nothing of the kind. Their attitude throughout has been one of antagonism and not of co-operation. Mr. Dow then said :

“ Indeed, if Honourable Members will refer to the Minutes of Dissent, they will find that the majority, something like 17 out of 19 members of the Select Committee, seem to dislike it even more strongly themselves.”

This is wholly incorrect. From the Select Committee's report it will be seen that four persons were opposed to this Bill, two members of the Government and two members of the European Group. The rest have all supported the Bill. The only point was that they wanted something more than what the Bill provided. They said that the coastal traffic ought to be reserved for the nationals, but as it could not be done under the present Government of India Act, and further because the Government were not prepared to bring in a more comprehensive Bill, they were prepared to support my Bill on the principle that something was better than nothing. They further desired the Bill to be circulated for eliciting public opinion inasmuch as the subject-matter was somewhat technical and complex. Sir, Mr. Dow thought that the best way to kill this Bill would be by recirculation. He said :

“ However, as I already said, I support the motion for circulation. Publicity, Sir, is the best way to kill a Bill of this kind, and I have little doubt that before the House meets again, Sir Abdul Halim Ghuznavi's child will be found to be dead from exposure.”

Sir, I will later on deal with this dead child, but I will say one thing, and that is, I shall refer the House to what my Honourable friend, Sardar Sant Singh, said in reply to this part of Mr. Dow's speech. He said :

“ But in inviting public opinion on this measure, I can tell the Government that this child of Sir Abdul Halim Ghuznavi is less likely to die of exposure but the probability is that a negligent and hesitating administration will be subjected to a good deal of hostile criticism.”

[Sir Abdul Halim Ghuznavi.]

He was perfectly correct. Sir, the child is not dead. (*Cries of "No, no."*) The child has grown up, and is stouter and stronger than it had been ever before. It wants to fight the big "Dow" and it will fight with "Dow" till we attain the object we have in view, namely, the reservation of the coastal traffic wholly for Indians. (*Hear, hear.*) Sir, I very much regret that my Honourable friend, Mr. Dow, is not here today. When he started to make that long speech to pacify the British vested interests assuring them that the Government were on their side, he made this point first, that the Government had been wholly opposed to the original Bill and they were also opposed to the Bill as it emerged from the Select Committee. That we all knew. We need not be told in season and out of season that Government will always oppose this kind of legislation. Sir, this weak and irresponsible Government tremble in their shoes in fear of the Strand Road combine which is too strong for the Government to come forward with any legislation to support Indian shipping and Indian shipping interests. It is natural that Mr. Dow trembles in his shoes lest anything he says on the floor of this House upsets the British vested interests as it will mean a bad day for the Government! His next point was that the subject was unsuitable for a private Member's Bill. There, he said that he agreed with the Leader of the Opposition, who had remarked in his minute of dissent, that it was unsuitable for a private Member's Bill. True. But he also desired that Government should introduce a more comprehensive Bill—What of that? Have you up to now brought a Bill of your own? It is then only that you can ask us not to proceed with this Bill. Until then, the private Members of this House who are the custodians of public interests will continue their efforts for legislation necessary for the development of an Indian Mercantile Marine and will do their best to bring a too wooden, too iron Government on their knees. Then Mr. Dow made another point,—that the Bill had broken down on points of detail as well as on points of principle,—which is wholly untrue. It has not broken down, because the four Members—two Government Members and two European Members—may be of that opinion and Government will follow suit. Then he said that the grievance was one for which legislation was not at all the proper remedy. What is the remedy? Is it to beg of the British India and Asiatic Companies with a beggar's bowl to come to an amicable settlement? Sir, Indians refuse to be a party of beggars. They prefer to agitate for and demand their legitimate dues and have them. You will have to legislate sooner or later. If you do not do it today, you will have to do it tomorrow. Sir, the day of reckoning is not far off. Let the European vested interests now agree to something lest in future they be wiped out entirely from the Indian coast. We are not pressing to wipe you out yet, but if you persist in the manner that you have been doing, the day will come when you will have to be wiped out entirely from our coast.

Now, Sir, what is the result of this re-circulation? From the opinions obtained so far we find that Indian opinion is strongly in favour and the British vested interests have gone down so low as to go and canvass even a British collector who knows nothing about shipping to say that this Bill is not suitable. Look at the mentality of these Bri-

tish vested interests ! Look at the attempts they make to bring round all the British interests to their view. They approach the Bombay Port Trust. This is from the *Bombay Sentinel*, dated 7th July, 1938 :

“ Pro-Indian pretensions of Winterbotham and Lowndes exposed. Another Bombay Port Trust Scandal. Europeans in Majority in Board of Trustees vote solidly against supporting principle of Coastal Shipping Bill.”

There, Sir, they even would not agree to the principle of this measure. They would not even express an opinion because if they express an opinion upon the principle, they have to agree ; even so far they are not prepared to go. The Indian trustees took them to task and there followed a fight. I need not take up the time of the House to show what happened. The result was that there was a terrible fight between the Indian trustees and the British trustees of the Port Commissioners in Bombay. Ultimately, as happens everywhere, the Indian trustees were defeated. Then, Sir, we have heard from Government from time to time that they are in full sympathy with the Indian aspirations regarding coastal shipping. Ten years ago when Lord Irwin called a Conference he assured the members of the Conference that steps would be taken for the protection of Indian shipping. Commerce Member after Commerce Member gave assurances in that behalf but nothing tangible has been done so far. I do not know what the Honourable the Commerce Member will have to say today, but from the statement which Mr. Dow had made I feel that perhaps he will not give a sympathetic reply. What I want this House to realise is that Government are opposed to this measure and they are determined to oppose it because it would hurt British interests. I want the Members of this House to carry this Bill to the Select Committee. The opinions that have now been obtained are definite and constructive. They have discussed this Bill clause by clause and they have made suggestions as to how to improve the provisions. If this Bill is committed to the Select Committee, I will appeal to the Members of the Select Committee to so draft the Bill as to present the greatest common measure to the House with a view to get it through. If the Government still wants to defeat us, they will have to take recourse to the Upper House, but let the world know that this irresponsible Government do not want to protect the Indian interests. (*An Honourable Member* : “ Where were you yesterday ?”) I was here. Sir, I want to put that on record once for all. I have persisted with this Bill for the last four years. They thought that by resort to delaying tactics they would defeat my object and that I would in disgust give it up. But I have persisted and shall continue to persist till I get this Bill through in this House. Let them throw it out if they so desire by going to the Upper House and take the consequences of going against the united demand of the people.

Sir, there are many other things that I wanted to say but I do not want to take up the time of the House on this occasion any longer. I think I have made out a case for this Honourable House to re-commit my Bill to the Select Committee and therefore I move that the Bill be referred to the Select Committee.

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

“ That the Bill to control the Coastal Traffic of India, as reported by the Select Committee, be recommitted to a Select Committee consisting of the Honourable the Law Member, the Honourable the Commerce Member, Mr. F. E. James, Dr. G. V.

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Deshmukh, Mr. B. Das, Mr. Bhulabhai J. Desai, Syed Ghulam Bhik Nairang, Sir Cowasji Jehangir, Babu Baijnath Bajoria, Seth Haji Sir Abdoola Haroon, Pandit Krishna Kant Malaviya, Dr. Sir Ziauddin Ahmad, Pandit Lakshmi Kanta Maitra, Sir Muhammad Yamin Khan, Mr. S. Satyamurti, Mr. C. C. Miller, Mr. Vencatachalam Chetty, Sardar Sant Singh and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Babu Baijnath Bajoria (Marwari Association : Indian Commerce) : Sir, I rise to support the motion of my Honourable friend, Sir Abdul Halim Ghuznavi. This is a very modest measure. I would go further and say that it is so modest that the very word that this Bill is to control the coastal traffic is a misnomer because in the Bill there is nothing to control the coastal traffic for any particular section of the community, Indian or European, Britisher or Indian, but it only seeks to give some protection to the Indian shipping companies against heavy odds which they have to face in this country. Sir, we all know that Sir Abdul Halim Ghuznavi is the prince amongst the moderates and that he is one of the greatest supporters of Government and of the European Group. It is, indeed, very cruel that the attitude of the Government and of the European Group is so antagonistic to this very modest measure of his. After all, let us see what this Bill seeks ? It only seeks that there should be registration for every ship that intends to do trade in coastal shipping. The company has to register itself. It must have a capital of one lakh of rupees and it must deposit Rs. 10,000 with the Central Government. If there is a rate-war and if any company is aggrieved that the rate for freight or for passengers has gone down below the economic level, then it will appeal to the Central Government, and the Central Government, after making inquiries, will fix a minimum rate. That is all that this Bill wants. I do not think there is anything in it for which the European interests concerned should be afraid of. This Bill has been based on the principle of 'live and let live'. There is nothing to deprive the European interests and European companies of their share of the shipping trade. This Bill only seeks that the Indian companies will also be able to ply their trade. They must not be driven to the wall by powerful interests. As we all know, at the present moment, the big shipping companies operating in India—I will mention only two, namely, the British India Steam Navigation Company and the Asiatic Steam Navigation Company,—and the Indian shipping companies have to fight against these big companies. Only the Scindia Steam Navigation Company have been taken in amongst the Liners Conference because they have been able to stand against the British Companies, so that smaller Indian companies may not grow. The British India Steam Navigation Company has got a paid-up capital of over three and a half million pounds. They have got a reserve of over one and a half million pounds and they have got an investment of over seven million pounds. They have got 128 ships with a tonnage of over 7,60,000 tons. The Asiatic Steam Navigation Company have also got a capital of over one million pounds and, in 1932, they had 16 steamers and I think the number must have gone up by this time. Against these, the Scindia Steam Navigation Company, which have joined the Liners Conference, has got ten steamers only with a tonnage of 43,000 tons.

An Honourable Member : Are you supporting or opposing the motion ?

Babu Baijnath Bajoria : I am supporting it. The other Indian companies are very small. They have got two or three ships and they have to do their trade with a limited number. It is just like the fight between my Honourable friend, Mr. Abdul Qaiyum, and Mr. Hosmani, or to put it in a better way it is like the fight between my Honourable friend, Mr. K. Ahmed, and Mr. G. V. Deshmukh. I, therefore, submit that they undoubtedly deserve some protection so that they may not be crippled by mere weight. I say it is absolutely necessary that the Indian shipping companies must be given a chance to have their fair share of trade in this country. The methods which have been employed by the bigger companies are these. Whenever they find a competitor has come into the field, they reduce the rate to a very low level and when the competitor is thus driven out of the field and is wound up, then the bigger companies raise their rates very high. I have got information that when the Bengal Steam Navigation companies came into existence, the existing British companies began to carry passengers free of charge. My further information is that they even gave sweets and handkerchiefs to the passengers. This is the kind of competition which the Indian companies have to face.

Then, the question of rebate is a very important matter. They just make a rule that if you do not give all your goods to their ships, they will not give you rebate. This system of rebate is most detrimental to the interests of young and small companies because they have not got the capacity to take all the cargo which the merchants can offer. Nor have they the capacity to supply regular steamers at regular intervals and so if rebates are given in this way, then the merchants for fear of losing rebates do not give their business to the smaller Indian companies. This is a very unfair competition and it must be checked. As the Bill will go to the Select Committee and as Indian opinion on this point is unanimous that this Bill touches only the fringe of the problem, we must have a more comprehensive measure. It was the duty of the Government to bring forward such a comprehensive measure. In 1924, the Indian Mercantile Marine Committee also recommended that the Government should take definite steps to reserve coastal trade for Indian shipping. The Government have done nothing of the kind. They have not only been very apathetic but also hostile as their attitude towards this Bill and the previous Bill of Mr. S. N. Haji has clearly shown. There is nothing discriminatory in the present Bill. It does not interfere or violate any of the provisions of the Government of India Act, 1935. Other countries such as France, Italy, Australia, Spain and Japan have all given subsidies and bounties for the construction of ships. Germany, the United States of America, Belgium and Netherlands have all granted exemption from import duties for ship building materials. Coastal traffic is assured to the nationals in all European countries. Japan is giving enormous sums to its nationals. Australia has imposed regulations for the same purpose under the Navigation Act. These are the steps which other countries are taking for the protection of the shipping trade of their own nationals. What have the Government of India done in this respect? In olden days India had her own shipping. Dr. Radhakumud Mukherjea in his book on *Indian shipping* states that Indian shipping was thriving and India was building ships of her own. But now, alas ! what is the position ? After 150 years of British rule, in spite of the fact that the Britishers are the greatest sea-faring nation in the world, having the biggest mercantile marine in the world, what have they taught us ? Nothing. Whereas on

[Babu Baijnath Bajoria.]

the other hand whatever little of shipping we possessed before, we lost with the advent of the British. It does not redound to the credit of the British rule in this respect. The coastal traffic in India was valued at 222 crores in 1921-22 and it was valued at 174 crores in 1930-31. I am not speaking of the international trade which is even of more considerable amount. India has got the legitimate right to demand a great share of the trade in her own waters.

An Honourable Member : Why a great share, why not the entire share ?

Babu Baijnath Bajoria : We desire the whole of it, but, unfortunately, at the present moment, we have not got the ships enough to take the whole share. I would be satisfied if I get half a loaf instead of no loaf. I would request the Government not to be hostile to this Bill, but they should give their wholehearted support to this measure and see that it is placed on the Statute-book at an early date. With these words, I heartily support the motion.

Syed Ghulam Bhik Nairang (East Punjab : Muhammadan) : Sir, I move that the name of Maulana Zafar Ali Khan be added to the list of names proposed for the Select Committee.

Sir Abdul Halim Ghuznavi : I have no objection.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour) : Sir, I have very little to say at this stage with regard to this Bill. Government's point of view has been made perfectly clear on previous occasions when this measure was before the House by Sir Sultan Ahmad and by Mr. Dow. The Honourable Member in charge of this measure has said that though Mr. Dow in one of his speeches described this Bill as being a still-born child, yet it was now a flourishing child, much fatter and stronger than it was at the stage when it came to the House previously. I think most Honourable Members will agree with me that I doubt whether it is the same child.

Sir Abdul Halim Ghuznavi : It is the same child which Mr. Dow referred to.

The Honourable Sir Muhammad Zafrullah Khan : When this Bill went to the Select Committee, the Select Committee did not leave standing a single original clause of the Bill. All that was left standing was the preamble. They attached to that preamble an entirely new Bill.

Sir Abdul Halim Ghuznavi : That is the child to which Mr. Dow referred.

