

15th August 1938

THE LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume IV, 1938

(8th August to 25th August, 1938)

EIGHTH SESSION OF THE FIFTH LEGISLATIVE ASSEMBLY, 1938



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Legislative Assembly.

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

Deputy President :

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

Panel of Chairmen :

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

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Assistants of the Secretary :

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

KHAN SAHIB S. G. HASNAIN, B.A. (upto 15th August, 1938).

RAI BAHADUR D. DUTT (from 16th August, 1938).

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

Committee on Petitions :

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

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

SYED GHULAM BHIK NAIRANG, M.L.A.

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

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LEGISLATIVE ASSEMBLY.

Monday, 15th August, 1938.

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

MEMBER SWORN.

Mr. James Dummond Anderson, M.L.A. (Secretary, Legislative Department).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

DUTY ON ATEBRIN.

172. *Dr. Sir Ziauddin Ahmad : (a) Will the Secretary for Education, Health and Lands please state the total revenue income from the duty imposed on atebtrin ?

(b) Is it not a fact that this duty falls entirely on the Indian patients suffering from malaria ?

(c) Is it not a fact that by imposition of this duty, Government have placed the poorer people in a position of disadvantage in not being able to afford the expenses of more effective treatment ?

Sir Girja Shankar Bajpai : (a) As imports of atebtrin are not separately recorded, no estimate of the revenue derived can be made.

(b) Government have no information.

(c) No. As I explained on the 24th March this year in the course of supplementaries on the Honourable Member's question No. 992, even if the duty on atebtrin were removed an effective dose of that drug would cost four times as much as an effective dose of quinine and as, generally speaking, atebtrin is not more effective than quinine, poorer people are at no disadvantage on account of atebtrin being subject to duty.

Dr. Sir Ziauddin Ahmad : May I know whether Government have examined the points I raised in my note which I submitted to the Honourable Secretary ?

Sir Girja Shankar Bajpai : I have had that note examined, and it is on the basis of the material furnished by our expert malariologist that I have given this answer.

(435)

Dr. Sir Ziauddin Ahmad : Will it be possible for the Government to lay that note on the table of the House or to communicate it to me ?

Sir Girja Shankar Bajpai : I should be very happy to communicate it to the Honourable Member ; it is of a highly technical character and so I think it is not necessary to place it on the table of the House.

Mr. Badri Dutt Pande : How much atebrin did we import this year ?

Sir Girja Shankar Bajpai : I want notice.

MONEY BEING SPENT ON MALARIAL PROBLEMS AND FREE DISTRIBUTION OF QUININE AND CINCHONA.

173. ***Dr. Sir Ziauddin Ahmad :** (a) Will the Secretary for Education, Health and Lands please state how much money the Government of India are spending on malarial problems ?

(b) Will Government state the amount of quinine and cinchona distributed free, or at a nominal cost, and what are their values ?

Sir Girja Shankar Bajpai : (a) The total money which Government have spent on malarial problems in the Centrally Administered Areas during the last two financial years amounts to Rs. 1,37,500. From a grant made by the Government of India the Indian Research Fund Association have distributed eight lakhs for the prevention and cure of malaria in rural areas.

(b) In 1935, the Government of India distributed 45,000 lbs. of quinine valued at Rs. 8,10,000 free of cost. Centrally Administered Areas have also distributed some quantities of quinine and quinine products but the latest figures are not available.

Mr. Lalchand Navalrai : Have the Provincial Governments asked for the free supply of quinine ? Have they asked for any assistance from the Government of India ?

Sir Girja Shankar Bajpai : The provinces are themselves responsible for public health which includes the free distribution of quinine. They have not asked for any assistance from the Government of India.

Mr. Badri Dutt Pande : Are there cinchona plantations anywhere in India ?

Sir Girja Shankar Bajpai : There are in Bengal and also to some extent in Madras.

FALL IN THE PRICES OF COTTON.

174. ***Mr. T. S. Avinashilingam Chettiar :** Will the Secretary for Education, Health and Lands state :

(a) the present prices of cotton in the Tiruppur and Bombay markets as compared with the last two years ;

(b) whether there has been a fall in prices and whether Government took any steps to prevent this fall in prices ; and

(c) if so, what are those steps ?

Sir Girja Shankar Bajpai : (a) The prices at Bombay are published in the *Indian Trade Journal* to which the attention of the Honourable Member is invited. Similar information regarding the prices in the Tiruppur market is not available, but a statement showing the prices since April last is laid on the table.

(b) The answer to the first part is in the affirmative and to the second part in the negative.

(c) Does not arise.

Statement showing prices of Cambodia cotton at Tiruppur market.

For the weeks ending	First crop best quality local varieties (per candy of 784 lbs.).	First crop average type (per candy of 784 lbs.).	First crop best quality Outside varieties (per candy of 784 lbs.).	Second crop (per candy of 784 lbs.)
	Rs.	Rs.	Rs.	Rs.
April 9 ..	234—236	..	220—222	
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Mr. S. Satyamurti : The Honourable Member said that they had no option in the matter. May I take it that they were advised that they had no legal option in the matter or was it a matter of prestige ?

The Honourable Sir James Grigg : Both legal and constitutional advice.

CONSTITUTION AND POWERS OF THE NEW STANDING FINANCE COMMITTEE.

224. ***Mr. T. S. Avinashilingam Chettiar** : Will the Honourable the Finance Member state :

- (a) whether Government have come to a conclusion over the nature of the constitution and powers of the new Standing Finance Committee which is proposed to be set up instead of the old Finance Committee ; and
- (b) whether he expects to move the motion for consideration of this matter in this session ?

The Honourable Sir James Grigg : I have circulated a memorandum on the subject to the Leaders of Parties in this House and I am awaiting their observations.

Mr. T. S. Avinashilingam Chettiar : When was it circulated ?

The Honourable Sir James Grigg : I think a week or ten days ago.

Mr. N. M. Joshi : Does the memorandum contain proposals for the establishment of the Estimates Committee ?

The Honourable Sir James Grigg : Yes, Sir.

Mr. T. S. Avinashilingam Chettiar : When does the Finance Member propose to have the new committee constituted ?

The Honourable Sir James Grigg : Will the Honourable Member address his own leader on the subject.

Mr. T. S. Avinashilingam Chettiar : Does the Honourable Member expect to have this done in this Session ?

The Honourable Sir James Grigg : I would again ask the Honourable Member to address his leader on the subject.

Mr. T. S. Avinashilingam Chettiar : I am here to address myself to the Finance Member.

The Honourable Sir James Grigg : I have already given the answer.

INCREASE IN THE PAY AND ALLOWANCES OF BRITISH SOLDIERS AND OFFICERS.

225. ***Mr. T. S. Avinashilingam Chettiar** : Will the Defence Secretary state :

- (a) since 1932 how many times the pay and allowances of British soldiers and officers have been increased ;

(b) what the reasons for such increases have been ; and

(c) what the total financial effect of these increases has been ?

Mr. C. M. G. Ogilvie : (a) In the case of British other ranks, concessions were made on three occasions. In 1936, a grant of proficiency pay was sanctioned. In 1937, certain allowances were sanctioned, and in April last an increase of pay and also of allowances was granted.

An increase of pay for British officers was announced in the House of Commons on the 28th of July, 1938, by the Secretary of State for War.

(b) and (c). I refer the Honourable Member to my speech of the 9th of August last on Mr. Satyamurti's adjournment motion. The financial effect of the 1936 increase was Rs. 7,33,000 and of the 1937 increases about Rs. 37 lakhs.

Mr. Badri Dutt Pande : Have any increase in allowances and pay been given in the intervening period to Indian troops also ?

Mr. C. M. G. Ogilvie : I should require notice of that.

Mr. N. M. Joshi : May I ask whether the proficiency allowance is given to all or only to a selected few and proficiency in what ?

Mr. C. M. G. Ogilvie : Only to those who attain proficiency in the exercise of their functions.

Mr. T. S. Avinashilingam Chettiar : What is the total financial effect of all these increases put together ?

Mr. C. M. G. Ogilvie : The Honourable Member will get it if he adds them up. I am not very good at rapid mental arithmetic, but I think he will find it is about 196 lakhs.

Seth Govind Das : Have the Government decided to give effect to this increase every year practically ?

Mr. C. M. G. Ogilvie : I have told you what has actually been done.

Pandit Lakshmi Kanta Maitra : May I know from the Honourable Member whether in these cases the initiative was taken by the Defence Department or the increases in pay and allowances were given as a result of the recommendations of the Home Government ?

Mr. C. M. G. Ogilvie : I would refer the Honourable Member to the speech I made on the 9th August last.

Pandit Lakshmi Kanta Maitra : There is nothing in that speech.

Mr. President (The Honourable Sir Abdur Rahim) : The matter was fully discussed then. Next question.

MILITARY LANDS.

226. ***Mr. T. S. Avinashilingam Chettiar :** Will the Defence Secretary state :

(a) whether lands called military grounds are being held by the Army Department in various parts of the country ;

The Honourable Sir Muhammad Zafrullah Khan : That question has been asked many times and the reply has been this : Government will take this matter into consideration and come to some decision as soon as they know whether there is an agreement to be put before the House.

Mr. S. Satyamurti : In view of the answer to part (c), namely 'shortly' which is undefined, and in view of the fact that the Assembly session is scheduled to close on 16th September, may I have a categorical answer to a categorical question whether before the House adjourns at the end of the session, this matter will have to be concluded according to the present expectation of Government ?

The Honourable Sir Muhammad Zafrullah Khan : I have given a reply to the same question from the same Honourable Member previously that I was hoping that we might come to some conclusion before the session closes.

Mr. Manu Subedar : Some of us are hearing that the non-official advisers are not agreed. May I enquire whether the Government of India propose to come to any agreement against the advice of the non-official advisers ?

The Honourable Sir Muhammad Zafrullah Khan : That is a hypothetical question.

Mr. S. Satyamurti : In their recent meeting which the non-official advisers had last Saturday with the Honourable the Commerce Member, were all outstanding points of difference discussed and decided ?

The Honourable Sir Muhammad Zafrullah Khan : The only communication I have had from the non-official advisers, after I had explained certain proposals to them, is that they are carefully considering those proposals.

Mr. S. Satyamurti : May I take it that, before my Honourable friend makes up his mind on behalf of Government with regard to the ultimate stage, he will actively keep in touch with the non-official advisers ?

The Honourable Sir Muhammad Zafrullah Khan : That is exactly what I am doing.

Mr. S. Satyamurti : May I take it, therefore, that they will be kept in touch with until Government actually make up their mind one way or the other ?

The Honourable Sir Muhammad Zafrullah Khan : Surely the Honourable Member can come to some conclusion with regard to this matter from what has happened in the past.

Mr. K. Santhanam : With reference to the answer to clause (b), may I know whether in view of the fact that all the expenses in connection with these negotiations have been borne by the Government of India, Great Britain will be asked to share the expenses ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir ; the Government of India have only borne the expenses on their own side.

Mr. K. Santhanam : May I know if all the deputations in connection with these negotiations have been from India to England and none from England to India ?

The Honourable Sir Muhammad Zafrullah Khan : The Honourable Member forgets the Lancashire delegation.

Mr. K. Santhanam : Was that an official delegation ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir.

Mr. K. Santhanam : Has there been any official delegation from Great Britain to India ?

The Honourable Sir Muhammad Zafrullah Khan : I said there was the Lancashire delegation but that was not an official delegation.

Mr. T. S. Avinashilingam Chettiar : Was any definite sum given in reply to that question ?

The Honourable Sir Muhammad Zafrullah Khan : Yes, Sir, a list was laid on the table.

NEGOTIATIONS FOR A TRADE AGREEMENT WITH AFGHANISTAN.

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

- (a) whether they are negotiating a trade pact with Afghanistan ;
- (b) if so, at what stage the negotiations are ; and
- (c) whether Government propose consulting the Standing Commerce Committee of the Assembly in this matter ?

The Honourable Sir Muhammad Zafrullah Khan : (a) No.

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

Mr. Lalchand Navalrai : Is the Honourable Member aware that there were restrictions on fruit trade from Afghanistan and whether those restrictions have been removed ?

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

Mr. T. S. Avinashilingam Chettiar : Have they received any representations from the Government of the North-West Frontier Province in regard to this matter ?

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

WARDHA SCHEME OF EDUCATION.

177. ***Mr. Amarendra Nath Chattopadhyaya :** (a) Will the Secretary for Education, Health and Lands be pleased to state if the Wardha scheme of education has been examined by him ? If so, will he be pleased to state if the Central Government propose to accept the scheme and give effect to it ? If so, when and where ?

(b) If the Central Government do not accept that scheme, will the Honourable Member be pleased to state the reasons therefor ?

(c) Will the Honourable Member be pleased to lay on the table all correspondence regarding the aforesaid scheme of education ?

Sir Girja Shankar Bajpai : (a) The Wardha scheme of education has been examined by a special sub-committee of the Central Advisory Board of Education. The report of the sub-committee will be presented to the Board at its next meeting. Further action must await the recommendations of the Board.

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

Pandit Lakshmi Kanta Maitra : When is the next meeting going to take place ?

Sir Girja Shankar Bajpai : I expect the next meeting will take place in the beginning of December.

Dr. Sir Ziauddin Ahmad : Is it not a fact that the sub-committee appointed by the Central Advisory Board of Education examined the Wardha scheme in all its detail along with the Wood-Abott report, and they have made recommendations ?

Sir Girja Shankar Bajpai : That is what I said. I said that the Wardha scheme has been examined by a special sub-committee of the Central Advisory Board of Education who have presented their report.

Mr. T. S. Avinashilingam Chettiar : In view of the interest shown by the public in the Wardha scheme will Government consider the advisability of supplying this report to all Members of this House ?

Sir Girja Shankar Bajpai : The report will be submitted to the Central Advisory Board of Education in the first instance, and I will certainly have the suggestion of my Honourable friend placed before the Board.

Mr. M. Ananthasayanam Ayyangar : Who were the members of this sub-committee ?

Sir Girja Shankar Bajpai : There were three provincial Ministers i.e., Mr. Kher, the Prime Minister of Bombay, was the Chairman, and there were Dr. Mahmud from Bihar and Pandit Shukla from the Central Provinces. There were also two Directors of Public Instruction, Dr. Zakir Hussain who is the author of the Wardha report and Dr. Sir Ziauddin Ahmad.

Pandit Lakshmi Kanta Maitra : Is the report unanimous ?

Sir Girja Shankar Bajpai : I am not sure that I would be justified in communicating in this indirect manner information about a report which is still confidential.

FIXATION OF WAGES FOR LABOUR ON A UNIFORM SCALE.

178. ***Mr. Amarendra Nath Chattopadhyaya :** Will the Honourable Member for Labour be pleased to state if the Central Government contemplate passing any law for fixing up the wages for labour on a uniform scale throughout India ? If so, when ? If not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : No. The conditions in different industries and the cost of living in different parts of British India vary so widely that uniform rates of pay would be unfair to both employers and employees. The result of making wages in factories uniform with the rates prevailing in agriculture and similar industries would, moreover, greatly reduce the total amount paid to labour as a whole.

Mr. Manu Subedar : May I know if the Government benches will remember this reply when we come to discuss the maxima and minima in the Motor Vehicles Bill ?

The Honourable Sir Muhammad Zafrullah Khan : That is not a question.

ATTEMPTS TO CIRCUMVENT ANY OF THE PROVISIONS OF THE NEW INSURANCE ACT.

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

- (a) whether he is aware of any attempts which may have been made to circumvent any of the provisions of the new Insurance Act ;
- (b) if so, of which sections of the Act ; and
- (c) whether Government propose to take any measures to prevent these attempts to circumvent the provisions of the Act ?

The Honourable Sir Muhammad Zafrullah Khan : (a) None that Government are aware of. I may add that the Act is not yet in force.

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

Mr. T. S. Avinashilingam Chettiar : When do they hope to bring the Act into force ?

The Honourable Sir Muhammad Zafrullah Khan : I shall require notice. It does not arise out of this question.

RATIFICATION OF COMMERCIAL AGREEMENTS WITH OTHER COUNTRIES BY THE CENTRAL LEGISLATURE.

180. ***Mr. Govind V. Deshmukh :** Will the Honourable Member for Commerce please state :

- (a) if he is aware that the Union Government of South Africa sought ratification of the recent Commercial Agreement between it and India by both Houses of Parliament of the Union of South Africa before giving effect to it ; and
- (b) if the Government of India propose to follow the same procedure of getting commercial agreements between it and other countries ratified by the Indian Central Legislature before giving effect to them ; if not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : (a) No, Sir. The Agreement came into force 21 days after the date of the Note incorporating it, but was subject to lapse if not ratified by Resolution of both Houses of Parliament of the Union of South Africa during the next ensuing session.

(b) The Honourable Member's attention is invited to the speech made on the 1st April by the Government spokesman during the debate on the Resolution moved by Mr. S. Satyamurti on the subject of consulting this House in respect of trade agreements. Government have nothing to add to what was said on that occasion.

I have also given replies to supplementary questions this morning with regard to this matter.

Mr. Govind V. Deshmukh : May I know if during the course of the correspondence as regards the provisional arrangement, a letter was received by the Government of India to the effect that these proposals would be placed before both Houses of the Union Government and sanction obtained, and then effect would be given to them ?

The Honourable Sir Muhammad Zafrullah Khan : It is possible ; the Honourable Member cannot expect me to remember the contents of every letter that is received by the Government of India.

CULTIVATION AND PRODUCTION OF CINCHONA IN THE ANDAMANS.

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

- (a) whether Government propose giving protection and assistance to Provincial Governments and private enterprises in the cultivation and production of cinchona in the islands of Andamans ;
- (b) the object of Government in deputing Dr. Mirehandani and Mr. Wilson to Andamans ;
- (c) whether he will lay a copy of their report on the table ;
- (d) whether he has communicated the findings of Messrs. Wilson and Mirehandani to the Provincial Governments ; and
- (e) what steps Government propose taking in the matter ?

Sir Girja Shankar Bajpai : (a) to (e). Mr. Wilson visited the Andamans in the course of his tour in connection with the investigation of the possibility of extending cinchona cultivation in India. His report has not yet been received and no proposal for encouraging cinchona cultivation in the Andamans is at present under consideration. The question of laying a copy of Mr. Wilson's report on the table of the House will be considered when it is received.

Seth Govind Das : When is this report expected to be received ?

Sir Girja Shankar Bajpai : I think he hopes to send it in by the end of this month.

SECURING OF MAXIMUM PATRONAGE FROM CEYLON FOR INDIAN RICE.

182. *Seth Govind Das : Will the Honourable Member for Commerce please state :

- (a) whether Government are going to conclude a trade pact with Ceylon, giving a *quid pro quo* to both sides ;
- (b) whether it is a fact that rice imported into Ceylon from India is subject to a uniform duty of rupee one per hundredweight and does not get any preference whatever ;
- (c) whether it is a fact that copra from Ceylon imported into India enjoys a ten per cent. preference over the Singapore variety ;
- (d) whether it is a fact that Ceylon imports two-thirds of her rice requirements from other countries ;
- (e) whether Government propose securing maximum patronage from Ceylon for Indian rice, in view of India's purchasing large quantity of copra from Ceylon ; and
- (f) what action Government propose taking in this matter ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Negotiations for a trade agreement with Ceylon are expected to begin soon after the conclusion of those now in progress with the United Kingdom.

(b) Yes.

(c) Imports of copra into India from Singapore are entitled to the same preference as is enjoyed by Ceylon copra if it can be shown that the copra was produced in British Malaya.

(d) Yes.

(e) and (f). The matter will receive consideration during the course of the negotiations with Ceylon.

Seth Govind Das : In whose favour has the trade balance been for the last two years ?

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

Seth Govind Das : Are any non-official advisers going to be consulted as far as this trade agreement is concerned ?

The Honourable Sir Muhammad Zafrullah Khan : I am unable to say at this stage.

CONTEMPLATED BRITISH-BURMA TRADE AGREEMENT.

183. *Seth Govind Das : Will the Honourable Member for Commerce please state :

- (a) the stage at which the contemplated British-Burma trade agreement is ;
- (b) when it is likely to be concluded ; and

- (c) whether any of the provisions in the contemplated pact are going to disturb the existing clauses of the Indo-Burma trade agreement ?

The Honourable Sir Muhammad Zafrullah Khan : (a), (b) and (c). The matter being one primarily between the United Kingdom and Burma, the Government of India are not in a position to give any information.

PROTECTION TO INDIAN SHIPPING.

184. ***Seth Govind Das :** Will the Honourable Member for Commerce please state :

- (a) whether the question of Indian shipping interests was discussed during the course of the Indo-British trade pact negotiations ;
- (b) whether or not the subject of Indian shipping and the Indo-British maritime trade generally forms part of the trade agreement ;
- (c) whether any steps were taken by the Indian delegate to secure protection for Indian shipping from the rate-war at the hands of the existing shipping interests ; and
- (d) the results thereof ?

The Honourable Sir Muhammad Zafrullah Khan : (a) to (d). The negotiations between the Government of India and His Majesty's Government in the United Kingdom are limited in scope to a discussion of tariff preferences and other arrangements for the expansion of commodity trade between the two countries.

POSITION OF THE RECRUITMENT OF INDIAN LABOUR FOR PLANTATION AND OTHER WORK IN CEYLON.

185. ***Mr. N. M. Joshi :** Will the Secretary for Education, Health and Lands be pleased to state the present position of the recruitment of Indian labour for plantation and other work in Ceylon ?

Sir Girja Shankar Bajpai : By recruitment, the Honourable Member presumably means the assisting of Indian labourers to emigrate to Ceylon for unskilled work. No such recruitment is now permitted.

POSITION OF THE RECRUITMENT OF INDIAN LABOUR FOR WORK IN MALAYA.

186. ***Mr. N. M. Joshi :** Will the Secretary for Education, Health and Lands be pleased to state the present position of the recruitment of Indian labour for work in Malaya ?

Sir Girja Shankar Bajpai : The attention of the Honourable Member is invited to the reply given by me to part (a) of Seth Govind Das's question No. 56 on the 9th instant.

APPOINTMENT OF INDIAN AGENTS IN BRITISH COLONIES.

187. *Mr. N. M. Joshi : Will the Secretary for Education, Health and Lands be pleased to state :

- (a) whether they have come to some decision regarding the appointment of their Agents in some of the British Colonies in which there is a large proportion of Indian population ; and
- (b) if so, what the decision is ?

Sir Girja Shankar Bajpai : (a) and (b). The matter is still under discussion with His Majesty's Government.

ESTABLISHMENT OF COMMON STANDARDS OF WEIGHTS IN INDIA.

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

- (a) whether Government have completed investigation and consideration of the question of establishment of common standards of weights in India ;
- (b) if so, what their decision is ; and
- (c) if not, when they expect to come to some decision ?

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

(b) Government contemplate undertaking legislation laying down certain standards of weight as soon as possible.

(c) Does not arise.

Seth Govind Das : Have Government received any communications from the Provincial Governments in this respect ?

The Honourable Sir Muhammad Zafrullah Khan : I do not know ; if the Honourable Member will put down a question to that effect, I will find out.

PROPOSALS TO RAISE THE PRICE OF INDIAN COTTON.

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

- (a) whether Government have examined, or propose to examine, any proposals which would help to raise the price of Indian cotton, so as to give relief to Indian cotton growers ; and
- (b) whether Government have examined, or propose to examine, any or all of the following proposals :—
 - (i) the increase in import duty on foreign cotton ;
 - (ii) the supply of Indian cotton to Japan on long term credit system ; and

- (iii) negotiating a trade treaty with other countries for the export of Indian cotton ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b) (i). Government recently examined proposals for an increase in the import duty on foreign cotton and came to the conclusion that there was no present case for any increase in duty.

(b) (ii) This is a matter for negotiation between the cotton interests in India and Japan.

(b) (iii) I would invite the Honourable Member's attention to the Protocol regarding Commercial Relations between India and Japan, copies of which are in the Library. The question is also receiving and will continue to receive attention in connection with trade negotiations with other countries.

Mr. Mann Subedar : With regard to clause (b) (ii), may I know whether the representative of Japan who has come to India in connection with a request for a long period loan has or has not approached the Government of India ?

The Honourable Sir Muhammad Zafrullah Khan : That is a question which should be addressed to the Honourable the Finance Member.

Mr. Mann Subedar : May I ask whether this representative of Japan who is in this country has approached the Commerce Department ?

The Honourable Sir Muhammad Zafrullah Khan : Unless the Honourable Member is able to specify any particular individual, I am afraid I am unable to give a reply. No representative of the Japanese Government has approached me with any proposal of that nature.

Mr. T. S. Avinashilingam Chettiar : In view of the fact that cotton holds a very unique place in the economy of this country, will Government take it upon themselves to find a market for Indian cotton out of India, instead of merely leaving it to the trade ?

The Honourable Sir Muhammad Zafrullah Khan : I have replied to this question ; but the Honourable Member may remember that Government are being pressed from many quarters, including the Honourable Member's own party, to boycott everything coming from Japan.

Dr. Sir Ziauddin Ahmad : Is it not a fact that a large quantity of cotton is lying idle at different stores and we have got no market for that ?

