

4th November 1941

THE
LEGISLATIVE ASSEMBLY DEBATES

Official Report

Volume IV, 1941

(27th October to 18th November, 1941)

FOURTEENTH SESSION
OF THE
FIFTH LEGISLATIVE ASSEMBLY,
1941



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LEGISLATIVE ASSEMBLY

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

SIR ABDUL HALIM GHUZNAVI, M.L.A.

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

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CORRIGENDUM.

In the Legislative Assembly Debates, Budget Session, 1936, Volume I, dated the 10th February, 1936, page 471, for the subject heading "DEMAND OF SECURITY FROM THE ABHYUDAYA OF ALLAHABAD." substitute the following independent heading, namely:—

"MOTION TO DISCUSS A QUESTION OF PRIVILEGE, NAMELY, HOW FAR PRESS PUBLICATION OF A MEMBER'S SPEECH IN THE ASSEMBLY IS PRIVILEGED."

LEGISLATIVE ASSEMBLY.

Tuesday, 4th November, 1941.

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

MEMBERS SWORN:

- Sri Addepally Satyanarayana Moorty, M.L.A. (East Godavari and West Godavari *cum* Kistna: Non-Muhammadan Rural); *
Mr. Rajnal Lakhchand, M.L.A. (Bombay Central Division: Non-Muhammadan Rural); and
Sir Vithal Narayan Chandavarkar, M.L.A. (Bombay Millowners' Association: Indian Commerce).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

†59*—64*.

TALKING POINTS* ON INDIA PREPARED BY THE RIGHT HONOURABLE MR. DUFF COOPER.

65. *Mr. Lalchand Navalrai: (a) Will the Honourable the Home Member be pleased to state if his attention has been drawn to an editorial in the *Sind Observer* of Sunday, the 22nd June, 1941, under the caption "Miss Mayos of Information Ministry" and did the Honourable Member already know of the matter contained in the editorial? If so, when? And what steps did the Government of India take? If none, why not?

(b) Is it a fact that certain talking points, which are supposed to be a sort of compendium depicting the evils of Indians, were prepared in London for the purpose of sending to talkers to proclaim them in America?

(c) Is it a fact that the talking points, among other things, stated that India has immensely benefited under British rule, that its sorrows and miseries, where they existed, are self-inflicted? Is it a fact that a few weeks ago Mr. Sorensen, a Labour Member of the Parliament, raised this question of talking points in the House of Commons?

(d) Is it a fact that the Right Honourable Mr. Amery replied that though they were prepared by the Right Honourable Mr. Duff Cooper, a member of the British Cabinet and placed in the hands of the speakers, they were not shown to Mr. Amery?

(e) Will Government be pleased to state when Mr. Amery came to know of these talking points having been prepared, and what immediate steps he took to prevent their dissemination?

*For these questions and answers, see pages 333-36 of these Debates.

(f) Will the Honourable Member be pleased to state the full contents of these talking points?

(g) Was it permissible to Mr. Duff Cooper to prepare such talking points for being proclaimed even as his personal views? If so, under what rule or authority? If not, what steps did the India Office, which was responsible for the safeguarding of the good name and honour of India, take against the author? If none, why not?

(h) Was the Ministry of Information authorised to issue the talking points as the personal views of Mr. Duff Cooper without the consultation of the Secretary of State for India?

(i) Did the Government of India make any reference to the Secretary of State for India objecting to the proclamation of the talking points? If so, when and with what results?

(j) Is it a fact that the *New Statesman* wrote that the compilation was full of half-truths and glaring omissions and should be suppressed with apologies to the intelligentsia of this nation? If so, were they suppressed, or were any apologies tendered?

The Honourable Sir Reginald Maxwell: (a) to (j). I have seen the editorial in the *Sind Observer* regarding the publication—Talking Points on India. I would refer the Honourable Member to the replies given by me on the 14th March, 1941, to Dr .P. N. Banerjee's question No. 334 and his supplementary question on the subject. I have nothing to add except that this publication came to the notice of the India Office about the middle of February, 1941, and was completely withdrawn by the Ministry of Information at the beginning of March, 1941.

Mr. Lalchand Navalrai: May I know from the Honourable Member whether Mr. Duff Cooper had authority from the Secretary of State to give that talk?

The Honourable Sir Reginald Maxwell: It is not a question of Mr. Duff Cooper. It is a question of the action of some subordinate official in the Ministry of Information.

Mr. Lalchand Navalrai: May I understand that the answer to this question, No. (d), is in the negative, that is to say, Mr. Duff Cooper had nothing to do with it?

The Honourable Sir Reginald Maxwell: I have not the slightest doubt that Mr. Duff Cooper never saw it at all.

Mr. Lalchand Navalrai: May I know who was responsible for it?

The Honourable Sir Reginald Maxwell: I said some subordinate official in the Ministry of Information.

Mr. Lalchand Navalrai: Then, what has been done to him for taking the liberty of maligning India?

The Honourable Sir Reginald Maxwell: That has nothing to do with the Government of India.

Mr. Lalchand Navalrai: May I know from the Honourable Member whether the Government of India have nothing to do if India is maligned outside?

The Honourable Sir Reginald Maxwell: The India Office looks after the interests of the Government of India in England.

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

Mr. Lalchand Navalrai: No, Sir. I have to put one or two more questions. Is it not in the interest of the Government of India to vouchsafe the interests of India and to see that no one maligns India in any way?

The Honourable Sir Reginald Maxwell: Yes, Sir. The Government of India had already, as I explained in my replies to Dr. Banerjea, taken the necessary action by making enquiries from the India Office and the result was that the offending document was withdrawn some time before I answered Dr. Banerjea's question at the last Session.

Pandit Lakshmi Kanta Maitra: Did the Honourable Member represent to the Home Government that there was great resentment among Indians in regard to this question?

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

The Honourable Sir Reginald Maxwell: I did not hear the Honourable Member's question.

EXPANSION OF THE INDIAN AIR FORCE.