The Honourable Sir Muhammad Zafrullah Khan : That is what happened in the Select Committee. I am afraid this

1 P.M.

Bill is a changeling. But we shall not quarrel over that. Surely from its chequered history, it should be realised that whatever agreements there may be or there may not be between different interests over the principle of the original Bill, the provisions selected to give effect to that principle have failed to satisfy anybody and the proof of it lies in the fact that the Select Committee altered the Bill out of all recognition, not merely changed it but as I have said they substituted an

entirely new Bill in place of the original Bill. Now my Honourable friend, Sir Abdul Halim Ghuznavi, comes before the House with the motion that this new Bill should be recommitted to the Select Committee ! I should have thought that it amounted almost to an abuse of the procedure of this House to try to get a new Bill—for all practical purposes it is a new Bill—recommitted to the Select Committee on the basis of the original Bill. Be that as it may, I will not, as I have said, quarrel with Sir Abdul Halim Ghuznavi over the amount of support that he has for the principle of this Bill. But having regard to the fact that nobody seems to know in what manner to give effect to the principle of this Bill and to what extent, would it not be the best thing for him to withdraw this Bill at this stage, study the differences that have arisen over the actual provisions of the Bill, and then come before the House with something which is likely to command a certain amount of support ? It is true that some opposition to the Bill is based on the view that it goes too far in certain directions ; some opposition, or difference at any rate, is based on the view, that it does not go far enough. But at any rate there is not enough support in regard to the provisions of the Bill to justify the hope that any good will be done in the Select Committee. I am not quite sure that, with regard to every one of the provisions of the Bill as it now stands, the Mover himself is in complete accord with those provisions. That, Sir, is my position ; that is to say, Government do not like the provisions of this Bill any better than they liked the provisions of the original Bill. I would, therefore, appeal to Sir Abdul Halim Ghuznavi not to go on experimenting afresh in the Select Committee each time whether some new provisions can be agreed upon which by a method of elimination might eventually satisfy a majority in this House. The only proper course for him would be to study the matter outside with such help as he can obtain and then come to the House with a measure which might win the support of a majority in this House. I, therefore, oppose the principle of the Bill and also oppose the present motion.

Mr. M. S. Aney : Sir, may I inquire if Government will promise to bring in a Bill like this in the near future if this Bill is withdrawn ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, the question of the protection of Indian coastal traffic has been before the Assembly for a considerable time. One Bill was moved which was referred to Select Committee. Then came a second Bill and now it has been very much simplified and the present Bill is really a very good compromise. There is a sincere desire on this side of the House that we should have some Bill to protect the interests of the Indian shipping industry. We have recently had several cases before the House and I myself had an opportunity of bringing up the question of the rate war in connection with the traffic between Chittagong and Rangoon. We recently had some difficulties about the rate war between Jeddah and the Indian ports, and there are other difficulties as well ; and we do really want that there should be some protection for the coastal traffic of this country. If this Bill does not go far enough, as pointed out by the Leader of the House, he can perhaps suggest in the Select Committee a few more clauses by means of which it may be made more effective. But, in case the present Bill is dropped altogether, the Honourable Member has already

[Dr. Sir Ziauddin Ahmad.]

pointed out that Government have no intention of bringing in another Bill giving greater protection than is contemplated in this particular Bill. Sir, with these words I support the motion.

Sir Abdul Halim Ghuznavi : Sir, I was amazed to find the Honourable the Commerce Member requesting me to withdraw the Bill and at the same time assuring my Honourable friends over there that Government have no desire to bring in another Bill in its place. Therefore, it appears to me that he wants my child to die a premature death. That I am not going to agree to. That child will fight in the Select Committee and will come back to this House for its protection. Once more, Sir, I will remind the House of the assurances which Government have been giving year in and year out, in spite of which they still persist in the attitude which the Commerce Member has taken up today. On the 5th December, 1929, Sir John Woodhead, the then Commerce Secretary, said :

“ They are in full sympathy with the widespread desire that India should possess a merchant fleet of its own.”

Only lip sympathy and nothing but that.

Lord Irwin, the then Viceroy of India, said on the 17th December, 1929 :

“ India should have its mercantile marine and the ships of that mercantile marine should be officered as well as manned by Indians.”

Ten years have elapsed since 1929 and there is no Indian mercantile marine. There is not even a small Bill which Government have thought fit to introduce to stop these British vested interests from rate cutting and destroying Indian companies which they have been doing to their heart's content. Crores of rupees of Indian capital have been thrown into the high seas on account of this rate cutting. See what is happening even today. Every one of us knows how the Scindia line has been opposed by the British vested interests in the matter of carrying pilgrims to the Haj, and still Government say that no Bill and no legislation is required and things are going on very smoothly and that whenever there is any trouble we should go to them and they will try and secure some advantages for us. That is their attitude ; and the Mogul line has decided on a rate war against Scindia. For over 40 years the monopoly of the pilgrim traffic to the Persian Gulf was enjoyed by the Mogul line, which belongs to the Asiatic, the twin brother of the B. I. S. N., which is an English company but deceives Indians by calling itself “ Mogul ”. Mr. French, M.L.A., connected with the Mogul line, has declared in a statement which has been published :

“ We are determined to carry on this rate war since we cannot help it and will carry it on with all our resources.”

That is the thing that I have come here to prevent. What business had this company who had a monopoly of this Haj pilgrimage so far to oppose with a rate war an Indian company which has started business pursuant to a persistent demand from Hajis, who had not received proper consideration from the Mogul line steamers.

An Honourable Member : The new company made the rate war.

Sir Abdul Halim Ghuznavi : I am reading from the old company's statement. This "Asiatic" which now calls itself the "Mogul" line gave any amount of trouble to the Hajis. Every year the Hajis had to fight and we had to fight for the Hajis. With the greatest difficulty we persuaded the other company to come to our rescue. Once they have come in, look at the advantages we are getting for the Hajis. All the trouble of Haj travelling has disappeared since Scindia has come into the scene. Now they want to have a rate war to put an end to Scindia's two boats which are now plying for the Haj. Let me now revert and refer to the statement of the Honourable Sir George Rainy on the 23rd September, 1929, to the effect that it was the object of Government to find a solution to the question of "adequate participation of Indian shipping in the coastal and overseas trade of India". The Honourable Sir C. P. Ramaswami Iyer again said on the 7th September, 1932, "The Government are particularly anxious to facilitate the expansion of the coastal trade of India in so far as that coastal trade is operated by Indian agencies and through the instrumentality of Indian capital". May I not reasonably remind my Honourable friend, the Commerce Member, of these statements made by his predecessors on the floor of this House and invite him to implement them? It will not do for him to tell me to withdraw this Bill while he does not propose to bring in a more comprehensive Bill in its place.

Once more I appeal to Honourable Members of this House to recommit this Bill to the Select Committee as proposed.

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

"That the Bill to control the Coastal Traffic of India, as reported by the Select Committee, be recommended to a Select Committee consisting of the Honourable the Law Member, the Honourable the Commerce Member, Mr. F. E. James, Dr. G. V. Deshmukh, Mr. B. Das, Mr. Bhulabhai J. Desai, Syed Ghulam Bhik Nairang, Sir Cowasji Jehangir, Babu Baijnath Bajoria, Seth Haji Sir Abdoola Haroon, Pandit Krishna Kant Malavia, Dr. Sir Ziauddin Ahmad, Pandit Lakshmi Kanta Maitra, Sir Muhammad Yamin Khan, Mr. S. Satyamurti, Mr. C. C. Miller, Mr. Sami Vencatachelam Chetty, Sardar Sant Singh and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

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

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

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

AMENDMENT OF SECTION 167.

Sardar Sant Singh (West Punjab : Sikh) : Sir, I beg to move :

"That the Bill further to amend the Code of Criminal Procedure, 1898 (amendment of section 167), be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable the Home Member, Mr. E. Cowran-Smith, Mr. Sham Lal, Mr. Govind V. Deshmukh, Mr. Abdul Qaiyum, Mr. M. Ananthasayanam Ayyangar, Mr. P. J. Griffiths, Mr. Muhammad Azhar Ali, Syed Ghulam Bhik Nairang, Mr. M. S. Aney, Mr. Lalchand Navalrai and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

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Sir, the House will remember that this Bill was circulated for eliciting public opinion thereon, and we have received the opinions now which I will presently discuss. But before I proceed with the discussion of those opinions on this Bill, I want to refer to the provisions of section 167 as they stand now. Section 167 deals with the procedure where investigation into an offence has not been completed within 24 hours. It says this :

“ Whenever any person is arrested and detained in custody, and it appears that the investigation cannot be completed within the period of 24 hours fixed by section 61, and there are grounds for believing that the accusation or information is well-founded the officer in charge of the police station or the police officer making the investigation if he is not below the rank of Sub-Inspector shall forthwith transmit to the nearest Magistrate a copy of the entries in the diary hereinafter prescribed relating to the case, and shall at the same time forward the accused to such Magistrate.

(2) The Magistrate to whom an accused person is forwarded under this section may, whether he has or has not jurisdiction to try the case, from time to time authorise the detention of the accused in such custody as such Magistrate thinks fit, for a term not exceeding fifteen days in the whole. If he has not jurisdiction to try the case or commit it for trial, and considers further detention is unnecessary, he may order the accused to be forwarded to a Magistrate having such jurisdiction :

Provided that no Magistrate of the third class, and no Magistrate of the second class not specially empowered in this behalf by the Local Government shall authorise detention in the custody of the police.

(3) A Magistrate authorising under this section detention in the custody of the police shall record his reasons for doing so.

(4) If such order is given by a Magistrate other than the District Magistrate or Sub-Divisional Magistrate, he shall forward a copy of his order, with his reasons for making it, to the Magistrate to whom he is immediately subordinate.”

Sir, my amendment, if accepted by this House, will make this change, that where the words “ and shall at the same time forward the accused to such Magistrate ” occur, I propose to substitute the words “ forward the accused to a place where such Magistrate ordinarily holds his Court ”, and in the second clause I want this provision to be inserted, “ that the Magistrate to whom an accused person is forwarded under this section after hearing the accused or his counsel if the accused so desires may grant remand, etc.”. The change which I want to introduce in this section is this, that the seriousness and the gravity of granting remands of arrested persons back to police custody should be recognised by the Magistrates when the accused is produced before them. If we look at the provisions and the safeguards that exist already in this section, we shall find that the Legislature at the time of enacting this section was not ignorant of the special powers given to the police to get back the accused to police custody. Certain safeguards have been provided, but these safeguards have not worked in practice, according to the intention of the original framers of this section. Objection was taken when I moved for the circulation of this Bill, that the Government did not object to the principle of my Bill ; as a matter of fact the Honourable Mr. Thorne, who was opposing this measure, did concede that there was no objection to the principle underlying the Bill. The objections raised were objections of convenience and whether the proposed change in the Bill would or would not help the accused in his troubles.

The opinions which I have received have dealt with both the questions very thoroughly, and before I proceed to discuss them, I will try to place before the House the trend of the various opinions received. I have divided the opinions under the following headings. The opinions of the Governments of Provinces, the opinions of the Honourable Judges of High Courts, the opinions of Sessions Judges, the opinions of District Magistrates, Bar Associations, Commissioners, Superintendents of Police, ordinary Magistrates, Public Prosecutors and Government Advocates. From the analysis of the opinions received, I find that eight Governments of the Provinces are against the Bill, two are in favour, four are only against clause 1, while four are in favour of clause 2 of the Bill. Out of the Honourable Judges of the High Court, three are against any change, while the remaining are in favour of modification of these laws. Out of the Sessions Judges, nine are against, 13 are in favour, five are against the amendment of clause 1, while five are in favour of amendment of clause 2. Out of the Commissioners, five are against, one is in favour, six are against clause 1, and six are in favour of clause 2. Out of the District Magistrates, I find that 22 District Magistrates are against any change, eight are against clause 1, one against clause 2, while eight District Magistrates are in favour, 13 District Magistrates are in favour of amendment of clause 2, and one is in favour of amendment of clause 1. Out of the Bar Associations, one is against, six are in favour, one against clause 1 only, and one in favour of clause 2. This does not include the opinions expressed by the Bihar Government. They have given only an analysis of the opinions received which I will deal with later. Out of the Superintendents of Police, all are against it. Out of the Magistrates, three are against and two are in favour. Out of the public prosecutors and Government advocates, I find that eight public prosecutors are against, three in favour and two in favour of clause 2. From this analysis one thing is very clear that the majority of the opinions favour the amendment of clause 2, whereby I want to make it obligatory upon the magistrate, before granting the remand, to hear the accused or his counsel if the accused so desires. This analysis makes it clear that wherever the executive has been called upon to give an opinion, the executive oppose it and amongst the judicial officers who have been consulted, the great majority of them are in favour of the change. The executive do not want their actions criticised publicly. They want short cuts to the attainment of their object and that object is to get the persons arrested by them convicted, irrespective of the fact whether the public has confidence in the administration of justice or not. They care a tuppence for gaining the confidence of the people. But wherever the judicial mind has been brought to bear on this subject and wherever the principles of criminal jurisprudence have been brought to bear on the matter, there the opinions are strongly in favour of the Bill. I shall now proceed to read some of the opinions expressed in favour of the Bill.

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : We have all read them.

Sardar Sant Singh : I know you have read them but I want to complete my case before the House. We have listened to you for three days in connection with the repressive laws which you wanted to repeal and I hope you will have as much patience to hear me as we have had to hear you. I was submitting before the House that wherever a judicial mind has been brought to bear on this subject the opinion has been in my

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favour. Out of the 53 District Magistrates consulted, about eight are completely in favour of the Bill, while 13 are in favour of clause 2. The justice underlying the principles of the Bill is admitted by such executive authorities as District Magistrates. Now, I shall read the opinion of the District and Sessions Judge of Chingleput. He states :

“ The Magistrate exercises at least a *quasi-judicial*, if not a purely judicial function in ordering the detention or otherwise of the accused person, pending investigation by the police. Hence it is appropriate that the accused is produced before him in open Court. Acts in open Court are also usually attended with a more becoming sense of duty. But, the Magistrate may not be in Court, when the accused is produced.”

Therefore he makes a suggestion that some change should be made in the wording of the Bill as it is now. Of course, the Select Committee will consider the necessary changes to be made. Further on he says :

“ Under sub-section (2) it must be made obligatory on the Magistrate to hear the accused, if he so desires. That would enable the Magistrate to obtain information of any ill-treatment by the police or of wanton inaction, in order to gain time towards fabricating evidence.”

Then, the opinion of the Sessions Judge of Kistna Division deserves more than passing attention. About clause 1 of the Bill he says :

“ In the interests of the sound administration of Criminal Justice, it is highly desirable that all remand orders should have due publicity, which can only be had if the orders are made at a place where the Magistrate ordinarily holds his Court. This procedure will certainly minimise the cavilling criticism often levelled against the Magistrates, especially those in the lower ranks, that they play into the hands of the Police in these matters.”

That exactly is the charge which I bring from my own experience at the Bar. The Magistrates are always in deadly fear of the police in such matters. When such is the case it is not uncommon to see that the magistrate is only a mere recorder of police decrees. My friend, Mr. Griffiths, says that is not the case. He has been a District Magistrate himself and if he had only studied the point or consulted his own bar association he would have come to the conclusion that his opinions are not the last word on the subject. Further on, the same Sessions Judge says :

“ Though this amendment may entail some additional work on the Magistrate granting a remand, it is essential that a fair opportunity should be given to the accused to have his own say before he is remanded to Police custody. This will certainly inspire confidence in the mind of the accused person that he is having a fair trial.... It is not a sound principle of law to hold that it may not be worth while to hear an accused person at that stage ; because, in the eye of law, every person charged with an offence is presumed to be innocent until he is convicted of the crime with which he is charged.”

Next, Sir, at page 10, this is an opinion from Bengal, the place wherefrom our Honourable friend, Mr. Griffiths, comes. The District Judge of the 24-Parganas says :

“ I think it is probably the case that many if not most Magistrates take their responsibility under this section much too lightly.”

But I am wondering if one cannot make any constructive suggestion. Further on he adds :

“ We are agreed that the law needs stiffening.”

I particularly invite the attention of the Honourable the Law Member and of the Honourable the Home Member to this expression of opinion.

"It is no use blinking the fact that many Magistrates fear, possibly for good reason, getting into the bad books of the police."

I invite the attention of my Honourable friend, Mr. Griffiths, to that opinion. Then, further on, the Additional District Judge of the Twenty-Four Parganas has given an opinion which is very amusing and very contradictory. He starts with cursing me and ends with blessing my Bill. He says :

"In fact, I have a shrewd suspicion that there are objects and reasons beyond those included in the statement appended to the Bill."