The Honourable Sir Muhammad Zafrullah Khan : I am afraid I would have to ask for notice of that.

Mr. T. S. Avinashilingam Chettiar : I am sorry I was misunderstood : I did not refer to Japan. I asked whether Government will make any attempts to find a market for cotton in any other country ?

The Honourable Sir Muhammad Zafrullah Khan : I have answered that. Government have that under consideration all the time.

INCREASE IN THE IMPORT OF FOREIGN COTTON.

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

- (a) whether it is a fact that the import of foreign cotton has progressively increased since the last year ; and
- (b) what steps Government propose to remedy this alarming situation for Indian cotton growers ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). Yes, Sir, but the imports are almost entirely of cotton of a staple which is not produced in India in sufficient quantities to meet the requirements of Indian cotton mills.

Mr. S. Satyamurti : Have Government taken any steps or will they take any steps, in consultation with Indian cotton mills and Provincial Governments, to see that we produce such cotton as is now imported from abroad ?

The Honourable Sir Muhammad Zafrullah Khan : It is constantly under the attention of the Indian Central Cotton Committee and the Imperial Council of Agricultural Research.

Mr. S. Satyamurti : In view of the protection we are giving, will Government press upon these Indian mill magnates for their voluntary co-operation in the production of Indian cotton as against the import of foreign cotton ?

The Honourable Sir Muhammad Zafrullah Khan : That is being done and it will continue to be done.

Prof. N. G. Ranga : Have any steps been taken to persuade these cotton mill interests to consume more and more Indian cotton and less of this foreign cotton ?

The Honourable Sir Muhammad Zafrullah Khan : They are consuming a progressively increasing quantity of Indian cotton.

Prof. N. G. Ranga : What has been done to persuade them to consume less foreign cotton ?

The Honourable Sir Muhammad Zafrullah Khan : The trouble in that connection is that in order to be able to compete with other interests it is necessary for them to use cotton of certain staples which are not produced in sufficient quantities in India and therefore it is necessary to get them from outside.

Mr. K. Santhanam : On a point of order, Sir : if you look at questions Nos. 174, 189 and 190, it is obvious that there is confusion in the mind of the Government as to who is to answer these questions. The same question was answered by the Education, Health and Lands Department and by the Honourable Member for Commerce. I would like to know who has the ultimate responsibility for these answers ?

The Honourable Sir Muhammad Zafrullah Khan : As they stand, the questions were addressed to particular Members, but supplementaries have a habit of wandering all over the field.

Mr. K. Santhanam : I am pointing out that question No. 174 was substantially the same as Nos. 189 and 190 on today's list : but one was answered by the Education, Health and Lands Department and the other by the Commerce Department.

Mr. President (The Honourable Sir Abdur Rahim) : There is no point of order. The Honourable Member for Government has explained what happened.

PURCHASE OF WHEAT AND SUGAR BY BRITISH GOVERNMENT FROM INDIA.

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

(a) whether it is a fact that the British Government have stocked a large amount of wheat and sugar in the United Kingdom ; and

(b) what quantities of wheat and sugar were purchased by the British Government from India since the 1st January, 1938 ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). The Government of India have no information.

Sardar Mangal Singh : Will the Government of India make inquiries from the British Government whether any wheat was specially purchased by the British Government ?

The Honourable Sir Muhammad Zafrullah Khan : There is no reason to make any enquiries.

Mr. S. Satyamurti : May I know whether Government have any machinery by which they can ascertain extraordinary purchases of Indian commodities like wheat, which we may also require in our own country ?

The Honourable Sir Muhammad Zafrullah Khan : If there is sufficient reason for the Government to make inquiries, they could ; but the question does not mention any such reason.

Mr. S. Satyamurti : Has the attention of Government been drawn to what has appeared in the papers—I suppose even the Government does read newspapers—regarding this affair, that enormous commodities especially wheat have been bought by Great Britain ?

The Honourable Sir Muhammad Zafrullah Khan : It may be so ; but I do not see in the question any reason disclosed why Government should make inquiries to that effect.

Dr. Sir Ziauddin Ahmad : Will it not be possible to give a reply from the statistics of British sea-borne trade ?

The Honourable Sir Muhammad Zafrullah Khan : Yes ; but they would show only exports to the United Kingdom, not purchases by the British Government.

Mr. Manu Subedar : May I enquire whether the agreement recently made by the Government of India precludes the export of sugar only by way of trade or whether it also applies to any purchases of sugar made by His Majesty's Government in this country ?

The Honourable Sir Muhammad Zafrullah Khan : That does not arise out of this question : if the Honourable Member is anxious to get a reply, he should put down a question to that effect.

DECREASE IN THE EXPORT OF INDIAN COTTON TO THE UNITED KINGDOM.

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

- (a) whether it is a fact that the export of Indian cotton to the United Kingdom has greatly decreased since last year ; and
- (b) whether the Government of India have made any enquiries from the relevant authorities in the United Kingdom as to the real cause of this progressive deterioration in cotton export to the United Kingdom ?

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

(b) The question of the export of Indian cotton to the United Kingdom is engaging the attention of the Government of India in connection with the Indo-British trade negotiations.

Mr. S. Satyamurti : With reference to the answer to clause (a), can the Honourable Member give some figures as to the actual decrease in the exports ?

The Honourable Sir Muhammad Zafrullah Khan : We believe last year they fell down to very near 4,00,000 bales—3,97,000 bales in fact ; and the rate at which the exports are taking place this year does not hold out any hope that they will be any larger this year. I cannot be more precise.

Mr. Manu Subedar : What was the highest figure before ?

The Honourable Sir Muhammad Zafrullah Khan : 6,22,000 bales.

Mr. S. Satyamurti : And yet, they want a trade agreement with us !

The Honourable Sir Muhammad Zafrullah Khan : If they have a trade agreement they will take more.

Sardar Mangal Singh : May I know whether this decrease in export of Indian cotton to the United Kingdom is due to the relaxation of efforts on the part of the Lancashire Indian Cotton Committee ?

The Honourable Sir Muhammad Zafrullah Khan : I cannot say : it is due to a good many reasons : probably mostly to world conditions and particularly to the bumper crop in America in 1937.

RE-IMPOSITION OF IMPORT DUTY ON FOREIGN WHEAT.

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

- (a) whether any Australian wheat was imported into this country during the last year ;
- (b) what steps Government propose to take to stop the import of foreign wheat into this country ; and
- (c) whether Government propose to reimpose the wheat import duty on foreign wheat ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes. 19,618 tons.

(b) and (c). Government are carefully reviewing the whole position.

Mr. Manu Subedar : Have Government received any representation that the wheat growers in India are in difficulties at the present moment ?

The Honourable Sir Muhammad Zafrullah Khan : I would ask for notice of that question.

Sardar Mangal Singh : May I know whether the Government of India will consider the advisability of imposing a wheat import duty ?

The Honourable Sir Muhammad Zafrullah Khan : That is covered by parts (b) and (c) of the question to which I have already replied.

Sardar Mangal Singh : Have Government received any representation from the Punjab Government in regard to the advisability of reimposing the duty on imported wheat ?

The Honourable Sir Muhammad Zafrullah Khan : I have given a reply to the Honourable Mr. Manu Subedar's question to the same effect.

Mr. T. S. Avinashilingam Chettiar : I do not put this question No. 194, as it is unnecessary now.

†194*.

ANSWERS TO STARRED QUESTIONS IN THE LEGISLATIVE ASSEMBLY.

195. ***Mr. Sham Lal** : Will the Honourable the Leader of the House be pleased to state whether it is a fact that answers to starred questions, replies to which are not ready during the session for which they are duly admitted, are being conveyed to members afterwards when the House is not in Session ?

The Honourable Sir Muhammad Zafrullah Khan : No. If the final reply to a question to which an *interim* reply has in the first instance been given is not ready before the close of the Session, in which the *interim* reply was given, the final reply is laid on the table or, where voluminous documents are involved, is placed in the Library, in the course of the next following Session.

†This question was not put by the questioner.

Mr. Sham Lal : Why are not the answers sent to the Members who put the question ?

The Honourable Sir Muhammad Zafrullah Khan : That is the usual procedure laid down in this respect.

ANSWERS TO QUESTIONS PUT BY THE MEMBERS OF THE LEGISLATIVE ASSEMBLY.

196. ***Mr. Sham Lal :** Will the Honourable the Leader of the House be pleased to state :

(a) whether questions sent now and then by the Members of the Assembly, are forwarded to proper departments at that very time by the Secretary, Legislative Assembly, after they have been duly examined and approved by the Honourable the President, or whether they are conveyed only at the time when the Assembly session is near ; and

(b) whether it is a fact that full replies to several questions are not available during the session ? If so, what is the reason ?

The Honourable Sir Muhammad Zafrullah Khan : (a) The orders of the Honourable the President are not available to Departments until the admitted list is issued.

(b) The Honourable Member is referred to the reply to his question No. 48 asked on the 1st February, 1938.

Mr. S. Satyamurti : In view of the fact that the working of the new rules has benefited nobody—I speak subject to correction by the Government—as Government gets much shorter notice than before and therefore have extra trouble, may I know whether Government have examined the desirability of reverting to the old practice or have come to any conclusion in the matter ?

The Honourable Sir Muhammad Zafrullah Khan : So far as I have been able to ascertain, certain Honourable Members at any rate feel that they have obtained a great deal of relief under the new rules.

Mr. S. Satyamurti : May I ask specifically with regard to the Government ?

The Honourable Sir Muhammad Zafrullah Khan : When I said certain Honourable Members, I meant Members of Government.

ALLOTMENT OF MORE NON-OFFICIAL DAYS FOR BILLS IN THE LEGISLATIVE ASSEMBLY.

197. ***Mr. Sham Lal :** (a) Will the Honourable the Leader of the House be pleased to state whether Government are aware that there is practically no chance for a non-official Bill in the ordinary course ? Is it only when Government give special facilities to a non-official Bill that it can be considered ?

(b) Are Government prepared to allot more non-official days for Bills ?

The Honourable Sir Muhammad Zafrullah Khan : (a) The Honourable Member's view of the position appears to Government to over-estimate the difficulties attending the effective progress of a private Bill in the absence of the grant of special facilities.

(b) Days are allotted by the Governor General. Government do not propose to suggest an increase in what may be regarded as the standard allotment.

Mr. S. Satyamurti : What are the reasons on which the Government come to a conclusion for allotting time for non-official Bills ?

The Honourable Sir Muhammad Zafrullah Khan : Observation of the progress in previous Sessions.

Mr. S. Satyamurti : Can Government give any instance, except the two non-official Bills which were sponsored by the Honourable Sir Nripendra Sircar, where they gave special facilities for non-official Bills to reach their final stages, and after having reached the final stages, having put them on the Statute Book during the last four years ?

The Honourable Sir Muhammad Zafrullah Khan : There are so many Bills which have reached the consideration stage, though they may not actually have been placed on the Statute Book.

Mr. S. Satyamurti : In view of the fact that very few non-official Bills, if any, ever get finally passed by this House, apart from the stages in the other place, may I inquire whether the Government will be pleased to re-examine the question and arrange to give more time for non-official Bills ?

The Honourable Sir Muhammad Zafrullah Khan : As it is, the Honourable Member made a 5-hours' speech on a Bill.....

Mr. S. Satyamurti : I had to make a 5-hours' speech on a Bill and he will find the reasons for it. I am now asking my friend whether Government will reconsider the question of the standard allotment with regard to non-official Bills, and the second question is, whether they will give us specifically some days for non-official Bills in the November Special Session ?

The Honourable Sir Muhammad Zafrullah Khan : I have already given an answer with regard to the second part.

Mr. K. Santhanam : Even in the introduction stage many Bills generally lapse during the life of the Assembly, and in view of this fact I should like to know whether Government will consider the question of altering the rules relating to non-official Bills ?

The Honourable Sir Muhammad Zafrullah Khan : That is a matter which is not entirely in the hands of the Government. On one occasion the President gave special facilities and he said he would not do it again and that it shall not form a precedent.

Prof. N. G. Ranga : In view of the fact that the Honourable the President said that Standing Orders would have to be amended, will Government take a suitable opportunity for amending the Standing Orders in regard to this matter ?

Mr. President (The Honourable Sir Abdur Rahim) : The Government cannot amend the Standing Orders.

Prof. N. G. Ranga : Will Government take steps to see that the Standing Orders are suitably amended by this House ?

The Honourable Sir Muhammad Zafrullah Khan : I am afraid I have nothing more to add.

REPRESENTATION FROM THE LUCKNOW UNIVERSITY *re* SCHOLARSHIP TO INDIAN STUDENTS FROM THE FUND OF 1851 EXHIBITION.

198. ***Dr. Sir Ziauddin Ahmad** : (a) Will the Secretary for Education, Health and Lands please state if Government received any representation from the Registrar, Lucknow University, on the subject of scholarship to Indian students from the funds of 1851 Exhibition ?

(b) What action have Government taken on this representation ?

Sir Girja Shankar Bajpai : (a) Yes.

(b) Before the representation was received, the Royal Commissioners for the Exhibition had been requested to allot two scholarships to India. They have done so this year.

POST OF THE ECONOMIC ADVISER AND CREATION OF A STANDING COMMITTEE ON ECONOMIC PROBLEMS.

199. ***Seth Govind Das** : Will the Honourable the Commerce Member please state :

- (a) since when the post of Economic Adviser for India has been in existence ;
- (b) the salary the post carries ;
- (c) the nature of the organisation placed at his disposal ;
- (d) the total monthly expenditure on his staff ;
- (e) whether Government or the Economic Adviser suggested the scope of the tasks to be entrusted to him ; if so, whether the Honourable the Commerce Member is prepared to make a comprehensive statement about it ;
- (f) whether Government have already arrived at a definite decision with regard to the nature of organisation to be built up around him ; and
- (g) whether or not it is a fact that the exact scope of his activities is still somewhat tentative and is expected to be more clearly defined in the light of experience ; if so, whether he proposes to advise Government to consider the desirability of creating a Standing Committee, including members of both the Central Houses, to suggest such enquiries in economic field as are considered necessary from time to time ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Since the 15th January, 1938.

(b) Rs. 3,000 a month.

(c) and (f). The Economic Adviser has the Statistical Research Branch at headquarters under his immediate charge. Sanction has also been accorded to the appointment of one Statistician and four Assistants who will be taking up their posts shortly.

(d) So far as concerns the Statistical Research Branch, I would invite the attention of the Honourable Member to pages 469-470 of the "Detailed Estimates and Demands for Grants for the Expenditure of the Central Government (excluding Railways)" for the year 1938-39, a copy of which is in the Library.

(e) The scope of the Economic Adviser's work is described at page 154 of the "Indian Information Series", dated the 15th May, 1938. A copy of this publication is in the Library. I have no further information to give at the moment.

(g) The reply to the first portion of this part is in the affirmative. As regards the second portion, there is no intention at present of taking the action suggested.

Seth Govind Das : Will the Honourable Member be pleased to state what are the benefits done to this country by the Economic Adviser so far ?

Dr. Sir Ziauddin Ahmad : Will the Honourable Member be pleased to ask the Economic Adviser to issue Bulletins periodically giving the scope of his work and the results achieved by him ?

The Honourable Sir Muhammad Zafarullah Khan : I will bring this matter to his notice.

OPPORTUNITY EXTENDED TO INDIAN ECONOMISTS IN METHODS OF ECONOMIC RESEARCH.

†200. ***Seth Govind Das :** Will the Honourable the Commerce Member please state :

- (a) whether it is a fact that at the time of the announcement of the post of the Economic Adviser for India, Government gave out hopes that suitable opportunity will be given to selected young Indian economists in methods of economic research ;
- (b) what suitable opportunities have been extended to them and whether any appointments have been made under his (Economic Adviser's) control so far ;
- (c) whether the Economic Adviser and his staff are undertaking any enquiries ;
- (d) if so, what the lines of enquiry are, the time it may take in each enquiry, and when they commence such enquiries ;
- (e) whether there is any scheme for taking assistance of non-official Indian advisers ; and

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

- (f) the present exact position, in detail, in connection with the activities of the Economic Adviser's organisation and activities ?

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

(b) Sanction has been accorded to the creation of one post of Statistician and four posts of Economic Assistant ; the holders of which will work directly under the Economic Adviser. Appointments to these posts are likely to be made in the very near future.

(c), (d) and (f). I would refer the Honourable Member to the reply I have given to part (e) of his question, No. 199.

(e) No.

ASSISTANCE TO PREVENT DAMAGES TO CROPS BY FLOODS.

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

- (a) the nature of assistance given by the Central Government to the Provinces in the matter of prevention of damage to crops by floods and in the matter of irrigation generally ;
- (b) if the Honourable Member is aware that very extensive and serious damages to crops by floods extending to complete loss of year's only crop over entire Police Thana areas, are caused every year by floods in Assam, particularly in the districts of Sylhet, Cachar and Nowgong, necessitating very costly relief and that more than once ' The People Finance Relief Fund ' had to be drawn upon ;
- (c) if the Central Government are rendering any service directly or indirectly towards the solution of Assam's flood problems ; and
- (d) if the Central Government are rendering any such service to any other Province ; if so, what and where ?

The Honourable Sir Muhammad Zafrullah Khan : (a), (c) and (d). The Central Board of Irrigation and the Irrigation and Hydrodynamic Research Station maintained by the Central Government give technical advice whenever required on questions referred to by the Honourable Member.

(b) The Government of India understand that the recent floods in Assam have caused considerable damage in certain districts necessitating relief operations and that inundation of low-lying parts in certain areas is of frequent occurrence.

Mr. Lalchand Navarai : May I know, Sir, in view of the fact that the barrage interests are with the Central Government, whether the Government of India have rendered any assistance to the Sind Government in the present floods ?

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

Mr. Brojendra Narayan Chaudhury : My question asks whether such floods occur every year causing serious damages to crops extending to complete loss of the year's only crop over entire Police Thana areas necessitating very costly relief ?

The Honourable Sir Muhammad Zafrullah Khan : The floods occur frequently, I admit, but it is a question which relates to the functions of the Provincial Government.

Mr. Lalchand Navalrai : May I point out, Sir, that my question is relevant to clause (d) of the question ?

The Honourable Sir Muhammad Zafrullah Khan : The main question is directed towards floods in Assam, and not towards floods in Sind.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member can put down a question.

Mr. Lalchand Navalrai : Clause (d) of this question says 'if the Central Government are rendering any such service to any other Province if so, what and where' ?

The Honourable Sir Muhammad Zafrullah Khan : I did give a general answer to that question.

Pandit Lakshmi Kanta Maitra : It is very difficult to hear you from that distance. We can't hear you at all.

The Honourable Sir Muhammad Zafrullah Khan : This is what I said : "The Central Board of Irrigation and the Irrigation and Hydrodynamic Research Station maintained by the Central Government give technical advice whenever required on questions referred to by the Honourable Member".

Mr. Lalchand Navalrai : May I then ask if any advice was given to the Sind Government ?

The Honourable Sir Muhammad Zafrullah Khan : If the Honourable Member will give me notice of that question, I shall find out and let him know.

Mr. Lalchand Navalrai : May I know, Sir, if the Sind Government had asked for assistance or advice or not ?

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member should put down a question.

DEPUTATION REPRESENTING COCOANUT INTERESTS FROM TRAVANCORE.

202. ***Mr. K. Santhanam :** Will the Honourable the Commerce Member be pleased to state :

- (a) whether a deputation representing cocoanut interests from Travancore waited upon the Government of India recently ;
- (b) what the demands of that deputation were ; and
- (c) whether the Government of India considered them and arrived at any decisions ?

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

(b) The deputation asked for a protective import duty at the minimum specific rate of Rs. 100 per ton on copra and corresponding duties on cocoanuts and coconut oil.

(c) The matter is still under consideration.

Mr. K. Santhanam : May I know whether the Government will be able to finish their consideration on this question and come to a decision before the end of this session ?

The Honourable Sir Muhammad Zafrullah Khan : I am afraid I could not undertake that, but we shall try to push it on as fast as we can.

Prof. N. G. Ranga : Is it not a fact, Sir, that the difficulties complained of by the coconut interests of Travancore have been before the Government of India for the last four or five years ?

The Honourable Sir Muhammad Zafrullah Khan : Yes, the matter has been raised on several occasions, and some steps were taken to give relief, at an intermediate stage.

Prof. N. G. Ranga : Why is it that no adequate steps have been taken till now by the Government of India in spite of the repeated requests by the interests concerned and despite the 22 assurances the Honourable Member himself gave when he visited Travancore about two or three years ago ?

The Honourable Sir Muhammad Zafrullah Khan : I have said action was taken to give relief at an intermediate stage.

REVISION OF THE 50-MILE ROAD MAP OF INDIA.

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

- (a) when the 50-mile road map of India, published by the Survey of India Office, now on sale, was last revised ;
- (b) whether Government are aware that it contains inaccuracies and does not mark motor-ferries ;
- (c) do Government intend to revise the map as early as possible ; and
- (d) if he is aware that a large number of buyers of the road-map are Indian motorists who would appreciate if sites of famous battles, places of pilgrimage and all ancient preserved monuments, religious or historical, are marked on the map, when such places are on the road, or when they are within reasonable distance, marking the spot on the road whence the place is otherwise accessible ?

There is a slight mistake in this question, Sir,—it should be 50-mile an inch road map of India....

Sir Girja Shankar Bajpai : (a) The map was revised in 1933 and re-issued in 1936 with important corrections received from various sources, *e.g.*, Provincial Governments, Local Administrations, Indian States and private bodies.

(b) So far as Government are aware, only to the extent that changes have occurred since the last issue or the information from the various sources already mentioned was incorrect.

(c) Yes. It is hoped to publish a revised edition in 1939.

(d) So far as the scale permits the revised map will incorporate the details mentioned by the Honourable Member.

ASSISTANT DIRECTOR, NUTRITION RESEARCH INSTITUTE, COONOR.

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

(a) the salary attached to the post of Assistant Director, Nutrition Research Institute, Coonoor ;

(b) if the present incumbent has any post-graduate qualifications ; and

(c) if he is of non-Asiatic domicile and only about 25 years old ?

Sir Girja Shankar Bajpai : (a) No specific scale of pay is attached to the post as such. The present incumbent is an Indian Medical Service officer of the Medical Research Department and draws a pay of Rs. 450 p. m. in the time scale of the Indian Medical Service (Civil), *plus* a special pay of Rs. 250 and an overseas pay at £15.

(b) Yes. The attention of the Honourable Member is invited to the statement laid on the table of the House on the 24th March, 1938, in reply to part (d) of Mr. M. Thirumala Rao's starred question, No. 989.

(c) He is of non-Asiatic domicile and was born on the 16th March, 1910. He is, therefore, 28.

Pandit Lakshmi Kanta Maitra : May I know from the Honourable Member that he said that no specific salary is attached to this job and are we to understand that it is an honorary job ?

Sir Girja Shankar Bajpai : No. What my Honourable friend has to understand is that a person draws pay according to the period of service that he has put in in the time scale.

Pandit Lakshmi Kanta Maitra : What is his time scale pay at present ?

Sir Girja Shankar Bajpai : I have given the information. Rs. 450 per month *plus* a special pay of Rs. 250 *plus* an overseas pay at £15.

Mr. K. Santhanam : May I know if the Director, Nutrition Research Institute, Coonoor was recruited with a view to train his assistants and why has a non-Asiatic been recruited now as an Assistant Director ?

Sir Girja Shankar Bajpai : The position as regards that is that in the original contract with the Director no specific proposition for the training of Indians was made. This officer was recruited three years ago. In the extended contract provision has been made for the training of Indians and the Director will attend to that.

APPLICATIONS INVITED FOR THE POST OF PROFESSOR OF BIOCHEMISTRY AND NUTRITION AT THE ALL-INDIA INSTITUTE OF HYGIENE AND PUBLIC HEALTH, CALCUTTA.

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

- (i) if applications have been invited for the post of Professor of Biochemistry and Nutrition at the All-India Institute of Hygiene and Public Health, Calcutta ;
- (ii) how many applications have been received ; of these, how many are from Indian and how many from Europeans or other foreigners ; the " high academic qualifications ", " sound knowledge of nutrition questions " possessed and research work done by the applicants ;
- (iii) if this post has been advertised in England, whether it is in contemplation to appoint a European ; if so, why ;
- (iv) who will be the judge of " High academic qualifications ", " sound knowledge of nutrition questions and research works " of the different candidates as advertised for ; and
- (v) the probable grade pay of Provincial Service man contemplated in " (b) Pay " of the advertisement and probable saving upon the pay given in (c) for outside recruits, if Provincial grade candidate is appointed ?

Sir Girja Shankar Bajpai : (i) Yes.

(ii) Eight applications have been received from Indians. Applications from Europeans or other foreigners have not yet been received as these are dealt with by a Consultative Committee in London.

(iii) The post has been advertised both in India and in England. It is proposed to recruit the best candidate available.

(iv) The applications will be considered by the Recruitment and Appointments Board for the Institute, which submits its recommendations for approval to the Governor General in Council, the appointing authority.