66. *Mr. Lalchand Navalrai: Will the Defence Secretary make a full statement on the expansion of the Indian Air Force in India stating:

- (a) how far the plans made by Government to expand the Indian Air Force have been carried out;
- (b) how many squadrons of Indian Air Force have been made ready up to now;
- (c) whether Government announced in June 1940, that the Indian Air Force was to be increased from one squadron to four in two years; if so, whether this was done; if not, why not;
- (d) how far Indianisation of the Air Force has been brought into effect in India;
- (e) how many Indian pilots have been trained since the commencement of the war, and how many of them have been employed in the Indian Air defence and how many are under training; and

- (f) what arrangements Government have made for air-raid precautions throughout India, and what financial help they have given to each Province in India; whether it is a fact that Provinces stand in need of more financial help; if so, which Provinces have asked for such help and how much has been given to them?

Sir Gurnath Bewoor: (a), (b) and (c). As stated by the Honourable Member, it was announced by His Excellency the Commander-in-Chief on 31st May, 1940, that the Indian Air Force was to be increased from one squadron to four. This expansion is making satisfactory progress and three of the four squadrons have been formed, though they are not yet up to full strength nor is their training completed. The Honourable the Finance Member announced in this House on November 5th, 1940, that Coast Defence flights of the Indian Air Force Volunteer Reserve were already operating. I am now able to announce that these flights are soon to be increased in number and each flight is to be expanded to form a squadron. When this is complete the Indian Air Force will have ten squadrons as compared with one at the time of the outbreak of War.

I must, however, remind the House that it will be some time before these new squadrons are completely up to strength. An Air Force is not made up merely of pilots and aircraft. A very large ground organisation is also required, and for one pilot in the air there has to be maintained a very large number of men on the ground. These men must have technical training which they cannot get quickly. The system in peace is to train an apprentice for two to three years before he becomes an aircraftsman and it then takes a further one year before he becomes qualified for promotion to leading aircraftsman. We have now speeded this up as much as is possible without endangering the lives of our pilots, and we now accept a mechanic after six months training; but it takes considerably longer before he can become a Non-Commissioned Officer or is fit for one of the higher trade groups. A school for technical training has been formed, and its output is now 600 men per annum. But the great bar to swift expansion continues to be the lack of experienced Non-Commissioned Officers. There has also been great difficulty in getting aircraft; but in that respect, prospects are now very much brighter.

Some idea of the expansion already achieved may be judged from the fact that there are now about 20 times the number of officers and seven times the number of airmen in the Indian Air Force as compared with those at the outbreak of War. This number is going to increase considerably when the full expansion to ten squadrons has been achieved.

(d) The Indian Air Force is entirely Indian. There are some British instructors at present, but they are merely attached temporarily to the Indian Air Force.

(e) I am unable to give the exact figures of the number of Indian pilots trained or under training as it is considered not in the public interest to do so but I may say that all the Indian pilots who have completed their training since the outbreak of war have been employed in the Indian Air Force and a large number are now under training.

(f) I lay a statement on the table.

Statement.

Air Raid Precautions Organisations have been set up in the Provinces involving the following arrangements, items viii to xviii of which being still under active planning :

Air Raid Precautions organisation in the Provinces involves the following :

- (i) a warning system and control arrangements.
- (ii) an air raid warden staff to provide general guidance and control of the civilian population.
- (iii) fire-fighting arrangements (including provision for incendiary bomb control) and supplementary equipment.
- (iv) first-aid and other medical arrangements.
- (v) provision of shelters.
- (vi) anti-gas arrangements.
- (vii) lighting restrictions.
- (viii) maintenance of vital services.
- (ix) disposal of unexploded bombs.
- (x) (a) maintenance of communications and essential services, e.g., repairs to roads, sewers, watermains, electric cables.
(b) provision of aids to movement in darkened streets.
- (xi) evacuation, both local, i.e., of heavily bombed areas and wide-spread e.g., owing to panic.
- (xii) clearance of debris.
- (xiii) salvage.
- (xiv) repair of slightly damaged buildings and determining priority of supply of materials for such repair.
- (xv) extensive demolitions and demolitions involving use of explosives.
- (xvi) civilian war deaths organization and recording and notification of casualties.
- (xvii) care of persons rendered homeless by air attack.
- (xviii) regional plans in connection with food, fuel, sanitation, etc.

Since the necessity of these measures arose as a result of the war and as it was essential that the success of the country's effort to meet the emergency should not be prejudiced by the inability of the Provinces to find necessary funds, the Government of India at first undertook to finance the burden and reimburse Provincial Governments for expenditure on Air Raid Precautions incurred on the advice or with the approval of the Central Government. The expenditure in the Provinces became latterly so large as to represent an embarrassing burden to Central Finances. The original decision that the Centre should solely bear Air Raid Precautions expenditure in the Provinces has had to be revised and the Provinces were approached and asked to share the burden with the Centre in the following manner. All Non-recurring expenditure which is either sanctioned by the Centre after 1st July, 1941, or which though sanctioned prior to that date carries with it a stipulation to this effect and all approved recurring expenditure incurred after 1st July 1941 will be pooled. The Central Government will in the case of each Province bear 50 per cent. of the first crore of pooled expenditure and 75 per cent. of the expenditure incurred beyond the first crore. The rest will be borne by the Provincial Government concerned. Recoveries will be shared between the Central and the Provincial Governments in the same proportion in which expenditure on the particular item in question has been met. In the case of Provinces which find it difficult to find immediate ways and means to meet their share of the expenditure the Central Government has also agreed to make necessary advances and interest-free loans repayable in not more than five years. It has been laid down however that no expenditure measure in a Province will qualify for an advance or be regarded as pooled expenditure unless it receives the prior or subsequent approval of the Government of India.

All the Provinces have accepted this financial arrangement. Actual expenditures in the Provinces in the years 1939-40 and 1940-41 are as follows :

				Rs.
1939-1940	97,260
1940-1941	8,17,385

The position with regard to expenditure in 1941-1942 is likely to be as shown below :

	Recurring in 1941-42 and subsequent years.	Non-recurring.
	Rs.	Rs.
Expenditure in the Pro- vinces. (Centre's share)	23,71,000	1,71,95,000
Expenditure at Centre.	5,40,000	3,10,000
	<u>29,11,000</u>	<u>1,75,05,000</u>

As is evident Air Raid Precautions is an expanding organisation and the arrangements have to be modified and expanded from time to time in accordance with the dictates of the international situation and the tactics of the enemy. It is impossible to give any approximation of the total expenditure that may ultimately be involved in the measures.