This is questioning the motive for which this Bill is promoted but he gives us the benefit of very nice logic when he says :

"I can see no difference, whatever, in taking an accused person to a Magistrate's house and in the Magistrate proceeding to a completely deserted Court building for the sole purpose of introducing some small degree of 'formality' into the proceedings. An accused or his lawyer can be heard as well in the Magistrate's house as in a Court room."

Now, with due deference to the opinion of this Honourable Additional Judge from Bengal, may I ask Honourable Members who may be inclined to accept his opinion that the formality is not merely meant for the purpose of striking the imagination but it has got some deeper purpose behind it. If an Honourable Judge of the High Court is allowed to hear a case with the attendance of a mace of silver, that is not an ordinary formality. If a big High Court building is provided where solemnity reigns it is so in order to inspire people with confidence in the justice that is going to be administered ; it is not a hollow solemnity, but it has psychological meaning behind it. Here is a gentleman who sees no difference between going to the house of a magistrate with his pyjama suit on and probably attended by a servant with a glass of water and a counsel sitting outside waiting for his pleasure when he gets up and receives the counsel to hear what he has to say. But later on he says :

"Four walls and furniture of a particular type do not necessarily constitute a Court, although, perhaps, a raised dais and the paraphernalia usually attaching to a Court do create a certain atmosphere."

Then, I am indebted to him for a very good suggestion in putting my principle into practice. I do not want to tire the House by reading out the suggestion. The District Magistrate of Dacca says :

"I am of opinion that the amendment should be accepted. The objection that Magistrates are often on tour and are not thus in a position to give immediate attention to the papers relating to the arrest of an accused under the present law does not seem to me to be valid."

The main objection taken by the Honourable Mr. Thorne in his speech was that in the case of some of the magistrates it would be very hard for the accused to be taken there. This criticism is answered by no less an authority than the Sessions Judge of Dacca. The Commissioner of Bareilly, an executive authority, says :

"I have the honour to report after consulting four selected District Magistrates that I agree that the principle of the Bill introduced by Sardar Sant Singh to amend the Code of Criminal Procedure is unexceptionable and the *farsi* remands are to be discouraged."

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Now this opinion, coming from the head of an executive authority, should be a most valuable guide for the Government to determine their attitude with regard to this measure. The District Magistrate of Agra, another executive authority, says :

“ With regard to the right of the accused to be heard either personally or through his Counsel before he is remanded to custody I am inclined to agree with the Honourable Member that sub-section (2) of section 167 may be amended as proposed. It is a common experience that in many cases remand is granted as a matter of course merely on the application of the investigating officer. This is not desirable. It encourages delay in investigation and is certainly unfair to the accused. If the proposed amendment is made police officers will conduct investigations with greater care and expedition.”

Sir, my Bill is not directed against obstructing investigation into crime but it is directed towards making the executive authorities more efficient and more competent in the discharge of their duties. Now I come to some of the opinions expressed by the Honourable Judges of High Courts. I will read from the opinions of the Honourable Judges of the High Court at Allahabad.

The Honourable Mr. Justice Bennett says :

“ I note that the Government of India is opposing the Bill, but I consider that its provisions will be beneficial in certain cases.”

The Honourable Mr. Justice Kamla Kanta Verma says :

“ I agree with Bennett, J.”

Similarly the Honourable Mr. Justice Beckett of the Lahore High Court says :

“ In my experience, the provisions of section 167 of the Code of Criminal Procedure are greatly abused by Magistrates. A continuation of the detention of an accused by the police is allowed as a matter of course, even though there is nothing to explain why the investigation could not be just as well carried on with the accused in jail. In every case, the accused is not formally ‘ arrested ’ or brought up for orders until the case against him is regarded as proved, so the additional detention is required only so that pressure may be brought upon him either for the purpose of extracting a confession, or for the purpose of adding to the details of a confession.

Under the law as it stands, the accused has to be produced before a Magistrate, obviously with the intention that he may be heard if he wished it ; and if the amendment will do anything to make the law more clear, or protect accused persons from torture, I think it should be supported.”

Similarly, opinions have been given by the Sessions Judges from the

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Punjab that the law requires to be clarified and made clear because the Magistrates do not take their duty in a right spirit. Here is an opinion from the District and Sessions Judge, Amritsar :

“ I have the honour to state that there exists at present a real and well founded impression in the mind of the public including members of the Bar that remand orders by Magistrates are a mere matter of routine and that most Magistrates do not at all apply their mind to the facts of the case and the material contained in the Police Diaries on which the accusation or information is founded.....”

Mr. Deputy President (Mr. Akhil Chandra Datta) : May I suggest to the Honourable Member that instead of reading extensively all the opinions, he may give the House purport of those opinions except in the case of very important opinions such as from the distinguished Judges.

Sardar Sant Singh : May I submit that out of the hundreds of opinions that have been received I have only read those which illustrate the principle underlying the Bill. I have got many opinions where the opinion is expressed one way or the other, or where certain suggestions have been made with regard to the improvement in the wordings of the Bill.

Mr. Deputy President (Mr. Akhil Chandra Datta) : I hope my suggestion will not be misunderstood. I am only making the suggestion that except in the case of very important opinions, the Honourable Member may just refer to them and give the substance. I am only making it as a suggestion, leaving it to the discretion of the Honourable Member as to which opinion he should read and of which opinion he should give the substance only.

Sardar Sant Singh : I will accept your suggestion, Sir, and will divide the opinions now into different parts. The opinions that have gone against me have done so on the ground that it will be inconvenient for the accused to be taken in camp and to be produced before the Magistrate where he ordinarily holds his court. As regards this, I may point out that there need be no fear on that score because of the fact that what I intend to convey by the words 'ordinarily holds his court', as was explained by Diwan Lalchand Navalrai when he supported this motion, is the open court whether it is at the headquarters or in the camp. The point made against me by my opponents can be met by the fact that there are more than one Magistrate in a district and each one of them is authorised to grant a remand to the police and it is not necessary that the Magistrate having the jurisdiction in the case should alone grant the remand. Even in the section it is clear that whether the Magistrate granting the remand has jurisdiction to try the case or not he can give the remand. So far as this criticism is concerned, namely, that this Bill will cause inconvenience to the accused, there can be no fear on this score. The second point on which the opinion has differed is this that there are holidays and the Magistrates do not go to the court on those holidays and, therefore, it is necessary that remands should be obtained after 24 hours have elapsed at the place where the Magistrate is. In order to meet such contingencies, one of the gentlemen who has given the opinion has made a very good suggestion which can conveniently be adopted. He says that if the Magistrate grants a remand at his house or at a place other than the open court, in that case he should give special reasons for that. I hope the Select Committee will consider this suggestion. The third reason given is that there are cases where the question of the identification of the accused becomes very important and if the accused is brought to the open court, objection may be taken that the witnesses for the prosecution have been made to identify him before the trial. I do not think this is a consideration of major importance. It is of minor importance because of the fact that generally the identifications take place in the presence of the Magistrates. At any rate, this is the procedure in my province. When the accused is arrested, a Magistrate is summoned and in his presence identification takes place. In order to justify my Bill for the amendment of section 167, I will quote the judgment of the Lahore High Court where this section has been subjected to a severe criticism by a Judge of the High Court. This was a case of one Keval Krishna. He was arrested under

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sections 120B and 302 and under section 20 of the Indian Arms Act. Unfortunately for him, this was a case of a political nature. So, what the police did in this case was that they went to a Magistrate at Lahore and got a remand for four days. Then, they got a remand for full 15 days and when they brought him again before the Magistrate for a further remand, he declined and said that the section prohibited a remand for more than 15 days. Then, they took him to Amritsar and there they got hold of a Magistrate and got a remand for another four days. Then, they brought him back to Lahore and when the former Magistrate would not agree to give him a further remand, they took him to a convenient Magistrate and got the remand. This thing went on with the police for about a month. Then, a revision application was filed before the High Court under section 561A, Cr. P. Code. The following remarks of the Honourable Judge as to the conduct of the police are worthy of serious consideration :

“ But there is another matter which is much more serious. On 26th November, four days before the expiry of the first remand, the Counsel for the petitioner made an application to the Additional District Magistrate asking for information as to when and where the accused person was to be produced before a Magistrate on the expiry of his remand.”

Now, Sir, this is the evil. I referred in my last speech that it is a regular game of hide and seek played between the police and the Counsel at the time of remand. Here the Counsel applies to the magistrate that he should be given the information after the completion of 15 days of remand, that is the maximum permissible under this section, he should be told where the accused will be produced and before whom and at what time :

“ This application was made four days before the remand period was over. A copy of the application was sent to the Superintendent of Police who was also requested for the same information. But no such information was given at all. But a fresh remand was obtained from a Magistrate at Amritsar.”

Can anybody say that after reading this there is no justification for this Bill. No explanation is forth-coming as to why the Counsel was not given any information and why fresh remand was obtained from a magistrate of Amritsar when the first remand was obtained from the Additional District Magistrate of Lahore. Further on, the Honourable Judge was constrained to make these remarks :

“ It is easy to say that legal assistance may be frequently very useful on such occasion. The manner in which the second remand was obtained from Amritsar without giving any information to the Counsel raises a strong suspicion that the procedure was deliberately adopted by the police with a view to avoid inconvenient objections to the further remand which they wanted. If so, their conduct in this matter must be strongly deprecated.”

Now, Sir, may I ask the Honourable Members of this House, particularly the Government Members, to reconsider their position. After all what does the Bill want ? It does not want to obstruct the course of investigation. It does not want to hamper the investigation of a crime or the punishment of an offender. It only wants to follow the general principles of criminal jurisprudence to treat the accused to be innocent till he is found guilty, to avoid harassment to him, to make the police more efficient in collecting evidence before they arrest and then placing the accused at the earliest possible opportunity for his trial. There can be

no denying the fact as I have quoted previously from the opinions received that the magistracy, particularly the trial courts, are afraid of the police agency. They get remand in the usual course and as a matter of routine and, therefore, my Bill requires that definite instructions should be laid down in the law itself what the magistrate has to do in giving this remand. I hope the Government will be better advised and that they will reconsider their position. Sir, I move.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Motion moved :

“ That the Bill further to amend the Code of Criminal Procedure, 1898 (amendment of section 167), be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable the Home Member, Mr. E. Conran-Smith, Mr. Sham Lal, Mr. Govind V. Deshmukh, Mr. Abdul Qaiyum, Mr. M. Ananthasayanam Ayyangar, Mr. P. J. Griffiths, Mr. Muhammad Azhar Ali, Syed Ghulam Bhik Nairang, Mr. M. S. Aney, Mr. Lalchand Navalrai and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

Mr P. J. Griffiths (Assam : European) : Sir, I must congratulate my Honourable friend, Sardar Sant Singh, on his singular facility in intending one thing and achieving something quite different. He produces a Bill which professes to give protection to innocent accused, but the Bill, in practice, merely has the effect of adding to the harassment which the accused already suffers. The Bill seeks to lay down two propositions. The first of those propositions is that an accused should be taken not to the place where the magistrate is but to the place where the magistrate ordinarily holds his court. Now, Sir, there are two very obvious objections to that, which were put very clearly in the last Session by Mr. Thorne. Sardar Sant Singh has referred to those two objections, but he has, however, made no real attempt anywhere to put forward any practical solution as to how those objections could be avoided. The first of those objections is a very obvious one, that in some provinces, for example in the Province of Bengal to which he referred at some length, the courts are closed for about 100 days every year. The Sardar Sahib has not told us what is to happen when an accused is produced on a day when the court happens to be closed. Speaking for myself I have very vivid recollections of being disturbed in the middle of a very comfortable Sunday afternoon sleep when an accused was brought before me from the mufassal. I should have been very pleased indeed if I could have said, “ No, no, this man must be taken to the place where the magistrate holds his court. I cannot possibly deal with him here. You will have to go away. Come back tomorrow when the courts are open again ”. If this happened on just a single occasion or one day, it might not be very serious. But it sometimes happens that the courts are closed for four or five days together. My Honourable friend has made a very bright and helpful suggestion when he said that the magistrate should be allowed to record special reasons for dealing with the accused in his house. What special reasons can the magistrate record ? He can simply write down solemnly on the order sheet, “ today being a holiday, the accused was dealt with in my house ”. I should like to ask the Sardar Sahib what conceivable benefit it will be to anybody if the magistrate solemnly writes down in the order sheet that today being a holiday the accused was dealt with in his house ? After all anybody can find out from the calendar that a particular day was a holiday.

[Mr. P. J. Griffiths.]

There is another very obvious objection to this procedure and that arises from the fact that many magistrates happen to be touring officers. The Sardar Sahib has not told us what is to happen when a magistrate is not at the place where he holds his court ordinarily. There are a good number of places where you have only one magistrate dealing with criminal cases. Even leaving aside those places, there are many other places where you have two magistrates, one the sub-divisional officer and the other of whom is an exceedingly junior officer, a deputy or a sub-deputy collector. If you enforce the present proposal of my Honourable friend, the practical effect will be that whenever the sub-divisional officer is out on tour the accused will have to be taken to a very junior officer even though the sub-divisional officer may happen to be in the very village in which the accused is arrested. What can be the practical advantage if an accused is arrested in a particular village and if the sub-divisional officer who happens to be on tour near that village says, "you must take this man to the sub-divisional headquarters and place him before the magistrate who ordinarily holds his court there".

The next proposition which this Bill lays down is that the accused should be entitled to be represented by Counsel even at this preliminary stage. Well, at first sight, I had a certain amount of sympathy with that point of view, for I fully realise, I do fully admit that there are cases in which the applications by the police for remand do not receive as careful a consideration as they should receive. Be that as it may, we have to remember that in criminal matters a right very quickly becomes an obligation. If you give the accused the right to appear by Counsel, it is only a very short step from that to building up such a strong custom that the accused will have to appear by Counsel always and the right will become an obligation and in every case an innocent accused will be put to the expense of appearing by Counsel even in the preliminary stages. Surely one of the main objects in framing the criminal law is to prevent harassment of an accused at the earliest stages at which there is not sufficient evidence against him to make it worth his while to employ a Counsel. Sir, I submit that the only effect of this part of Sardar Sant Singh's Bill will be to increase the expenses, to put fresh harassment upon innocent accused who are already sufficiently harassed. The sum and substance of the Honourable Member's contention is this. He says that magistrates do their job in a very dilatory and perfunctory manner and because they are dilatory and perfunctory they do not take sufficient care in examining these remand applications. In some cases they may be true. But it has been my privilege to have a great many magistrates serving under me and I have always made a special point of examining the manner in which they dealt with remand orders and if the Sardar Sahib's statement is meant to be an allegation against magistrates as a whole, I most emphatically deny it. There are magistrates who are bad magistrates just as there are officers in every department and in every walk of life who are bad officers, but you cannot frame the whole of your law upon the assumption that the law is going to be badly administered. You ought to frame the law on the assumption that it will be reasonably administered and then it is up to those in charge in the Provincial Governments to get on the track of magistrates who cannot administer the law properly. The right way of dealing with perfunctoriness in passing

orders on applications for remands is not by changing the law but by showing a determination that all the magistrates under your jurisdiction shall understand the provisions of the law and shall apply their minds systematically to its application. For these reasons, Sir, I contend that whatever may be wrong with the administration of the law in some cases, there is nothing wrong with the law itself and no case whatsoever has been made out for either of the two changes proposed in the Sardar Sahib's Bill. Sir, I oppose the Bill.