(v) The pay fixed for a Provincial Service officer is his grade pay in the province *plus* a special pay of Rs. 250 *plus* house rent allowance. For direct recruits the scale is Rs. 1,200—50½—1,500 *plus* overseas pay, if admissible. Scales of pay of Provincial Medical and Public Health Services vary in different provinces and it is, therefore, impossible, till the appointment has been made by the Governor General in Council, to indicate the difference in cost between the recruitment of a Provincial Service officer and a direct recruit.

Mr. Brojendra Narayan Chaudhury : I do not want definite, but only probable grade pay.

Sir Girja Shankar Bajpai : I have already said that there is no such thing as probable grade pay because it depends upon the province from which the person is selected.

Mr. K. Santhanam : Does the Department of Education, Health and Lands specialise in the importation of European officers into this country ?

Sir Girja Shankar Bajpai : The Honourable Member may not assume that.

Seth Govind Das : Has the appointment not yet been made because so far no foreigner has applied for this place ?

Sir Girja Shankar Bajpai : No, but simply because the period within which applications are to be received has not yet expired.

Pandit Lakshmi Kanta Maitra : Did the Honourable Member say that the grade pay for outside recruits is Rs. 1,500 ?

Sir Girja Shankar Bajpai : What I said was that the pay for direct recruits was Rs. 1,200 rising by biennial increments of Rs. 50 to Rs. 1,500.

Prof. N. G. Ranga : Who has appointed this Consultative Committee in London through whom the applications of any foreigners have to pass before they are forwarded finally to the Government of India ?

Sir Girja Shankar Bajpai : The Government of India.

Mr. T. S. Avinashilingam Chettiar : Is it the ordinary habit of the Government of India to appoint such selection committees, or has it been done only in this case ?

Sir Girja Shankar Bajpai : The procedure is that when applications are invited abroad, provided that technical qualifications required for the post necessitate it, an *ad-hoc* committee is appointed.

Mr. M. Thirumala Rao : Is the High Commissioner for India one of the members of the Selection Committee ?

Sir Girja Shankar Bajpai : Not in this particular case.

Mr. M. Thirumala Rao : Does the Selection Committee charge any fees for this work ?

Sir Girja Shankar Bajpai : No.

INCOME-TAX, ETC., PAID BY THE BURMA OIL COMPANY AND FIXATION OF MAXIMUM PRICE FOR PETROL.

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

- (a) the amounts of income-tax and super-tax and corporation-tax, if any, paid by the Burma Oil Company, Limited, to the Government of India's Central Revenues in the five years 1933-34 to 1937-38 ;
- (b) the rates of dividends, inclusive of issue of bonus shares, paid by the company in those years, and its total profits ;
- (c) the average rate of retail price of petrol in those years in Rangoon, Calcutta, Bombay and London ;

- (d) if he is aware that owing to competition of foreign petrol imported by the West Coast, the prices in Bombay are put lower than prices in Calcutta and that apart from this occasional foreign competition, the Burma Oil Company is in a position to dictate prices of petrol ;
- (e) whether there is now any combine in India in the petrol trade to control prices ; if so, who are the parties to it ;
- (f) the amount of petrol sold in India in 1937-38 (if not available, of the preceding year) and the amount of petrol raised by the Burma Oil Company in their Indian and Burmese fields in that year ; and
- (g) if Government contemplate fixing maximum price for petrol from time to time ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Under section 54 of the Indian Income-tax Act, 1922, the income-tax authorities are prohibited from giving the information asked for.

(b) Government have no information on the subject.

(c) I lay on the table a statement showing the average retail prices of petrol in Calcutta, Bombay and London during the last five years. Information regarding Rangoon prices is not available.

(d) Government are unable to say whether this is so.

(e) The Honourable Member is referred to the replies given by me to Mr. Avinashilingam Chettiar's starred question, No. 1198, on the 6th April, 1938, and the supplementary questions arising therefrom.

(f) Government are unable to furnish the information asked for.

(g) No, Sir.

Statement showing the average rate of retail prices of petrol in Calcutta, Bombay and London during the last five years ending 1937-38.

Name of Station.	1933-34.	1934-35.	1935-36.	1936-37.	1937-38.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Calcutta .. (Petrol in bulk).	1 5 6	1 5 6	1 5 6	1 5 0½	1 4 0
Bombay .. (Petrol ex-pump per gallon).	0 15 0	0 15 0	0 15 0	0 15 0	1 1 4½
	Sh. d.	Sh. d.	Sh. d.	Sh. d.	Sh. d.
London .. (Motor spirit No. 1 per gallon).	1 4½	1 4	1 4½	1 5½	1 6½

Mr. Brojendra Narayan Chaudhury : Will the Honourable Member kindly enquire whether this company is not paying huge dividends and making huge profits and if in the year 1937 they declared a dividend of 20 per cent. and also issued bonus shares ?

The Honourable Sir Muhammad Zafrullah Khan : I am grateful to the Honourable Member for the information.

Mr. Brojendra Narayan Chaudhury : Will the Honourable Member kindly enquire whether this company is not making similar profits in continuous years,—for many years ?

The Honourable Sir Muhammad Zafrullah Khan : I am prepared to assume that they have made profits in continuous years.

Mr. Brojendra Narayan Chaudhury : As there is profiteering, will Government take steps to fix a maximum price for the petrol ?

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

Mr. S. Satyamurti : My Honourable friend simply said “No”. May I know the reasons why the Government do not propose to take any steps to fix the maximum price for petrol, considering the well-known fact that these gentlemen are making very high profits ?

The Honourable Sir Muhammad Zafrullah Khan : I have not admitted, very high profits. There has to be reason for taking action, and not reason for not taking action.

Mr. S. Satyamurti : In view of the fact that the petrol is sold here at a higher price than in London....

The Honourable Sir Muhammad Zafrullah Khan : I know that.

Mr. S. Satyamurti :may I know if that fact is not enough for the Government of India to make a *prima facie* enquiry into this matter, namely, why petroleum produced in this country is sold here at a higher price than in London ?

The Honourable Sir Muhammad Zafrullah Khan : That fact is not sufficient.

Mr. Manu Subedar : Are Government satisfied that they have sufficient legal powers to interfere if prices are too high against this country and the consumer, and that they would be free to exercise that power when the occasion arises ?

The Honourable Sir Muhammad Zafrullah Khan : The last part is hypothetical and obviously I must ask for notice for the first part.

Mr. T. S. Avinashilingam Chettiar : With reference to the answer to clause (e), even if there was no monopoly, may I know if there is a combine which regulates the prices ?

The Honourable Sir Muhammad Zafrullah Khan : That has been answered several times.

Mr. T. S. Avinashilingam Chettiar : What was the answer ? The answer to clause (e) was that there was not a monopoly. I want to know whether there is a combine.

The Honourable Sir Muhammad Zafrullah Khan : This is a question which has been debated before and there was a long list of supplementaries.

Mr. K. Ahmed : In view of the fact that there are supplementary questions which I put in the last session in April—the date given by the Honourable Member in charge—and the Honourable Member was unable to answer my supplementary questions, I am asking him to say in this open House here quite clearly and precisely whether he himself did not purchase petrol in the town of New Delhi at the rate of Rs. 1-11-0 per gallon. How is it, if there is not a controlling authority, if there is not a combine, that the prices have risen so much, and in the City of Calcutta it is sold at Rs. 1-2-0 and in the City of London it is sold at one shilling and tuppence ? (After a pause.) In view of the fact that the Honourable Member has no answer and he pretends to say that he has answered in April last,—I think, it is the 6th of April....

Mr. Sri Prakasa : First of April.

Mr. K. Ahmed : Yes, just when he flew down to India from London, he had to pay at that rate and how is it that he did not know how to proceed from his quarter to the Assembly Office ?

(No answer.)

Mr. Brojendra Narayan Chaudhury : Will the Honourable Member kindly say what is the distinction between monopoly and combine ?

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

Mr. Brojendra Narayan Chaudhury : Is it not a fact that most of the capital of these concerns is recruited from England and that is the reason why Government is not fixing any maximum price for petrol ?

The Honourable Sir Muhammad Zafrullah Khan : No.

INDUSTRIES RECEIVING SUBSIDIES OR BOUNTIES FROM THE CENTRAL GOVERNMENT.

207. ***Prof. N. G. Ranga :** Will the Honourable the Commerce Member be pleased to state :

- (a) which Indian industries are, at present, receiving subsidies or bounties from the Central Government ;
- (b) what amount of subsidy was granted to each one of these industries during the last three financial years ; and
- (c) whether income-tax and super-tax are levied on these amounts received as subsidies by the individual manufacturers or firms in subsidised branches of industries ?

The Honourable Sir Muhammad Zafrullah Khan : (a) I would invite the attention of the Honourable Member to the answer given in this House by Sir Frank Noyce on the 7th February, 1936, to Seth Govind Das's starred question No. 138.

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

Mr. K. Santhanam : Has there been no change in these three years ?

The Honourable Sir Muhammad Zafrullah Khan : On the whole, the position is the same.

Prof. N. G. Ranga : In view of the fact that all economists are unanimous in the opinion that to give a subsidy in order to help an industry is a much better thing than to impose protective duties, will Government consider the advisability of subsidising industries which are in need of public assistance rather than imposing protective duties and thus taxing the people in an indiscriminate fashion for an indefinite period ?

The Honourable Sir Muhammad Zafrullah Khan : The Honourable Member is asking me, in answer to a supplementary question, to lay down an entirely new policy in these matters for the Government of India.

DISTRIBUTION OF KEROSENE AND PETROL IN INDIA.

208. ***Mr. Manu Subedar :** (a) Will the Honourable the Commerce Member please state whether the attention of Government has been drawn to the following paragraph on page 75 of the book "Raw Materials or War Materials ?" by Alfred Plummer (Gollancz, London) :

"..... while as regards oil distribution in India, China, and other eastern countries, the Royal Dutch Shell, and the Anglo-Persian-Burma groups are as one. Amongst the shareholders in this group of companies are the British, French and Australian Governments" ?

(b) Do Government still maintain that they have no information of any price fixing pool or other organisation in the oil trade, i.e., in the distribution of kerosene and petrol in India ?

(c) Will Government place before the Assembly such information as they may have on this subject ?

(d) Do Government propose to consider the advisability of detailing a special officer in order to ascertain and report clearly the position of India *vis-a-vis* powerful international combinations in the oil trade ?

The Honourable Sir Muhammad Zafrullah Khan : (a) No, Sir. The book referred to is not available.

(b) and (c). The Honourable Member is referred to the reply given by me to part (e) of Mr. Brojendra Narayan Chaudhury's starred question No. 206. I have nothing further to add.

(d) Does not arise.

Mr. Manu Subedar : If the book is not available, may I know if the Government of India are aware from other sources that the oil companies which are fixing the prices are mulcting the poor both in respect of kerosene and petrol and are the Government of India aware that the British Government hold shares in these oil companies ?

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

Mr. Manu Subedar : Will you make an inquiry ?

The Honourable Sir Muhammad Zafrullah Khan : I do not see any reason for making an inquiry.

Mr. Manu Subedar : The Honourable Member says that he is not aware of any combine for fixing prices. May I know whether at the time of the negotiations when the Food Bill was introduced the negotiations were between the Government of India and the oil interests as a whole or separately ?

The Honourable Sir Muhammad Zafrullah Khan : I was not here at the time. If the Honourable Member wants an answer, he had better put down a question.

Mr. Manu Subedar : Are the Government aware that prices are uniform all over the country whatever the source of supply and that changes have taken place only when there is competition from Russia and Rumania.

The Honourable Sir Muhammad Zafrullah Khan : The prices are not uniform, as the statement which has been laid on the table will show.

Mr. Manu Subedar : My question is this. Whether the supply is from Anglo-Persia or Burma or other source, the price of petrol in Delhi is the same in the same centre. Is this phenomenon not the result of a price fixing pool ?

The Honourable Muhammad Zafrullah Khan : That is a matter for argument.

Mr. Manu Subedar : May I know whether the Honourable Member is aware that the price is the same in one centre, for example, in Calcutta.

The Honourable Sir Muhammad Zafrullah Khan : My own experience is that generally they are about the same level.

Mr. Manu Subedar : Does not the Honourable Member consider that this is definite evidence of price fixing by a combine ?

The Honourable Sir Muhammad Zafrullah Khan : That is an attempt to argue.

Shrimati K. Radha Bai Subbarayan : The Honourable Member said that the book is not available. May I ask why ?

The Honourable Sir Muhammad Zafrullah Khan : I had a requisition sent to every library the use of which is open to the Government of India and the reply was that the book is not available.

Mr. S. Satyamurti : Have you asked your own Economic Adviser ?

The Honourable Sir Muhammad Zafrullah Khan : I cannot remember whether I specifically consulted Dr. Gregory.

EXPORT OF INDIAN COTTON TO JAPAN.

209. ***Mr. Manu Subedar :** (a) With reference to the assurance given by Government during the last Session that they were taking up with His Majesty's Government the matter of the detention of the purchase money by Japanese merchants and banks of cotton sent from India by Indian merchants, will the Honourable the Commerce Member please inform this House of the latest position with regard to this matter ?

(b) Is it true that a large number of bales is still being exported without any assurance or guarantee as to the full payment being received by the exporters ?

(c) Are Government aware of any Mission sent out by Japan to India to secure long-term credit for cotton—in other words, to secure Indian cotton without an immediate payment thereof ?

(d) Do Government propose to take steps to prevent Indian cotton being exported to Japan under these conditions and Indian merchants being victimised ?

The Honourable Sir Muhammad Zafrullah Khan : (a) As a result of representations made through diplomatic channels the Government of Japan agreed last April, that exchange permits for the payment for imports at current prices would be issued at once, while permits for the difference between the contract price and the current price would be issued as soon as the importers produced documentary evidence to show that the contracts were made at higher than current prices. Such evidence has been collected and forwarded to Tokyo and the matter appears now to be on a fair way to settlement.

(b) Government have no information.

(c) Information to this effect has appeared in the Press.

(d) The matter is one for mutual agreement between the cotton interests in India and Japan.

Mr. Manu Subedar : With regard to the balance, are Government aware that there is still a considerable amount of Indian money unfairly withheld by Japanese merchants and banks ?

The Honourable Sir Muhammad Zafrullah Khan : If the Honourable Member means that there are still demands which have not been satisfied, I have dealt with the matter in my reply to part (a) of the question.

Mr. Manu Subedar : I am referring to the delay in the payment for goods actually supplied and taken. The Honourable Member's reply states that payments for imports at current prices are being made. My question is whether the Honourable Member is aware that considerable sums are still being delayed, that is, the balance.

The Honourable Sir Muhammad Zafrullah Khan : It is obvious from my reply that the question of the payment for the balance is being looked into.

Mr. Manu Subedar : My question is whether there are still large sums due to Indian merchants which have been unfairly detained by Japanese merchants and banks.

The Honourable Sir Muhammad Zafrullah Khan : I have said that the matter is in a fair way to settlement.

POSITION REGARDING PROPOSED DISCRIMINATORY LEGISLATION AGAINST INDIANS IN SOUTH AFRICA.

210. ***Mr. S. Satyamurti :** Will the Secretary for Education, Health and Lands be pleased to state :

- (a) the latest position with regard to the proposed discriminatory legislation against Indians in South Africa in respect of which two commissions were recently appointed on the question of mixed marriages and Asian land tenure ;
- (b) whether the new Agent General in South Africa has made a proposal for a Round Table Conference on the question of franchise for Indians in South Africa ; and
- (c) whether Government propose to press on the South African Government the need for conferring political and civic franchise on the domiciled Indian population in South Africa ?

Sir Girja Shankar Bajpai : (a) The two Commissions referred to by the Honourable Member commenced their public sittings early this month.

(b) No.

(c) The attention of the Honourable Member is invited to the reply given by me on the 23rd September, 1937, to part (d) of his starred question No. 747.

Mr. S. Satyamurti : With reference to part (a) of the question, may I know if arrangements are being made by the Government of India to lead evidence on behalf of Indians before these commissions ?

Sir Girja Shankar Bajpai : Arrangements have been made by the Agent General not only on behalf of the Government of India but also on behalf of the Indian Congress of South Africa.

Seth Govind Das : Is the Honourable Member aware that Indians in South Africa have franchise ?

Sir Girja Shankar Bajpai : Not throughout South Africa but in certain portions. Mr. Satyamurti is also aware of it.

Seth Govind Das : May I know why the Government of India is not moving in the matter ?

Sir Girja Shankar Bajpai : My Honourable friend has been there and knows the conditions and he would appreciate that one has to move somewhat cautiously in this matter.

NON-INDIAN EXPERTS IMPORTED IN THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS AND OFFICES ATTACHED THERETO.

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

- (a) the number of non-Indian experts who have been imported into this country either for permanent jobs, or for committees, or for temporary appointments during the last four years beginning from 1934, up-to-date in the Department of Education, Health and Lands and offices attached thereto ;
- (b) the cost on account of these experts and the purpose for which they were imported ; and
- (c) if Government satisfied themselves that in every one of these cases, there was no competent Indian available, for the job, and, if so, how ?

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

Statement showing non-Indian experts imported into this country for posts under the Department of Education, Health and Lands (including the Imperial Council of Agricultural Research Department).

Serial No.	Name of Officer.	Post or purpose for which recruited.	Whether permanent or temporary.	Cost—(passage, pay, etc.)	Date of appointment.	Whether Government was satisfied that there was no competent Indian available.
1	Dr. H. E. C. Wilson, M.B., Ch.B., M.D., D.Sc.	Professor of Biochemistry and Nutrition at the All-India Institute of Hygiene and Public Health, Calcutta.	He was engaged on contract for a period of five years in the first instance.	(i) One first class passage from England to India. (ii) Appointed on an initial pay of Rs. 845 in the scale of Rs. 725—120/3—1,565—135/3—1,700 plus compensatory allowance in lieu of private practice at Rs. 500 a month.	24-3-34	Yes. The post was advertised both in India and in England and Dr. Wilson was considered to be the best candidate available for it.
2	Dr. R. Passmore, M.A., B.M., B.Ch. (Oxon.).	As a non-I. M. S. Officer of the Medical Research Department for appointment as Assistant Director, Nutrition Research, Coonoor.	Permanent ..	(i) Two second class passages in lieu of one first class passage. (ii) Appointed on an initial pay of Rs. 750 p. m. in the scale of Rs. 625—1,350 prescribed for non-I.M.S. Officers of the Medical Research Department.	11-9-37	Ditto.

Serial No.	Name of Officer.	Post or purpose for which recruited.	Whether permanent or temporary.	Cost—(passage, pay, etc.)	Date of appointment.	Whether Government was satisfied that there was no competent Indian available.
3	Mr. F. E. Selfe ..	Mr. Selfe was recruited to hold the post of Assistant Head Engraver, Engraving Office, Calcutta, to take charge of the Engraving Office during the absence of the Head Engraver, when on leave, and in addition one of his most important duties was to train the young Indian probationers to give effect to an Indianisation Scheme.	Under contract for five years.	(i) Second class passage on first appointment for self, wife and two children. (ii) Appointed on an initial pay of Rs. 410 p. m. in the scale of Rs. 200—30—500 plus overseas pay of Rs. 150 p. m. (Cost : Rs. 33,780 from the 14th September 1934 upto end of July 1938.)	14-9-34	When Mr. Selfe was recruited the instructions were that preference should be given to an Indian provided one possessing the necessary qualifications was available. Mr. Selfe was selected only in the absence of a suitable Indian.
4 and 5	Mr. A. Abbott, C.B.E., formerly H. M. Chief Inspector of Technical Schools, Board of Education, England, and Mr. S. H. Wood, M.C., Director of Intelligence, Board of Education, England.	To advise on certain problems of educational reorganisation and particularly on problems of vocational education.	Temporary..	Cost of enquiry : Rs. 34,048	The experts visited India during the winter of 1936-37.	The attention of the Honourable Member is invited to the answers given in this House to the supplementaries arising out of his starred question No. 450 on 22nd September, 1936.
6	Mr. L. D. Galloway, M.A.	Imperial Mycologist, Imperial Agricultural Research Institute.	Permanent ..	(i) First class passage from England to India and back. (ii) Pay Rs. 575 p. m. plus special pay of Rs. 150 p. m. attached to the post and O. S. P. £30 p. m.	17-12-35	Yes, by advertising through the Federal Public Service Commission.

7	Dr. G. W. Padwick . . .	Imperial Mycologist, Imperial Agricultural Research Institute.	Permanent . . .	(i) First class passage from London. (ii) Pay Rs. 500 p. m. <i>plus</i> special pay of Rs. 150 p. m. attached to the post and O. S. P. £25 p. m.	15-11-37	Yes, by advertising through the Federal Public Service Commission.
8	Mr. A. M. Livingstone . .	Agricultural Marketing Adviser to the Government of India. He was required to suggest improvement of marketing in India in pursuance of the recommendations of the Royal Commission on Agriculture, the Central Banking Enquiry Committee and the Provincial Economic Conference.	Appointed in April 1934 and expected to continue in the post up to April 1940.	(i) Passage both ways. (ii) Pay in the scale of Rs. 2,500—125—2,750 (present pay Rs. 2,750) <i>plus</i> overseas pay at £13-6-8 p. m.	April, 1934	He was chosen on the recommendation of a Selection Committee appointed by the High Commissioner.
9 and 10	Sir John Russell and Dr. N. C. Wright.	To conduct a scientific review of the research programme of the Imperial Council of Agricultural Research as enjoined by the Order-in-Council on the budget estimates of the Central Government for 1936-37.	Temporary (Period of stay in India —November, 1936—March 1937).	Cost on experts—Rs. 46,800. Cost of enquiry—about Rs. one lakh.	November, 1934	Appointed on the recommendation of the Secretary of State for India.

Mr. S. Satyamurti : I should like to have the statement read out. This is a very important question.

Sir Girja Shankar Bajpai : The statement runs over two pages.

Mr. S. Satyamurti : Will the Honourable Member give the number ?

Sir Girja Shankar Bajpai : The number is nine. Four came on temporary visits and went away. Two have resigned and have gone away, so that the net result is three.

Mr. S. Satyamurti : With reference to clause (c) of the question, have Government satisfied themselves that in every one of these cases there was no competent Indian available ?

Sir Girja Shankar Bajpai : If my Honourable friend will look at the statement, he would find that in regard to each one of these appointments the post was advertised both in England and India and what was more, the results of the advertisement were considered by a Selection Committee in this country and then the choice was made.

COMMUNIQUE *re* BREAKDOWN OF NEGOTIATIONS FOR INDO-BRITISH TRADE AGREEMENT.

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

- (a) whether his attention has been drawn to a joint *communiqué* issued by the Lancashire delegation and the Indian Advisers on the breakdown of the negotiations between them ;
- (b) what the gap was which existed between their points of view which all through the discussions they had failed to bridge ;
- (c) whether the Government of India propose to act on the advice of the non-official advisers in this matter ; and
- (d) if not why not ?

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

(b) Government are unable to supplement what has already appeared in the Press on this subject.

(c) and (d). The Honourable Member's attention is invited to the answers given to part (b) of his question No. 15 and its supplementaries on the 23rd August, 1937, and to the speech of the Government spokesman on the 7th March, 1938, in the other House during the debate on a Resolution moved by the Honourable Mr. Hussain Imam on the subject of the Indo-British trade negotiations and, I may add, to what I have said, this morning in connection with this matter.

Mr. S. Satyamurti : May I ask whether in this matter the Government of India propose to act differently from the advice given by the non-official advisers ?

The Honourable Sir Muhammad Zafrullah Khan : That is a hypothetical point ; so far the Government of India and the non-official advisers have acted together ; nobody can say what may happen later on.

(b) WRITTEN ANSWERS.

PROTECTION TO THE INDIAN FILM INDUSTRY.

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

- (a) whether Government have considered or propose to consider some steps to protect the Indian film industry from invasion by foreigners ;
- (b) whether Government are aware of the strong feeling in Bombay on the opening by Metro-Goldwyn Meyer of a theatre of their own, producing their own films ;
- (c) whether Government propose to take any steps to protect this industry ; and
- (d) if so, what they are ?

The Honourable Sir Muhammad Zafrullah Khan : (a), (c) and (d). The question of foreign invasion of the Indian film industry has been brought to the notice of the Government of India on many occasions, but they are not satisfied that any action on their part is called for more particularly as the initiative in the matter lies with the Provincial Governments.

(b) Yes Sir. But Government are not aware that the Company are producing their own films in India. I would, in this connection, invite the attention of the Honourable Member to the answer given in this House by Sir Frank Noyce on the 25th January, 1937, to part (b) (i) of Mr. C. N. Muthuranga Mudaliar's starred question No. 8.

APPOINTMENT OF INDIAN AGENTS IN FIJI, BRITISH GUIANA AND TRINIDAD.

214. ***Mr. Badri Dutt Pande :** With reference to my starred question No. 235 of the 14th February, 1938, will the Secretary for Education, Health and Lands be pleased to state if Agents have been appointed in Fiji, British Guiana and Trinidad ?

Sir Girja Shankar Bajpai : The attention of the Honourable Member is invited to the reply given by me to Mr. Joshi's starred question No. 187.

ESTABLISHMENT OF A CENTRAL DAIRY INSTITUTE.

215. ***Mr. Badri Dutt Pande :** (a) Will the Secretary for Education, Health and Lands be pleased to state if any decision has been arrived at regarding the establishment of a Central Dairy Institute in India ?