Mr. Lalchand Navalrai: May I know from the Honourable Member if the Government of India in the Defence Department are ready in the Air Force and other arms to oppose the enemy if it comes into India now?

Sir Gurunath Bewoor: That, Sir, does not, I think, arise out of this question.

Sardar Sant Singh: With reference to the reply to part (a) of the question, may I know, Sir, how many aeroplanes are there in a squadron, because you stated that by the 31st of May four squadrons were employed by the Government of India. Will the Honourable Member please tell us how many trained pilots and how many aeroplanes are there?

Sir Gurunath Bewoor: I do not think I can give exact figures.

Sardar Sant Singh: Is it a fact that there are only 48 in numbers?

(No reply.)

POWERS AND FUNCTIONS OF THE NATIONAL DEFENCE COUNCIL.

67. ***Mr. Lalchand Navalrai:** (a) Will the Honourable the Home Member be pleased to state the powers and functions of the newly created National Defence Council?

(b) Are the matters brought before the National Defence Council, submitted to a vote of the members of the Council, and are their recommendations by the majority of votes accepted? If not, what weight is given to their advice, and what is the remedy in case of non-acceptance of the advice of the majority?

(c) Has the Central Legislature any authority, or power, over the acts and doings of the National Defence Council? If so, which? If not, why not?

(d) Is the Council set up by the British Government, or His Excellency the Viceroy, or the Government of India, and under what authority or statute has it been set up?

The Honourable Mr. M. S. Aney: (a) and (d). The National Defence Council has been set up by His Excellency the Viceroy, with the approval of His Majesty's Government. The Council is an advisory body, and it

has such powers and functions as are necessary for or incidental to securing the purpose for which it has been established, which is, the association of Indian non-official opinion as fully as possible with the prosecution of the War. It receives from the Governor General and his advisers information on all important aspects of the war position and India's war effort and it gives them the benefit of its own suggestions and advice on these matters.

(b) The reply to the first part of the question is in the negative; the other parts do not therefore arise.

(c) No. I am not aware of any provision of law which confers on the Central Legislature any executive authority or power of the nature referred to.

Mr. Lalchand Navalrai: May I know, if the majority of the opinion or the advice given is not accepted, what is the consequence?

The Honourable Mr. M. S. Aney: There is no question of accepting or rejecting the advice. Advice given by everybody is duly noted and considered by the authority concerned.

MEASURES FOR THE DEFENCE AND SAFETY OF INDIA.

68. *Mr. Lalchand Navalrai: Has the attention of the Defence Secretary been drawn to the statement by the Right Honourable Mr. Amery, the Secretary of State for India, made during the debate on India and Burma estimates in the House of Commons on 1st August, 1941, to the effect that India is at war and the menace may well draw close to the frontiers, both east and west, within the next few months? If so, what is the present position of India in connection with the war, and what further stronger measures have the Government of India taken to provide against that impending danger?

Sir Gurunath Bewoor: Government have seen the statement referred to by the Honourable Member. They are fully alive to the danger which threatens India and have taken and are continuing to take all possible measures for the defence of India, but it is obviously undesirable in the public interest to announce the details of such measures.

Maulvi Abdur Rasheed Chaudhury: May I know, Sir, if the measures taken are sufficient for the defence of the country?

Sir Gurunath Bewoor: I have stated that we are continuing to take all possible measures for the defence of the country.

Maulvi Abdur Rasheed Chaudhury: I want to know whether the measures already taken are quite sufficient for the defence of the country?

Sir Gurunath Bewoor: That is a matter of opinion.

Sardar Sant Singh: In view of the fact that some of these answers cannot be given in public in the public interest, may I know if the Honourable Member proposes to request the Honourable the Leader of the House to call a secret Session of this House, so that we may be in a position to know where we stand in regard to the defence of our country?

Sir Gurunath Bewoor: No, Sir.

Pandit Lakshmi Kanta Maitra: May I know if these measures taken for the defence of India are also taken under the Defence of India Act?

Sir Gurunath Bewoor: They are under the usual activities of the Defence Department.

Sardar Sant Singh: May I know why the Defence Department does not propose to call a secret Session of this House?

Sir Gurunath Bewoor: Because, that is a matter for the Leader of the House.

Sardar Sant Singh: Why should not the Defence Department ask the Leader of the House to take this House into his confidence?

(No reply.)

DOUBLE CENSORSHIP OVER CINEMA FILMS FOR ADULT AND FOR UNIVERSAL EXHIBITION.

69. *Mr. Govind V. Deshmukh: Is the Honourable the Home Member aware that a group of talented American research workers have come to the conclusion that exhibition of films depicting crime and love scenes have an evil influence on children? Do Government propose to introduce a system of two censor certificates—for adult and for universal exhibition—to prevent child delinquency? If not, why not?

The Honourable Sir Reginald Maxwell: The question has not been re-examined since the report of the Indian Cinematograph Committee. If the Honourable Member will furnish me with a copy of the document to which he alludes, I will see whether there is a case for consulting the Provinces again on the subject.

Mr. Govind V. Deshmukh: Do the Government of India consider that the system of issuing two licenses—one for adult and the other for universal exhibition—would not prevent child delinquency?

The Honourable Sir Reginald Maxwell: As the Honourable Member knows, the opinion of the Indian Cinematograph Committee was not very definite on that subject. They were inclined to favour a system of two licenses, but they doubted whether it would have the advantages claimed for it. On further examination and consultation with Provincial Governments, the Government of India then came to the conclusion that such a system would not be likely to be effective, because if the distinction between the two kinds of licenses were sufficiently explicit, then it would draw attention to the fact that certain films were of a suggestive character and if it were not explicit the system would not serve the purposes for which it was intended. Therefore, the question was dropped at that time, but if the Honourable Member can give me grounds for taking up the question I am quite willing to do so.