Mr. Sham Lai (Ambala Division : Non-Muhammadian) : Sir, I support the motion and I am really surprised that my Honourable friend, Mr. Griffiths, should take it upon himself to oppose this motion. Sardar Sant Singh has made out two points. One point is that the accused should be taken to the court of the magistrate and there a remand obtained. My Honourable friend, Mr. Griffiths, has pointed out that the Honourable the Mover has not suggested any practical solution for holidays or when the magistrate is on tour. I want to remind him that there is a practice in the Punjab and that practice can be adopted in other provinces also, which is that in every district there are week magistrates, that is, for every week there is a magistrate. So far as the trial of cases is concerned, the jurisdiction is of course given to certain magistrates, but so far as bail or remand is concerned, a magistrate is appointed for a week and all the cases are taken to him, and cases are not taken to magistrates who are on tour. I may also remind him that if he were to read the proceedings of the Lahore Conspiracy Case he would see how far this provision has been abused. In that case the accused were arrested and were not put in one lock-up, but they were taken to different lock-ups at a distance of 20 or 30 miles, and when their relatives applied for interview or asked that their counsel should be present at the time of remand, the whereabouts of the accused were not given. And these points were brought before the Lahore High Court and the Honourable Judge of the High Court condemned this practice. Sardar Sant Singh has referred to the opinion of Justice Blacker who tried that case, and when the Punjab Government found that this law had been abused they issued instructions in terms of the amendment proposed by the Honourable the Mover. And these instructions are that the accused should be produced in open court and counsel should be allowed to oppose the application for remand. The instructions that have been issued by the Punjab Government Sardar Sant Singh now wants to embody in the Statute; and I am really surprised that this should be opposed. Why is it that the police want to cling to these powers? As a matter of fact their case is practically the same as that of the teacher in the English school who refused to stand up even when the King visited the school, and when asked for an explanation said that he did not want his pupils to have the idea that there is any person in the world greater than the teacher. The same is the case with the police. Really the police, when they have got any accused person in custody, want the accused to realise that he cannot appeal to any higher authority. You will find in several cases that it is not the accused who are taken to the magistrate. Just as in the conspiracy case, the magistrate was taken in a motor car to Chaklala and then to another place 20 miles away and again somewhere else 30 miles away. He was taken to the accused and the accused realised that the police were all in all and all of them made confessions. Therefore, it will not add to the troubles of the

[Mr. Sham Lal.]

accused ; it is really necessary that the accused should be produced in court. And, as pointed out by Sardar Sant Singh, there is always an air of solemnity in courts and the Magistrate dare not grant a remand on insufficient grounds in the presence of lawyers, etc. He has quoted the case of a touring officer. Sometimes the accused and the parties do not realise that the person is a magistrate, if he is holding his court outside. One magistrate, who was on tour and riding a horse, convicted a Jat and sentenced him to three months' rigorous imprisonment and the Jat replied, " How can you sentence me ? You are not in court, there is no table in front of you, no green cloth on your table and you are not sitting in your chair. You sentence me I can as well sentence you to three months' rigorous imprisonment ". What are these courts meant for ? In these courts there is a solemnity and there is publicity ; and then if you leave it to the police to produce the accused at anybody's house and the magistrate in his *dhuti* and *kurtā* grants a remand in a friendly spirit without even looking at the papers,—I am surprised that an Englishman can support such a proposal. I can only say that perhaps their mentality undergoes a change in India. I thought there could be no difference of opinion on this point and it is surprising that the instructions issued by the Punjab Government in the interests of justice should be opposed by a gentleman who has himself been a District Magistrate. I think it is only fair that the accused should be produced in court and he should be allowed to be represented by counsel who will oppose the application for remand, as was pointed out by the Honourable Judge of the High Court. I, therefore, support this motion.

Mr. E. Conran-Smith (Government of India : Nominated Official) : Sir, I feel that no Session of this House would be complete without a motion in regard to at least one of my Honourable friend Sardar Sant Singh's Bills to amend the Criminal Procedure Code coming before us. Today we have on the agenda no less than three of his attempts to re-write the Criminal Procedure Code in the sense in which he feels that it requires amendment. This particular Bill to amend section 167 reminds me of the patent medicine in Mr. H. G. Wells' novel " Tono Bungay " which is described in the book as being " only slightly harmful ". My Honourable friend has attempted to demonstrate by a judicious process of selecting opinions that his Bill has the support of judicial opinion and of the Provincial Governments consulted. I must confess that his analysis of those opinions differed so considerably from mine that I was completely taken by surprise. Some of the opinions which were lukewarm he may have read as supporting his Bill. There were one or two Provincial Governments who said, " We see no harm but we regard the amendment as unnecessary ". It is said that figures can be made to prove anything. Sardar Sant Singh has shown us this afternoon that opinions, even judicial ones, can also be made to prove anything. I was expecting my Honourable friend, in face of the almost unanimous objection taken both by judicial bodies and by Provincial Governments to the first of his two amendments, to withdraw it. I may remind him that of the Provincial Governments only one,—and in their case for special reasons,—showed themselves to be in favour of his amendment.

Sardar Sant Singh : What are the special reasons ?

Mr. E. Conran-Smith : The special reasons were, I think, in the case of the United Provinces that they have under consideration the separation of judicial and executive functions. Sardar Sant Singh made a passing reference to changes which the Select Committee might make. I thought for the moment that he perhaps had in mind that the Select Committee would eliminate the more harmful element from his Bill and that the truncated remains would come again before this House ; but I see my Honourable friend is adhering to his view that the whole measure should reach the Statute-book. In view of what was said on the previous occasion on the floor of this House and has been said today by Mr. Griffiths, it is perhaps unnecessary for me to do more than reiterate that Government must oppose an amendment so clearly calculated to defeat the intention with which it has been put forward. I am well aware of the sincerity of purpose and of the desire to do justice to those who find themselves accused in a criminal case which have actuated my Honourable friend in bringing forward this motion ; but I feel I should impress upon him how singularly little this measure would achieve his laudable object. I may say that I admire his courage but not his discretion. I should like to deal with one argument which he advanced to meet the main objection which Government feel to this clause, namely, the difficulties which would arise if an accused has to be produced in the court of a magistrate when the latter is, for any reason, absent from headquarters or when a holiday intervenes. I was surprised to find that my Honourable friend had only now learnt from the opinions which have been received a method of meeting that objection. But he did also say, I think, that ordinarily there is more than one magistrate in the station. I would remind my Honourable friend that ordinarily magistrates of the second class and invariably magistrates of the third class are not empowered to act under section 167. In rural areas where those persons reside whom I take it, Sardar Sant Singh particularly wants to help—I am not thinking now of large cities like Lyallpur,—there is seldom more than one magistrate within the area empowered to act under section 167. As regards the question of holidays I feel sure the Honourable the Mover would not wish to force the police to transgress the provisions of section 61 of the Code which fixes a maximum period of 24 hours as the period within which an accused person may be detained without the order of a magistrate.

There is a minor point also—it is really a drafting point,—to which I would like to refer, although no doubt my Honourable friend would say that it is a matter for the Select Committee. It is this : the effect of clause 2 (1) of the Bill, as drafted, would be that whereas a copy of the entries in the police diary has to be sent to the nearest magistrate the accused himself will be forwarded to the place where the magistrate ordinarily holds his court. I feel sure that is not a result which my Honourable friend desires to bring about.

I have very little to say about clause 2 (2)—the second amendment. It is less harmful and it has, I admit, received some measure of support from Provincial Governments and others who were consulted. But the majority of the opinions received, as I see it, go to show that the amendment is unnecessary. Some authorities have said that it is harmless, others have said that they see no objection, but a large number have said that the amendment is unnecessary. One Provincial Government have pointed

[Mr. E. Conran-Smith.]

out that even under the existing practice, under judicial rulings, an accused is already entitled to be represented by counsel in any proceedings under section 167. That being so, I cannot see what reason there is why my Honourable friend should ask us to tamper with the provisions of a Code which has stood the test of many years. My Honourable friends have advanced no good reasons for taking such action.

Sir, in opposing this motion, I would ask Honourable Members not to admit to the Statute-book a piece of legislation, one of the provisions of which is slightly harmful and the other one of which is unlikely to confer any material benefit on those whom the Honourable the Mover wishes to help.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhamadan Rural) : Sir, I had hoped that we had effectively and finally put Mr. Griffiths out of harm's way ; but evidently ' once a magistrate always a magistrate ' is the rule of life. I cannot pretend to know the theory of the law nor am I learned enough to discourse at length on the various provisions of the Criminal Procedure Code. I am not interested either in the various opinions that have been gathered, for the opinions all come from the harrows and not from the toads. I am more interested in the experience of the toads than the views of the harrows. We, on this side of the House, have had personal experience of how the Code of Criminal Procedure is worked. I think personally that whether this Bill goes far enough or not, it is time that the question of ' remand ' were taken seriously in hand. Believing as I do that an ounce of practice is worth more than a ton of theory, I will relate to this House my own experience.

On the 11th of January, 1932, in the early morning, while I was passing from my bath room to my office room in my own house, I was arrested by policemen who were lying in wait in the intervening verandah, and I was promptly shut up in the district jail of Benares. I was taken into a barrack which had already 44 persons in it and I became the 45th. I give the date so that my Honourable friend opposite may make sure if they feel that I might be saying something that is not true. That room was not more than 15 feet wide by about 25 feet long. Forty-five of us were huddled in that barrack ; and for myself I will say that I could not get a wink of sleep : I sat up all night trying to get enough air to breathe properly, as there did not seem to be sufficient ventilation in that barrack. I was told that within 24 hours I should be brought up before a magistrate ; and as all the magistrates of Benares happened to know me I thought I would be able to tell them what my condition was so that I might be put in a better place. No magistrate arrived at all till late in the afternoon of the 18th of January—that is, exactly seven days afterwards.

My Honourable friend, Sardar Sant Singh, in the Statement of Objects and Reasons, says that very often magistrates go to the accused themselves. But in this case there was no magistrate at all anywhere present and none came to me as I remained an undertrial prisoner for seven days. Then I was suddenly informed that a Magistrate with all

the paraphernalia, including the table, the green baize, the chair and other things (referred to by Lala Sham Lal) was present somewhere outside, and that I was to go there and be properly sentenced.

Mr. M. Ananthasayanam Ayyangar : To be remanded.

Mr. Sri Prakasa : Sir, there was no question of remand at all. The proceedings of the remand took place somewhere else,—I do not know where,—but on the seventh day, I was taken before this Magistrate and I was promptly sentenced to a year's rigorous imprisonment and a fine of Rs. 500. If we ever reach the Bill which my friend, Mr. Satyamurti, has on the order paper, I shall be able to relate many stories, and I hope other friends around me here will be able to relate many of their own experiences. My friend opposite, the Home Secretary, must have sentenced people in his own time, but he had never been sentenced himself although, I am quite sure, he could not have possibly followed all the 511 sections of the Indian Penal Code in his own life. He naturally has only his own side of experience as to how the law works.

My friend, Mr. Griffiths, was free to confess that every afternoon the Magistrates go to sleep. Of course they do, because District Magistrates have not to be in court as they are supposed to be on duty all the time ; they go to sleep having nothing else to do.

Mr. P. J. Griffiths : On a point of information, I may say that it depends on the soporific effects of the lawyers' speeches.

Mr. Sri Prakasa : Sir, I may say straight off that I am a greater enemy of lawyers than Magistrates ; but this particular case of my own experience is such that makes me feel, and I say it in all humility, that if persons who enjoy a certain amount of social status, as my family happens to enjoy its own home town, if persons like us are treated in this manner, other folk must be fairing much worse. I do not know if anything is done for them at all. Of course, in my case the trying Magistrate had already ordered what to do. The poor fellow confessed it to me himself. That is the way in which justice is dispensed in this country, and no wonder the United Provinces Government, consisting as it does of those who have themselves suffered, are taking steps to separate the judiciary from the executive. I may, in this connection, also say that during this period that a person is an under-trial prisoner, he is not properly taken care of either, and this should interest Mr. Griffiths principally because under-trial prisoners do not get any morning tea.

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

The first meal that is brought to them is at 11 o'clock in the day time, and it consists of seven *chapaties* and some *dal* heavily seasoned in oil and salt. And, Sir, they are expected to eat all the seven *chapaties*. They cannot pass on any *chapaties* to any one else if they cannot manage them themselves. If one does not eat all the seven *chapaties* he is guilty of a jail offence ; if he passes the food on to some one else, even then he is guilty of jail offence. And, Sir, having got used to tea, I used to get headaches when I did not get my morning tea in the jail ; and that is why I have suggested that the Tea Cess Committee should take steps to see that prisoners are supplied with tea free at their costs in the mornings. I hope Mr. Griffiths will look into the matter.

[Mr. Sri Prakasa.]

I strongly feel that the question of remand has got to be considered. It may be that this Bill does not go far enough. It may be that something else has got to be done. As my friend opposite himself said, it may be necessary to do something, and that something, I hope, will be done in the Select Committee. My own suggestion to my friend, Sardar Sant Singh, and to everybody else is this, that there ought to be some provision to the effect that if a Magistrate does not follow the rules strictly, he himself should be punished with six months rigorous imprisonment. The funny thing in our country is this, that the officials can do any wrong they like, they are always excused on the ground of *bona-fides*, while we non-officials are always held to be blameworthy even for the faults of officials; and not until we have a penal provision of some sort which may hang like the sword of Damocles over the head of every Magistrate, namely, that he himself is liable to be put into prison if he puts other persons into prison without cause, can we have a really effective law; and I trust that in the Select Committee my friend, Sardar Sant Singh, will see his way to improve his Bill in such a manner that the Magistrates will be made liable to imprisonment for their faults. I, therefore, support this motion for reference to Select Committee.

Mr. Suryya Kumar Som (Dacca Division : Non-Muhammadan Rural) : Sir, all important arguments have been advanced from common-sense and legal points of view, and my friend, Mr. Sri Prakasa, has also given his own personal experience to show the justification for this amendment. But, Sir, coming as I do from Bengal, I have my own experience of these remands. Sir, in Bengal from the year 1914 up to the time of the non-co-operation movement, say, till 1930, remands were wanted, not for producing evidence, but for creating evidence. I know personally many political prisoners were put in *Hajut* for a long time the police asking for remands, sometimes 15 remands were asked for and readily granted on the ground that the investigation was not completed, but really because the police wanted to create evidence,—there were attempts made by the police to get confession from some of the accused who sometimes numbered 12 or 13. In many cases we found that remands after remands were asked for, and at last one of the accused was made an approver, and on his evidence supported by some shady evidence, people were sent to jail for 8, 10 and 12 years. In ordinary cases I know the police took these remands not *bona fide*, but only with a view to create evidence. In many cases they had no evidence for seven or eight days. During remands, we could not get hold of the police papers. For some days together there was no evidence at all in murder cases which took place in broad daylight, but after seven or eight days the police diary showed a number of witnesses and other things. Of course, when these facts were brought out in the trial, the accused were naturally acquitted, the Judges holding that the witnesses were subsequently created either by the party or by the police, but that did not help the poor accused who were in custody for seven or eight months. These are some of the most important points which ought to be considered by the Select Committee. I thank my friend, Sardar Sant Singh, for bringing forward such a measure as this. This Bill ought to have been brought forward ten years earlier, for, in that case, many false cases and false prosecutions would have failed in Bengal. With these observations I appeal to all of you to support this motion.