(b) If so, will Government be pleased to give full details of the Scheme ?

Sir Girja Shankar Bajpai : (a) and (b). Government propose to establish such an Institute but questions such as its location and other details have not yet been settled, nor can a start be made with the Institute until funds can be provided.

ELECTRICAL ESTABLISHMENT OF THE CENTRAL PUBLIC WORKS DEPARTMENT.

216. ***Bhai Parma Nand :** With reference to the reply to question No. 431, given on the 22nd February, 1938, regarding the electrical establishment of the Central Public Works Department, will the Honourable the Labour Member please state whether this establishment is meant for employment at New Delhi and not liable for transfer anywhere else ?

The Honourable Sir Muhammad Zafrullah Khan : The members of the electrical establishment, like all other officers and subordinates of the Department, are liable to be transferred anywhere within the jurisdiction of the Department.

WORK-CHARGE ESTABLISHMENT OF THE CENTRAL PUBLIC WORKS DEPARTMENT.

217. ***Bhai Parma Nand :** With reference to the reply to starred question No. 754 given on the 10th March, 1938, will the Honourable the Labour Member please state :

(a) if the question of the work-charge establishment of the Central Public Works Department being brought on the regular establishment is being considered, and, if not, why not ; and

(b) whether it is a fact that some of these incumbents have been continuously in Government service since 1911 ?

The Honourable Sir Muhammad Zafrullah Khan : (a) The answer is in the negative. Work-charged establishment includes only such staff as is employed upon the actual execution, as distinct from the general supervision, of specific work. The cost of such staff is charged to the work concerned and depends on the existence of the necessary budget provision from year to year.

(b) Yes.

ELECTRICAL ESTABLISHMENT OF THE CENTRAL PUBLIC WORKS DEPARTMENT

218. ***Bhai Parma Nand :** With reference to the information supplied in reply to unstarred question No. 60, asked by Raizada Hans Raj on the 7th March, 1938, regarding electrical establishment of the Central Public Works Department, will the Honourable the Labour Member please state whether there are no grades laid down for the establishment ; if not, what is the criterion for the grant of increments ?

The Honourable Sir Muhammad Zafrullah Khan : No system of grades with annual increments exists for work-charged establishment. But a schedule of minimum and maximum rates for different classes of this type of establishment was laid down by the Chief Engineer in 1930 and standard minimum and maximum rates for new entrants were sanctioned in 1935 by the same authority. The general practice is for the Divisional Officer concerned to grant small increases of pay within these limits from time to time on the merits of each case and subject to the existence of provision in the estimate against which the workman is employed.

**VISITS OF COMMERCE MEMBER TO ENGLAND IN CONNECTION WITH THE
NEGOTIATIONS FOR INDO-BRITISH TRADE AGREEMENT.**

219. ***Mr. K. Santhanam :** Will the Honourable the Commerce Member be pleased to state :

- (a) how many times he has gone to England in connection with the Indo-British Trade talks ;
- (b) how many more times he is expected to go there for this purpose ;
- (c) the total expenses already incurred in this connection ; and
- (d) whether the British Government will be asked to share the cost ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Three times.

(b) So far as can be foreseen, a further visit is unlikely.

(c) I would refer the Honourable Member to the answer given during the current Session to part (a) of Mr. Manu Subedar's starred question No. 81.

(d) No, Sir.

REPORT ON THE ECONOMIC CENSUS OF INDIA.

220. ***Prof. N. G. Ranga :** Will the Honourable the Commerce Member be pleased to state :

- (a) when the report of Messrs. Bowley and Robertson on the Economic Census of India was submitted to Government ;
- (b) whether Government propose immediately to make available to the public the said report ;
- (c) whether they propose to implement at the time of the next population census in 1941 the recommendations made in the Report in the appendix to chapter one ; and
- (d) whether they are considering the advisability of taking in the near future a Production Census for India on the lines suggested in the said Report ?

The Honourable Sir Muhammad Zafrullah Khan : (a) In March 1934.

(b) The Report is already available to the public.

(c) The recommendations will be considered in connection with the next Census.

(d) No, Sir.

OCTROI DUTY CHARGED BY NEPAL GOVERNMENT ON ARTICLES FROM INDIA.

221. ***Mr. Badri Dutt Pande** : Will the Honourable the Commerce Member be pleased to state :

(a) whether the Nepal Government charges octroi on all articles coming from and entering into the Nepal territory from the Indian territory ; and

(b) whether there is any reciprocal duty on goods going into and coming from Nepal ? If not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : The question should have been addressed to the Foreign Secretary.

COUNTRIES WITH CONSULS OR TRADE COMMISSIONERS APPOINTED BY THE GOVERNMENT OF INDIA.

222. ***Sardar Mangal Singh** : Will the Honourable the Commerce Member please state the names of the countries where Consuls or Trade Commissioners have been appointed by the Government of India ?

The Honourable Sir Muhammad Zafrullah Khan : Consuls in foreign countries are appointed by His Majesty's Government and not by the Government of India. Indian Trade Commissioners have been appointed by the Government of India in the United Kingdom, Germany, Italy, Japan, East Africa and the United States of America, and a Trade Agent in Afghanistan.

UNSTARRED QUESTION AND ANSWER.

NOTICE TO TERMINATE THE OTTAWA TRADE AGREEMENT.

8. **Dr. Sir Ziauddin Ahmad** : (a) Will the Honourable the Commerce Member please state if Government gave notice to the British Government to terminate the Ottawa Agreement as directed by the Legislative Assembly ? If not, why not ?

(b) Are Government contemplating bringing forward the new agreement in place of the Ottawa Agreement ? If so, when will the draft be ready ?

The Honourable Sir Muhammad Zafrullah Khan : (a) The Honourable Member's attention is invited to the answer given on the 1st February, 1938, to Mr. Manu Subedar's question No. 58.

(b) Negotiations with His Majesty's Government in the United Kingdom for the conclusion of a new trade agreement are still in progress.

STATEMENTS LAID ON THE TABLE.

OBJECTS ON WHICH THE AVIATION SHARE OF THE PETROL TAX FUND WAS EXPENDED DURING THE YEARS 1936-37 AND 1937-38.

Mr. K. G. Mitchell (Government of India : Nominated Official) :

12 NOON.

Sir, with your permission, in the absence of the Honourable Mr. Clow, I lay on the table two statements promised in reply to part (b) of short notice question No. 146, asked in the Council of State on the 28th August, 1934, showing the objects on which the Aviation share of the Petrol Tax Fund was expended during the years 1936-37 and 1937-38.

Statement showing the objects on which the Aviation share of the Petrol Tax Fund was expended during the year 1936-37.

<i>Object.</i>	<i>Expenditure.</i> Rs.
<i>Clubs.</i>	
Financial assistance to Flying Clubs in India	23,000
Special grant-in-aid to U. P. Flying Club, Ltd.	10,000
	<hr/> 33,000 <hr/>
<i>Research.</i>	
Scholarship and financial assistance to Mr. P. P. Nazir, an aeronautical research student in England	6,965
	<hr/>
<i>Training.</i>	
Training of Indians in wireless telegraphy ..	8,023
Financial assistance to Mr. B. L. Dhawan	730
Training of Pilot Instructors at Karachi and Bombay	1,950
	<hr/> 10,703 <hr/>
<i>Experimental.</i>	
<i>Aircraft.</i>	
Provision of a B. A. C. Drone aircraft for flying practice by Clubs in India	5,977
Experimental equipment of an aeroplane with armour plate glass wind screens	20
Subscription to the Flying Flea Fund (to finance experimental wind tunnel tests of this type of machine) opened by the Air League of the British Empire	40
	<hr/> 6,037 <hr/>

<i>Object.</i>	<i>Expenditure.</i>
<i>Lighting.</i>	<i>Rs.</i>
Purchase and installation of a 'Sun' beacon at the Jodhpur aerodrome	26
Provision of obstruction lights on two masts at the W/T station at Mingaladon	289
Installation of a General Electric Co. Neon beacon at the civil aerodrome, New Delhi	4,439
Purchase of portable Neon lights for the civil aerodromes at Karachi and New Delhi	2,116
Lighting of the Qutab Minar	1,216
	<hr/> 8,086
<i>Wireless Telegraphy.</i>	
Installation of wireless telephonic apparatus on Miles Merlin aircraft belonging to Messrs. Tata Sons, Ltd. ..	525
Experimental work with direction finding radio receiving apparatus ..	528
	<hr/> 1,053
<i>Meteorology.</i>	
Experimental work by Messrs. Tata Sons, Ltd., with an accelerometer supplied to them for research in atmospheric turbulence	36
Provision of Holophane Lumeters, at Agra, Poona and Karachi to measure atmospheric transparency and night visibility (of beacons, etc.), in India	1,103
	<hr/> 1,139
<i>Miscellaneous.</i>	
Wireless Demonstration flight of VT-ACT in connection with the opening of the Willingdon Air Station	500
Demonstration of night flying in connection with the Empire Air Mail Scheme	300
	<hr/> 800
Total	<hr/> 67,783

Statement showing the objects on which the Aviation share of the Petrol Tax Fund was expended during the year 1937-38.

<i>Object.</i>	<i>Expenditure.</i>
	<i>Rs.</i>
<i>Clubs.</i>	
Financial assistance to Flying Clubs in India	21,000

<i>Object.</i>	<i>Expenditure.</i> Rs.
<i>Research.</i>	
Scholarship and financial assistance to Mr. P. P. Nazir, an aeronautical research student in England	1,022
<i>Training.</i>	
Training of Indians in wireless telegraphy	2,844
Training of certain scholars in multi-engined aircraft	2,446
Training of 2 Indian ' B ' Pilots as Pilot Instructors	895
Further training of Mr. Ghatge in multi-engined aircraft	1,372
Financial assistance to Mr. B. S. Leete, temporary Technical Officer on the staff of the Director of Civil Aviation in India, in instrumental blind flying	600
Training of Mr. P. D. Sharma in multi-engined aircraft	525
Financial assistance to Mr. B. L. Dhawan	1,895
	10,577
<i>Experimental.</i>	
<i>Aircraft.</i>	
Experiments for determination of performance tests of aircraft	84
Investigation of airlocks on certain types of aircraft engines	125
Transfer of B. A. C. Drone aircraft (purchased for an experimental purpose) from Delhi to Karachi	643
Purchase of propeller for B. A. C. Drone	78
Repairs to B. A. C. Drone aircraft	82
	1,012
<i>Lighting.</i>	
Lighting of the Qutab Minar (carried forward from 1936-37)	1,159
<i>Wireless Telegraphy.</i>	
Experimental work with direction-finding radio receiving apparatus	395
<i>Works.</i>	
Special treatment of the experimental runway at the Civil Aerodrome, Allahabad	158
Experimental cement grouting of the runways at the Civil Aerodrome, Juhu	381
Experimental provision of a temporary ceiling in the new Government hangar at the Civil Aerodrome, New Delhi	821
Construction of an experimental pontoon in the Jumna at Delhi	2,488
Provision of sturtevant pneumatic despatch tubes in the Willingdon Air Station, New Delhi, as an experimental measure	3,171
	7,022

Miscellaneous.

<i>Object.</i>	<i>Expenditure.</i>
	<i>Rs.</i>
Maintenance and operation of the Government aeroplane Avro X VT-ACT	1,765
Total	43,952

ELECTION OF TWO MEMBERS TO THE CENTRAL ADVISORY BOARD OF EDUCATION IN INDIA.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands) : Sir I beg to move :

“That the Members of this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, two persons from among their own numbers to be members of the Central Advisory Board of Education in India, with effect from the 10th September, 1938.”

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

“That the Members of this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, two persons from among their own numbers to be members of the Central Advisory Board of Education in India, with effect from the 10th September, 1938.”

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim) : I may inform Honourable Members that for the purpose of election of two members to the Central Advisory Board of Education the Notice Office will be open to receive nomination upto 12 noon, on Thursday, the 18th August, 1938, and that the election, if necessary, will be held on Monday, the 22nd August, 1938. The election which will be conducted in accordance with the principle of proportional representation by means of the single transferable vote will, as usual, be held in the Secretary's room in the Assembly Building between the hours of 10-30 A.M. and 1 P.M.

THE COMMERCIAL DOCUMENTS EVIDENCE BILL.

The Honourable Mr. R. M. Maxwell (Home Member) : Sir, I move :

“That Mr. H. Ronson, Mr. Muhammad Nauman and Mr. N. A. Faruqi be appointed to the Select Committee on the Bill to amend the Law of Evidence with respect to certain commercial documents in place of Mr. H. Dow, Khan Bahadur Muhammad Anwar-ul-Azim and Mr. P. A. Menon who have ceased to be Members of the Assembly.”

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

“That Mr. H. Ronson, Mr. Muhammad Nauman and Mr. N. A. Faruqi be appointed to the Select Committee on the Bill to amend the Law of Evidence with respect to certain commercial documents in place of Mr. H. Dow, Khan Bahadur Muhammad Anwar-ul-Azim and Mr. P. A. Menon who have ceased to be Members of the Assembly.”

The motion was adopted.

THE INDIAN TEA CESS (AMENDMENT) BILL.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour) : Sir, I beg to move for leave to introduce a Bill further to amend the Indian Tea Cess Act, 1903, for a certain purpose.

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

“ That leave be granted to introduce a Bill further to amend the Indian Tea Cess Act, 1903, for a certain purpose.”

The motion was adopted.

The Honourable Sir Muhammad Zafrullah Khan : Sir, I introduce the Bill.

THE EMPLOYMENT OF CHILDREN BILL.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour) : Sir, I beg to move for leave to introduce a Bill to regulate the admission of children to certain industrial employments.

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

“ That leave be granted to introduce a Bill to regulate the admission of children to certain industrial employments.”

The motion was adopted.

The Honourable Sir Muhammad Zafrullah Khan : Sir, I introduce the Bill.

THE EMPLOYERS' LIABILITY BILL.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour) : Sir, I beg to move for leave to introduce a Bill to declare that certain defences shall not be raised in suits for damages in British India in respect of injuries sustained by workmen.

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

“ That leave be granted to introduce a Bill to declare that certain defences shall not be raised in suits for damages in British India in respect of injuries sustained by workmen.”

The motion was adopted.

The Honourable Sir Muhammad Zafrullah Khan : Sir, I introduce the Bill.

THE CRIMINAL LAW AMENDMENT BILL.

Mr. C. M. G. Ogilvie (Defence Secretary) : Sir, I move :

“ That the Bill to amend the criminal law be taken into consideration.”

[Mr. C. M. G. Ogilvie.]

In the first place, Sir, I think it must be clear to everyone that this Bill is entirely non-contentious. (Interruptions.) Though there may be, of course, differences as to the manner in which the Bill has been drawn up, and it may be held that there is room for amendments in various ways, I cannot imagine that the principle underlying it will not be accepted by everyone, and that no one would object in any way to the activities, briefly outlined in the Statement of Objects and Reasons, being penalized as dangerous to the State. How dangerous they are I propose to explain in some little detail, and, when I have, I think it will be abundantly clear that no one who is a loyal subject of His Majesty the King-Emperor can tolerate the activities of this kind any longer (Interruptions),—and I am sure we all here are loyal subjects of His Majesty the King-Emperor. Now, there is a body of persons in this country who hold the belief that a general world-war is imminent. The body to whom I refer are not unique in this respect. There are others also who share the same belief. But they are unique in the preparations which they are making for it. Now, there have been, in all countries, people who, for one reason or another, have sided with a particular enemy rather than with their own country, and often I believe it has been a case of conscience. But the body to whom I refer have no particular enemy in mind. They say that anyone, any power which is the enemy of the British Empire is our friend.

An Honourable Member : Who are they ?

Mr. C. M. G. Ogilvie : In fact the force behind their campaign, which is wide-spread, well-organized and intense, is hatred of the British connection,—hatred to such a degree that, provided that they could share in some way in the collapse of the Empire, they would be prepared to face even their own utter ruin. I have noticed that, as a general rule, they tend to slur over the future, what will happen when the British Empire is no more and the last Englishman has been ousted from India. As a general rule, they are very vague about that. Occasionally, I found the belief expressed that the power or powers who will ultimately overthrow the British will give them their independence, the independence of India, free and untrammelled, as a reward for their services in securing the defeat of the Empire. Occasionally, also I have seen the view expressed that the resources of India herself would be sufficient to deal with the enemy or enemies who had overthrown the Empire. But normally nothing is said at all. These people have concentrated upon the one thing.....

An Honourable Member : Who are these people ? Name them.

Mr. C. M. G. Ogilvie : They have a saying in the army. No names, no pack drill, and to that I intend to stick at present. I have given you a rough general idea of the policy which lies behind this campaign.

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : It is very rough indeed.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Give us a fair idea.

Mr. C. M. G. Ogilvie : I very much regret that it is not exaggerated. I wish it was. In the early days of this campaign it began to become acute about October last, though it had been going on slightly for some months before that. In December, a speaker said :

† “ * * * * * ”

Pandit Lakshmi Kanta Maitra (Presidency Division : Non-Muhamadan Rural) : May I ask what the Honourable Member is reading from ?

Mr. C. M. G. Ogilvie : I am reading from some notes. I am entirely unable to remember the details of 280 odd meetings from which I have selected them.

Honourable Members : Where were these meetings held ? Who reported them ?

Mr. C. M. G. Ogilvie : They are reported by persons who were present there.

Honourable Members : Were they reported by the C. I. D. ?

Mr. C. M. G. Ogilvie : I daresay in some cases they were reported by the C. I. D. In other cases, they were fully reported in the press. No doubt, Honourable Members themselves would have seen them in some papers.

Another meeting was held in October, 1937, and the speaker at this meeting was perhaps a little more explicit than many are.

Mr. M. S. Aney (Berar : Non-Muhammadan) : On a point of order, Sir. Is it possible for the Members of this House to verify the references from which these extracts are being read out unless the proceedings of the meetings and the speeches are placed on the table of the House ?

Mr. President (The Honourable Sir Abdur Rahim) : I suppose what the Honourable Member is reading out will be embodied in the proceedings of the House.

Mr. M. S. Aney : But how can we verify them ?

Mr. President (The Honourable Sir Abdur Rahim) : After the Honourable Member has finished his speech, he can make over the documents or some copies of them.

Mr. C. M. G. Ogilvie : I have no copies which I can make available.

Sardar Sant Singh (West Punjab : Sikh) : Sir, on a similar debate on a previous occasion, the extracts from the speeches were printed and circulated to the Members. The debate was on the Criminal Law Amendment Bill.

Mr. N. M. Joshi (Nominated Non-Official) : These may be all imaginary.

Mr. President (The Honourable Sir Abdur Rahim) : I understood the Honourable Member to say that he would have them circulated.

†Not printed by order of the Honourable the President passed on the floor of the House.

Mr. C. M. G. Ogilvie : I have got no copies which I can circulate. This information has been collected.....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member will have some copies made and then circulate them.

Mr. C. M. G. Ogilvie : I am prepared to circulate the statement which I shall make in the course of my speech.

Mr. S. Satyamurti : May I submit, Sir, that it is a well-known Parliamentary practice that Honourable Members of the Government who may quote from any documents ought to lay them on the table of the House ? If my Honourable friend reads from his own notes, I have no quarrel with him. If they are prepared for him, I should like to know who prepared them for him.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member has naturally prepared his notes himself. But if he is reading from any document, that document should be laid on the table of the House.

Mr. C. M. G. Ogilvie : I have no documents, properly so called, on the subject. I have a large number of reports, volumes of them, from my own.....

Mr. Abdul Qaiyum (North-West Frontier Province : General) : Sir, are we not entitled to know who made those speeches and where and when those speeches were made ? After all, this is a debate and we will have to reply to the points made by the Honourable Member.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member can give the information.

Mr. S. Satyamurti : Sir, I want a ruling on the point of order. The point of order is that when any Honourable Member of the Government reads extracts from any document, which he holds in his hands, I submit that Parliamentary practice requires that that document should be laid on the table of the House, so that every Honourable Member can look at the document and satisfy himself how far it is genuine.

Mr. President (The Honourable Sir Abdur Rahim) : I said at the very beginning that the Honourable Member would lay the documents on the table.

Mr. S. Satyamurti : He says he has no documents, and he does not want to place any documents on the table.

Mr. President (The Honourable Sir Abdur Rahim) : Is the Honourable Member reading from any documents ?

Mr. C. M. G. Ogilvie : I have no documents. I have only rough notes, probably unintelligible to any Honourable Member except myself.

Mr. President (The Honourable Sir Abdur Rahim) : If the Honourable Member is reading from some speeches, surely those speeches ought to be laid on the table of the House.

Mr. Sri Prakasa : We want fair notes as well as rough notes.

Mr. C. M. G. Ogilvie : I will dispense even with my rough notes.

Mr. S. Satyamurti : In that case, the extracts that he has already read out should be struck out from the proceedings.

Mr. President (The Honourable Sir Abdur Rahim) : If the Honourable Member is not prepared to lay on the table the speeches, those extracts will not go in the proceedings.

Mr. C. M. G. Ogilvie : I am prepared to lay these notes on the table.

Mr. President (The Honourable Sir Abdur Rahim) : Whatever the Honourable Member has read out has to be laid on the table of the House, otherwise it will not go into the proceedings. Is the Honourable Member going to lay that document on the table ?

Mr. C. M. G. Ogilvie : I will lay on the table only that portion which I have read out.

Mr. S. Satyamurti : Sir, the whole point of having a document like that placed on the table of the House is to give the House an opportunity of seeing whether the extract was made in a malicious way or whether it was properly done. The whole point is that we must be able to read the whole speech together.

Mr. President (The Honourable Sir Abdur Rahim) : I understand the Honourable Member has read only a few speeches. Whatever he has read, he will place that on the table.

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhamadan Rural) : I think there is a great deal of room for misapprehension. The Honourable Member read or purported to read the extracts from two speeches. The point that we are placing before you is this that it is not the extracts which he chooses to put before the House on which the House has to judge, but the common sense rule and also a rule of law is that the whole of the document from which he quotes should be available, otherwise that extract will be struck out. That is a point on which we ask your ruling.

The Honourable Sir Muhammad Zafrullah Khan (Leader of the House) : Did I understand the Honourable the Leader of the Opposition to say.....

Mr. Bhulabhai J. Desai : I am addressing the Chair.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour) : I merely want to know what the position is. Did the Honourable the Leader of the Opposition request the Chair to lay down the rule that if, out of a book on one subject of 1,000 pages, five lines are read out, the whole book must be laid on the table ? If it is a speech of 30 pages dealing with various matters and if only three lines are read out, is it your ruling, Sir, that the whole speech should be placed on the table ?

Mr. Bhulabhai J. Desai : There is no use of evading the issue. When quotations are read out from a book containing 1000 pages, we shall deal with that when it arises. The only point I am putting to the Chair now is a very simple one. This is a speech which does not cover a thousand pages or a thousand days. The quotation is from speeches

[Mr. Bhulabhai J. Desai.]

made from time to time at supposed public meetings and, therefore, they must be within a reasonable compass. It is my request to the Chair to rule that the whole of the speech should be made available to the House. Otherwise if only an extract is laid on the table it is no use. It is no use giving imaginary instances just for the purpose of drawing a red herring across the trail. May I refer you, Sir, to page 328 of May's Parliamentary Practice. This is also a rule of common sense.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member need not labour that point.

Mr. Bhulabhai J. Desai : If I have made myself understood to the Chair, I do not want to read any further.

Mr. President (The Honourable Sir Abdur Rahim) : If the Honourable the Defence Secretary has been reading from a particular speech, he ought to place the whole speech on the table of the House.

Mr. C. M. G. Ogilvie : I have not the speech before me.

Mr. President (The Honourable Sir Abdur Rahim) : It is a well-established parliamentary practice that the whole speech should be laid on the table.

Mr. C. M. G. Ogilvie : With a few exceptions, the speeches are not available with me. As regards most of them, I have only a brief version given of the salient points.

Mr. President (The Honourable Sir Abdur Rahim) : Whatever the Honourable Member is in possession of ought to be laid on the table.

Mr. C. M. G. Ogilvie : Very well, in that case, I will not refer again to any more speeches, though I could refer to a very great number.

Mr. President (The Honourable Sir Abdur Rahim) : Whatever the Honourable Member read out, is it the whole speech ?

Mr. C. M. G. Ogilvie : No, Sir.

Mr. President (The Honourable Sir Abdur Rahim) : Whatever the Honourable Member is in possession of, if he wants the quotations he read out to go into the proceedings, must be laid on the table of the House.

Mr. C. M. G. Ogilvie : I will not read out any more.

Mr. President (The Honourable Sir Abdur Rahim) : What about those he has already read out ?

Mr. C. M. G. Ogilvie : They will be laid on the table.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Supposing an Honourable Member reads a quotation from a newspaper and that too only a portion of the speech appearing there. Is the whole newspaper to be laid on the table ?

Mr. President (The Honourable Sir Abdur Rahim) : I am not going to deal with all sorts of hypothetical questions.

Mr. S. Satyamurti : Your ruling, as I understand it, is that the whole speech should be laid on the table and with this ruling I respectfully agree. Then, Sir, my Honourable friend, I am sorry to have to

use that expression, will not accept your ruling, but he will place only a portion of the speech read out by him. I take it that the logical conclusion of your ruling is that the whole speech should be laid on the table, and not mere extracts from the speeches.