Mr. Govind V. Deshmukh: Is the system of issuing two licenses prevalent in England?

The Honourable Sir Reginald Maxwell: Some such system exists, but I cannot say exactly what it is.

SHOWING IN INDIA OF THE FILMS OF THE FILMS DIVISION OF THE BRITISH MINISTRY IN INDIAN LANGUAGES.

70. *Mr. Govind V. Deshmukh: Will the Honourable the Home Member please state whether Government propose to get copies of the films of the films division of the British Ministry and dub them with Indian languages to make the country sufficiently war minded?

The Honourable Sir Reginald Maxwell: Films are obtained from the Ministry of Information regularly and distributed in English. Selected ones are also dubbed in Indian languages, but it will be realised that a certain number of War films depend for their effect upon the dialect or expressions used by the characters in them and may not therefore be suitable for re-production in other languages. Of the films so far received, "British Navy", "Drums in the Desert", "Raising Air Fighters", "Fighter Pilots" and "Lofoten Islands" have been dubbed in Hindustani, Bengali, Tamil and Telugu.

MONOPOLY TO MR. C. B. NEWBURY FOR DISTRIBUTION OF NEWS REELS.

71. *Mr. Govind V. Deshmukh: Will the Honourable the Home Member please state if a monopoly has been given to Mr. C. B. Newbury of the 20th Century Fox Corporation to dub and distribute the news reels? If so, what are the conditions of the contract?

The Honourable Sir Reginald Maxwell: No monopoly of the right to produce or dub news reels has been given to the Twentieth Century Fox Corporation or to anybody else. Twentieth Century Fox Corporation itself brings out British Movietone News Reels in English and prepares and distributes Indian language versions of them.

REQUISITIONING UNDER THE DEFENCE OF INDIA RULES RESIDENTIAL HOUSES IN REMOUNT DEPOT, SAHARANPUR.

+72. *Qazi Muhammad Ahmad Kasmi: (a) Will the Defence Secretary please state the purpose and the use for which the six residential houses in Remount Depot, Saharanpur, have been requisitioned under rule 76 of the Defence of India Rules?

(b) Is it or is it not a fact that those requisitioned houses are *kutchha* and *pucca* built and they cannot serve any military purpose, whatsoever?

(c) Is it or is it not a fact that notices of 24 hours to vacate those houses were given to the owners, and that those houses ever since their requisition are lying vacant and have not been utilised for any military purpose whatsoever? Will Government be pleased to state what urgency or necessity arose for having those houses vacated at a short notice of 24 hours?

(d) Is it or is it not a fact that there has been existing a dispute between the owners of those houses and the Officer Commanding, Remount Depot, Saharanpur, since 1937?

† Answer to this question laid on the table, the questioner being absent.

(e) Is it or is it not a fact that for the last four years the Officer Commanding, Remount Depot, Saharanpur, had cut off all sanitary arrangements and also closed the road leading to these houses for all sorts of conveyances for bringing their foodstuff, etc.?

(f) Do Government want to acquire those houses compulsorily? If so, for what purpose?

(g) Is it or is it not a fact that these houses have been in existence for over a century and Government never required or used them for any military or Government purpose before?

(h) Have Government considered the futility of spending so much money on the acquisition of those houses, which are not required at all for any military purpose?

(i) In case they are required temporarily, have Government considered the advisability of taking them on rent for the duration of the war?

Sir Gurunath Bewoor: (a), (b) and (f). The houses have been requisitioned and are being permanently acquired for military purposes. Two partly *pucca* and partly *kutch*a are required for office, residential and stores accommodation, the remainder which are *kutch*a and in a ruinous condition and thus a source of danger to quarters of military personnel in the vicinity are intended to be pulled down.

(c) Government understand that a notice was issued on 18th June, 1941, by the Collector, Saharanpur, requisitioning the houses with immediate effect. Some of the houses were, however, taken over from the owners on 1st July and the remainder on 4th July. Those fit for occupation are occupied.

(d) No.

(e) The fact is not as stated by the Honourable Member. Government are not responsible for the sanitary arrangements of private houses in Remount Depots. Vehicles drawn by privately owned horses are not allowed to enter Remount Depots owing to the danger of spreading equine diseases.

(g) With regard to the first part of the question, Government have no information. With regard to the second part, the reply is in the affirmative.

(h) and (i). Do not arise in view of the reply to parts (a), (b) and (f).

PERSONS EXTERNEED FROM HONGKONG AND INTERNED IN THE PUNJAB.

73. *Sardar Sant Singh: Will the Honourable the Home Member please state:

(a) whether it is a fact that about 30 persons—25 belonging to the Hongkong British Police—were externed from Hongkong at the beginning of this year and brought to the Punjab where they were interned for sometime;

(b) whether it is a fact that six persons have been detained in jails under rule 26 of the Defence of India Rules;

(c) whether Government contemplate detaining them indefinitely, or order their release as there is no charge against them;

- (d) how they are being treated in jail; and
 (e) whether Government intend to give them B Class in jail; if not, why not?

The Honourable Sir Reginald Maxwell: (a) Some 50 persons, including 32 persons formerly serving in the Hongkong Police force have been deported from Hongkong to India, on account of attempts by them to spread disaffection among Indian Troops and the Police Force in Hongkong.

(b) On arrival six of these persons were detained under rule 26 of the Defence of India Rules under the orders of the Central Government, but of these, one has since been released unconditionally, and four have been restricted to their respective villages. The sixth is also shortly to be released.

(c), (d) and (e). Do not arise.

Sardar Sant Singh: May I know, Sir, if these persons were extorted from Hongkong after intimating to them of any definite charges against them?

The Honourable Sir Reginald Maxwell: It was not a case of formal charge. They were deported because they were acting in the opinion of the Hongkong Government in a manner prejudicial to public safety and the defence of Hongkong.

Sardar Sant Singh: May I know if any charge was made against them before they were deported, or action was taken against them only on these technical terms used in the Defence of India Act without their being informed of any definite charge against them?