Sardar Sant Singh : Sir, I do not want to take much of the time of the House but I will just say one word about my friend, Mr. Griffiths, who has so ably paraphrased the speech of Mr. Thorne today. He reminded me of an observation which I read in one of the essays in my college days, that is, that a lie oft repeated comes to be believed by the very person who invented it. He has been a District Magistrate in the Midnapore District and having had to deal with political cases and having tried to get over the procedure and the principles of law in his time he has come to believe that his views on the subject are the last word. My submission is that I have tried to meet all the objections that were raised by the Government in the last debate and I have tried to show that the Bill is a healthy one. It only puts into law what the practice has come to be and it will create a healthier atmosphere and create greater confidence in the administration of justice than has been the case. Fortunately we have amongst us our new Law Member who has been so ably working in the High Court of Calcutta. I understand that he has been administering criminal justice in an even-handed way. I would like to know his opinion on the subject and I hope we will get his valuable opinion in the Select Committee on the various provisions of the Bill. With these remarks I move that the Bill be referred to a Select Committee.

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

“ That the Bill further to amend the Code of Criminal Procedure, 1898 (amendment of section 167), be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable the Home Member, Mr. E. Conran-Smith, Mr. Sham Lal, Mr. Govind V. Deshmukh, Mr. Abdul Qaiyum, Mr. M. Ananthasayanam Ayyangar, Mr. P. J. Griffiths, Mr. Muhammad Azhar Ali, Syed Ghulam Bhik Nairang, Mr. M. S. Aney, Mr. Lalchand Navalrai and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

The Assembly divided :

AYES—66.

Abdul Ghani, Maulvi Muhammad.
Abdul Qaiyum, Mr.
Abdullah, Mr. H. M.
Abdur Rasheed Chaudhury, Maulvi.
Aney, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Azhar Ali, Mr. Muhammad.
Bajoria, Babu Baijnath.
Banerjee, Dr. P. N.
Bhutto, Mr. Nabi Baksh Illahi Baksh.
Chattopadhyaya, Mr. Amarendra Nath.
Chaudhury, Mr. Brojendra Narayan.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Sami Vencatachelam.
Das, Mr. B.
Das, Pandit Nilakantha.
Datta, Mr. Akhil Chandra.
Desai, Mr. Bhulabhai J.
Deshmukh, Mr. Govind V.

Fazl-i-Haq Piracha, Khan Bahadur Shaikh.
Gadgil, Mr. N. V.
Ghulam Bhik Nairang, Syed.
Ghuznavi, Sir Abdul Halim.
Govind Das, Seth.
Gupta, Mr. K. S.
Hans Raj, Raizada.
Hegde, Sri K. B. Jinaraja.
Ismail Khan, Haji Chaudhury Muhammad.
Jedhe, Mr. K. M.
Jinnah, Mr. M. A.
Jogendra Singh, Sirdar.
Joshi, Mr. N. M.
Kailash Behari Lal, Babu.
Lahiri Chaudhury, Mr. D. K.
Maitra, Pandit Lakshmi Kanta.
Malaviya, Pandit Krishna Kant.
Mangal Singh, Sardar.

Misra, Pandit Shambhu Dayal.
 Mudaliar, Mr. C. N. Muthuranga.
 Paliwal, Pandit Sri Krishna Dutta.
 Pande, Mr. Badri Dutt.
 Parma Nand, Bhai.
 Rafiuddin Ahmad Siddiquee, Shaikh.
 Raghubir Narayan Singh, Choudhri.
 Ramayan Prasad, Mr.
 Ranga, Prof. N. G.
 Rao, Mr. M. Thirumala.
 Saksena, Mr. Mohan Lal.
 Sant Singh, Sardar.
 Santhanam, Mr. K.
 Satyamurti, Mr. S.

Sham Lal, Mr.
 Shaukat Ali, Maulana.
 Sheodass Daga, Seth.
 Sikandar Ali, Choudhury Maulvi.
 Singh, Mr. Gauri Shankar.
 Singh, Mr. Ram Narayan.
 Sinha, Mr. Satya Narayan.
 Som, Mr. Suryya Kumar.
 Sri Prakasa, Mr.
 Subbarayan, Shrimati K. Radha Bai.
 Subedar, Mr. Manu.
 Umar Aly Shah, Mr.
 Varma, Mr. B. B.
 Ziauddin Ahmad, Dr. Sir.

NOES—42.

Ahmad Nawaz Khan, Major Nawab Sir.
 Aikman, Mr. A.
 Ayyar, Mr. N. M.
 Bajpai, Sir Girja Shankar.
 Bartley, Mr. J.
 Bewoor, Mr. G. V.
 Boyle, Mr. J. D.
 Chanda, Mr. A. K.
 Chatterjee, Mr. R. M.
 Clow, The Honourable Mr. A. G.
 Conran-Smith, Mr. E.
 Dalal, Dr. B. D.
 Dalpat Singh, Sardar Bahadur Captain.
 Damzen, Mr. P. B.
 Faruqui, Mr. N. A.
 Ghulam Muhammad, Mr.
 Griffiths, Mr. P. J.
 Grigg, The Honourable Sir James.
 Jawahar Singh, Sardar Bahadur Sardar Sir.
 Kamaluddin Ahmed, Shams-ul-Ulema.
 Khushalpal Singh, Raja Bahadur.

Lloyd, Mr. A. H.
 Mackeown, Mr. J. A.
 Maxwell, The Honourable Mr. R. M.
 Metcalfe, Sir Aubrey.
 Miller, Mr. C. C.
 Mitchell, Mr. K. G.
 Mukerji, The Honourable Sir Manmatha Nath.
 Mukharji, Mr. Basanta Kumar.
 Nur Muhammad, Khan Bahadur Shaikh.
 Ogilvie, Mr. C. M. G.
 Parkinson, Mr. J. E.
 Rahman, Lieut.-Colonel M. A.
 Ronson, Mr. H.
 Scott, Mr. J. Ramsay.
 Shahban, Mr. Ghulam Kadir Muhamtuad.
 Sivaraj, Rao Sahib N.
 Sundaram, Mr. V. S.
 Town, Mr. H. S.
 Tylden-Pattenson, Mr. A. E.
 Walker, Mr. G. D.
 Zafarullah Khan, The Honourable Sir Muhammad.

The motion was adopted.

MOTION FOR ADJOURNMENT.

INCREASE IN THE INDIAN DEFENCE CHARGES.

Mr. S. Satyamurti (Madras City : Non-Muhammadian Urban) : Sir, I beg to move :

“ That the House do now adjourn.”

The facts of this case are fairly simple but before I state them I really
 4 P.M. want to tell the House that it is impossible to speak
 on a motion of this kind with the restraint which
 ought to characterise all speeches in this Honourable House. One of the
 festering sores in the relations between England and India has been the
 enormous cost of the British Army in India which we calculate at about

fifty crores a year, and of which between twelve and twenty-five crores is debitable to the British part of this army of occupation. Public opinion in this country has been consistently demanding that this expenditure should be cut down and the demand of the Indian National Congress has been that it should be cut down by onehalf. While the whole country was hoping and expecting that Britain in her anxiety to make herself strong against the other nations of the world would cut down the defence expenditure in India, we find that an attempt is being made to saddle India with further additional defence expenditure, the cost of which I am afraid even the Government of India do not know exactly today. Sir, this matter began as early as the 10th of March, 1938, when Mr. Hore-Belisha, the Parliamentary Secretary of State for War, in his speech on the Army Estimates, made out a case for various concessions against which the Government of India at that time I believe protested, but in spite of that protest those concessions have now come into force. I should like the Government, Sir, to give this House an accurate idea of the monetary value of all these concessions. Before I read out these actual concessions, Mr. President, I want to make a point which the British Secretary of State for War has conceded—a point which we have always made in this country and in this House. He began his speech by saying :

“ As will be seen from page 9 of these Estimates, there could—from troops raised in this country under a voluntary system—be mobilised in an emergency for action in the field, or perhaps I should say in the various spheres of our Imperial responsibility, over 500,000 soldiers. This number is exclusive, of course, of the 150,000 soldiers maintained by the Dominions ; of the Indian Army, which, with reserves, is about 170,000 strong.....”

Therefore, the British Government does accept this Indian Army as a part of their Imperial defence forces. Then he paid a lip compliment. He says there is a rigidity in altering the conditions of service for British soldiers and British officers because he says their establishment cannot be altered without India's consent :

“ Any change in their equipment must be similarly approved....Indeed, the Government of India have represented the serious effect upon the Indian Budget and the increase in the cost of the British troops in India which must necessarily result from the various measures I shall today propose for the purpose of improving the conditions of service in the Army.”

Sir, all those measures are specified here. I have not got the time to read them out, but I would refer Honourable Members to the Hansard debate report of the 10th of March, 1938, where they will find the various allowances like colonial allowances, marriage allowances, rations for the army, etc., totalling up to a sum which the Honourable the Secretary of State for War summed up by saying :

“ The proposals which I have announced for officers and men of the regular army amount to £1,600,000 apart from the building programme in 1938.”

I should like to know from the Government how much of this burden has been cast upon the Government. Then, coming to a recent matter to which reference was made in the papers recently, we have now found one thing very definitely, Mr. President, viz., that these measures costing extra expenditure are to be enforced immediately in India. Mr. Hore-Belisha said in the House of Commons :

“ In general, these measures, including the new time-scale of promotion and incremental stages, will apply as from the ruling date to the officers of the British army on the Indian establishment. The consequential adjustments of Indian rates of pay issuable to the officers on the Indian establishment will be decided shortly.”

[Mr. S. Satyamurti.]

I want to know whether the Government have agreed to these already, and what is the position. Again and again, we ask questions and we are told, "We cannot tell you anything", but today the Secretary of State for War in the House of Commons announces, without so much as your leave or the leave of the Government or of this House, that these new scales of pay and incremental stages will come into force immediately, with regard to all British officers and men serving in India. Sir, the Government of India may be a subordinate branch of the British Government; but if the Government of India have any self-respect, I think they must not yield to this kind of open tyranny even against their own considered judgment. I do not know what attitude the Government of India took up in this matter, but I have a cutting here from the *Hindustan Standard* which I will read out and I will leave it to the Government to contradict or to confirm it:

"The trend of the conversations has been throughout unsatisfactory due to the adamant refusal of the War Office to make any contributions towards Indian defence estimates on the three grounds urged by the Government of India. Sir James Grigg, Finance Member of the Government of India, has been equally determined in his representations on behalf of India. Sir James is reported to have conveyed to Whitehall that under no circumstances could the Government of India agree to add a single rupee to the present burden of military expenditure and a deadlock has prevailed for some time."

I am also credibly informed that His Excellency the Commander-in-Chief has been an ally of the Honourable the Finance Member in this matter and that both of them protested against the addition of a single rupee to our defence expenditure. And what are these concessions? The concessions are that His Majesty's Government thought it desirable to make the army career as attractive as possible and with this object in view they have made many changes. Then, he gives the effect of his proposals in the following terms:

"In future, every subaltern will become a captain in eight years, and every captain will become a major in a further nine years.... Every officer entering at the normal age will be sure of approximately 10 years' service in the rank of major, if not previously promoted.... The ages of retirement for each particular rank will be lowered. Generals and lieutenant-generals from 67 to 60, major-generals from 62 to 57, colonels from 57 to 55, lieutenant-colonels from 55 to 50 and majors from 50 to 47. The effect of these proposals is considerably to accelerate promotion and thereby to give increased pay at lower ages. In the subaltern ranks, however, in the years before the advantages of this acceleration begin to operate, there will be a substantive increase of pay in the case of second-lieutenants by 1s. a day, and of lieutenants by 1s. 2d. a day."

As my Honourable friend, Mr. Asaf Ali, reminds me, there are going to be non-effective charges also. Finally, he gave the example:

"Retired pay of £407-10s. per annum will be earned by a major at the age of 46, having 23 years' service, whereas an officer of the same age and similar service might have had to retire as a captain on retired pay of £271-10s. under the present regulations. These measures apply to all the combatant corps of the Army and will come into effect on 1st August."

It does seem to me that the British Government now seek to add to the defence expenditure of this country when, as I said, there is a universal demand throughout the country and there is no difference of opinion among Indians in this matter at all; and I believe, even the Europeans will agree that situated as we are when our Provincial Governments are starving, their nation-building departments are having no money and when even the Central Budget is trembling in the balance, I do venture to suggest, that we dare not agree to a single pice of defences expenditure being

added. On the other hand, our claim has been and will continue to be that they must pay the entire cost of the British portion of their troops and they should also bear a part of the cost of Indian troops. The British troops here are, I think, roughly one-third of the British effective army, and I have here the estimate that if all these concessions are given effect to, they will cost the British exchequer 360 thousand pounds a year extra, ultimately rising to 600 thousand pounds a year. I have with me that authentic figure. I want to know how much of it we are going to be compelled to pay.

Now, Sir, even from the Government's point of view, if they really want security in this part of the world, I think they may well remind themselves of the Prime Minister's statement that a friendly Ireland is a greater asset than the cost of protecting the Irish harbours. By all means, increase your army and increase your defence charges, but if the people of this country continue to be sullen, not all the British defence forces can secure your interests in India or in the Far East. You are driving the people of India to despair by the way in which you are trying to saddle us with this increased expenditure. Even according to the Gassan Tribunal on which two distinguished Indians served, we were saddled with expenditure for nine months' training as against six months, which we accepted. These two distinguished Indians differed. They also made a point which we have always tried to make in this country that the British army is part of the army of Imperial defences and, therefore, the British Government ought to pay a portion of the cost of their training and of their position here. I believe Sir Shadi Lal and Sir Shah Muhammad Sulaiman have both agreed in these remarks. They say :

" They constitute a reserve of experienced officers and men who are located at one of the most important centres of the Imperial interests and are available to the British Government for Imperial purposes. They are not a force having merely a moral effect, as the Expeditionary Force in Great Britain has been so far in relation to India, but a well-equipped and experienced Army which is ready to take action at once, and can be quickly despatched to a theatre of war to serve an Imperial interest. Since 1856-57, the British and Indian troops maintained by India have been employed by the Imperial Government on no fewer than fourteen campaigns outside the boundaries of India—India has been treated, to use the language of the late Lord Salisbury, as 'an English barrack in the Oriental seas'....Service in India affords the British troops valuable opportunities of active service in frontier wars. The experience thus gained in India tends to increase the general efficiency of the British Army and to enhance its value for purposes of war....The army in India is maintained and employed for hostilities on its frontiers. But these frontiers are mainly Imperial frontiers."

I, therefore, suggest, Mr. President, that far from conceding our very rational and our very reasonable demand for reducing the military expenditure and for helping this country go forward, they now quietly, without even consulting this House, and I venture to assert without any fear of contradiction, in spite of the Government of India, have sought to impose upon this country burdens, the exact calculations of which I do not yet know, but which I should like to hear from the Government.

Now, Sir, on the general point, I want to say one word. Why are you keeping up this huge defence force ? You say for defending India. What is India ? Seven lakhs of villages with starving millions of people. Is it this India which you want to defend by piling up the military expenditure to about 52 crores a year ? I do not think that anybody can justify this expenditure on Imperial defence purposes being piled up on India like this. Now, I want to know what is the exact position. Have

[Mr. S. Satyamurti.]

the British Government made up their mind to impose this expenditure in India? Have the Government of India agreed? Have they surrendered, or are they going to keep quiet? What have these experts who were sent to England done there? Did the Viceroy and his Private Secretary take part in these conversations? I want to raise this point particularly because I have noticed recently that the Viceroys and other Government officials on leave go on carrying their functions there. It is an anomalous position to have a Viceroy here and a Viceroy on leave. What are their terms and conditions of services? How are they dealing with them? I want to know whether the Government of India have finally accepted this position and have surrendered. We do not know yet what is going to happen in the future. I understand the Air Minister of England is paying a visit to the Cochin port. What for is he coming? Are we going to open a new air base and are we going to be saddled with further expenditure? It seems to me that these are vital questions.