Mr. President (The Honourable Sir Abdur Rahim) : I have made it quite clear. I do not know whether the Honourable Member has read out from any speech. If so, the whole speech ought to be laid on the table.

Mr. C. M. G. Ogilvie : My only reason for alluding to individual speeches was to make it extra-abundantly clear to my Honourable friends what the type of this activity was. I will, however, refrain from doing so and continue on the general line. The gist of the speeches is approximately the same. Some are definitely much more violent than others, but the majority urge non-enlistment in the army in order that the Empire may find it impossible to obtain any help from India in the coming war or such help as they will obtain will be less than it would otherwise have been. Great stress is laid or has been laid by many of the speakers on the lessons of the war of 1914—1918. They have constantly advised their audiences not to make the same mistake again, but to realise that if they had not assisted the Empire in 1914, they might even now be free of the last Englishman. People have been urged that on no account should they help the Empire, whatever the war, against whosoever it may be for whatever cause, either with men or with money. Even further they have been urged to join the army if they must, but to join it with the intention of revolting, of refusing to obey orders and of mutiny and even in some cases of fighting on the otherside.

Mr. Sri Prakasa : Where was this done ?

Mr. C. M. G. Ogilvie : I can tell you exactly. But I have no doubt the Honourable Member can guess pretty well. It is now clear, I think, that action is necessary. The reason why this Bill is necessary is due primarily to the fact that the offences I have enumerated are not covered by the ordinary law. No one ever thought, I imagine, of such an offence before.

Mr. M. Asaf Ali (Delhi : General) : Sections 131 and 132 *plus* section 109.

Mr. C. M. G. Ogilvie : With all due deference to my Honourable friend, they do not cover it. The sections that fall within Chapters VI and VII of the Indian Penal Code do not cover them.

Now, Sir, the Honourable Members can see the nature of the Bill for themselves. It is, in the circumstances, a surprisingly mild one. A maximum penalty of two years imprisonment has been laid down for what in most countries of the world would be punishable with swift and certain death. This activity has been concentrated in the Punjab which as Honourable Members know is the main recruiting ground of India. The reason for concentration there is obvious. If this poisonous propaganda did gain root in the Punjab, then indeed a blow would have been struck at the Indian army. The Punjab Government communicated with the Government of India some months ago and stated that they

[Mr. C. M. G. Ogilvie.]

viewed the situation with anxiety. We watched the growth of the movement with care and we are now satisfied that the fears originally expressed by the Punjab Government were fully justified and that although the number of recruits we require is still coming forward there is grave reason to apprehend that if this propaganda continues unchecked and if it was at some time found necessary to expand the army, the propaganda would be found not to have been in vain. It is concentrated largely in the central districts, but both the recruiting grounds in the west and in the east of the province have by no means escaped notice. Since the opening of this campaign there have been no less than 280 meetings in the Punjab alone. Other provinces have also been visited by this scourge but not to anything like the same extent. A great number of the speakers and agitators come from outside the province and the whole concentration of the campaign is there, to the grave concern of the Punjab Government and the Government of India.

Mr. Abdul Qaiyum : The present Punjab Government ?

Mr. C. M. G. Ogilvie : Yes, the present Punjab Government. Now the effects of this propaganda, I do not think, are expected even by its authors to be quick. The Punjabee is naturally a loyal and gallant person and is devoted to military service and he is proud of his warlike traditions. But one cannot allow any peasantry, who are usually uneducated and may fall a prey to the wiles of the agitator, to remain permanently exposed to this poisonous propaganda. They do not want it themselves and I am perfectly certain that this Bill would be welcomed by 99 hundredths of the Punjab peasantry.

Mr. Abdul Qaiyum : Wait and see.

Mr. C. M. G. Ogilvie : I am prepared to do so. I think, Sir, what I have said will have shown that this measure is urgent and in the present state of the world we have no time to lose in scotching it.

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

“ That the Bill to amend the criminal law be taken into consideration.”

I have received notice of a number of amendments the object of which is that the Bill be circulated or referred to Select Committee. Mr. Satyamurti has given notice of a somewhat novel motion that the Bill be taken into consideration after nine months and I should like to know from him, if he has got any precedent for this. I know that in Parliament this kind of motion is allowed and the effect of an amendment like that, if carried, is the rejection of the Bill. I do not know if that practice has ever been adopted here, but it cannot be adopted if there is anything inconsistent with our rules and Standing Orders. The relevant Standing Order is No. 39.

Mr. S. Satyamurti : I submit, Sir, that there is nothing in Standing Order 39 which is inconsistent with this motion. That Standing Order provides, *inter alia*, that :

“ if the Member in charge moves that his Bill be taken into consideration, any Member may move as an amendment that the Bill be referred to a Select Committee, or be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion ; ”

That is not exhaustive of all possible motions. It merely says that the Member may move either of these motions.

Mr. President (The Honourable Sir Abdur Rahim) : It says no amendment may be moved except these two.

Mr. S. Satyamurti : There " amendment " means amendment to the clauses of the Bill. The amendments contemplated here are amendments which can be moved at this stage. So far as the amendment I have given notice of is concerned, I want to draw your attention to rule 36-A, sub-rule (3) which says :

" For the purposes of this rule and of rule 36B, a ' dilatory motion ' means a motion that a Bill be referred to a Select Committee or that it be circulated for the purpose of eliciting opinion thereon or any other motion the effect of the carrying of which will be to delay the passage of a Bill."

Therefore, it is not as if our rules do not contemplate other motions beside those mentioned in Standing Order 39. It is by no means exhaustive.

The Honourable Sir Muhammad Zafrullah Khan : Does not that relate to Bills recommended by the Governor General ?

Mr. S. Satyamurti : That rule contemplates two stages. The first stage is when a dilatory motion is carried. After it is carried, the Governor General comes into the picture.

The Honourable Sir Muhammad Zafrullah Khan : I should like to draw the Honourable Member's attention to that portion of the rule which says :

" Where a dilatory motion has been carried.....or either Chamber refuses to take into consideration or to refer to a Select Committee or to pass any Government Bill,

and thereafter the Governor General recommends that the Bill be passed in a particular form "

then the rest of the rule will come into operation.

Mr. S. Satyamurti : Sub-rule (3) refers back to sub-clause (a) of sub-rule (1) of rule 36-A, which uses the words " dilatory motion ", and sub-rule (3) defines " dilatory motion " which relates back to the earlier stages. Therefore, a dilatory motion contemplates three sets of motions : (1) a circulation motion, (2) a Select Committee motion, and (3) an undefined category of other motions which have the effect of delaying the passage of the Bill. Therefore, I suggest that there is nothing in our rules or Standing Orders inconsistent with my amendment.

Mr. President (The Honourable Sir Abdur Rahim) : That motion, if it has any effect, would mean the rejection of the Bill ; but that is not contemplated here.

Mr. S. Satyamurti : I am using this argument merely to answer your first point, namely, to show that there is nothing inconsistent with our rules and Standing Orders and such motions can be made.

Mr. President (The Honourable Sir Abdur Rahim) : Our rule contemplates delaying the passage of the Bill, but the Honourable Member's amendment has the effect of rejecting the Bill.

Mr. S. Satyamurti : Then, I have to submit a third point that in the matter of precedents, so far there has been no precedent. I want to move that motion, if you permit me, for the purpose that the Bill be rejected. I submit that there is no precedent of a motion of this kind, but at the same time, it is a well-known Parliamentary practice in the House of Commons, as is mentioned in May's Parliamentary Practice, and we follow that practice, unless it is inconsistent with our rules and Standing Orders. And this House must have a chance of rejecting a Bill, without necessarily going through the process of Select Committee or circulation.

Mr. President (The Honourable Sir Abdur Rahim) : The motion for consideration of the Bill can be rejected without such motion.

Mr. S. Satyamurti : But my object is to get out of rule 36-A. That rule provides that in cases of rejection of a consideration or a Select Committee motion, the Governor General may come in. I do not want that you should be under any wrong impression : I want that this Bill should be killed without any hope of resurrection....

Mr. President (The Honourable Sir Abdur Rahim) : You say this is a polite form of rejecting the Bill ?

Mr. S. Satyamurti : Yes. I want to kill it in a polite form and an effective form. Rule 36-A will go out of the way. This Bill cannot be revived. The point I am fighting for is this : that it ought not to be possible for the Governor General to give fresh life to this Bill....

Mr. President (The Honourable Sir Abdur Rahim) : That will be inconsistent with the constitution.

Mr. S. Satyamurti : It is a polite form of telling the Government that they cannot revive this Bill.

Mr. President (The Honourable Sir Abdur Rahim) : Are there any precedents ?

Mr. S. Satyamurti : It is for you, Sir, to create precedents : it is your high privilege. I want to read to you, if I may, from May's Parliamentary Practice :

“ The ordinary practice is to move an amendment to the question by leaving out the word ‘ now ’ and adding the words ‘ three months ’, ‘ six months ’ or any other term beyond the probable duration of the session. The postponement of a Bill in this manner is regarded as the most courteous method of dismissing the Bill from further consideration, as the House has already ordered that the Bill shall be read a second time ; and the amendment, instead of reversing that order, merely appoints a more distant day for the second reading. The acceptance by the House of such an amendment being tantamount to the rejection of the Bill, if the session extends beyond the period of postponement, a Bill which has been ordered to be read a second time upon that day ‘ three months ’, is not replaced upon the notice paper of the House.”

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member in such a case cannot.....

Mr. S. Satyamurti : As my Leader reminds me, I do not want you, Sir, to go into that and give a ruling on that question. I am not asking you now to give a contingent ruling as to what will happen, if they bring back the Bill. It will be for the Chair to rule at that time if any

such attempt is made. Since there is no inconsistency and since there is the well-known precedent of Parliamentary practice, I submit I am in order in making this motion.

The Honourable Sir Muhammad Zafrullah Khan : Sir, for the purpose of definition of a dilatory motion the Honourable Member has referred to sub-rule (3) of Rule 36A. That sub-rule lays down the definition of a dilatory motion for the purpose only of that rule and rule 36B, obviously meaning that this definition is not applicable to that expression if it is used elsewhere ; otherwise there was no question of limiting it to those two rules. Those two rules have application only to a recommended Bill. Therefore, the Honourable Member is not right in saying that that is the definition of a dilatory motion and, therefore.....

Mr. President (The Honourable Sir Abdur Rahim) : Is it defined anywhere else ?

The Honourable Sir Muhammad Zafrullah Khan : No ; but the definition applies only to recommended Bills.

An Honourable Member : No, no.

The Honourable Sir Muhammad Zafrullah Khan : Ordinarily, therefore, the object of Standing Order 39 or the ambit of that Standing Order is not thereby widened.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : What is the past practice of this House ?

The Honourable Sir Muhammad Zafrullah Khan : There has been nothing of this kind before : Standing Order 39 contemplates only two motions which can be moved as amendments to the consideration motion. Sub-rule (3) of Rule 36A lays down what kind of motion can be made at certain stages of a recommended Bill ; and my submission is that what is laid down in that sub-rule cannot be said to apply to an ordinary Bill.

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhammadan Rural) : Sir, the Honourable the Leader of the House has not read the opening portion of rule 36A at all ; otherwise he would not have made the observations that he did. Rule 36A says this :

“ Where a dilatory motion has been carried in either Chamber in respect of a Government Bill.... ”

That is, when the Bill is first introduced. Therefore, the words “ dilatory motion ” have no reference to a recommended Bill at all. I must first call attention to that point. That is made plain by the opening part of the rule. When a dilatory motion has been carried then the power of recommendation arises. Let me read out the whole, only stressing the point so that it may not be lost :

“ Where a dilatory motion has been carried in either Chamber in respect of a Government Bill.... and thereafter the Governor General recommends that the Bill be passed, etc., etc. ”

The Honourable Sir Muhammad Zafrullah Khan : You are right.

Mr. Bhulabhai J. Desai : I am glad. Then the argument is very short. That being so, the definition applies to the motion at this stage, meaning the stage at which the Government have brought in the Bill. Therefore, you go back to the definition now. I will come to Standing

[Mr. Bhulabhai J. Desai.]

Order 39 in a moment, "for the purposes of this rule" meaning and including the present stage, namely, at the time when a dilatory motion is made when the Government brings in the Bill....

Mr. President (The Honourable Sir Abdur Rahim) : The object of this motion is to delay the Bill.

Mr. Bhulabhai J. Desai : I am coming to that : they cannot get away with a thing like that. I will deal with May's Parliamentary Practice in a moment and I only ask for a little forbearance. A dilatory motion includes any motion which will delay the passage of the Bill. Now, in terms—and in fact the motion says "the Bill be now taken into consideration", and you substitute the words "taken into consideration after three months", in terms, whatever its conventional effect is—remember that, Sir,—in terms it delays the passage of the Bill. That is why these rules have been drawn with some knowledge of parliamentary practice. Therefore in terms—I am emphasising that and I cannot emphasise it too much—if the motion is carried that the Bill be taken into consideration after three months, in so far as the actual motion is concerned, its effect is to delay the passage of the Bill. What its conventional result is, is another matter. You may hold contrary to our contention in the times to come that the effect of this is not to kill the Bill. That is a later stage : it has nothing to do with it now. The only motion that the House is now called upon to deal with, and you, Sir, to give a ruling on, is the motion which, if carried, will delay the passage of the Bill, for it says "Do not consider it now : consider it six or nine months hence".

Then, we come to Standing Order 39 : I respectfully submit that that Standing Order does not in the least degree bar any such motion. It undoubtedly mentions two motions or rather two well-known types of motions at this stage, namely, the motion for circulation and the motion to refer to Select Committee. My submission is this. It is quite clear that at this stage where a Member asks that his Bill be taken into consideration, it is quite competent to a Member of the Opposition to move any motion by way of an amendment of a dilatory nature, that is to say, which will delay the passage of the Bill. I want to emphasise the question,—and the Chair should not be misled,—as to whether or not we have acquired the right, a right which we believe to have acquired, but which we may or may not have acquired. If that motion is carried, and if this Bill comes in as a recommended Bill under 36A,—the words are these—"and thereafter the Governor General recommends that the Bill be passed in a particular form", etc., it is quite competent under 36A for my friends to contend that such and such dilatory motion has been carried and they are entitled to bring in a recommended Bill. To what extent we can then give effect to the parliamentary practice, which is not a rule of law, but which is a rule of convention, to what extent you will give effect to it, is a matter which need not be imported into the consideration of the question whether or not we are entitled to make this dilatory motion.

Mr. M. S. Aney : Sir, I wish to make a few observations on two points,—first, whether a motion in question can be entertained or not, and secondly, what is the effect of it, the latter is a point for you to consider later on. First, we are considering whether the motion should now be considered by the House or not. In the first place, I would say,

as has been pointed out by the Leader of the Opposition, that in Rule 39, sub-clause (2), only two kinds of motions have been specified by way of amendment to the substantive motion that the Bill be taken into consideration. The first is that the Bill be referred to a Select Committee, and the second is that it shall be circulated for opinion. But when we go back to rule 36, it is clear that the framers of the rule contemplated that there could be some other motion also of a dilatory nature, it could be entertained and considered by the House in connection with any Bill before the House. If that is not so, the introductory part of rule 36A, where a reference is made to dilatory motions, becomes meaningless. If dilatory motions can be carried as regards any Bill that is moved for consideration in the House, and then the definition of a dilatory motion given in sub-clause (3) has an importance of its own. That definition unquestionably includes a motion of the kind which my friend, Mr. Satyamurti, proposes to move now. According to that definition a dilatory motion does not mean only the two kinds of motions, or the only two categories of motions mentioned in rule 39, but besides these two, some other motions to which specific reference is made in sub-clause (3) of rule 36A. This is what is stated here :

“ For the purpose of this rule and all such rules, a dilatory motion means a motion that the Bill be referred to a Select Committee or that it should be circulated for opinion.....or in addition any other motion, the effect of the carrying of which will be delaying the Bill.”

This is at page 93. So it means not only the two motions mentioned in 39, but a third motion or some other motion whose net effect will be to delay the passage of the Bill. Therefore, I think Mr. Satyamurti will be perfectly in order in moving a motion of that kind.

Now, the second question which seems to have also been under your consideration is this, that a motion of that nature has always been regarded in parliament as a motion for rejection and it will have to be taken to have the same effect here if carried. That may be so. Its effect may also be rejection here in accordance with the convention observed by the Parliament of England. It is for the first time a motion of that kind has been tabled here,—whether we should observe that convention or not is, I submit, not the point with which you are immediately concerned. So far as the actual wording of the motion is concerned, it virtually means only that the passage of the Bill is being delayed, and, therefore, it comes exactly within the purview of the dilatory motion defined in the sub-clause which a member can move under rule 39 read with rule 36A. I think Mr. Satyamurti is furnishing a new weapon of fight to this House, and I hope that you will hold that the motion is quite in order.

Dr. Sir Ziauddin Ahmad : Sir, may I draw your attention to one point,—that rule 36A at page 92 relates to the power to reintroduce a Bill and not to introduce a Bill for the first time.

Mr. President (The Honourable Sir Abdur Rahim) : Mr. Satyamurti has given notice of a motion to this effect, that after the words “ taken into consideration ”, the words “ after nine months from now ” be inserted. This is a form of motion which, so far as I know the practice of this House, has never been used, and that is why there is no precedent to show whether such a motion is in order or not. Mr. Satya-

[Mr. President.]

murti admits that he has taken this from May's Parliamentary Practice, at page 390, where it is laid down that "the ordinary practice is to move an amendment to the question by leaving out the word 'now' and adding the words 'three months', 'six months' or any other term beyond the probable duration of the session". The postponement of a Bill in this manner is regarded as the most courteous method of dismissing the Bill from further consideration, as the House has already ordered that the Bill be read a second time and the amendment, instead of reversing that order, merely appoints a more distant date for the second reading. The acceptance by the House of such an amendment being tantamount to the rejection of the Bill, if the Session extends beyond the period of postponement, a Bill which has been ordered to be read a second time upon that day "three months", is not replaced upon the notice paper of the House. Therefore, as Mr. Satyamurti very rightly admitted, his object in moving this motion is that the motion for a second consideration should be rejected at once.

Now, I have got to see, in the absence of any precedent or practice in this House, whether such a motion is in order having regard to our own rules and Standing Orders. The matter of motions which can be moved when motion for consideration has been moved is specifically dealt with in Standing Order 39,—that is, what motions are admissible when a motion is moved for the consideration of a Bill. What Standing Order 39 lays down is this—that at this stage,—that is the stage of the Second Reading of the Bill or the motion for taking the Bill into consideration, no amendment to the Bill may be moved, but if the Member in charge moves that his Bill be taken into consideration, any Member may move, as an amendment, that the Bill be referred to a Select Committee or be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion.

Now, the two amendments contemplated and which, according to I.P.M. - the Standing Order, are permissible at this stage are either a reference to Select Committee or circulation for eliciting opinion. That seems to me to be quite specific so far as Standing Order 39 goes. Now, I have been referred to rule 36A, especially to sub-clause (3) which contemplates a dilatory motion not only by referring the Bill to a Select Committee or for circulation for the purpose of eliciting opinion, but also some other motions the carrying of which will have the effect of delaying the passage of a Bill. That only shows that it is possible to have dilatory motions other than those two which are specified in Standing Order No. 39. But what I have got to see is this. The Standing Order which deals with what motions can be moved at this stage, that is, the stage of consideration, is quite specific and clear that only two such motions are admissible, that is, a motion for reference to a Select Committee or a motion for circulation of the Bill for eliciting public opinion thereon. At present it is not necessary for me to consider whether there may or may not be other dilatory motions, but professedly Mr. Satyamurti does not want this to be treated as a dilatory motion. He wants that it should have the effect of a rejection of the Bill altogether. That is why he has framed his motion in the words suggested in May's Parliamentary Practice,

page 390. I, therefore, rule that this motion is not in order. It is contrary, in my opinion, to Standing Order No. 39 and contrary to the practice that has always obtained in this House.

Mr. S. Satyamurti : I am not moving No. 2.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : I move :

“ That the Bill be circulated for the purpose of eliciting opinion thereon before the end of January, 1939.”

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

“ That the Bill be circulated for the purpose of eliciting opinion thereon before the end of January, 1939.”

Mr. S. Satyamurti : I want to move No. 4. I move :

“ That the Bill be circulated for the purpose of eliciting opinion thereon till the 30th September, 1939.”

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

“ That the Bill be circulated for the purpose of eliciting opinion thereon till the 30th September, 1939.”

Sardar Sant Singh : Sir, I move :

“ That the Bill be circulated for the purpose of eliciting opinion thereon before the 30th October, 1938.”

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

“ That the Bill be circulated for the purpose of eliciting opinion thereon before the 30th October, 1938.”

Does any Member wish to move his motion for reference to a Select Committee ?

Sardar Sant Singh : May I know, Sir, this ? If this motion is carried, no question of reference to a Select Committee will arise, but if it is defeated, then will I have a right to move my motion for reference to a Select Committee ?

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member ought to move it now. I think there ought to be one debate on the main motion itself and on these two motions, namely, motion for reference to Select Committee and the motion for circulation.

Sardar Sant Singh : I am not moving my motion for reference to a Select Committee.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : I have also given notice of an amendment.

Mr. President (The Honourable Sir Abdur Rahim) : If it is the object of any Member that by giving notice of an amendment he should have priority over other speakers, he will be mistaken.

Mr. Lalchand Navalrai : That is not my object, Sir. I move :

“ That the Bill be circulated for the purpose of eliciting opinion thereon before the 1st February, 1939.”

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

“ That the Bill be circulated for the purpose of eliciting opinion thereon before the 1st February, 1939.”

Now, the debate will proceed on these motions for circulation and the original motion.

Mr. S. Satyamurti : Sir, I have heard the Honourable the Defence Secretary, with all respect and the courtesy due to the gentleman who represents the defence forces of this great country of ours. I have not heard a more unconvincing speech even from Government Benches all these four years of my existence here. He began by trying to make out a case, in fact, he had tried to make it in his Statement of Objects and Reasons, namely :

“ A large number of public speeches designed to dissuade persons from enlisting in the Defence Forces or, in the alternative, to incite would-be recruits to commit acts of mutiny or insubordination after joining those Forces have come to notice during the past eighteen months.”

He went on, without any reference to the date, the time, the personality of the speaker, the audience he addressed, or the place where he addressed, to give one or two extracts from speeches which we knew at once from our long experience of Criminal Investigation Department reports of our speeches, were torn out of their context, and were sought to mislead him and this House if possible. Therefore, we very rightly raised a point of order that, if any Government Member wants to read from documents, he must place them on the table of the House, and you ruled, if I may say so respectfully, rightly, that those documents should be placed on the table of the House. What was the sequel ? The speeches disappeared ; there are no speeches ; some extracts alone. He dared not place them on the table of the House. I ask the House respectfully to draw the natural inference from the infructuous attempt to mislead the House by promising them contributions, bloodcurdling I expected, from speeches asking people not to enlist and inciting them to mutiny. And we find the sequel a debacle. Therefore, the first sentence in the Statement of Objects and Reasons remains thoroughly unproved. There is no evidence which has been placed or can be placed, under Parliamentary practice before this House, of any of these speeches intended to have these effects. My Honourable friend cannot plead that, when he put this sentence in the Statement of Objects and Reasons, he was not aware of Parliamentary practice. If he were not, he ought to see to it that the Governor General's Executive Council makes better provision for instructing Honourable Members of this House in the ordinary elements of Parliamentary practice. That is, so far as the first argument based on speeches is concerned.

Then, Sir, he talked of loyal subjects of His Majesty not encouraging these activities. I wish he had not entered into this realm. There is no use trying to drag in the King or loyalty every time you have got a weak case. I do not want to imitate. This Bill stands or falls or ought to stand or fall on its own merits, whatever the inner psychological reactions of self-respecting Indians may be to foreign rule. I do appeal to him as a free Englishman himself to realise that it is a dangerous game to appeal to a country and its peoples, whom you are ruling

and somehow or other to try to exploit their so-called "loyalty". Let us leave that subject alone. It is undignified even in the House of Commons to draw the King into the discussions. It is not done. Your Bill must be judged on its merits. There is no use one trying to be more loyal than the King himself. Let us leave that argument alone.

Mr. Sri Prakasa : There is no loyalty when you want to change him.

Mr. S. Satyamurti : That is so, as my friend humorously points out. When I saw his (the Defence Secretary's) expanding chest, his rising figure, and his expanding hands, I was nearly frightened as to what will happen to the world when the British Empire is no more. What will happen ? What will happen is, peace, plenty, and happiness will reign everywhere. The British Empire today is the greatest challenge to the peace and prosperity of the world, and your own people, the Britishers, will recapture some of their ancient qualities. I want to remind my friend in a friendly way that his race have lost all the characteristics which they once had, because of this millstone of an Empire round their necks. You may rejoice in your Benches here that you are ruling over us, but the Gods are jealous. You are ruling us, but you are being ruled by a small clique dictated by money and vested interests in your own land, and you are losing your sense of freedom, in your pursuit of Empire. I want to remind my friend that the death of the British Empire will be the greatest service to Great Britain, to India and to the world.