The Honourable Sir Reginald Maxwell: The Defence of India Act is not in force in Hongkong.

(Mr. President then called out Mr. Kazmi's name to put his question in the second round, but the Honourable Member was absent.)

TRANSFERRED STARRED QUESTIONS AND ANSWERS.†

REFORMS COMMISSIONER'S VISITS TO PROVINCES FOR COLLECTING PUBLIC OPINION ON MODIFICATIONS IN THE PRESENT CONSTITUTION OF INDIA.

59. ***Mr. Govind V. Deshmukh:** Will the Honourable the Leader of the House please state:

- (a) if the Reforms Commissioner visited several Provinces in India and interviewed persons with a view to collect information for introducing modifications in the present constitution of India, or frame a new constitution;

†The meeting of the Assembly that was to be held on the 31st October, 1941, having been cancelled, the answers to starred questions for that day were, in pursuance of convention, laid on the table of the House today. *Ed. of D.*

- (b) if any instructions were received from the Secretary of State, or given by the Governor General, or the Government of India, to pursue any particular line along which opinion was to be gathered;
- (c) if it is correct to state that the Reforms Commissioner's main concern in these visits to the Provinces was to gather public opinion on the two items "Irremovable Executive" and "Functional Franchise"; and
- (d) if the Reforms Commissioner is going to publish any report on the public opinion collected by him in these visits to the Provinces?

The Honourable Mr. M. S. Aney: 1. I think it will be most convenient if I answer these two questions (Nos. 59 and 60) together. The business of the Reforms Commissioner is to engage in purely factual and objective study of every aspect of the constitutional problem so far as practicable so that when the moment arrives for those to whom will fall the task of framing the new Constitution to undertake their labours, as much preliminary work of a fact-finding and objective nature as possible may have been done in the interests of reducing delay in the implementing of the policy of His Majesty's Government. With that object in view Mr. Hodson has made and will continue to make visits to the provinces.

2. I am unable to make any statement as to the nature of the Reforms Commissioner's discussions. As I have already explained, his business is to engage in purely factual and objective study.

REFORMS COMMISSIONER'S VISITS TO PROVINCES FOR COLLECTING PUBLIC OPINION ON MODIFICATIONS IN THE PRESENT CONSTITUTION OF INDIA.

†60. ***Mr. Govind V. Deshmukh:** Will the Honourable the Leader of the House please state:

- (a) the Provinces in British India visited by the Reforms Commissioner since June 1941;
- (b) the nature of the work done by him on his visits to these Provinces;
- (c) the amount spent by him in visiting these Provinces; and
- (d) if any report of his work done since June 1941 will be issued; if so, when?

DIRENTION OF MR. R. K. SIDHWA BY THE MEDICAL OFFICER AT MANDAPAM CAMP EN ROUTE TO COLOMBO FOR ATTENDING THE CONFERENCE OF ALL-INDIA BURMAH AND CEYLON MAYORS.

61. ***Mr. Lalchand Navalrai:** (a) Will the Secretary for Education, Health and Lands be pleased to state if it is a fact that a conference of All-India Burmah and Ceylon Mayors was held at Colombo on the 19th and 20th August, 1941?

(b) Is it a fact that all Mayors from India and an *ex-Mayor* of Karachi, Mr. R. K. Sidhwa, M.L.A., who was the founder of this conference, were invited by the Mayor of Colombo?

†For answer to this question, see answer to question No. 59.

(c) Is it a fact that the Quarantine Headquarters authorities at Mandapam Camp were apprised by the Mayor of Colombo of the proposed visit of the Delegates and asked to give them all facilities?

(d) Is it a fact that Mr. M. H. Gazder, the Mayor of Karachi, who was travelling in upper class and his servant who was travelling in third class, were allowed to proceed further at Mandapam Camp by the quarantine authorities?

(e) Is it a fact that Mr. R. K. Sidhwa, M.L.A. (ex-Mayor of Karachi), with his two daughters who were travelling in the third class, were detained by the Medical Officer at Mandapam Camp?

(f) Is it a fact that Mr. R. K. Sidhwa, M.L.A., produced vaccination certificates signed by the Health Officer, Karachi Municipal Corporation, to the effect that his two daughters and himself were duly vaccinated only a fortnight ago before proceeding to Colombo just as Mr. Gazder produced?

(g) Will the Education Secretary please state the reasons why Mr. R. K. Sidhwa, M.L.A., and his two daughters were detained and the Mayor of Karachi and his servant were allowed to proceed further to Colombo?

(h) Will the Honourable Member please state why discriminating treatment was meted out by the Medical Officer at Mandapam Camp?

The Honourable Mr. M. S. Aney: (a) Government have seen a report in the press to that effect.

(b) to (f). Government have no information.

(g) and (h). The Government of India will invite the attention of the Ceylon Government responsible for the quarantine arrangements at Mandapam to the regrettable incident referred to in the question and try to ascertain the grounds on which Mr. Sidhwa and his two daughters were detained at Mandapam. The Government of India in the meanwhile desire to draw the attention of the Honourable Member to the fact that under the Ceylon Quarantine Regulations, third class passengers are generally detained for 24 hours for disinfection, vaccination and observation. Upper class passengers are also examined but if they satisfy certain conditions regarding vaccination, freedom from contact with or exposure to infection from plague, cholera, etc., they are given a health certificate and allowed to proceed. Servants of such persons are also passed at the discretion of the Medical Officer on the guarantee of their employers.

DETENTION OF MR. R. K. SIDHWA BY THE MEDICAL OFFICER AT MANDAPAM CAMP EN ROUTE TO COLOMBO FOR ATTENDING THE CONFERENCE OF ALL-INDIA BURMAH AND CEYLON MAYORS.

62. *Mr. Lalchand Navaltai: (a) Will the Education Secretary please state whether it is a fact that in the Mandapam Camp Mr. R. K. Sidhwa, M.L.A., ex-Mayor of Karachi, and his two daughters, who were going to Ceylon, were not provided with proper facilities excepting a room in which they were asked to stay?