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

Mr. S. Satyamurti : Sir, I want to conclude on this note. I trust the Government will not oppose this motion. I trust the Government will accept this motion. If they are honestly fighting this battle, they ought to welcome the support of this House. No Government ought to oppose a motion of this kind, not even the Government of India, and I have no doubt in my own mind that every Indian and I hope every European non-official Member of this House will solidly support this motion, which merely seeks to warn Great Britain that if you are going to lick Mussolini's boots and Hitler's boots in Europe you will lose your position in Europe and if you are going to tyrannise over us in this manner, you will soon lose this country in the East also. Therefore, be warned and do not add this insult to injury. You are already taxing us too much and we want more money for nation-building purposes. Do not hope you can fish in troubled waters. Neither provincialism nor communalism will help you. India will stand four square to all the winds that may blow on this matter. We want to warn England and her representatives here that if they succeed in imposing more military expenditure on us, the prospect of any friendship between India and England will become impossible. I, therefore, move that this House do now adjourn.

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

"That the House do now adjourn."

Maulana Shaukat Ali (Cities of the United Provinces : Muhammadan Urban) : Sir, at this early stage I want to support the motion of my friend, Mr Satyamurti, and I feel that I am voicing the views, not only of the Moslems of seven cities of the United Provinces which I represent, but also of the rest of Indian Mussalmans, with whom I am in touch every day of my life. I know that the feeling is so bitter and so strong at this time against the Government that I take this opportunity in my humble way and in as moderate a language as I can manage to bring the matter before the responsible persons in India and in England so that they may be warned in time. We cannot discuss what is happening in the holy places of Islam which have become the cock-pit

of fighting. We cannot even express our feeling with regard to Palestine and what is happening there in the interest of the foreign Jews. I know the Jews are some of the richest people in the world and they are out to create a war front in Palestine and nobody knows where this will end. There is no good of asking India to bear a portion of the additional cost. We cannot give one pice for any troops of any kind that might be employed to kill our own people in Palestine and Waziristan and put our sacred places in the hands of others. I know the Muslim feeling is very bitter over it. We do not want this imperialism to come and create bad feelings against us. We have no quarrel in Palestine or Waziristan.

Mr. President (The Honourable Sir Abdur Rahim) : Palestine is not now under discussion in this motion.

Maulana Shaukat Ali : But I want the Government not to spend any money of ours in killing our people in Palestine.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member must not now deal at length with this matter.

Maulana Shaukat Ali : Then, how am I to impress upon the Government that what they are doing in Palestine is wrong ?

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member must take some other occasion for it, not now on this motion.

Maulana Shaukat Ali : I submit that I do not want one pice of India to be paid to Mr. Hore-Belisha, who is a Jew, for killing my people living in Palestine or Waziristan. We, Indians, are poor people. We cannot bear this heavy burden. We are already paying very expensive salaries to the Britishers. We all feel it. I object to this payment not only on the score of money. India is proverbially a large-hearted country but unfortunately very poor. India has financed many losing concerns. We have financed every time the Government asked us. But now we cannot allow our money to be used in killing our own people. Therefore, I very strongly object to this expenditure. Further, I feel there is a great danger ahead of us. India has no enemies in the world. We, in India, had no enemies. We have no territorial ambition, we have no desire to conquer any other country. India is big enough for all our purposes and some day sooner than is expected, we will settle our petty differences in a friendly way. I want to create no enemies for my country. Our men are already groaning under heavy burden of taxation. The man power that we have is enough to defend our coast-line and our own country from foreign aggression. If you want to provoke wars outside, if you want to harass the Muslims in other countries, if you want to wage war in Europe to advance your imperial interests and if you thereby involve India in heavy expenditure of which there will be no end, I should raise my voice of protest against this. I, therefore, support the motion of my Honourable friend, Mr. Satyamurti, and I believe that I am thereby voicing the views of every Muslim man and woman in this country.

Mr. A. Aikman (Bengal : European) : Sir, it may not be quite such an easy matter to know if there have been marshalled all the facts which must be considered before a motion of this nature on such an important matter can be fully and fairly dealt with. For some years past the programmes on armaments expenditure of almost all the countries

[Mr. A. Aikman.]

of the world have been steadily rising until recently they have reached figures which may be termed "fantastic". Today the amount of expenditure on defence in this country cannot be described as other than out of all proportion to the resources of the country and this is to a great extent because of the sum we pay for British troops in this country—there are those who are of opinion that the Army in India is in excess of her needs. On the latter point I am not prepared to pit my opinion against the authorities whose training fits them to pass judgment.

Although there have been levelled against the Government in the past from time to time charges of extravagance it may be fairly said that not so very long ago they did make out a case showing that the security of the country did not admit of any further curtailment in military expenditure. This consideration may not affect directly the point at issue at the moment, but what the recent reorganisation in the British army does bring out is that the policy of His Majesty's Government on military matters can and does affect the finances of the Government of India in a manner which takes no account of this country's ability to pay.

It does not seem to me really useful at this stage to criticise the particular item of increased expenditure on which Mr. Satyamurti has based his motion, but it does give me an opportunity of emphasizing the point that my Group have so often stressed in the past, namely, the necessity for a thorough overhaul and revision of the arrangement under which the Government of India meets the costs of British troops in this country. Further it makes it abundantly clear that this revision is not only of vital importance to the country's finances but that it is long overdue and should be given the immediate attention of Government. One cannot but feel that the Government of India must have made *some* effort to resist this additional charge and it is difficult to appreciate how in the face of the figures which they were able to put forward and augmented by this new item, they failed to convince His Majesty's Government that their case (that of the Government of India) is sound and reasonable.

If my Group should decide not to support this motion it is because we feel that the additional charge is only one item in the already ponderous total which requires revision, and we do understand that a Committee in England has already commenced this task of overhauling the arrangements with His Majesty's Government, but on this point we await the Government's comments. What we want and would press for so far as expenditure on the British army in India is concerned is an entirely new deal with His Majesty's Government.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I do not like to question the arguments on account of which action is taken by the British cabinet about the reorganisation of the army. If they ask the older people and the people who are on the top to retire earlier, I do not contest. It is for the British Parliament to decide whether valour is more important than wisdom. It is not for me to discuss this question. There are only two points which I should like to press. Firstly, if the British Government have decided to raise the salaries and add to the prospects of the army officers, it is for them to do so. But they have got absolutely no right

without consulting us to increase the expenditure in the Indian budget. Now, this is a point on which this House ought to have been taken into confidence before the decision was announced. Secondly, the point on which I should like to draw the attention of the Treasury Benches and specially His Excellency the Commander-in-Chief is this, that in case you better the prospects of the British army in India and keep the Indian army in the old position, there will be great discontent among the Indian army. I think this is a very important point. Discontent in the Indian army is a thing which we cannot afford. Therefore, this cost will not only be the cost in the rise of pay of British soldiers in India but we must also count the proportionate increment of all the officers and soldiers who now serve in the Indian army. We must keep this in mind if we increase the pay of the British soldiers and if we do not keep the Indian army discontented. There will be discontent not only on the floor of the House but also in the country and in the army itself which really the British Government, especially His Excellency the Commander-in-Chief can never afford. I think it is a very serious matter to which we should pay considerable attention and should not accept the proposal. With these words, I support the motion.

Mr. M. S. Aney (Berar : Non-Muhammadan) : Sir, I do not want to inflict a long speech on this motion the justice of which will be obvious to anybody who knows Indian conditions and the state of Indian finances. The point is this. There is now before us a problem which is likely to involve us in a considerable increase of expenditure over the army. It is a well known cry which I believe is known to everybody on the Treasury Benches that the existing military expenditure has been considered and rightly considered as extravagant by Indian public opinion and condemned as such. Therefore, I was not surprised when this House was told by my Honourable friend, Mr. Satyamurti, that the proposals for additional military expenditure to be imposed upon us have been resisted with all the might which the Government of India possessed ; and that the additional burden is being now imposed on the Indian people in spite of them. If that is the truth I do not want to withhold my tribute to those who have so far fought our battle without our knowledge. But I want them to continue that spirit of fight with which they had begun ; and there should be no inclination to surrender because those who have the last word in this matter are adamant and irreconcilable.

Let the protest of the Government of India against these proposals which are likely to involve us in very extravagant expenditure over the army be continued by them and they will find that not only this House but the whole country outside will stand behind them. And if His Majesty's Government is going to assert its will in spite of the unanimous opinion of the Government of India and the Indian Legislature as well as the public outside, they will be creating a situation of which they will have to take account soon and to which they cannot afford to be indifferent for a very long time. The object of bringing this adjournment motion today is I believe evidently to inform not only the Government of India but also His Majesty's Government that the entire Indian nation as represented in this House resents any such infliction of additional expenditure on India. Secondly, let us know

[Mr. M. S. Aney.]

what justification there is for doing it. I can understand extra expenditure being incurred by the Indian people even at some sacrifice to themselves, if there is some justification for that expenditure. It has now practically been admitted by the Secretary for War in England as well as by others who are competent to pronounce an opinion on this subject that the British part of the Indian army,—in fact the whole of the Indian army,—is considered a part of the entire Imperial defence forces. If that is so, our grievance from the very beginning has been that a proportionate share of the expenditure which we have to incur is not being borne by the British Government. Unless a clear case is made out that there is an emergency now which requires the British Government to impose this expenditure we cannot agree to it, because in the best interests of India there is no other decision possible over this question. What I say is this : is there any danger now in which India and Indian people are going to be involved ? I suppose whatever danger there may be is a danger to the British Empire and not to the Indian people as such. Where is the need for having this expenditure over the British forces ? Now they are trying to make the conditions of service more attractive ; and why are they doing it ? Because they think the recruitment should be more rapid. If that were necessary in the interest of the British Empire I would not, as Dr. Ziauddin said, stand in the way of better payment to their own men. But they should do it at their own cost and not ask us to incur even a pie of that expenditure. The position is this. The advantage to be gained by whatever step the British Government will take later on will be that of the British Empire and Great Britain, while the present liability will be ours. That is a kind of inequitable division which we have been resenting from the very beginning in regard to this matter. I find that up to this time no Member of the Government Benches has spoken and so I do not know what they have to say. But I want to know two things. The first is, what is the exact amount of the burden that we shall have to incur, and secondly, what is the justification which at least has been *prima facie* shown by the British Government to add to our expenditure in this way. I want to know these two things ; and I am sure that whatever they will have to say cannot convince us on this point because, after all, we know our own conditions better and if an extra expenditure is imposed in this way and thereby our financial position which is already bad be made worse, the result will be that this Government will not be able to discharge its own legitimate duties to the people of this country in a proper way, and whatever little effort is being made by the Provincial Governments to serve the people will have no monetary support from the Government of India hereafter for want of funds. The position is already like that and you will be adding to the difficulties of the people. The discontented people here with an unbearable burden on their heads will create a situation which will counteract all the advantages which the British Government imagine they will gain by giving these concessions to the British Army Officers in this country. You can have a British army here but even a contented British army alone will be of no use to you if there is a discontented India behind it. I am sure you are taking one of the steps to add to the discontent which already exists. I, therefore,

think that the motion which has been moved by my Honourable friend, Mr. Satyamurti, in regard to this matter will be considered by Government as a step which should go to strengthen their hands ; and if we are right in understanding the attitude of the Government of India in this matter as being one of defending the interests of the Indian people, I think this will go to strengthen their hands and fortify their position. In that spirit they should not only not oppose this motion but accept it and let this go as a motion that has been unanimously carried by the House.

Sir Muhammad Yamin Khan (Agra Division : Muhammadan Rural) : Sir, the conditions of military service in England seem to be very unattractive to the young people of that country, and the British authorities thought it fit to make them more attractive by giving them better allowances. They were perfectly justified in doing so and making the service more attractive so that people may come and join the army at a time when there is a danger of war in Europe ; but they cannot impose any extra burden on our country. Two or three years ago, when the military services were opened to Indian cadets, the conditions of service were made more unattractive than they were before 1934. In 1934, a Bill was introduced in this House which made a distinction in the matter of salaries for men recruited in India, and they would get a much lesser pay than what they would have got if they had passed their examinations at Sandhurst. Now, if we have got our own people to be recruited in more unattractive conditions, there is no reason why people from outside should come to this country to serve on more attractive conditions on the pay of this country. The arguments which were used by the military authorities and even the Army Secretary in favour of giving a lower salary to the Indians were that India could not afford to pay the same salary as was paid to the British officers recruited in England. If our own men recruited here cannot be given the same salaries as are given to British officers, then I submit that to give them better salaries here at this time, when we have no money, is most unjustifiable. The only solution under the present circumstances is that whatever extra burden has to be borne must be borne by the British Exchequer. I do not grudge the British officer getting a higher salary : that is no concern of mine as long as it is paid by the British Exchequer. But if it has to be paid from the revenues of India, we certainly have to object to it, and at present that is the unanimous voice of the country, and if what has been read out in the newspaper by my friend, Mr. Satyamurti, is true that the Government of India and the Finance Member and the Commander-in-Chief fought for India, I think they deserve the congratulations of this House and of this country, and I hope they will go on doing the same in future. But this House must express its opinion and that opinion is that we are not willing to shoulder any extra burden in this affair. We do not grudge these allowances being given to the British officers provided they come from the British Exchequer. With these few words, I support the motion.

Mr. C. M. G. Ogilvie (Defence Secretary) : Sir, I propose in the first place to try and clear away a few misunderstandings which I think exist by stating as clearly as I can, first, the position of His Majesty's Government in this matter and then our position ; and after I have

[Mr. C. M. G. Ogilvie.]

done that, to explain, so far as I am at present able to do, the action which we have taken and are taking. Mr. Satyamurti in the course of his speech admitted that the Secretary of State for War had realised the difficulties which were occasioned to him and to His Majesty's Government by the fact that a part of the British army is stationed in India and that he further recognised that India's financial resources were such as to be unable to bear large additional strains with equanimity. But I think it must be admitted that His Majesty's Government must be the authority for determining what the pay and conditions of the British army are to be. It should also, I think, be admitted that the pay and conditions of the British army should be the same in whatever part of the world they may happen to be serving in....

An Honourable Member : But not at our cost !

Mr. C. M. G. Ogilvie :and it is of course impossible that any authority other than His Majesty's Government should have the final say in that matter. I come now to our position in the matter.

It is not correct to say that we are allowed to make no representations on this score. We do, and His Majesty's Government goes to the greatest lengths it can, having in view the whole chess-board, to accept modifications which we propose as adapted to Indian conditions : but those modifications must necessarily be comparatively minor : it is obviously impossible that we should seek so to modify a scheme which His Majesty's Government have decided to be essential in the interests of the army of Great Britain as a whole—that such a scheme should be jettisoned on account of the objections of the Government of India. In this connection, I may remind the House that the pay of British troops in this country has been subject to fluctuations both up and down in comparatively recent times. It rose to very much above its present figure as far as pay is concerned in the years immediately following the war. In 1925, however, a reduction was made which it was calculated would ultimately benefit the Government of India by about 80 lakhs a year, when the 1925 troops had disappeared and I suppose they have now practically all disappeared. The increases that have now been given in the matter of pay do not wipe out that 80 lakhs we gained as a result of the 1925 cut. There have, however, been other considerable charges in addition to pay.....