Then, Sir, he made another statement. I took his words down, that these speeches asked people not to enlist in the defence forces, so that England may not get help from India in the next war. I want to remind my friend of the implications of this statement. Under the old Government of India Act of 1919, no Indian forces could be employed outside India except with Parliamentary sanction. No doubt we have changed it in the new Act, but even under the new Act, in the Instrument of Instructions, it is laid down that the Governor General shall consult the Ministers before agreeing to send Indian forces outside India ; and, therefore, it seems to me that to ask people not to enlist in the army in order that England may not get help from India, in the next war, is perfectly consistent with the most loyal Indian citizen's conceptions of duty ; and I will tell you how. Take your own self-governing dominions. Take Canada, take South Africa. I have no doubt that General Hertzog is still loyal to England and that Canada is still loyal to England but I have seen, and I ask him to contradict me, if I am wrong, responsible Prime ministers and ministers of Canada and South Africa saying in their Parliaments and on public platforms that their armies will not be available to England in the event of the next war, unless they themselves agree to that war. That is the position undoubtedly under the Statute of Westminster ; and, so far as Ireland is concerned, her history in this respect is too recent. I do not want to point the moral from that country. But I think India, in claiming that her soldiers ought not to be automatically available to Britain in the next war, is asserting the right which all self-governing dominions have been allowed to assert with the full knowledge and consent of Great Britain and it is a position, I think, which all Indians in this

[Mr. S. Satyamurti.]

country, without any exception whatever, and all sections of the House completely agree to. We will not be parties to the defence forces of this country being available to Britain.....

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.

Mr. S. Satyamurti : Mr. Deputy President, while we adjourned for Lunch, I was talking about the argument of the Honourable the Defence Secretary that there have been speeches asking our countrymen not to enlist in the army, with a view to preventing that army being used by England in her next war, and I was saying that every self-governing Dominion has reserved that power for herself, whether she will take part in Britain's next war or not. Speaking on September 29th, 1936, in the Ninth Plenary Meeting of the League of Nations the Canadian Prime Minister, the Right Honourable Mr. Mackenzie King said :

“ There is another factor which inevitably influences Canadian opinion on many League policies, and particularly on the question of automatic obligations to the use of force in international disputes. I have in mind our experience as a member of the British commonwealth of nations. The nations of the British commonwealth are held together by ties of friendship, by similar political institutions and by common attachment to democratic ideals rather than by commitments to join together in war.”

And I want the Honourable the Defence Secretary and the House to note the words which follow :

“ The Canadian Parliament reserves to itself the right to declare, in the light of the circumstances existing at the time, to what extent, if at all, Canada will participate in conflicts in which other members of the commonwealth may be engaged.”

That is all we claim for India,—that, when we are going about telling our countrymen not to be mercenaries in another country's war, we are doing no more than what the Canadian Premier said was Canada's attitude before the League of Nations. Will the Honourable the Defence Secretary accuse the Right Honourable Mr. Mackenzie King of want of loyalty when he said that ?

Mr. C. M. G. Ogilvie : Most certainly not.....

Mr. S. Satyamurti : I have got enough ; I am quite content with that answer. Therefore, what is meat for Canada is poison for India ! I leave it to the House to judge for itself whether this argument is sound or not.

Mr. C. M. G. Ogilvie : Most unsound.

Mr. S. Satyamurti : The Canadian Premier continued :

“ Certainly this experience between the commonwealth and England and Canada has had an effect in convincing Canadians of the possibility of preserving close and friendly co-operation, without the existence of a central authority, or of military commitments.”

Sir, I think, after that, it would require more courage, than even my friend, the Defence Secretary, possesses, to come forward and say that our speakers cannot make such speeches,—and I claim it as the inherent

right of the citizen of any free and self-respecting country to preach pacifism and to ask his countrymen not to be mercenaries for another country. And although I have not been able to place my hand on the papers, I believe General Hertzog has said something stronger as regards South Africa's attitude in Britain's future wars.

My Honourable friend said that these offences are not covered by the ordinary law. I will not go into the legal argument elaborately; to the extent to which offences known to civilized jurisprudence ought to be punished, they are covered by the existing law. To the extent to which they are not so covered, this law is barbarous and primitive, and seeks to punish as offences the inherent right of every freedom-loving citizen in any country, that is, his freedom of speech. Then, the Defence Secretary made an admission, which I trust has not been lost even on those doubtful Thomases in this House to whom my Honourable Leader referred the other day, who may be inclined to support this Bill. He said that the number of recruits is still coming forward. Then, why this Bill? Now you cannot make the mistake of expecting an intelligent and self-respecting House like this to vote for you, when you give away your case by saying that the number of recruits is still coming forward.

Now, Sir, I will sum up my condemnation of Mr. Ogilvie's case. The speeches which were alluded to in the Statement of Objects and Reasons are *non est*, they cannot be produced, and the Honourable the Defence Secretary dare not produce them. As for our asking our people not to join in the next British war, we have the high authority of the Canadian Prime Minister, and as for our right to preach to our countrymen not to become mercenaries of another country, in the interests of pacifism, of civilized humanity behind our back. Therefore, I suggest that, apart from positive arguments in favour of this drastic Bill, the poverty or even the non-existence of a single argument in favour of this Bill ought to be argument enough for every Member of this House, who is free to vote according to his conscience, to walk into the lobby against this Bill.

Having disposed of the Honourable the Defence Secretary and his Statement of Objects and Reasons, I will now, Sir, address the House on the question of the other argument which he put forward, namely, that the Punjab Government wanted this law, very badly. On this matter, I very nearly raised a point of order, but I am not clear in my own mind; therefore, I do not propose yet to raise that point of order. I will only see how things develop in this country and in this House; but taking this subject of a Bill to amend the "criminal law", taking the words as they are, and taking the Seventh Schedule of the Government of India which gives the lists,—federal, provincial and concurrent,—I do claim—I am not asking for a ruling now—that *prima facie* this Bill falls under the concurrent legislative measures. Item one says, "criminal law"—it does not stop there—"including all matters included in the Indian Penal Code at the date of the passing of this Act". Now, what do those words mean—"including all matters in the Indian Penal Code at the date of the passing of this Act"? Let us take the Indian Penal Code. In Chapter Seven we have: "of offences relating to the army, navy and air force", and the words are: "whoever

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abets the committing of mutiny by an officer", etc., etc., "whoever abets the assault or the desertion," and so on and so forth; and section 139 exempts all persons subject to the various Acts governing the defence forces. I should like some Honourable Member of this House who can do so to throw some light on this matter. What do these words, "including all matters included in the Indian Penal Code at the date of the passing of this Act" actually mean? Do they, or do they not, include all offences relating to the army, navy and air force? And if you look at clause 2 (b), and if that clause means anything at all, it means that this action which they want now to condemn is contained in the Indian Penal Code, and that is reproduced in clause 2 (b). But the point I want to raise is, if it is concurrent, which is the proper legislature? I quite agree that, under the Federal subjects, list No. 1, His Majesty's naval, military and air forces are also included. There is also an item called item No. 42 in that list which says, "offences against laws with respect to any of the matters in this list", but still it does seem to me that this matter requires careful consideration. And, where it is a matter of concurrent legislation, I do not see why we should be called upon to carry the baby for the Punjab Government. My Honourable friend, the Defence Secretary, said that the Punjab Government have pressed this. Then, I suggest that the Punjab Government should have taken the responsibility upon themselves, of dealing with this matter and not thrown it upon us.

Now, Sir, so far as this particular motion for circulating the Bill to elicit public opinion on it is concerned, let me make my position perfectly clear. We feel that this Bill is so bad, so rotten, so mischievous, so unwanted, and so insulting to the intelligence and patriotism of this House, that it ought to be buried and be heard of no more. I believe that it will be a waste of public time and money and energy to invite public opinion on it. I can conceive of no honest public opinion outside this House in this country, which will support this Bill to any degree or in any form. I, therefore, believe, that it is sheer waste of time to do that. But, in view of the Honourable the President's ruling, I have moved my motion, and Honourable Members will note that my date is 30th September, 1939, by which time this House will, according to the present expectation, be dissolved. Therefore, let me make it perfectly clear that we want to hear no more about this Bill at all.

Now, Sir, take the preamble of the Bill. It says :

"Whereas it is expedient to supplement the criminal law by providing for the punishment of certain acts prejudicial to the recruitment of persons to serve in"

The word 'acts' there is misleading. The whole purpose of this Bill is to punish *speeches*, without any overt act at all. It is an uncivilized form of criminal law. What is expected by the Government on the passing of this Bill, if that calamity ever happens, is, without any overt act at all, that if anybody makes a speech which may be construed to be an attempt to dissuade the public or somebody from entering the forces, he shall come within the mischief of this law. What you are

going to punish is an expression of opinion without any overt act whatsoever. Then, the preamble goes on :

“ prejudicial to the recruitment of persons to serve in, and to the discipline of, His Majesty's Forces.”

I do not know what the Honourable the Defence Secretary means by saying in clause 2 (a) which runs thus :

“ Whoever wilfully dissuades or attempts to dissuade the public or any person from entering the military, naval or air Forces of His Majesty.”

I say this is too sweeping in its implications, and I want to quote in support of the position, we are taking with regard to this Bill, the *Madras Mail*, a European paper, which is not very friendly towards the Congress and which always supports the Government. This is what the *Madras Mail* writes on this very particular Bill :

“ We profoundly disagree with the view recently put forward in London by Pandit Jawaharlal Nehru of the role of India in a future war in which the Empire was involved ; but we have no wish to see Mr. Nehru sentenced to imprisonment for two years, or a fine or both for expressing views which he is perfectly entitled to hold. (I may add that all these speeches were made in London and His Majesty's Government have not taken fright and have not prosecuted Mr. Nehru.) Whether such speeches as were held to be harmless in London would in India come within the mischief of the proposed legislation, it is difficult to say. But it may be foretold that if they did, the effect of Indian opinion would be very much more serious than any which these or similar speeches have had on recruiting. It would seem to be necessary to scrutinise the Bill very carefully. Obviously, incitement to mutiny and insubordination should be punished under the existing law. Any new and vague provisions may penalise those who are thinking out for themselves the position which India of the future will occupy in the world at large.”

Therefore, I suggest that there has been, to my knowledge, no newspaper, not, I believe, even the *Statesman* or the *Times of India*—certainly no Indian newspaper,—which has supported the Government on this Bill. I think there is no public opinion, and there can be none in favour of this Bill.

Then, I come to clause 2 (b) which says :

“ Whoever without dissuading or attempting to dissuade any person from entering such Forces, instigates the public or any person to do, after entering any such Force, anything which is an offence....”

I wish to confine myself to the words :

“ instigates the public or any person to do, after entering any such Force, anything which is an offence punishable as mutiny or insubordination.”

What do these words mean ? What is the proof that the public were incited to commit acts of mutiny after they had joined these forces ? Which is the public contemplated out ? What is the proof Government are thinking of ? When we enact any penal legislation, we cannot be too careful about our words. What do these words really mean ? I want to tell this House that I have examined all the sections of the Indian Army Act, the Naval Act and the Indian Air Forces Act, and without troubling them with the necessary references I can say that all these sections govern only the members of His Majesty's Forces and for all of them ample provision is made in the existing law. Unless you want to punish something which is vague and indefinite in your own mind but which you want us to vote on blindly, I should like the Honourable the Law Member or the Honourable the Home Member or somebody else who can to throw light

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on the legal implications and scope of clause 2 of this Bill. What is the offence you seek to punish, and how are you going to prove it? Take, for example, clause 2 (a): "Whoever wilfully dissuades or attempts to dissuade the public or any person from entering the military, naval or air Forces of His Majesty". A case can be constructed easily. Some soldier or airman may easily tell the Commander-in-Chief: "Sir, I am a very loyal and patriotic person but I was dissuaded by Pandit Jawahar Lal Nehru and Mr. Bhulabhai Desai not to enter the army, but my patriotism has triumphed over their dissuasion and I am here as your humble and devoted servant." His testimony can prove to some Magistrates that there was an attempt on the part of these esteemed Congress or other leaders to dissuade or attempt to dissuade this gentleman from entering the army. I should like, therefore, this matter to be carefully and fully explained. Another difficulty for me is this. If a person commits an act of mutiny, some time after his entry into these forces, how are you going to connect the incitement, when he was not in the army, by some unknown or unnamed person with his act of mutiny? I can assure the House that when anybody commits an offence of this kind and is tried, he will always plead that he was the unwilling tool of some designing person outside. This Bill, if it ever becomes the law, will be a constant temptation to the members of the defence forces, whenever any of them, unfortunately, commits mutiny or insubordination, to try to throw the blame on somebody outside. You are really encouraging indiscipline and disloyalty in your forces, by trying to make it possible for these people to put forward such excuses. I do not think that it is the intention of the Government, but the wording gives me no option.

Then, Sir, my Honourable friend, the Law Member, knows, and I think several Honourable Members of this House know that the sections of the Indian Penal Code about abetment are amply sufficient to cover all this. Only the offences under the Indian Penal Code are subject to the general exceptions, and the burden of proof lies upon the Crown which it must discharge, before it can ask the Court to convict the accused. But in this Bill, you throw the burden on the accused. You say that so-and-so has been dissuaded or has been attempted to be dissuaded and, therefore, such and such a man has committed an offence. If he is innocent, let him prove it. I may say that that argument was put forward deliberately by the Honourable Sir Brojendra Mitter, the then Government Law Member, when clause 2 of the Criminal Law Amendment Act, which word for word has been reproduced in this Bill, was before this House. The Government then admitted that they were creating a new class of offences, which Governments can create, where the presumption of guilt will be against the accused. That is why I feel, apart from anything else, that this Bill offends against the canons of elementary criminal jurisprudence. And, Sir, I repeat, especially if you take section 108 with all its explanations, and sections 107 and 109 of the Indian Penal Code, you will find ample provision for punishing real offences, and not imaginary offences. What you are trying to get at is shadows, and so far as real offences are concerned, the Indian Penal Code makes ample provision.

Then, Sir, on the question of *mens rea*, I will say a word later, and undoubtedly I will say, and I repeat, there is in this clause no intention at all called for. A man may be a genuine pacifist. I may believe that

war is an evil and I may advocate non-enlistment for that reason, and if I dissuade or attempt to dissuade some soldier or sailor not to enlist himself in the army or navy, and if that sailor or soldier goes before a court and says : ' So and so asked me not to enlist myself ', I will come within the mischief of this measure. Therefore, it seems to me that the Bill is unnecessary, and it is drastic in its provisions. Sections 503, 505 and 508 of the Indian Penal Code also deal with these matters. As those sections may not be quite familiar to Honourable Members, I shall just read a few extracts :

" 503. Whoever threatens another with a view to compel him to omit to do anything which he is legally entitled to do ",

that is ample enough. There is also section 505, which says :

" Whoever makes, publishes or circulates any statement, rumour or report,—with intent to cause, or which is likely to cause, any officer soldier, sailor or airman in the Army, Navy or Air Force of Her Majesty, or otherwise disregard or fail in his duty as such..... " ;

and, then, section 508 says :

" Whoever voluntarily causes or attempts to cause any person to do anything which that person is not legally bound to do, or to omit to do anything which he is legally entitled to do,—or in other words, against divine pleasure being used against the recruitment to the army."

Therefore, Sir, it seems to me that, to the extent to which any *bona fide* protection is needed by any civilized State, there is ample provision. But you do not want *bona fide* provision ; you want really to fight somebody in this country, and, therefore, you feel that this Bill ought to be passed.

Then, Sir, the punishment is also two years or fine or both. Evidently, in the army they are still in the days of Draconian punishment. That is why the Defence Secretary stated that the punishment is very mild. I want to tell him, Sir, that when India makes up her mind to preach the pacifist gospel of non-enlistment in the army, she will not be afraid of your two years' imprisonment, and it will frighten nobody on this side of the House.

Then, Sir, we have the usual exceptions. We all know the history of exceptions to 124A of the Indian Penal Code. What does Exception 1 mean ? This section does not extend to comments or criticism of the policy of the Government in connection with the military, naval or air forces made in good faith without any intention of dissuading people from enlistment. That is to say, I must go and tell my people,—' my friends, when you go into the army, you will be called upon to shoot people with whom you have no enmity at all, and you will be treated as mere camp followers. All these are there, but still I have no intention of asking you not to enlist yourselves '. That is a kind of speech my friend the Honourable the Defence Secretary can make, but none of us can. And I may remind this House of the famous Karachi trial in which the Ali Brothers, one of whom is walking about just now, were convicted with several other congress leaders then, and it was under a similar section. And I want to say this, Sir, that this is a dangerous weapon in the hands of any Government, and certainly in the hands of this Government. But, Sir, if we make comments or criticisms in good faith without any intention of dissuading from enlistment, it seems to me it will be a performance of which very few on this side are capable. We are logical and consistent and honest, and when

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we go and tell our people what we actually think of the army, we cannot at the same time tell them, 'in spite of the drawbacks go and join the army'. Then it seems to me that the exception means nothing.

Now, let us turn to Exception 2. The provisions of clause (a) of this section do not extend to cases in which advice is given for the benefit of the individual to whom it is given or for the benefit of any member of his family or any of his dependants. Even this really cannot help us very much, although I grant this exception is wider in its scope than exception 1. Supposing I go and appeal to my countrymen in the name of India for the benefit of our country not to become a mercenary, I will not be protected by this exception. Therefore, it seems to me that these exceptions cannot protect anybody, and are indeed meant not to protect anybody or any kind of speeches. For what are we to say if we must tell our people something on defence forces at all,—that this is an army of occupation, that it is maintained for imperialistic purposes, that over its policy and officers we have no control, except to make "humble representations" with bated breath and whispering humbleness, and that our policy is dictated by Great Britain, that our army is largely mercenary, and that there is no scope for Indian talent, and that they have been called upon and may be called upon to shoot down our own people, peasants, labourers, capitalists, including Europeans. How is it possible for us, Sir, to go and say all these true things, and we believe them, to our people, and yet ask them to join the army? Can we say "all this is bad, but still you should go and engage yourselves in the army"?

With regard to the second exception, Sir, I want to say a particular word about the kind of advice which any Member of this House or any honest man outside can give to the Indian Officers in the present position. Are we not bound to tell these officers that Great Britain in spite of her protestations, in spite of the Skeen Committee's Report, in spite of the Indian Military Academy at Dehra Dun, in spite of our protest here and outside, still has gross distrust of the policy of Indianising our army? And today there is a policy of severe segregation in our army. I do not want to draw it on thick, Sir. But the other day, when my friend, Mr. Asaf Ali and I asked a number of questions of the Defence Secretary and gave him a chance of dissociating himself and his Government from Sir Philip Chetwode's remarks slandering a large number of Indian army officers as not of the right class, beyond changing 'class' into 'type', he refused to dissociate the Government from this calumny on our officers. And he said:

"The fact is that a large number, a regrettably large proportion of the officers have resigned, and a number of others still serving find that army life is not altogether to their taste, and still a large number, a regrettably larger number, endeavoured to get out of the ordinary line into departments like political and so forth, and the conclusion one has to draw is that a proportion of those now taking commissions are not of the right type, that it would be a better word than the word 'class', to enter and adopt the army as a permanent career."

And in spite of our attempts to help the Government to dissociate themselves from Sir Philip Chetwode's insulting remarks, Government declined to do so. When we wanted an opportunity for this House to discuss that matter by means of an adjournment motion, the Defence Department got the Governor General

to disallow it. It seems to me that there can be no clearer evidence of the fact, and I want to say it in advance, that there is a conspiracy,—I shall be glad if I am wrong,—to discredit our Indian officers in view of the examination of the whole question a few years later, and to say that Indians are unfit to be officers and that this experiment must now be dropped. And need I remind this House that a very courteous Army Secretary, Mr. Tottenham,—I believe he is a Knight now,—once said in this House in answer to a question of my friend, Mr. Avinashilingam Chettiar, that none but a congenital idiot would ever dream of complete Indianisation of the army at the present rate of progress? Sir, I accuse Government of being insincere about this policy of Indianisation. They are persevering in the scheme of eight-unit segregation; and I say that under the India Army Act discussed and passed here, they have by Statute declared that our officers, even those holding King's Commissions, shall not be placed on the same status as British officers holding King's Commissions. Therefore, it seems to me that if and when we go out to Indian officers, we have to tell them about all that; and yet how can we be protected in view of the wording of Explanation 2?

My second point is this, that so far as clause 2 (a) of this Bill is concerned, there is no precedent that I know of in the jurisprudence of any civilised country for punishing that offence. Taking England, in Stephens' Digest of Criminal Law I find that there is only one Article about this, Article 85, which provides that:

"One commits felony and is liable upon conviction thereof to penal servitude for life who maliciously and advisedly"—Mark these two words; they are absent here—*"endeavours to seduce any person serving His Majesty's forces from his duty or allegiance or to incite to mutiny."*

There is no provision that I know of which seeks to punish an offence contemplated in clause 2 (a). And my Honourable Leader reminds me that those words of Article 85 are reproduced in the Indian Penal Code in which, as I said, there is ample provision for such cases.

Then, Sir, there is a history behind this clause. In clause 2 of the Criminal Law Amendment Act of 1932, there was a provision exactly in the same words:

"wilfully dissuades or attempts to dissuade the public or any person from entering the army," etc.

That lasted only for three years. It was dropped in 1935. And, when the Criminal Law Amendment Bill was again brought forward, this section was not reproduced there at all. I should like to know from somebody, who has knowledge of these things, the reasons why Government very rightly did not bring it forward then. I have looked up the debates on the earlier law. It was put forward as a legislation only for a temporary emergency, and not to be a part of the permanent law of the land; and that is why, I submit, it was not brought forward again. And even there the punishment was only one year; now my friend has done one better,—two years.

Then, Sir, Government say in their Statement of Objects and Reasons that the object of these speeches is not pacifism. I take it that the implication of that statement is that, if these speeches are intended to promote

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pacifism, they would have no objection to them. I take it that is the attitude of Government. But I cannot understand the contrast. The statement goes on to say :

“ but to dissuade would-be recruits from taking part in any war in which the British Empire may become engaged.”

Why not ? What is the constitutional position now ? Supposing the British Empire tomorrow invades Germany because she is fed up with Hitler and gets a lucid interval of courage, are we bound to join England in that war against Germany ? May I know if that will be in the interests of the spread of pacifism or not ? Therefore, I do not see how I can preach pacifism without preaching simultaneously that India should engage in no war which is against our conception of pacifism. Surely, we are entitled to preach that, if your Statement of Objects and Reasons means anything at all. Is it guaranteed that Britain will engage in no war whatever except for pacifism ? Of course that is the assumption of “ perfidious Albion ”, now become sanctimonious also. But why should we agree with that ? I believe Great Britain has engaged in many wars for her own advancement. Who does not know the colossal joke that Great Britain, who entered the last war to protect poor Belgium, came out of the war with the largest amount of territory in her possession ? Who can deny that ? And yet you have the cheek to come and tell me that I can preach pacifism, and at the same time ask my countrymen to take part in all wars in which Great Britain may find herself involved. And I should like to know from the Defence Secretary what our present constitutional position is. Are we bound to join in every war ? Have we no freedom whatever ? If that is the position, is that a position in which this House is going to acquiesce, that our soldiers and officers are to be cannon-fodder for Great Britain in order to keep up her bloated Empire ? I refuse to be a party to that doctrine and I trust the House also will refuse it. Of course under the Government of India Act if it comes into force the Governor General is bound, as I said, to consult his Ministers, but he is free to act in his own discretion.

And may I know what your wars are likely to be ? I do not know if there is any Honourable Member of this House who knows Britain's foreign policy ; Britain herself does not know her own foreign policy. But I shall be glad to know from somebody what Britain's next war is going to be. One day you send Lord Halifax to stand before Hitler ; another day you get angry with Germany. One day your Prime Minister writes a love letter to Mussolini ; another day you want to fight him. One day you want a trade pact with Russia ; another day you want to fight her. One day, you tell Japan that you shall not allow her to make inroads upon China ; another day you want to drive a bargain with her over this Sino-Japanese conflict. And, in connection with the notorious episode of Abyssinia, who forgets the perfidy of Great Britain ? When Italy invaded Abyssinia you all called the Heavens to witness and said that you would enforce the sanctions ; and yet you went on exporting materials to Italy. You dismissed your Foreign Minister for making terms with Laval in France ; and yet your Foreign Minister, a man of the position of Lord Halifax, had the hardihood to say before the League of Nations in abject surrender to Mussolini, “ Let us now recognise the conquest of Abyssinia ”. We are a member of the League of Nations and we wanted

to discuss that in the House ; and yet our Government of India got the Governor General again to disallow that motion. Why ? Because you know you are not definite in your foreign policy and cannot defend it in public ; and, therefore, how can you ask India to acquiesce in this position that whatever Britain's foreign policy may be, whatever the nature of her next war or wars may be, we must hand over ourselves bound hand and foot to you, to make cannon-fodder of us ? I certainly think we should not, and I hope the House will agree with me.