(b) Is it a fact that, at the Mandapam Camp Railway Station, Mr. R. K. Sidhwa drew the attention of the Medical Officer repeatedly to the fact that he was on his way to Colombo to attend the conference of Mayors as a guest of the Worshipful Mayor of Colombo and that he was not going to Ceylon for any business or service?

(c) Is it a fact that the Medical Officer at Mandapam Camp admitted that, but refused to accede to the request to allow Mr. Sidhwa and his two daughters to proceed further?

(d) Is it a fact that Mandapam Camp is situated on Indian soil?

(e) Will the Honourable Member please state why this insult is being hurled by foreigners on Indian soil?

(f) In what way do Government propose to take up this matter with the Government of Ceylon for the insult that was hurled on Mr. R. K. Sidhwa, M.L.A., by the conduct of Ceylon Government?

(g) Are Government prepared to take up this matter with the Government of Ceylon with a view to seeing that such humiliation is removed and Indians visiting Ceylon are not treated, as it is now being done at Mandapam Camp?

(h) What steps do Government of India intend to take for the removal of the Mandapam Camp?

The Honourable Mr. M. S. Aney: (a) to (c). Government have no information.

(d) Yes.

(e) to (g). I regret I am not clear what the Honourable Member means and what action he wishes the Government to take. Government has already stated in reply to his last question what they propose to do.

(h) As at present advised, Government do not consider the proposed action necessary in the interests of immigrants to Ceylon.

†63*.

ABOLITION OF THE CIVIL SIDE OF THE INDIAN MEDICAL SERVICE.

64. ***Mr. Govind V. Deshmukh:** Will the Education Secretary please state if the civil side of the Indian Medical Service has now been abolished? If not, why not?

The Honourable Mr. N. B. Sarker: No. The reasons for the continuance of the Civil Branch of the Indian Medical Service are set out in the first four paragraphs of the Press Communiqué issued in 1937 regarding the re-organisation of the Indian Medical Service under the new constitution and Part I-B of the Defence Department Resolution No. 205, dated the 25th March, 1937, attached thereto. Copies of the Communiqué and of the Resolution have been placed in the Library of the House.

†This question was not called by the Chair, as it was from a Member of the Muslim League Party.—*Ed. of D.*

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred questions Nos. 408, 409 and 410 asked by Mr. Muhammad Azhar Ali on the 17th March, 1941.

INFERIOR QUALITY OF MATERIALS USED IN CERTAIN BUILDING CONSTRUCTIONS AT JIWANI AERODROME.

No. 408. (a) Certain works executed by the Central Public Works Department at Jiwani for the Air Ministry of His Majesty's Government and the British Overseas Airways Corporation, at the instance of the Civil Aviation Directorate of the Government of India.

(b) As the works have not been satisfactorily completed by the contractor, these have not been accepted by the Central Public Works Department. The question of their approval and taking over by the Civil Aviation Department does not therefore arise.

(c) Though the construction of the roofs is defective, they cannot be said to be coming down.

(d) The Central Public Works Department had a sample of the cement concrete blocks tested by the Government Test House, Alipore. The quantitative analysis has revealed that the proportion of cement in the mixture is very nearly correct. But the quality of cement concrete was not found up to the mark and the work had therefore to be rejected.

(e) No.

(f) Does not arise.

(g) The specified thicknesses of the roofs for the various buildings range between 4 to 7 inches. As a result of the investigations carried out by the Central Public Works Department, it has been found that some of the roofs have not been built according to the specified thickness.

(h) As soon as the defects became known the running payments to the contractor concerned were stopped and he was asked to make good all the deficiencies.

INFERIOR QUALITY OF MATERIALS USED IN CERTAIN BUILDING CONSTRUCTIONS AT JIWANI AERODROME.

No. 409. (a) and (c). The mortar and the plaster used in the construction of the buildings was found to be of inferior quality in places. It is hoped that the defect will be rectified at the contractor's expense.

(b) Yes.

(d) In the early stages of the work Rai Bahadur Narian Das was the Executive Engineer in charge and thereafter Mr. A. M. M. D'Mellow took over from him.

(e) The enquiries regarding the officers and the staff responsible for the unsatisfactory work are in progress.

(f) It is hoped that there will be no loss to Government as the defects are being removed at the cost of the contractor concerned, or by departmental action after deduction of the cost from his security deposit if possible.

INFERIOR QUALITY OF MATERIALS USED IN CERTAIN BUILDING CONSTRUCTIONS AT JIWANI AERODROME.

No. 410. (a) Under the terms of his contract the contractor is responsible to make good all unsound and imperfect work and to reconstruct all work at his own expense if the imperfections are detected within three months of the date of the grant of the final certificate of the completion of the work. In this case the final certificate has not yet been given.

(b) The fact that the defects are to be remedied at the cost of the contractor does not absolve the Central Public Works Department staff of their responsibilities. The matter is therefore under investigation at present.

Information promised in reply to unstarred question No. 142 asked by Mr. Govind V. Deshmukh on the 17th March, 1941.

“ PUBLIC EDUCATIONAL TRUST LIMITED ”, SIMLA.

(a) The Public Educational Trust Limited, Simla, was registered in the Punjab under the Indian Companies Act, 1913, on the 22nd February 1938. Mr. B. N. Khanna, Principal of the Simla Public School and College was one of the promoters of the Company.

(b) No grant appears to have ever been paid to the School by the Education Department, Punjab.

(c) The first statement of capital of the Company prepared up to the 15th August 1939, which was filed under section 32 of the Indian Companies Act, 1913, shows that the full share value had been called up by the Company before this date. The liquidator has intimated that the calls were made in March, June and August, 1939.

(d) The details of the expenditure are given in the first balance sheet of the Company prepared up to the 31st March 1939, a copy of which is enclosed.

(e) The Company went into liquidation on the 17th December, 1939, that is, after 4 months of the date of the last call.

(f) The question of any action by Government to safeguard the interests of the share-holders on the general public does not arise as the Company is in voluntary liquidation.

PUBLIC EDUCATIONAL TRUST LIMITED.