An Honourable Member : Since when ?

Mr. C. M. G. Ogilvie : as a result of the recent changes initiated by the Secretary of State for War ; and it is not only the pay that we have to consider.

I have been asked to state the total cost of these changes both as regards the improvement in conditions of service of the ranks of the army and the more recent announcement as regards the officers. The figure is for other ranks for this year Rs. 122 lakhs : next year, which will be a full year, it will be Rs. 133 lakhs. That can be taken as the full and final figure. The full cost of the improvements made in the prospects of officers of the British service has not yet been so accurately worked out but, so far as we can tell at present, they will amount

in a full year to something like 20 or 21 lakhs of rupees. This year, of course, it will not be anything like that. So, the total cost in a full year will be roughly Rs. 1½ crores.....

An Honourable Member : What is the increase in non-effective charges ?

Mr. C. M. G. Ogilvie : As regards officers who are affected mainly as regards the non-effective charges, it is estimated that ultimately the additional cost will be £100,000 a year or roughly Rs. 14 lakhs : But that will not mature for a long time.

Well, now, although as I have indicated previously the modifications which we suggest do not very materially affect the financial issues involved, we are at perfect liberty to make representations to the effect that the strain placed on our slender resources is too great. I refer now to the answer given to a question in another place by His Excellency the Commander-in-Chief last April. He stated that the Government of India on their part had already represented to the Secretary of State for India the serious effect upon the Indian Budget of the increase in cost of British troops in India which must necessarily result from the various measures announced by the Secretary of State for War for the purpose of improving the conditions of service in the army. As a result of those representations, His Majesty's Government agreed that negotiations should be opened, and these were in fact opened last April. They are still going on, and the idea is to secure, as I think my friend, Mr. Aikman, said, an entirely new deal in the whole matter of defence expenditure in this country. Those negotiations are not concluded, and for the purpose of an announcement now, I can go no further than what was said by His Excellency the Commander-in-Chief on the 4th of April last, and by myself in this House on the 7th April last in answer to a question by Mr. Abdul Qaiyum. All that I can say is that the negotiations are still continuing, that they cover not only a very wide but an extremely technical ground, and that they embrace the issues of first class military importance. That being the case, I hope it will be admitted that this motion for adjournment is premature.....

Mr. S. Satyamurti : May I ask my Honourable friend one question if he will pardon me ? Have these increases of pay and these new conditions come into force for British officers and men in India or not from the day they came into force in England ?

Mr. C. M. G. Ogilvie : Yes, they have.

Mr. S. Satyamurti : Then what is the use of your negotiations ?

Mr. C. M. G. Ogilvie : The answer is that we hope that the new deal will help us to overcome the difficulties which we are now called upon to face.

There is only one other positive piece of information that I can give my friend, and that is of a negative character ; it is that the Minister for Air is not going to visit Cochin.

Mr. M. Asaf Ali (Delhi : General) : Sir, I was waiting for Mr. Ogilvie to lay all his cards on the table. Now we know exactly where we stand. To begin with, Mr. Ogilvie thinks,—I shall take his last point

[Mr. M. Asaf Ali.]

first,—that this adjournment motion is premature. I am afraid, Sir, it is a little too late. I only wish the Government had listened to us when we pointed out that from all the accounts we were noticing in the papers and had received from other sources it was perfectly obvious that India was going to be burdened with an almost intolerable addition of expenditure. They ought to have taken notice of it then, and perhaps they would have been able to put up a better fight if they had taken our advice. Perhaps, my friend, Mr. Ogilvie, may remember that as soon as this announcement was made, I came up to Simla and spoke to him on the point, but all I could get out of him was that the conversations between His Majesty's Government and representatives of Indian Government were of a technical and purely exploratory nature, and, therefore, he could not give me any further information.

Mr. C. M. G. Ogilvie : It is still true.

Mr. M. Asaf Ali : But our fears have now proved to be true, namely, that India today is burdened not merely with two crores to which he has referred, but with not less than four crores in effect, because these two crores will rise to four crores in 20 years. This is only just the beginning. What today is 1 crore 25 lakhs, in 20 years will rise to nothing less than four crores.

Mr. C. M. G. Ogilvie : No, no.

Mr. M. Asaf Ali : You may say, 'No, no', but I look at the figures which Mr. Hore-Belisha has given us. Mr. Hore-Belisha says that this change alone regarding the officers' new time-scale of promotion, pay and pensions, effective and non-effective charges included, will mean £360,000 to £600,000 within 20 years. If one-third of that is put on us today, it will naturally rise in the course of 20 years. The Government of India cannot resist it unless they put their foot down now, or rather unless we put our foot down now. When I say unless we put our foot down, I am reminded of what Mr. Ogilvie started by saying. He said everybody must admit that, so far as defence expenditure is concerned, it is His Majesty's Government who must have the final say in the matter. Sir, the time has come now when we must tell His Majesty's Government that it is we alone who have the final voice in the matter and nobody else. We are not going to tolerate His Majesty's Government's decision or of anybody else's decision in this matter. If we are to defend our country, we alone must decide what we are going to pay our army, and we are not going to be burdened with the army of another country which has deteriorated in patriotism. They cannot defend their Home or Empire without additional pay and prospects, which no patriotic country would ever dream of. Mr. President, if anything has been proved to me by the decision of Mr. Hore-Belisha, in so far as England is concerned, it is that England's patriotism today is gone; it is nowhere to be found. They cannot get men to fight for their own country without attractive pay and allowances, but we can, and we will get men to defend our country. If only they would leave us alone, we would defend our own country.

Sir, there is one other point that I should like to mention. Mr. Aikman

5 P.M.

was talking about the astronomical figures in which the expenditure of various countries is being counted nowadays. It is perfectly true. India, which is primarily an agricultural

country, the figure of 50 crores is really an astronomical figure. The average income in India today does not go beyond two annas a day per head, and to a man who does not get more than two annas a day, the sum of five hundred million is certainly an astronomical figure. Again, Sir, have they ever looked into the defence expenditure of other countries? Do you know what Japan, when she was not engaged in the recent conflict, was spending on her entire army? Today Japan is engaged with two big countries in a war, and yet what was she spending when her army was on a peace basis? Barely 30 crores a year. Before the Great War in 1913-14 the total strength of the Indian army was something like 1 lakh 54,000 Indians and 76,000 odd Britishers. And our total Defence Budget was of the order of 30 crores. The index number of prices of commodities was higher in 1913-14 than it is today. On what basis can you justify additional pay and allowances? The whole of the British Army in India is kept only for imperial purposes. If anything, we ought to be paid something for providing an ideal base for operations. They have got to protect their trade routes and India is regarded an ideal base for operations. We ought to be compensated for the use they are making of India instead of being burdened with all the expenditure they have saddled us with. I am not going to say anything very much more because I know the Leader of the Party has got to say a great deal more. This is more than enough for my purposes. I simply wanted to make it clear that His Majesty's Government has absolutely no right whatsoever to impose upon us any burden. We have got to find the money. It is Sir James Grigg who will come to us and say: 'will you kindly find the money'. We will not find the money for you. If we are going to be burdened with this expenditure we will not help you to find the necessary money.

Mr. M. A. Jinnah (Bombay City : Muhammadan Urban) : Sir, the motion before the House is intended to censure the Government of India regarding the defence charges as a result of the recent proposals of the British War Minister. Now, having heard the quotation from the *Hindustan Standard* which was read out by my Honourable friend, Mr. Satyamurti, instead of our censuring the Government so far as the Finance Member is concerned, it appears that he has been a doughty champion of our cause. It may be that the Government of India are resisting this and, therefore, we may not be able strictly, as I have said on another occasion, to carry the adjournment motion which means a censure on the Government of India, when some one else is responsible for it, but if we cannot hold the Government of India responsible, we must get hold of the culprit who is responsible and the culprit in this case seems to be the Secretary of State for India who is responsible to us as the Secretary of State for India. I, therefore, whole-heartedly support this motion in that sense and I hope that my European friends will reconsider their position and go into the lobby with us. This is an occasion when I appeal to them that they should not fail us. The position is this. It is a most painful situation and it is a vicious circle. I would like to know whether the Government of India knew about this before the decisions were taken by His Majestys' Government? I would like to know if they were informed beforehand or consulted. I see there is silence on the part of the Government and so far as this House is concerned, we are not in a very enviable position. We can only influence the Government. We do not enjoy responsible Government. Were we given any inkling beforehand about this ukase, this *firman* issued from the great Secretary of State for war,

[Mr. M. A. Jinnah.]

which was sanctioned by the Cabinet and passed by Parliament, that India should be burdened in a most arbitrary manner, even according to the figures which the Honourable Member gave us, roughly two crores. I think there is great force in Mr. Asaf Ali's argument that in the course of 20 years this will mount up to 600 thousand pounds as stated by the War Minister. Therefore, when that amount of 360 thousand pounds will increase, will it not automatically increase in proportion so far as the British officers are concerned and the British troops in India are concerned? Will it not follow? It seems that if that be so the burden will be much more than two crores.

Mr. C. M. G. Ogilvie : It does not, because the reason is that British troops are stationed here for a comparatively short time, five years or so, and then they go home. I do not think that we anticipate there will be any rise in the figures I have given.

Mr. M. A. Jinnah : I really cannot follow. As the British troops go after five years, are they not replaced?

Mr. C. M. G. Ogilvie : Yes, but they are British troops of approximately the same age and seniority, and so on.

Mr. M. A. Jinnah : I am not talking only of officers. Anyhow it is not a matter of importance to me for my present purpose. It may be three crores or it may be four crores but what we are concerned with is this. This is an arbitrary imposition upon the defence budget of our country which we cannot possibly bear and this House has further expressed its opinion over and over again that we at least want to bring this expenditure down to 45 crores. Even this we consider too much of a burden on this country, having regard to our finances and now we are saddled with this additional expenditure. One reason is, as the Secretary of State for War said :

“Would he not, having fixed his garrisons so that each one of them, where its communications could be interrupted, should be maintained in peace at a strength adequate to discharge its defensive duties at the outbreak of war, aim at holding strategic reserve in a zone whence it could be directed most rapidly to those alternative places where security is most likely to be threatened.”

Sir, India in the Imperial defence is a strategic zone : and it is quite obvious, Sir, that, without India, I think we might say that the British Empire may be wound up. Now, therefore, it is admitted that the British troops and British officers are here, not for the internal security of India but for the Imperial defence, and if you wish really to increase the pay or allowances of the British soldiers or British officers, and it is all for Imperial defence, well, then, let England pay for it. Why do you want to burden India with it? What justification is there? So far as we are concerned in India, we have urged over and over again, that we do not want any British soldiers, we do not want any British officers, we say, “Indianize the army and replace the British army”. We do not want to indulge in this luxury. If we cannot get British officers, well, we have plenty of material in the country to serve us on our terms. Therefore, it seems to me that it is not only a question, as the Honourable the Army Secretary said, that the financial adjustment has to be made : in my judgment, the whole question of Indian defence requires examination, and I hope that at least the Government of India will realize, that it is not only a

question of financial adjustment, but I say, it is great deal more and the sooner you do it the better. It is the re-organization and the re-constitution and the Indianization of the army that is required also, and whenever we press this point and whenever we bring anything to Government's notice, the Government say, "oh, well, this cannot be done, that cannot be done". Have we not been urging over and over again that a committee of Members of this House should be appointed for the purpose of considering what are our requirements of defence, what we should do, how much we should spend? Never is any attention paid to that, since Skeen Committee 1926, and we are told, "how can you have people who do not understand the technique of the army to deal with this matter? We want experts, we want specialists, what is the use of having a committee of Members of this House?" Well if the Members of this House are in a position to give their verdict on those vital issues with regard to the re-constitution, the re-organization, the financial adjustment and so on and so forth, surely there are some men on this side who have got sufficient intelligence—with the help, if necessary, of experts and specialists—to decide as to what should be the attitude and our policy and programme that we should take up with regard to the financial adjustment, what should be our position with regard to the re-organization, the re-constitution and the Indianization of the army. Well, if the Englishman wants to have a pound to serve and if I can get my own countryman who is as good to serve for ten shillings, why should I not have him,—and for materials there are three hundred and fifty million in this country. I say the British Government and the Government of India have utterly failed in really effectively safeguarding the interest of India and advancing the progress of India upto the present moment so far as defence policy is concerned. Sir, I do not want to take up the time of the House. It is very difficult even to deal adequately within 15 minutes of time-limit with various matters but there is one point so graciously conceded to us in the words of the Honourable the Defence Secretary, Mr. Ogilvie. He says: "We are not prevented from making representations". He said: "It is not that we are not allowed to make representations to His Majesty's Government". I congratulate the Government of India and I congratulate this House that the Government of India is allowed to make and have already made representations. With what result? Here is a newspaper report—I do not know whether it is correct but it is a paper that is generally correct—as a rule, it is very careful, although it sometimes criticizes me very badly, it is the *Times of India* and this is what they say:

"These discussions have been proceeding throughout the summer, and the Secretary of State for India has had Sir Ivo Vesey, Chief of the General Staff, Sir Joubert de la Ferte, Air Officer Commanding in India, and Mr. Rowlands, Financial Adviser, to assist in the presentation of India's case. The discussions are understood to have concluded...."

Mr. C. M. G. Ogilvie: They are not.

Mr. M. A. Jinnah: I am thankful for that small mercy and wish the Government of India God Speed:

"Sir Ivo Vesey being due to leave for India in the coming week'. (This is from the issue of the 31st July.) 'No indication, however, is so far forthcoming as to whether or how far His Majesty's Government are prepared to compensate the Indian budget'."

[Mr. M. A. Jinnah.]

Well, Sir, after this, does the Member for Government, Mr. Ogilvie, really think that this motion for adjournment is premature? I think he has got plenty of sense of humour and I am sure when he said that it is premature, he means, and I am sure, he thinks it is fully ripe and that this motion ought to be carried unanimously. This is the only course open to us to mark our deep sense of condemnation of and pass severe censure on the Government of India which has for its head the Secretary of State for India who should have allowed His Majesty's Government to take the unjust decision under review.

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhamadan Rural) : Sir, in so far as this motion is concerned, I think it was pointed out almost when the life of this Assembly began that one of the methods by which we can resent any action taken by the Secretary of State notwithstanding the helpless situation of the Government of India that this is a course open to us and that the Government of India ought to be thankful that we are giving them an opportunity of at least backing them in the helpless situation in which they find themselves. It is not therefore a motion in which arguments like those which were used yesterday are likely to be used and I am glad to find that beyond giving the figures of the imposed burden and a hope that the discussions are not concluded, the spokesman of the Government of India has said no more. We therefore find ourselves in a position in which we ought to make out a case—which I have no doubt the Government of India attempted to make feeling a sense of subservience which at all events this House need not feel and need not adopt. Reading the speech of the Minister for War, if ever there was any controversy as to the British portion of the army in India, the position is now accepted that the army in India is no longer an army maintained solely for the protection, internal and external, of India at all; that it is, in the language of Mr. Hore-Belisha, one hundred and seventy thousand strong of five hundred thousand which the British commonwealth as a whole could put into the field and which he called sufficient if not more than an insurance for safety. I wish to recall to this House the majority opinion of the Committee that sat on a similar question of the contribution which we demanded, the capitation charges; the majority opinion there was that the army in India is a force ready in an emergency to take the field at once which does not exist elsewhere in the empire, which is specially available for immediate use in the east and which has on occasion been so used, and, secondly, that India is a training ground for active service such as does not exist elsewhere in the empire. These findings have been for a long time more or less embedded in the memory of those who do not recognize their obligation in the matter of the increasing charges of which this House has complained, and for which even the opportunity of discussion was denied at the last Budget debate.