Then, so far as the question which the Honourable the Defence Secretary asked me in the morning and which I attempted to answer then, I want to elaborate the point a very little, namely, that the British Empire is the greatest threat to pacifism in the world today. Do you know that the League of Nations would have outlawed bombing of open cities and towns, but for Britain's objection on the ground that for police bombing purposes she ought to go on murdering people in the North-West Frontier of India by throwing bombs from her aeroplanes ? Do you deny that ? Do you deny that Japan is imitating you in all her methods, and that when you blame Japan for invading China, she points the finger of scorn at you and says : " What about you and India ? " And in all her hustling methods of selling her goods all over the world and her blatant imperialism, you are her master and she is your apt pupil. I do not know if ever there was, but if there was a British Empire anxious to fight for what was right, that has ceased to exist, today she sits like an old woman knowing and awaiting her doom, afraid of every dictator in Europe.....

An Honourable Member : Nonsense !

Mr. S. Satyamurti : Which is nonsense ? My friends sitting there know very much less than I do of British foreign policy : they imagine they know ; and their imagining is mere nonsense. I am a close student of the foreign policy of Great Britain and I read more books and journals than all of them put together. Therefore, knowing what Britain's foreign policy or absence of foreign policy has been.....

An Honourable Member : How is all this relevant ?

Mr. S. Satyamurti : That is for the Chair to say. When you are in the Chair, I will yield. The Statement of Objects and Reasons says—I hope my Honourable friend is trying to read at least these few lines—" to dissuade would-be recruits from taking any part in any war in which the British Empire may become engaged ". Do you follow that ? Then, follow what I am saying. I say it is perfectly right and legitimate for me to tell my countrymen, soldiers, sailors and airmen, " You shall not take part in the next war of Great Britain, because we do not know Britain's foreign policy : we do not know what she will do or will not do ". We know that Britain today is like an old woman who has lost her courage, who has no foreign policy, who sits brooding over her Empire, afraid of every dictator in Europe and anxious to exploit India for her own purposes ; and you know that you have lost initiative, you have lost courage and yet pretend that by enacting these useless laws you can build up and keep together this disintegrating Empire. You do not know who are the British Empire's friends or enemies. And today the great danger is in the Punjab, the Honourable the Defence Secretary said. What is the danger ? They feel that the Sikhs are becoming conscious of their rights and of their self-

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respect, that they will no longer be willing to be mercenaries, and, therefore, you want to put them down. Then, they see the cloud in Palestine. Great Britain is having her eyes on Palestine, not because she loves the Jews so much or hates the Arabs, but because Palestine is on the Mediterranean and the Mediterranean is the life artery for Great Britain, and she wants Indian soldiers to be used in her nefarious games in Palestine. That is why she wants this recruitment to go on : they are afraid recruitment may stop in the Punjab, and that is why they want this.

Recently a British minister, Mr. Malcolm Macdonald, went to Palestine and he said : " the British Government are administering their trust on a basis of justice between the Jews who are building at long last their national home and the Arabs whose title in the land of their birth was indisputable ", and he concluded : " With God's help peace will be restored in the holy land ". I have many points of quarrel with Great Britain ; but the greatest point of quarrel is that, whenever she is notoriously in the wrong, she invokes God to her help. I am surprised at her sanctimoniousness. Why not she leave poor God alone ? Why should you always patronise God, and say that in all your imperialistic campaigns God is on your side ?

The Honourable the Defence Secretary conceded, as I said, that there has been no fall in the recruitment ; and, thereby, he gave away his complete case. I want to say one thing more. With regard to the Indianisation of the army, your policy is niggardly. I think the Honourable Mr. Jinnah, who was a member of the Skeen Committee and himself went out on the sub-committee and made these strong recommendations, will be disappointed at the rate of progress of Indianisation, and at the manner in which it is being done. I think we have not got really the real scheme of Indianisation which we wanted. I thought of going into the facts and figures of Indianisation here, but I do not want to take up more of the time of the House. I merely want to say that, if really there is propaganda in the country against recruitment, as I believe is the right of every Indian to do so, that we shall not allow our men to be recruited into your army, you must meet that argument not by this Bill, but firstly, by amending the Government of India Act and handing over defence to a responsible minister, responsible for the defence of the country : that should be the first gesture in favour of recruitment. Secondly, by withdrawing your British troops from this country completely. I have the high authority of the Honourable Mr. Jinnah who said the other day on the adjournment motion debate on my motion, that we do not want British troops or British officers : we want an Indian army. Thirdly, by frankly and honestly accepting a scheme of Indianisation which will Indianise all ranks and all arms within twenty years at the most. Fourthly, by treating our Indian officers well and encouraging them. Fifthly, by abolishing the 8-units scheme and making the British and Indian officers equals and allowing Indian officers to command British officers and not keeping them back on racial grounds. Sixthly, by making it clear to His Majesty's Government that India will not take part in any war against the interests or the will of India. I think these are the methods by which you can hope to meet this propaganda, and not by this Bill. It seems to me that our experience in the last war has shown us that by generously and chivalrously coming to

fight for England, we got nothing—we got the Punjab wrongs, we got the Khilafat wrongs over which India started her first Satyagraha campaign. Therefore, we do not propose, to the extent that we can help it, that India should be compelled or coerced to take part in another war which is not to her interests or is against her will. Our last contribution, as my friend reminds me, was a million and a half lives.

Therefore, I feel that we ought to fight this Bill at every stage. I appeal to all sections of this House to do so. If it is really for Local Governments, I think Local Governments should take up this legislation. If ultimately it is found that they cannot legislate, they should at least pass resolutions asking this House to pass such legislation. We are sitting in an irresponsible House, in this sense, that there is no Government responsible to us ; and so I do not see why legislation of this kind should be undertaken by us, without the Provincial Governments approaching their own legislators either for legislation if they can do it, or for resolutions asking us to pass this Bill.

I would sum up by saying that this House should throw out this Bill by voting for my motion unanimously on the ground, that the objects in the preamble are unnecessary, mischievous, and capable of gross abuse, on the ground that the Honourable the Defence Secretary has made out no case whatever for this Bill, that he has advanced no reasons and that this Bill will not achieve even the purpose which the Government have in view : that it will have quite the contrary effects, and it may put down even beneficent activities and speeches for pacifism, the only hope of humanity. These offences are either incapable of proof or are too easy to prove, and I, therefore, feel, that it is not right we should give permission to legislation of this kind. There is no need for it. There is ample provision already for general offences.

It seems to me, Sir, that today the world is turning between the ideals of war and fascism. Every nation says she does not want war, that she only wants peace, at the same time spends millions and millions, year after year, on armaments with a view to destroy other people. It is no more a fight between human prowess and ingenuity on the one hand and similar prowess and ingenuity on the other. It is a war between deadly mechanical and poisonous weapons directed towards innocent men, women and children. The next war is going to be a war where each side will seek to demoralise the other. Is that a war in which you want us to train our soldiers and officers to take part ? Let me make my position perfectly clear. I want a national army for my country, manned and officered by Indians from the Commander-in-Chief to the humblest soldier. In that defence force, which India will command in order not to fight other nations but to keep real peace in the world, we shall not tolerate, any more than anybody else, insubordination or mutiny. But what we object to is that our man power should be sought to be exploited and that those who have survived the hunger and starvation which have been imposed on our country, should become merely tools in your mercenary imperialist defence forces.

You may laugh at us today ; but if western Europe goes on as she goes on now, I have no doubt that soon humanity is going to be destroyed in a manner that even H. G. Wells has not dreamt of in his book. It seems to me that today there is only one hope, and that is held out by the gospel preached by that small man Mahatma Gandhi, his gospel of non-violence and of being

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friends with all the world and enemies of none,—that is the only gospel which can save humanity today. If, therefore, the Honourable the Defence Secretary wants good recruits to the army, let him create a national, self-respecting army, subject to our control, and there will be no need for this Bill. On the other hand, I would also appeal to him and all those who think and sit with him in this House, that they must reverse their notions about war. Where is humanity drifting to ? We are too much absorbed in our day-to-day affairs. I still feel, in spite of appearances, that today if humanity is to be saved from the clutches of a barbarous war, and if civilization is not to be destroyed, we must give up this gospel of returning hatred for hatred and trying to kill the enemy. I, therefore, feel that this is a Bill which is highly dangerous, highly mischievous, that it will not effect any purpose, and that it is one to which this House cannot agree. Also, I feel that pacifism is the only gospel of which the shining example is Mahatma Gandhi, which can save humanity today. So, Sir, I appeal to the House to reject this Bill.

Sardar Sant Singh : Sir, I represent that community in the Punjab which in the days of the Great War of 1914 supplied the largest number of recruits in proportion to their population and earned the largest number of military honours that were then awarded. Again, I represent the constituency in the Punjab that comprises 18 districts out of the 28, and, as the Honourable the Defence Secretary wants that this Bill should be brought into force at once in my province, I think I will be false to my community, my province as well as to my country if I do not raise a voice of protest in opposition to this monstrous Bill.

Sir, the Honourable the Defence Secretary, probably immersed in the traditions of the Punjab, used the word loyalty rather too loosely. In the Punjab the practice is very common for the Government Members to appeal to the loyalty to the King where their measures are otherwise weak on merit and thus frighten members to submission. My friend, the Defence Secretary, has followed the same practice on this occasion on this measure ; I want to tell my friends from the Punjab that their ideas of loyalty are so vague, so indefinite and so crude as deserve to be discarded immediately.

Now, before I begin with this, Sir, I want to remind this House briefly of the history of the Great War of 1914 in which Great Britain fought for her very existence. In the Legislative Council, the predecessor of this House, an appeal was broadcast to India from the floor of the Council Chamber, to participate in that war in the name of morality and justice—Unconditional co-operation was asked and freely given—Bargaining at that critical moment was considered out of place. India responded with one voice, the greatest sons of India co-operated with the Government, they voted for one hundred million pounds as India's free contribution to war expenses. Later on, the contribution was increased. Men and materials were freely sent out of the country. Great Britain acknowledged India's share with gratitude. When the idea of self-determination for all countries caught the imagination of the world and the atmosphere was full of moral obligations, the then Prime Minister, Mr. Lloyd George, replying to a question as to whether Britain proposed to grant self-determination to India in return for her contribution in the war, replied : " If we can conquer the war, certainly statesmanship is not dead to find out the way in

which to grant self-determination to India''. These were high words, and high hopes were raised at that time. Even the ink on the truce paper of the 11th November, 1918, was not dry, when came the Rowlatt Committee, followed by the Rowlatt Act, martial law, firing of Jallianwala Bagh and other humiliations, too numerous to mention, but not forgotten by the Punjab. May I, therefore, ask, Sir, if and when India refused to bargain, and when India contributed generously in men, material and money, was not England's sense of morality and fair play put to a severe test? Did England respond with moral gesture? Did England honour her promises and redeem her pledges? No, Sir, she did not. Even the small recommendations made by Mr. Montague for granting limited Self-Government to India were not accepted in toto when the Government of India Act of 1919 was drafted. If that was the case at the time when India offered herself body and soul to England, then the question naturally arises, and it is a question for the politicians of India today to consider, whether India should join an imperial war on the same conditions and on the same moral grounds as India did in 1914. Has not England forfeited her right to that? Did she come out with clean hands in that bargain, or rather, in the absence of bargain? Today we are asked to join a war, not asked, but may be asked to join a war, and the Honourable the Defence Secretary thinks that it would be a sin on the part of India to negotiate any terms on which she will be willing to join.

Dr. Sir Ziauddin Ahmad : When is the war coming?

Sardar Sant Singh : My Honourable friend, Dr. Sir Ziauddin Ahmad, wants to know when the war is coming. Well, he is a student of current politics, and he ought to know that the air is full of rumours of wars. The very fact that this Bill is being brought today before this House for passage, is an indication as to which way the wind is blowing. However, coming to the subject, the question which every politician is asking himself today is, should India participate in the next war or should she not participate? The reply to it is not in the hands of Indians. The reply is in the hands of the British Government. It is for them to say whether we shall join or not join. Loyalty does not mean slavery, or slavish submission to the will of the bureaucrat. We have passed that stage. After giving even the limited provincial autonomy, what right has the bureaucrat to ask us whether we shall submit to irresponsible and bureaucratic laws in order to shut our mouths in demanding our rights that are still left in the constitution? I really do not see any harm if I get up on a platform and say that I shall advise India to join the war provided Government yields such and such rights to me. Where is the harm, where is the criminality? What would England do in similar circumstances? The Honourable the Defence Secretary suffers from the common impression that the duty of a Government is to maintain law and order. This is the idea which has obsessed the present Government. But this is not the correct understanding of the functions of a Government or a State. I will presently read a passage which I quoted last time too in my speech when I spoke on a similar Bill in 1932, as to what the functions of the State are in respect of its people. The primary function of a State with regard to the people is to promote the welfare of the people. If the State cannot promote the welfare of its people, it does not deserve to exist. The function of a State to the maintenance of law and order or security of the people is a secondary function. My Honourable friend, Captain Sir Sher Muhammad Khan, is opening his

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mouth wide over this proposition of mine. In order to satisfy him, I am going to read from a jurist of Great Britain, so that he may understand what the functions of a Government are.

Captain Sardar Sir Sher Muhammad Khan (Nominated Non-Official) : The Law Member could tell us better than you.

Sardar Sant Singh : In Austin's Jurisprudence, we are told about the functions of a State in the following words :

“ But, by most or many of the speculators on political government and society, one or a few of the instrumental ends through which a government must accomplish its proper absolute end, are mistaken for that paramount purpose.

For example ; It is said by many of the speculators on political government and society, that ‘ the end of every government is to institute and protect property ’. And here I must remark, by the by, that the propounders of this absurdity give to the term ‘ property ’ an extremely large and not very definite signification.”

Captain Sardar Sir Sher Muhammad Khan : Is it from John Stuart Mill ?

Sardar Sant Singh : It is from Austin's Jurisprudence which you have never probably heard or cared to understand. It is beyond your understanding and comprehension. So, the idea underlying the functions of a State is not to close the mouth and the tongues of its subjects but to devise ways and means for their welfare, and not merely to maintain law and order only. Probably I am mistaken in calling it law and order. In the Punjab, particularly, we deal with order only and no law. It is not the primary function to maintain order only. This Bill is meant probably to maintain order at a time when recruitment may be necessary. But I want to tell my Honourable friend that it is not the order alone that has to be maintained. It may open the eyes of my Honourable friend, Sir Sher Muhammad Khan, when I tell him in order to cure his notions about loyalty, that occasions may arise and do arise in history of nations when a revolt against the established Government is justified. This justification is acknowledged by jurists even. Here, again, I am not going to quote an Indian jurist, I am going to quote from Austin's Jurisprudence, as to under what circumstances the people will be justified to revolt against its Government. Austin, in his Jurisprudence, says :

“ If we take the principle of utility as our index to the Divine Commands, we must infer that obedience to established Government is enjoined generally by the Deity. For, without obedience to ‘ the powers which be ’, there were little security and little enjoyment. The ground, however, of the inference, is the utility of Government : And if the protection which it yields be too costly..... (as it is in the case of the Government of India)....”

An Honourable Member : Where are you reading from ?

Sardar Sant Singh : From Austin.

Captain Sardar Sir Sher Muhammad Khan : Austin cars !

Sardar Sant Singh : You only know about motor cars. Your knowledge extends only to that. To continue :

“ The ground, however, of the inference, is the utility of Government : And if the protection which it yields be too costly, or if it vex us with needless restraints and load us with needless exactions, the principle which points at submission as our general duty may counsel and justify resistance. Disobedience to an established government, be it never so bad, is an evil ; For the mischiefs inflicted by a bad government are less

than the mischiefs of anarchy. So momentous, however, is the difference between a bad and a good government that, if it would lead to a good one, resistance to a bad one would be useful. The anarchy attending the transition were an extensive, but a passing evil : The good which would follow the transition were extensive and lasting. The peculiar good would outweigh the generic evil : The good which would crown the change, in the insulated and eccentric case, would more than compensate the evil which is inseparable from rebellion."

The Honourable Member will please see that a time comes when resistance to the established Government becomes the duty of the citizens. He was talking of loyalty in a light-hearted manner. Loyalty is a duty when the functions of the Government are performed in accordance with the interests of the people, for the welfare of the people. If the acts of the Government become merciless, and bad, it follows that it becomes a lesser evil for the people to revolt against such a government. Sir, I want to make my position very clear as regards the defence forces. I am one of those who want a national army, a strong Indian defence force, to defend Indian borders at any cost against foreign aggression and invasion. I advocate that the Indian defence force should be disciplined to such an extent that they would take their stand without being officered by any foreigner ; I not only do not advocate any undermining of Army discipline, but strongly advocate its efficiency and preparedness. I should like to change the mentality of my friend, Captain Sir Sher Muhammad Khan, because he is the representative of the army. I want him to be able to lead the armies of India, but unfortunately I have failed in converting him. However, it is apparent that this Bill is not connected with the defence force at all. This Bill has nothing to do with the problem of strengthening the defences of India in order to meet any external aggression. What the Bill is intended to do is to stifle public opinion on the question when the occasion comes. I really am apprehensive that the Bill forestalls the political issues that will be created in case England gets itself involved in any war on a great scale. I want to make it absolutely clear that we are not willing to be a party to give that power in the hands of the executive whereby the executive should gag our mouths.

Now, my friend the Defence Secretary, paid a tribute to the loyalty of 99 per cent. of the peasantry of the Punjab. May I ask him a simple question ? If he will give the names of the speakers who had made those speeches, he will find that without exception the speakers belong to the peasantry. He cannot deny it.

Mr. C. M. G. Ogilvie : I do deny it.

Sardar Sant Singh : Then, will you please tell me to what class or communities these speakers belong ? From my knowledge of the Punjab, I know that the platform today is in the hands of the peasantry of the Punjab and of martial people. What is this idea of loyalty ?

Dr. Sir Ziauddin Ahmad : Do you belong to the peasant class ?

Sardar Sant Singh : My constituency consists of 85 per cent. of the peasant class.

Captain Sardar Sir Sher Muhammad Khan : Then you are betraying that class.

Sardar Sant Singh : On the other hand, it is my friend who is betraying that class whereas I am giving expression to the ideas of my constituency when I say that this Bill is a most mischievous Bill directed

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against them. I am sure that if my friend takes us into confidence and circulates the speeches, with the names of the persons and the occasions when they spoke, he will find that most of the speakers belong to the Sikh community. Well, Sir, I am proud of the fact that the Sikh community has awakened to its sense of responsibility and the sense of their rights. Today they cannot be taken in so easily as they were taken in before the days of the Jallianwala Bagh and the martial law. How was the law respected during the martial law days? I am one of the victims of those days and I know what was the price paid by my community for that loyalty rendered at great cost to the British Government at the most critical times. You cannot lull us to sleep now.

Coming to the Bill itself, my objection to the Bill is three-fold. I will examine the provisions of the Bill now. The Honourable Member in his speech has not told us why this Bill is necessary at this time when there is no war. There is no abnormal recruitment going on, and according to his own confession there is no difficulty in getting recruits. I fail to understand why at this stage this Bill has been introduced. He says that some speeches have been made. 280 speeches have been made. I wish we could have the context of those speeches. We should have an opportunity of reading them in order to understand the context in which those speeches were made but we have been deprived of that privilege. We have been asked to rely on his word. I do not doubt it. There is no doubt that those speeches must have been made. His second object is that the Punjab Government wants this Bill. May I ask him why the Punjab Government cannot legislate for themselves. The Punjab Government has got a docile Assembly at their disposal with an overwhelming majority. They are representatives of the people but unfortunately they are representatives of the type I need not mention. I leave it for you to guess. The position is that the Punjab Government has asked this Government to legislate for the whole of India and wants this Bill to be brought into operation in the Punjab immediately, while it will be left to the will of the Central Government to bring it into operation in the rest of India by notification. If this Bill is intended to come into operation in the whole of India, may I ask what is the background for bringing in this Bill and why power should be given to the executive Government to promulgate this Act for the rest of India. Over and above the 280 speeches that have been made, I think my Congress friends, they will correct me if I am wrong, passed Resolutions in several Provincial Congress Committees to the effect that if England involves herself in any imperial war, the Congress is not to help England at that time. If I remember aright, some such Resolution was passed during the last meeting of the Working Committee of the Congress. Why does he say that speeches were made in the Punjab alone?

Mr. C. M. G. Ogilvie : I did not.

Sardar Sant Singh : Why did he not come forward with those Resolutions to which I have referred? Probably that would have supplied him with better material and more convincing arguments. But to me the greatest thing is—speeches or no speeches—it is my constitutional right to demand from England at all times, particularly at a critical moment, what I will have as the price of my co-operation. This is

my right and I claim my right, and I refuse to surrender this right at the present moment, nay, at any time. Do you deny me that right? You must give more cogent reasons why you shall not respect that right. There is no shame in my demanding that right. Are we not paying for the occupancy of this country by paying princely salaries to some of the foreigners? Sir, if the foreigners say: "you shall have to co-operate with us on these terms", my answer is: "I refuse to co-operate on these terms. If you want my co-operation, it shall be on my terms". The second objection to the Bill is that it creates a new offence; to dissuade a man from joining the army is not an offence so far in our penal laws. Then, why create a new offence at this time? The onus is on the Government and the Government have given no convincing reason. My third objection is that it throws the onus of proof on the accused.

Mr. K. Ahmed : Who is the accused?

Sardar Sant Singh : Any person who dissuades will be the accused; I do not think you will be the accused, don't worry. "Any person who wilfully dissuades or attempts to dissuade the public or any person from entering the military, naval or air forces of His Majesty", and then it says in the *Explanation* 1:

"The provisions of clause (a) of this section do not extend to comments on or criticism of the policy of Government in connection with the military, naval or air forces, made in good faith without any intention of dissuading from enlistment."

Now what is the meaning of good faith? The term "good faith" has not been defined in the Bill. The definition of good faith is to be found in section 52 of the Indian Penal Code. Even in the Indian Penal Code, good faith is not defined, what is defined is what is "not in good faith" and it means "not done with due care and caution". Any magistrate will find himself in difficulty in interpreting this clause of the Bill as to what good faith means. Apart from this, this *Explanation* throws the onus on the accused. If I ask a person not to join the army, unless I prove my innocence by proving my good faith, I will be presumed to be guilty. Thus the Bill is transgressing the domain of criminal jurisprudence, according to which the onus of proving guilt rests upon the prosecution, but here the onus is being thrown upon the accused. Therefore, this Bill creates a new offence and it transgresses the provisions of criminal jurisprudence. Further on, as regards the second clause, my friend, Mr. Satyamurti, has referred to the provisions of the Indian Penal Code that already exist for punishing attempts at mutiny or inciting to mutiny. There is a law of conspiracy, a law of abetment, a law of sedition, a law relating to class hatred, a law relating to an unlawful assembly, and above all the grandfather of all these offences are the all embracing provisions of section 144 of the Criminal Procedure Code that can be applied anywhere under any set of circumstances. In the presence of all these legal provisions, where is the need for enacting this law? The real need for this law, as I presume, is to strengthen the hands of the executive. Now should I willingly surrender the rights I still possess under the Indian Penal Code to the sweet will of the executive and thus bind myself hand and foot to do what the executive will want me to do in the near future? Sir, I refuse to do this. Therefore my submission is that this Bill proposes a momentous change in the ordinary law of the land. This Bill takes away some of our cherished rights and takes away

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our constitutional right to demand satisfaction of our constitutional right when the time for such bargaining comes. Sir, I am not going this time to be lulled into false security on the grounds of morality and good grace. That we did in the Great War of 1914 and learnt a lesson which my nation can never forget. I expect that the Leader of the Muslim League Party will give us some of their experiences of the speeches which they made in those days when the war was declared in 1914. My charge against the British Government is and has been that they will not be permitted to play the game they did in 1914. At that time they failed to satisfy the legitimate aspirations of the people, though the people fully trusted them. Today the country is not in a mood slavishly to follow them wherever they want us to lead. The country demands its right and very rightly demands its right. Therefore I will say that this Bill is one which no self-respecting Indian can vote for. I have deliberately given my motion for circulation for eliciting public opinion by 30th October, 1938, with a view to seeing if the circumstances of the country are such which require such a Bill. By that time we would have received the opinions of the public at large. Sir, we represent public opinion, we are the servants of the public. If the Government thinks that this evil is acceptable to the people, we will not allow our personal opinion to stand in the way, and if we shall see that the public opinion is favourable—of course I mean the opinion of the public, not of the executive or of the henchmen of the Government,—then I will be the first to turn round and support the Bill. Sir, in 1932 when a similar Bill was moved here, Sir Harry Haig, now His Excellency Sir Harry Haig, Governor of the United Provinces, then knew that the public would not support his Bill, and so I hope the Defence Secretary knows now that probably he will not get any support from the public for his Bill. Why then this measure against the will of the public ?

Major Nawab Sir Ahmad Nawaz Khan (Nominated Non-Official) : I think the Muslims and the martial classes will be in favour of the Bill, and the non-martial and the Bania classes will be opposed to this Bill.

Sardar Sant Singh : My friend thinks that the martial classes will be in favour of the Bill. Well I challenge him if he gets a majority opinion from the martial classes. If he does, I will convert myself in favour of the Government.

Major Nawab Sir Ahmad Nawaz Khan : All right, I accept the challenge. (Interruptions.)