SHEMA PUBLIC SCHOOL AND COLLEGE, NEW DELHI.

Income and Expenditure Account for the period from 12th October, 1938 to 31st March, 1939.

Expenditure.		Income.	
	Rs. A. P.	Rs. A. P.	Rs. A. P.
To Establishment	2,273 0 0	By Tuition Fees	2,266 9 0
" Rent	876 0 0	" Admission Fees	148 0 0
" Advertising	64 2 6	" Stationery	7 3 0
" Contingencies	65 2 6	" Milk	6 3 6
" Postage and Telegrams	22 7 0		
" Conveyance	19 8 0		
" Bank Charges	4 2 0		
" Games	3 6 0		
	<u>3,327 12 0</u>		<u>2,427 15 6</u>
" Depreciation on Furniture at 28 per cent.	102 0 0	" Deficit for the period carried to Balance Sheet	1,001 12 6
TOTAL	<u>3,429 12 0</u>	TOTAL	<u>3,429 12 0</u>

KASHMERE GATE,
DELHI;
The 26th July, 1939.

(Sd.) S. VAIDYANATH AIYAR,
Registered Accountant Auditor.

STATEMENTS LAID ON THE TABLE

PUBLIC EDUCATIONAL TRUST LIMITED,
SIBLA PUBLIC SCHOOL AND COLLEGE, SIMLA.

Income and Expenditure Account for the period from 1st December, 1937 to 31st March, 1939.

	Rs. A. P.	Rs. A. P.	Income.	Rs. A. P.	Rs. A. P.
To Establishment	16,482 0 6		By Tuition Fees	16,169 6 0	
" Rent	4,032 0 0		" Admission Fees	1,895 0 0	
" Travelling Expenses	426 13 0		" Science Fees	272 0 0	
" Stationery	418 0 0		" Library Fees	587 8 0	
" Printing	576 14 6		" Games Fees	501 8 0	
" Postage and Telegram	121 7 6		" Examination Fees	183 8 0	
" Electricity and Water	225 11 0		" Local Fees	56 0 0	
" Library Expenses	103 3 9		" Fines	1 11 0	
" Games	111 10 3		" Certificate Fees	1 0 0	19,667 9 0
" Hobbies	123 14 3		" Rent Recovered	..	570 10 0
" Repairs	185 7 3		" Board House	..	4,437 5 0
" Telephone	189 9 0		" Deficit for the period carried to		6,332 5 9
" Hire of Furniture	54 4 0		Balance Sheet	..	31,007 13 9
" Advertisement	87 0 0		TOTAL	..	(Sd.) S. VAIDYANATH AIYAR,
" Scout Expenses	6 0 0				Registered Accountants Auditor.
" Bank Charges	16 2 0				
" General Charges	946 13 0				
" Managing Director's remuneration	..	23,105 14 0			
" Boarding House—		1,950 0 0			
Rent	1,775 8 0				
Expenses	2,900 6 6				
" Preliminary Expenses written off	..	4,675 14 6			
" Expenses in connection with the	..	88 9 3			
increase in capital	..	181 0 0			
" Depreciation—					
Science Apparatus at 15 per cent.	157 8 0				
Library Books at 20 per cent.	236 0 0				
Furniture and fixture at 20 per					
cent.	613 0 0				
TOTAL	..	31,007 13 9			

M N KASHMERE GATE,
DELHI;
The 26th July, 1939.

Information promised in reply to starred question No. 511 asked by Qasi Muhammad Ahmad Kazmi on the 27th March, 1941.

CERTAIN INCOME-TAX OFFICERS STOPPED AS THE SECOND EFFICIENCY BAR IN THE UNITED PROVINCES.

(a) Three. The procedure prescribed in sub-paragraph 6(i) of paragraph 30 of the Income-tax Office Manual is obligatory in the case of Subordinate Services only and was not followed in any of these cases.

(b) The Government do not consider it necessary to undertake examination of such cases at headquarters as suggested or to withdraw or restrict the powers given to the punishing authority in the matter of imposition of penalties since it is open to the aggrieved party to appeal to the Governor General in Council in such cases.

(c) No, as it was not necessary.

(d) The reply to the first part is in the negative and the second part does not arise.

(e) Section 241(2) and (3) of the Government of India Act, 1935 under which Provincial Governments or Governors have no control over officers serving in connection with the affairs of the Central Government.

Information promised in reply to part (f) of starred question No. 526 asked by Maulvi Muhammad Abdul Ghani (on behalf of Maulana Zafar Ali Khan) on the 28th March, 1941.

MUSLIMS APPOINTED TO CERTAIN POSTS IN THE DELHI TELEGRAPH ENGINEERING DIVISION.

(f) The answer is in the affirmative except that only one non-matriculate was retained. The reason was that his work was regarded as better while those discharged were the most junior among the temporary operators. The retention of a non-matriculate when men who had passed the matriculation examination were available was an irregularity. The attention of the officer concerned has been drawn to the matter and the non-matriculate in question is no longer employed.

Information promised in reply to unstarred question No. 16 asked by Pandit Lakshmi Kanta Maitra on the 27th October, 1941.

STATIONS ON CERTAIN RAILWAYS WHERE REFRESHMENT ROOMS OF MUSLIMS ARE CATERED BY HINDU CONTRACTORS.

Great Indian Peninsula Railway-Badnera and Murtazapur.

MOTIONS FOR ADJOURNMENT.

STATEMENT OF SIR SHANMUKHAM CHETTY ON POST-WAR RECONSTRUCTION.

Mr. President (The Honourable Sir Abdur Rahim): The first notice of an adjournment motion is in the name of Mr. Govind V. Deshmukh who wishes that the business of the Assembly be adjourned for the purpose of discussing a definite matter of urgent public importance, namely:

"The statement dated October 20th, 1941 of Sir Shanmukham Chetty, who represented India at the International Labour Office Conference at New York at which pleas were advanced for post-war reconstruction based on the Atlantic Charter

suggesting that the I. L. O. should examine the possibility of preserving the regional effort, Eastern Group Supply Conference, to meet Asiatic requirements and conditions, wherein he failed to point out to the I. L. O. Conference that economic security for India and other nations taking part in the Conference would be meaningless without securing from His Majesty's Government an immediate assurance of its political independence within two or three years after the war."