The Honourable Sir James Grigg (Finance Member) : You deprived yourself of it.

Mr. Bhulabhai J. Desai : Therefore, it is up to us to make our position quite clear on this motion, that it must not be understood merely as a protest against this extra imposition but that, while we object to this imposition, we are also objecting and maintaining our objection that the whole of the British element of the Indian army and the army in

India ought to be removed at the earliest possible opportunity from India, for the same Tribunal held by a majority that the extra cost to maintain the British troops in India over the cost of maintaining a corresponding number of Indian troops is estimated at 10 million pounds. The next finding was that the existing defence expenditure of India relating to the cost of British troops was 16 million pounds. It is, therefore, perfectly obvious that the amount of money which is taken from the Indian treasury and taken really against their wish and not in their interests is in the neighbourhood of 16 million pounds less 6 million pounds. That being the position, there is undoubtedly no justification whatever for an imposition of the kind of which we are speaking tonight. And how has the imposition come? It has come in this way. About the British army the Secretary for War points out: "Any change in their equipment must be similarly approved" and then he continues:

"As it is an essential feature of our distribution that units at home are interchangeable with units in India, the place of re-adaptation of the rest of the British army is influenced by the speed at which the Government of India find themselves about to proceed."

If any language can make this position clear that the army here is merely a part of the British army maintained at a convenient spot and a convenient base and for a more effective method of training, you could not have had a clearer admission of our case. That being so, so far the Government of India is concerned, with the return of their three representatives, the matter may be taken as concluded in the sense that from the 1st of August our money is being spent against our will and for a purpose not our own. In such a matter and in such circumstances the Government of India do not feel grateful to this House for coming to their aid, supporting them in their demand, so that even though the matter may be concluded as a matter of discussion, it will not be treated as concluded as a matter of obligation. I was also surprised at the position of my Honourable friend, Mr. Aikman. While he wanted that the whole of the charges of the army in India should be re-apportioned between England and India, a matter which when we first mentioned was almost laughed out by the Army Member who is present here and to a certain extent was supported, though not on this occasion, by the Honourable Sir James Grigg. It is a somewhat Irish argument coming from a Scotchman to say 'I am willing to admit that the whole of the burden is too high; I am willing that an adjustment should be made, but inasmuch as you are only discussing a part of it, I will not walk into your lobby'. I have never heard a more inconsistent or a more hopeless argument in order to justify an indefensible position. If you feel that the Indian money, in the taxation of which you also bear a portion, is being spent in a manner which another should bear, at least you ought to have the decency, the propriety, to vote against even the white man, who is imposing this burden upon us. We, therefore, recognise that on this occasion the position which the Government of India have taken up is right and deserves our support. It is not a matter of sympathy because the sympathy has no value. It is we who have to bear the burden. They can well enjoy their pays and pensions. It is, therefore, really and truly our case, and the more so, because the Government of India do not represent us today. We have now a case which the Government of India ought to present without any loss of

[Mr. Bhulabhai J. Desai.]

time on the larger issue which my Honourable friend, Mr. Jinnah, has raised and which I support here. First and foremost, not only should this burden not be imposed but if you want a better equipped British army, by all means have it at your expense. Then, at all events, we would have got rid of an army of occupation and an army which is of use to you and an army for which you could not by any show of reason have taken any contribution from us. So far as the right and the duty of the self-defence is concerned, which alone will make our self-government real, we are prepared to shoulder our proper burdens. It is an issue which both publicly and privately I have ventured to raise in England in view of the Federation which may or may not be imposed, that we do not want a self-government in which we have merely a self-government dependent on others for our protection and support. We want a self-government in its true reality including the right and the duty and the training for self-defence. Therefore, so far as this motion is concerned the question is concluded. It is an imposition which nobody here accepts and with which nobody agrees. Nobody has even argued that it can be justified, but it has, I am glad to say, furnished an occasion for admissions of our larger claims and it is with that background that I ask the House to vote upon this motion.

Mr. S. Satyamurti : Mr. President, I shall be very brief in my reply. I have heard the Honourable the Defence Secretary in this House more than once and, although he is a civilian, he has very military manners and in answering questions and in making speeches he is always on the war-path. Today, I found him cooing like a dove, because he has been defeated and badly defeated and he dare not admit that defeat in public. He has made out an impossible case for an impossible Government. Now, Sir, the Government have been congratulated by almost every section of the House for standing up against this imposition. Then, why should they not resign? Sir James Grigg is bound to go home in April, 1939. Why does he not go now and tell Hore-Belisha to his face that : ' I am not going to be a Finance Member of the Government of India when I am asked to present a military budget of three crores more because you won't listen to me ' ? And why don't these Indian Members of Executive Council walk out? What are they doing there? Are they Indians? Every one of them is a rich man and they can go out and not only are they able to feed themselves but they can feed others. Why are they sitting here? Have they got any self-respect and any patriotism? So far as the civilian members of the service are concerned I quite realise that they are bound hand and foot, but so far as the Indians and the non-civilian members of the Government are concerned, I expect them to resign and to protest.

Then, Sir, the Honourable the Defence Secretary said that negotiations are going on. I do suggest to Mr. Ogilvie to remember that this House consists of very shrewd men, at least as shrewd as he, and when he tells us with his tongue in his cheek that the negotiations are still going on, and, in answer to my question, admits that the new scales of pay have come into force, there was something brewing which the Honourable Member did not say.

Mr. C. M. G. Ogilvie : I must protest against the insinuation of the Honourable Member.

Mr. President (The Honourable Sir Abdur Rahim) : That is not a proper expression.

Mr. S. Satyamurti : I meant no insinuation except this.....

Mr. President (The Honourable Sir Abdur Rahim) : No, no. Your expression was not parliamentary.

Mr. S. Satyamurti : I withdraw any insinuation.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour) : Sir, has the Honourable Member withdrawn his remark ?

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member ought to withdraw.

Mr. S. Satyamurti : I have already said that I have withdrawn. I am too much of a Parliamentarian. I believe in parliamentary privilege and parliamentary decorum, and the moment you said it was unparliamentary, Sir, I withdrew it. There is no need for the Honourable the Leader of the House to remind me. I know my duty.

Sir, I merely want to make this point that negotiations cannot be seriously going on when the proposals have already been accepted and are being given effect to. What is the use of these negotiations ? Are these negotiations going on now ? If so with whom ? Sir I made a categorical statement that the Honourable the Finance Member and His Excellency the Commander-in-Chief carried on a fight and I asked the Government to deny that. They have not denied that. Therefore, I presume they are carrying on the fight and from the trend of the speeches in this House, Sir, I must say that the Government now realise that there is not a single section of Indian opinion which is likely to be with Mr. Hore-Belisha in his proposals. Is that not enough ground for the Government of India to tell the Secretary of State that this will be a major quarrel in this country which they cannot settle and which they cannot manage. The Government of India ought to tell their masters, "If Lord Zetland can come and govern this country better, let him do so". After the speeches that have been made in this House and after the vote which will be recorded presently, the Government of India ought to warn His Majesty's Government that they cannot carry on the Government of this country, if they are to be treated in this disrespectful manner. Some figures were given about a crore and a half effective charges, and I repeat what my Honourable friend, Mr. Asaf Ali, and what my Honourable friend, Mr. Jinnah, have said that the Secretary of State for War has accepted that, in course of time, the cumulative effect of this extra pay will be £600,000 a year. Roughly one-third of the British army is kept in this country. I, therefore, claim that the ultimate cost to the Indian exchequer is going to be £200,000 and surely it is an item of expenditure which we cannot afford and we ought not to be allowed to incur. I was surprised to hear the Defence Secretary say : "we are allowed to make representations". May I ask, "is that the way any self-respecting Government will speak" ? Supposing England tried this with Australia or even tiny New Zealand. Would their Ministers get up in their legislatures and say, "we are allowed to make representations" ?

Mr. C. M. G. Ogilvie : Yes, Sir.

Mr. S. Satyamurti : No, Sir. No self-governing British possession today pays a tithe of the money which India pays for these British forces. No self-governing dominion will stand this nonsense from the British War Minister. It is only in India that the Defence Secretary gets up and solemnly says, "we are allowed to make representations". I say, it is not right. We must be allowed to decide this question here, and the Government must stand by us and see that these representations or negotiations have a clear effect. Mr. Ogilvie made one ominous statement. I do not know exactly what he meant by that : that these negotiations do not concern themselves merely with financial implications but also with issues of first class military importance. I do not know what they are. Sir, the habit of this Government is never to take this House into confidence at least until it is too late. If the Government had taken this House into confidence early enough when they knew all these proposals, I am sure they could have fought this battle much more successfully than they have done now. They chose to keep us in the dark. They would not answer questions. They have evolved a new principle that whenever they are in correspondence with the Secretary of State, they will not tell us anything. They often blunder, they will not take public opinion with them. They thought they were Goliaths and that they would be able to put up a brave fight with the Secretary of State. But they now find that they have been badly beaten. Today we want to warn the Defence Secretary and the Government that these issues of first class military importance ought to be shared with the Members of this House, and if it be not possible for strategic reasons to take the whole House into confidence, I suggest that they must at least consult the leaders of parties and take them into confidence and tell them what is being done. Otherwise, we shall be presented next year with another bill which will cost us much more than the present bill. I, therefore, feel that the Government ought to support this motion.

I want to repeat what the Honourable Member, Mr. Jinnah, and what our Leader, Mr. Bhulabhai J. Desai, said about the European Group's attitude. I want to utter them a friendly warning. Your cousins will not be very long here governing this country. We are going to govern this country very soon, much sooner than you imagine. When we so govern our country, we will not forget these continual wrongs you impose upon us by casting your votes on the unholy side. Remember that, and take a warning. If you cannot vote with us, be at least neutral. But if you want to walk into the Government lobby, I do say that we and those who come after us will neither forget nor forgive you. Remember that.

In conclusion, I ask the Government not to challenge a division on this motion. They must accept this motion. Let them say "no" gently, so that it may not be heard by the Chair. I do not mind this. If formality requires that they must obey their masters at Whitehall, let them gently say "no", so as not to be heard by you, Sir, and thus let the motion be carried without a division, and then it will be a warning to the British War Minister that he is doing more to undermine British Imperialism in India than even the Congress is doing. I welcome him as an ally of the Indian National Congress. Sir, I commend the motion for the acceptance of the House.

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

“ That the House do now adjourn.”

The Assembly divided ;

AYES—71.

Abdul Ghani, Maulvi Muhammad.
 Abdul Qaiyum, Mr.
 Abdul Wajid, Maulvi.
 Abdullah, Mr. H. M.
 Abdur Rasheed Chaudhury, Maulvi.
 Aney, Mr. M. S.
 Asaf Ali, Mr. M.
 Ayyangar, Mr. M. Ananthasayanam.
 Azhar Ali, Mr. Muhammad.
 Bajoria, Babu Baijnath.
 Banerjee, Dr. P. N.
 Chattopadhyaya, Mr. Amarendra Nath.
 Chaudhury, Mr. Brojendra Narayan.
 Chettiar, Mr. T. S. Avinashilingam.
 Chetty, Mr. Sami Vencatachelam.
 Damzen, Mr. P. R.
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Datta, Mr. Akhil Chandra.
 Desai, Mr. Bhulabhai J.
 Deshmukh, Mr. Govind V.
 Essak Sait, Mr. H. A. Sathar H.
 Fazl-i-Haq Piracha, Khan Bahadur Shaikh.
 Gadgil, Mr. N. V.
 Ghulam Bhik Nairang, Syed.
 Ghuznavi, Sir Abdul Halim.
 Govind Das, Seth.
 Gupta, Mr. K. S.
 Hans Raj, Raizada.
 Hegde, Sri K. B. Jinaraja.
 Hosmani, Mr. S. K.
 Ismail Khan, Haji Chaudhury Muhammad.
 Jedhe, Mr. K. M.
 Jinnah, Mr. M. A.
 Chatterjee, Mr. R. M.

Jogendra Singh, Sirdar.
 Joshi, Mr. N. M.
 Kailash Behari Lal, Babu.
 Lahiri Chaudhury, Mr. D. K.
 Maitra, Pandit Lakshmi Kanta.
 Malaviya, Pandit Krishna Kant.
 Mangal Singh, Sardar.
 Misra, Pandit Shambhu Dayal.
 Mudaliar, Mr. O. N. Muthuranga.
 Paliwal, Pandit Sri Krishna Dutta.
 Pande, Mr. Badri Dutt.
 Parma Nand, Bhai.
 Rafiuddin Ahmad Siddiquee, Shaikh.
 Raghubir Narayan Singh, Choudhri.
 Ramayan Prasad, Mr.
 Ranga, Prof. N. G.
 Rao, Mr. M. Thirumala.
 Saksena, Mr. Mohan Lal.
 Sant Singh, Sardar.
 Santhanam, Mr. K.
 Satyamurti, Mr. S.
 Sham Lal, Mr.
 Shaikat Ali, Maulana.
 Sheodass Daga, Seth.
 Siddique Ali Khan, Khan Bahadur Nawab.
 Sikandar Ali, Choudhury Maulvi.
 Singh, Mr. Gauri Shankar.
 Singh, Mr. Ram Narayan.
 Sinha, Mr. Satya Narayan.
 Som, Mr. Suryya Kumar.
 Sri Prakasa, Mr.
 Subbarayan, Shrimati K. Radha Bai.
 Subedar, Mr. Manu.
 Umar Aly Shah, Mr.
 Varma, Mr. B. B.
 Yamin Khan, Sir Muhammad.
 Ziauddin Ahmad, Dr. Sir.

NOES—33.

Ahmad Nawaz Khan, Major Nawab Sir.
 Ayyar, Mr. N. M.
 Bajpai, Sir Girja Shankar.
 Bartley, Mr. J.
 Bewoor, Mr. G. V.
 Chanda, Mr. A. K.

Clow, The Honourable Mr. A. G.
 Conran-Smith, Mr. E.
 Dalal, Dr. R. D.
 Dalpat Singh, Sardar Bahadur Captain.
 Faruqi, Mr. N. A.
 Ghulam Muhammad, Mr.

Grigg, The Honourable Sir James.
Jawahar Singh, Sardar Bahadur Sardar
Sir.
Kamaluddin Ahmed, Shams-ul-Ulema.
Lloyd, Mr. A. H.
Mackeown, Mr. J. A.
Maxwell, The Honourable Mr. R. M.
Metcalf, Sir Aubrey.
Mitchell, Mr. K. G.
Mukerji, The Honourable Sir Manmatha
Nath.
Mukharji, Mr. Basanta Kumar.

Nur Muhammad, Khan Bahadur Shaikh.
Ogilvie, Mr. C. M. G.
Parkinson, Mr. J. E.
Rahman, Lieut.-Colonel M. A.
Ronson, Mr. H.
Sher Muhammad Khan, Captain Sardar
Sir.
Sundaram, Mr. V. S.
Tylden-Pattenson, Mr. A. E.
Walker, Mr. G. D.
Zafrullah Khan, The Honourable Sir
Muhammad.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Wednesday,
the 10th August, 1938.