Sardar Sant Singh : I am afraid my friend has had no experience, he does not feel the drift of public opinion today. If he ever is to stand for this Assembly on a popular vote, he will learn to his cost what judgment a constituency will pronounce upon him. I know that Nawab Ahmad Nawaz Khan will not dare stand to gauge the opinion of the public about him and about this Bill. He will discover it to his cost that his opinion is as wrong as it could be. However, if the Nawab Sahib is so sanguine about his position, I will expect him to vote with me in order to gauge the public opinion. If the public opinion goes against him, I will expect him to join with me in the lobby and vote with me against this Bill. If the public opinion goes in his favour, I will go with him in his lobby on this Bill.

Major Nawab Sir Ahmad Nawaz Khan : As I said before, I have divided the public opinion into two classes. I accept your challenge.

4 P.M.

Sardar Sant Singh : I do not want to enter into this controversy with him any more, but I do want to say in the end that the Bill is so obnoxious that no self-respecting Member of this House should support it. Therefore, I move my circulation motion.

Khan Bahadur Shaikh Nur Muhammad (Punjab : Nominated Official) : Sir, the speeches from the opposite Benches are extremely entertaining, but it is a pity that they possess more of an academic than of a realistic character. If we were hearing them in a debating society or in a college hall, we would all go to vote with the Honourable speakers on the other side. But, unfortunately, for a man with practical and actual contact with the masses, particularly in the Punjab, it is extremely difficult to understand.... (Interruptions.)

Mr. President (The Honourable Sir Abdur Rahim) : Honourable Members must remember that this is his first speech and he should not be interrupted.

Khan Bahadur Shaikh Nur Muhammad : But a man who is in actual contact with the masses, particularly in the Punjab, would be wonder-struck to hear what these speeches mean in fact. In fact, he would be unable to understand that the speakers come from his own country or are voicing the sentiments of the country. (Interruptions.) The cries that are being shouted at me, I can very well understand, because the criers do not come from the same place from which I come and also because the criers do not come into contact with the masses to the same extent, with the same frequency and with the same closeness of contact which I do. I would be pardoned, I hope, for saying this. As a District Officer, my duties have carried me into villages for nine months out of twelve, and my mornings have been spent in the villages hearing people's tales, their needs, their woes, their necessities, their disappointments and their expectations. As a man with that experience, I can speak with greater authority than my friend, Sardar Sant Singh, who sees people only in his office or the Honourable Mr. Satyamurti, who does not come from the Punjab but who represents an academic atmosphere, very far and very high above the level of intelligence of the actual masses. Now, I hope I would not be disbelieved simply because I am on the Government Benches. The one thing which every cultivator and every peasant in the province asks more than another is—when is the war coming? (Interruptions.) I hope the House will have the patience to hear a man who is fresh from the field. I have no other qualification except that I have been in contact with the people more closely and for a longer period than anyone of you. Now, the question he puts is, when is the next war coming? The only motive he has in asking this question is that he is being killed by the slump. He was able to sell his produce at a very high rate during the last war and he wants to sell his produce at the same high price in the next war. This is for your amusement and for your information. You may talk of pacifism, you may talk of high ideals, you may talk of what Britain should do and Hitler should not do, but the peasant has his own needs which are more real than can be felt by the well-fed town people.

[Khan Bahadur Shaikh Nur Muhammad.]

Now, I think that a cruelty is being done to this Bill which is being side-tracked. The question is : whether it is a reality and whether it is wanted ? Now, I have told you that people want war not for the purpose for which Hitler wants it or Mussolini wants it or Franco wants it or Japan wants it. People want war so that they may sell their cotton at a higher price and so that they may be relieved of the present slump. It is always open to this Honourable Assembly to say to the British statesman and to any person whether you would help them with the army, or not, but the question now is whether this Bill is a reality. Whom would it affect and whether it would serve any purpose ? I do not talk of higher politics. I have not been in very close contact with that class of people who move in political spheres, but my simple question is whether this Bill is a necessity and whether it would serve any purpose and whether it would be useful to that class of persons who are interested in it. These are the only points. You may judge it, and you may criticise it from a lawyer's point of view as the Honourable Mr. Satyamurti has done. You may find fault with the wording of it, you may find fault with the breadth, the width or the depth of the Bill. But the reality of the Bill is my point. I will make that clear. Why is this Bill really wanted ? A class of irresponsible people, who do not know what pacifism is and who do not know whether people should fight or not and if they fight, for what principles they should fight, is let loose among the peasantry in the name of religion, in the name of higher thought, in the name of higher ideals, which the people do not understand and which the speakers themselves do not understand but which they are tutored to reproduce. These speakers are employed at Rs. 10, 12 and 15 a month. These speakers go among the masses saying such and such a thing is harmful, such and such a thing is unauthorised and that they should never do that. It is this class of people that go and address the peasantry. If they are actuated by high motives, if they are really pacifists, if they are people who do not want to see Mussolini's cult or Hitler's cult succeeding in the world, they would be justified. One would gladly bow to them and offer one's allegiance to them. But these people are hirelings, they come and preach because they are paid 10 or 15 rupees.

An Honourable Member : Who hires them ?

Khan Bahadur Shaikh Nur Muhammad : The Honourable Member must know it better than myself. These people move among the masses and dissuade them from offering themselves as recruits to the army, they urge them to be disloyal if at all they enlist themselves in the army. It is such agitators that are meant to be roped in by this Bill. What is the class of people to whom they go ? They go to people whose bread is earned from army service. I wish to address my remarks particularly to the Honourable Members who belong to the Muslim League. Do not be deceived by the high sounding speeches made by people who have fat incomes in their offices, who have made tons of money as big traders and big merchants or by people who are rolling in wealth. You Members of the Muslim League represent a class of people who are poor, who could count their holdings only by fractions of acres and who live only on their earnings from the army.

Some Honourable Members : The Honourable Member should address the Chair.

Khan Bahadur Shaikh Nur Muhammad : I will address the Honourable Members of the Muslim Group through you, Sir. They represent a class of hungry people who live on their income from the army. If you tamper with their views, if you deprive them of their traditional sources of earning, you are misrepresenting them, you are doing them a harm which you can never redress. Please consider well. What side are you going to vote ? These people have all along stood by the army, they have fought for the army, they love the army, they derive their sustenance from the army. What will happen to them if this source of income is taken away from them ? They will simply perish or they will turn out criminals. I wish to say one word to my Honourable friend, Sardar Sant Singh, who boasts of his contact with his constituency. I come from the same district which possibly is included in his constituency. I may tell him that in the interest of a block of Sikh villages in his constituency, I wrote a letter once a quarter to the Army Headquarters. "For God's sake please do open up the army service for these Sikh people because they are turning out criminals." So I wrote to the Army Headquarters. I had to recommend the imposition of a punitive police post in these villages. Why ? Because, having nothing to do, these people turned criminals, and they were a source of great danger to the people in the neighbouring parts.

Most of the Honourable Members sitting in the opposition Benches perhaps have not been in the army at all and they do not represent families which have been sending recruits to the army. I am speaking of those people who have no other sources of income except army service and upon this class of people, I had to impose a punitive police with great regret in order to reform them and keep them under check. I submit this will happen to the class of people whom my Honourable friend represents if they are kept away from the army service.

My Honourable friend, Mr. Satyamurti, spoke with great emphasis that plenty, peace and prosperity will reign if the British Empire collapses. I admit he has been a deliberate and diligent student of world politics and he has studied more deeply than myself. I will not contest his point except so far as it applies to our own country. Possibly he may be right when he has judged between England and America or England and Germany or England and Italy. I will not contest him there. He has read more books than I have read. I have only read Mr. Brayne's *Better Village* and *'How to manage a farm'*. I can talk more emphatically on that subject. Of one thing I am absolutely certain. I would refer my Honourable friend to no other authority except his own conscience and his own better understanding. Will that peace, plenty and prosperity fall to our share if the British Empire collapses ? Think over that. Now, I will only raise this question to condemn the underlying idea. Will that peace and plenty and prosperity fall to our lot also, or shall we see it only in other countries if the British Empire collapses ?

A lot has been said about Indianisation of the army. I am as patriotic an Indian as anybody else in the House. I am absolutely at one with them on that point. I yield to nobody in my depth, sincerity and ear-

[Khan Bahadur Shaikh Nur Muhammad.]

nestness of my patriotism. I am eager to press upon the Government to adopt the policy of Indianisation. But what will you Indianise if you ask people not to enlist in the army? If you move towards the direction which points to people being led away from recruitment, there will be nothing to Indianise. Then does it not go against your very cherished object if you dissuade people from enlisting in the army? Is it not defeating your own object? If you do not help in the enactment of a measure which leads to more and more recruitment being done on a better basis, are you not receding from your very object which you have in view?

Again, I appeal through you, Sir, to Members of the Muslim League and to my Honourable friend, Sardar Sant Singh, who represents the martial class, not to interfere with the traditional habits and sentiments of the people who are eager to enlist themselves in the army.

I apologise to the House for having digressed from the main principles of the Bill. The question is whether this Bill is a necessity and whether it will serve any useful purpose. I say you may amend it here and there, but if the condition of the country remains as it is today, the Bill is an absolute necessity and it must have the support of all right thinking people on all sides of the House.

Maulvi Abdur Rasheed Chandhury (Assam : Muhammadan) : Sir, the Defence Secretary has put this House in a very awkward situation by bringing in a Bill the necessity of which he could not prove. He could not impress the Members of this House that a Bill like this is necessary in the interests of the country. He simply said that he had got with him proceedings of something like 280 meetings, but he had not the courage to produce even one before this House. If we turn to the Statement of Objects and Reasons, we find that it refers to a large number of speeches which necessitated the bringing forward of this Bill. But not a single speech is before this House and not one Member knows anything about one single speech. So this portion of the Statement of Objects and Reasons may be brushed aside without bestowing any thought upon it altogether. The next point in this Statement is a direct attack on our very aim and ambition. We cherish the ambition that the Indian soldiers and the Indian army should not be employed against the interests of India and should not be employed beyond India. This Bill is going to make penal even this ambition. This Bill, Sir, contains only two clauses, but they are full of significance. The scope of the Bill is so important and it touches matters so vitally important to this country that every one should think ten times before giving support to this Bill. A cursory view of the two clauses will satisfy anybody that the Bill is intended not only to further curtail the liberty of speech and the liberty of the press, but it is intended to curtail also the liberty of private conversation in private houses. I will show this later on.

Now, Sir, the object of the Bill is that no one should criticise the mighty Indian army in any form. I can tell the House that so long as the present function of the military department in India exists and so long as those functions are worked out in the present manner, criticism is bound

to come. We know, Sir, what a large proportion of the Indian army was employed in the last war. We know that more than one-third of the army sent by Britain into the battle-fields belonged to India. Our soldiers had to die for Britain in Flanders, in Gallipoli, in Mesopotamia, in Palestine and other places, and my friend, Sardar Sant Singh, has shown with what ultimate benefit. So long as the army is utilised for imperial purposes, criticism is bound to come, and no law can prevent criticism. The Indian army, as it stands at present, has three-fold functions to perform. It keeps the internal tranquillity of the country, it is intended to stop external aggression, and it is also intended to contribute to the security of the British Commonwealth in the interest of Britain. Sir, we in this House and outside it have been fighting against the last function of the Indian troops in this country. We have been fighting for the principle that not a single Indian soldier should shed his blood in the interest of Britain. That is the cherished ambition of all, and I believe all the representatives of the country will admit that no patriotic Indian row likes that a single drop of Indian blood should be shed in Britain's interests. As for internal tranquillity, the power vested in the army is so much misused that it also invites public criticism. Sir, in times of peace it is illegal to throw bombs on innocent people; the League of Nations has made rules after rules, that it is illegal in times of peace to throw bombs on peaceful villagers from above. But in effect we find every day that our frontier people are being bombed in spite of all these directions of the League of Nations. So long as this state of things lasts, the actions of the military department will certainly invite criticism.

Now, what do they want to do by this Bill? They know that we have got no power to stop the taking of our army outside India; but so far they allowed us to indulge in honest criticism. Now, they want that we should not criticise their doings even. I will show that from clause 2 of the Bill. That clause says:

“Whoever wilfully dissuades or attempts to dissuade the public.....shall be punishable with imprisonment,” etc.

Now, Sir, the strangest thing of all is this: that the burden of proof has been shifted on the accused. What happens generally? A C. I. D. officer will report that such and such a man has done this; on his report action will be taken, and he will be prosecuted at once, hand-cuffed, taken to the lock-up and put into jail till the hearing of the case comes on. If by good luck he can extricate himself by proving that he did not do this wilfully, then he will be let off; otherwise not. It is known to everybody what a barassment it is to go to the lock-up hand-cuffed and to be put into prison before one's case is heard. So, before a man can extricate himself from this charge, he will have to undergo all these harassments and troubles and privations. This is very objectionable. As my friend, Mr. Satyamurti, has explained, according to criminal jurisprudence, the burden of proof for anything lies on the prosecution and not on the defence; but here the table is turned; and the burden of proof has been shifted to the defence. Again, what do we find in clause 2? Even in a private house, if a father gives some advice to his son regarding military matters, he can at once be prosecuted: he will be hand-cuffed and taken to the lock-up and to the jail, and he will have to prove his *bona fides* that he did not advise wilfully or dissuade him

[Maulvi Abdur Rasheed Chandhury.]

wilfully from joining the military or things like that. Nobody is safe if this Bill is passed. Even my friend here is not safe. Any private talk or anything can bring a prosecution against any man.

I come now to the preamble. It is the newest thing I have ever seen. It says :

“Whereas it is expedient to supplement the criminal law by providing for the punishment of certain acts prejudicial to the recruitment of persons to serve in, and to the discipline of, His Majesty's Forces.”

Now, if anybody criticises the doings of a captain in Canada or a captain in England, he is liable to be prosecuted here. It does not say that the prosecution will be limited to any criticism of His Majesty's forces in India. It is so framed that any criticism of His Majesty's forces outside India can, according to this Act, bring a man to jail. I have never seen or heard of a more monstrous Bill than this one. No-where in the world, I should say, there is a Bill like this, that anything said or done in a country against anybody in any other country can bring prosecution and jail.

I come to clause 1, that is, that this Act is to come into force at once in the Punjab. Why of all places has the Punjab been selected ? Is it for the fact that the Punjabis are more docile than the people of other provinces ? Is it because they have got the lowest mentality in India that this Bill has been enacted ? Why have they not selected Bengal ? They are afraid of Bengal bombs, and so they do not like to introduce it into Bengal first.

The policy underlying this Bill is, as I have said, to curtail further the liberty of speech and of the press ; they go still further and they want to curtail the liberty of private talk even in private houses. All these are the outcome of British policy. A good deal has been said on the subject by my friend, Mr. Satyamurti, and I need not dilate on that further ; but I will touch on just one point. They have disarmed us, they have curtailed everything ; they have destroyed our prosperity ; they have destroyed everything we had. They are not satisfied with this. They want to destroy our liberty of private talk even. Why, Sir ? Why is this done ? When their Turners and Walshes were slapped and kicked by the Japanese at Shanghai, they simply bowed before them. We have no arms and we have no means to oppose what they wish to do. We have no means to do anything against their wishes. They worship the powerful and kill the weak. That is the British nature. Ever since they came into India, they have been following a policy detrimental to the interests of the Muslims particularly. They destroyed the Muslim empire, and then they destroyed Muslim prosperity and established themselves in this country. Then, what did they do ? With the money they got by this destruction, they began destroying the Muslim empire outside India and they succeeded in doing this and they have destroyed all the Muslim empires from the Atlantic to the Indian Ocean and from Adriatic to Persian Gulf. Now, they want more recruits from the Punjab, and what for ? It is obvious. In the next fight, as in the last, they will employ Muslim soldiers of the Punjab in killing their Arab brethren in Palestine, in killing their Egyptian brethren, in killing their Turkish brethren and in subjugating their Afghan brethren. So, my friends, I have got a word of advice—especially to my Mussalman

friends, whether they belong to the Congress or to the Muslim League or the British League or no league : my advice is : " Look to the happenings of the past. These people have let loose their Dyers and O'Dwyers and shot non-Muslims at Jallianwallah Bagh. They let loose their Blandys to shoot the Muslims at Kulkati, and rest assured that, when they get an opportunity, they will not miss playing the same game both against the Muslims and against the non-Muslims. Before you come to any conclusion, before you decide whether to support this Bill or not, think of what happened in the past, and let the past happenings be your guide.

Mr. K. Ahmed : What about their Maulana Shaukat Ali ? What did he do before, and what is he doing now ?

Maulvi Abdur Rasheed Chaudhury : The cherished ambition of young Indians is to see that no more Indian blood is shed in the interest of Britain. That is the determination of all people in India, whether they belong to the Congress Party or the Muslim League Party or the non-Muslim League Party or to no party. That is the aim of everybody. This Bill aims at curbing that ambition, namely, that we do not like our soldiers to go outside India and fight for the interest of Britain. By this Bill the Government are not only curtailing our liberty of speech, but also the liberty of the press, they are curtailing our cherished ambition in the country. I warn the Government to think ten times before forcing this Bill on the House and I would appeal to all Honourable Members of the House not to support the Bill. I support the motion for the circulation of the Bill.

Mr. Umar Aly Shah (North Madras : Muhammadan) : Sir, the Government have introduced a Bill to amend the criminal law of the country. I have listened to the speeches of Honourable Members who have preceded me. I do not want to deal with this Bill at any length. I only want to say a few points on this Bill. If any man dissuades people from enlisting in the army, he will get two years rigorous imprisonment under the provisions of this Bill if it is enacted into law. Why do people go to the army for recruitment ? It is because of dire poverty and unemployment in the country, which the Government have deliberately created with a view to finding recruits for the Army which they want. Ordinarily nobody would like to go and fight for the interest of a foreign country, but, because people in India are starving, they gladly go to the army so that they may earn their livelihood. There is no other motive behind their mind in getting themselves enlisted into the army.

Leaders of India have for a long time been pressing for Indianising the army. At the same time, as is alleged by the Government in this Bill, if people are dissuaded from joining the army, then how can there be Indianisation. If Indians do not enlist themselves in the army, then they will recruit foreigners and cruel people for the army. In that case our ambition to Indianise the army will be spoiled. Another thing which is agitating my mind is this. Our great Leader Mahatma Gandhi has been preaching non-violence and non-co-operation. If we join the army, then I am afraid we will have to act against the creed of non-violence and non-co-operation. If we urge people to enlist in the army and fight, then we will not be practising non-violence and non-co-operation. We are thus placed in a difficult situation with regard to this Bill.

[Mr. Umar Aly Shah.]

I do not see how we can reconcile the doctrines of Mahatma Gandhi and, at the same time, join the army. Unless these points are cleared, I am afraid I will not be able to come to any conclusion as to whether I should support the measure or vote against the measure. If we remain as mere puppets without fighting, India may go into the hands of somebody else. It is within the recollection of the House that our Indian soldiers wherever they fought have brought great name and fame to India. They are noted for their valour and chivalry. History proves these qualities of the Indian soldier. I do not want to spoil that great reputation.

Another point which I wish to refer to is this. Till now our people do not know what the meaning of the word 'nation' is. We should not take up our sword for any civil war. We should fight only for the defence of our Motherland. No community should join the foreigner and fight against the interest of another sister community in India. I want that these important problems should be properly settled, before we can decide which side to vote on this measure. Whatever decision is taken on this Bill, nothing should be done to lower the chivalry and valour of our mother country.

Mr. N. V. Gadgil (Bombay Central Division : Non-Muhammadan Rural) : Sir, I support the motion for circulation of this Bill. I have heard very carefully the speech that was made by the Honourable the Defence Secretary and I have also noted very carefully the feeling of amusement which was created by the speech of the Honourable Member from the official block who hails from the Punjab. He talked of reality and the only point that he made in his maiden speech was that he had greater contact with the masses and that he was in a position to state that the peasants or the masses wanted this Bill at any rate in the Punjab. His argument was that every peasant in the Punjab asked, 'when is the next war coming' and from this the Honourable Member concluded that in order to facilitate war such a Bill was necessary. That was the logic of his whole speech. I have followed the activities of the peasants and the peasant organisations known as *kisan sabhas* in the Punjab. I do not claim to come from the Punjab which is very evident. I have been carefully reading the speeches of the *kisan* leaders in the Punjab and I have been carefully following their activities. I have no doubt that in the various conferences that have taken place during the last eighteen months, which is the period referred to by the Defence Secretary in his Statement of Objects and Reasons, resolutions have been passed against India's participation in any imperial war. If such expression openly made in public conferences is not to be considered the public opinion of the province, then nothing else can very properly be considered the public opinion of that province. It may be very easy for the Honourable Mr. Reality to say that the peasants want war, and the curious reason that he gave as to why they wanted war was that they would get better prices for their materials, and for their crops. Perhaps the Honourable Mr. Reality and those who are...

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member should mention a Member only by his proper name.

Mr. N. V. Gadgil : Very well, Sir. There may be other persons who stand to gain materially if there is a war in India. They may be official, they may be non-official contractors, there may be many people who help

the Government in raising loans and realising them. There may be other categories of persons who are interested in any war. But India as a whole—and when I say that, I include the Punjab—does not want any war which is calculated to advance the imperial schemes or imperial objects of Great Britain. When I say this, it does not mean that India will not help to fight a war which is just, which is righteous and which is waged exclusively for the defence of Indian frontiers. If that distinction is clearly observed in the discussion of this Bill, the many accusations that have been made against public workers in the speech of the Defence Secretary would be sadly out of place. I think it is nobody's case that India should not fight any war, but it is certainly the case of my Party, and I think of the Opposition taken as a whole, that the Indian people will have nothing to do with any war in which India has nothing to lose and Great Britain have everything to gain. I, therefore, attack this Bill because I suspect that this Bill has been brought forward not with a view to check any fall in the normal recruitment to the army, but it seems obvious that it has been brought forward to help the war which seems to have been visualised by the Defence Department, and the various steps that the Defence Department has taken in the course of the last eighteen months—I particularly emphasise this period for a different purpose—will go to show that, at any rate, the Defence Department is conscious that some war is coming and is equally conscious that in this war the Indian people will not participate on the obvious ground that this war is not going to be waged for the advancement of India. If this is the object of the Bill, then it will be up to us, to every section of the House, to oppose it. Why should India be dragged in a war, and the modern war will not be a war between one country and another country, but it will be a war for which the field of operation will extend in the picturesque phraseology of a Japanese General from China to Peru.

Mr. K. Ahmed : How do you know ?

Mr. N. V. Gadgil : Unfortunately, I have a measure of intelligence.

Mr. K. Ahmed : As you are a Brahmin.

Mr. N. V. Gadgil : ...and, therefore, I use it in evaluating the events as they occur and that has led me to this conclusion that when the next war comes, it will be a war not between one country and another, single-handed, but it will be a war in which nations will fight against nations. The exact alignment may be on the economic doctrine of Fascism as against Communism, but that is not the point that I am discussing now. I am only stating, to start with, that it will be world war and it cannot be confined merely to one country fighting against another. If that is so, why should India participate in such a war unless the national existence of India is jeopardised ? If we take a review of the world situation today, we will find that if there is any country which has nothing to fear by way of aggression of any other country it is India herself. If this proposition is acceptable, then I go a step further and say that the case for our non-participation in a war is stronger still. If it is shown—as was shown with some show of reason in the year 1914 and subsequent years, that the great world war was waged to make the world safe for democracy, the unfortunate result was that the world was made safe for hypocrisy and particularly British hypocrisy. In those years from 1914-1918, all that we were told was that this world war was being fought in the cause of justice and

[Mr. N. V. Gadgil.]

righteousness and the integrity of small nations, and we then believed in the promises and the statements made by British Premiers and British publicists, that India, being not a small nation but a big nation, would certainly be guaranteed its political integrity and would make a greater advance towards self-government.

Mr. K. Ahmed : If you cannot help yourself, how can you become a nation ? You are fighting amongst yourselves.

Mr. N. V. Gadgil : The experience of our participation in the great world war which went on from 1914 to 1918 was that we lost lakhs of our young men. We contributed our power both in money and men and munitions, and what was the result ? Firstly, the Jallianwala Bagh in the Punjab. Those who now talk about the Punjab being eager for joining the army or for welcoming this Bill, just in their own interest, should retrospectively review the events that took place in the Punjab in the months of April and May, 1919. They will find that participation in any imperial war may bring money, a few hundreds of rupees for a few peasants, may bring more money for the recruiting officers, still more for the *Dalals* who negotiate war loans ; but for the general peasantry, for the general masses there won't be any economic advancement and so far as political advancement is concerned it will be the same history repeated again. Therefore, so far as this point is concerned, I cannot bring myself to believe that my country will be justified in participating in any imperial war the object of which is to safeguard the British Empire. That institution, I think, has outlived its utility if there was any. I agree with my Honourable friend, the Deputy Leader of my Party, that the end of the British Empire will herald an era of peace, prosperity and plenty in the whole world. This may sound absurd to some Members on the opposite Benches, but those who have studied the events and policies associated with this Empire will have to come to the conclusion, howsoever reluctantly it may be, that on balance this institution has done more harm both to the Hindus and the Muhammadans.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member can continue his speech tomorrow.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 16th August, 1938.