Obviously, it is out of order.

FAILURE OF THE GOVERNMENT OF INDIA TO INSTRUCT SIR SHANMUKHAM CHETTY re THE GRANT TO INDIA OF THE STATUS OF A SELF-GOVERNING DOMINION.

Mr. President (The Honourable Sir Abdur Rahim): The next one is also from Mr. Deshmukh. He wants that the business of the Assembly be adjourned for the purpose of discussing a definite matter of urgent public importance, namely:

"The failure of the Government of India to instruct Sir Shanmukham Chetty, who represented India at the International Labour Office Conference at New York and made a speech on October 30, 1941, to inform it (i.e., I. L. O. Conference) that economic security based on the Atlantic Charter, for India and the nations taking part in it would be meaningless unless and until it brought moral pressure on His Majesty's Government to secure an immediate assurance to grant India the status of a self-governing Dominion within two or three years after the war."

This is also out of order.

ASSURANCE TO GRANT INDIA THE STATUS OF A SELF-GOVERNING DOMINION.

Mr. President (The Honourable Sir Abdur Rahim): The third one is also from Mr. Deshmukh, who wants that the business of the Assembly be adjourned for the purpose of discussing a definite matter of urgent public importance, namely:

"The urgent necessity of instructing India's representatives, Sir Shanmukham Chetty and Mr. H. S. Malik, who are taking part in the International Labour Office Conference to inform it (i.e., I. L. O. Conference) that economic security based on the Atlantic Charter, for India and the nations taking part in it would be meaningless unless and until it brought moral pressure on His Majesty's Government to secure an immediate assurance to grant India the status of a self-governing Dominion within two or three years after the war."

This is also, I think, out of order.

PLACING OF THE S. S. "AKBAR" AT THE CALCUTTA PORT TO CARRY HAJ PILGRIMS.

Mr. President (The Honourable Sir Abdur Rahim): The next one is in the name of Sir Abdul Halim Ghuznavi who wishes to move the adjournment of the business of the House for the purpose of discussing a definite matter of urgent public importance, namely:

"That instead of placing a boat of the type of the S.S. "Bezvani" or the S.S. "Rahmani", an ill-equipped boat, namely, the S.S. "Akbar" has been placed at the Calcutta Port to carry the Haj pilgrims which is too small to accommodate the large number of pilgrims who are pouring in to avail of the sailing from Calcutta."

What is the accommodation on this boat?

Sir Abdul Halim Ghuznavi (Dacca cum Mymensingh: Muhammadan Rural): 1,100.

Mr. President (The Honourable Sir Abdur Rahim): And what is the number of the pilgrims wanting to embark?

Sir Abdul Halim Ghuznavi: 1,400.

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

The Honourable Mr. M. S. Aney: There is no objection to the motion.

Mr. President (The Honourable Sir Abdur Rahim): Then the motion will be taken up at 4 O'clock, unless the agenda is finished earlier.

Sir Abdul Halim Ghuznavi: What about my other adjournment motion?

Mr. President (The Honourable Sir Abdur Rahim): That will come on the next day.

NOTIFICATIONS AMENDING CERTAIN MOTOR VEHICLES RULES.

The Honourable Mr. M. S. Aney (Leader of the House): Sir, I lay on the table a copy each of:

- (1) Notification, No. F. 12 (3)/41-General, dated the 22nd April, 1941, issued by the Chief Commissioner of Delhi, amending the Delhi Motor Vehicles Rules, 1940;
- (2) Notification, No. F. 12 (3)/II/41-General, dated the 14th June, 1941, issued by the Chief Commissioner, Delhi, amending the Delhi Motor Vehicles Rules, 1940;
- (3) Notification, No. 1179/35-40-M. V., dated the 7th June, 1941, issued by the Chief Commissioner of British Baluchistan, amending the British Baluchistan Motor Vehicles Rules, 1940; and
- (4) Notification, No. 245-C./W. F. III/40-(2), dated the 26th July, 1941, issued by the Chief Commissioner, Ajmer-Merwara, amending the Ajmer-Merwara Motor Vehicles Rules, 1940.

OFFICE OF THE CHIEF COMMISSIONER, DELHI.

NOTIFICATION.

Delhi, the 22nd April 1941.

No. F. 12 (3)/41-General.—In exercise of the powers conferred by section 68 of the Motor Vehicles Act, 1939, read with the Notification of the Government of India in the Department of Communications, No. R. 60, dated the 28th June, 1939, the Chief Commissioner is pleased to make the following amendment in the Delhi Motor Vehicles Rules 1940, the same having been previously published with his notification No. F. 12 (3)/41-General, dated the 23rd January 1941:

Amendment.

- I. The existing rule 4.1 shall be re-numbered as sub-rule (1) of rule 4.1.
- II. After sub-rule (1) of rule 4.1 the following sub-rule shall be inserted, namely,—
 - (2) A non-official member of the Provincial Transport Authority shall be entitled to receive a fee of eight rupees for every day on which he attends a meeting of the Authority, and any such member performing any journey under the orders of the

Chairman in connection with the business of the Authority, other than a journey to attend a meeting of the Authority, shall be entitled to receive travelling and halting allowances at the scale and on the conditions admissible to a Central Government servant of the First Grade, the halting allowance for this purpose being taken as eight rupees a day."

A. V. ASKWITH,
Chief Commissioner, Delhi

THE CHIEF COMMISSIONER, DELHI.

NOTIFICATION.

Delhi, the 14th June 1941.

No. F. 12 (3)-II/41-General.—In exercise of the powers conferred by sections 21 and 41 of the Motor Vehicles Act, 1939, read with the notification of the Government of India in the Department of Communications, No. R-50, dated the 28th June 1939, the Chief Commissioner is pleased to make the following rules, the same having been previously published with his notification No. F. 12 (3)-II/41-General, dated the 23rd April 1941:—

Rules.

1. Notwithstanding anything contained in the Delhi Motor Vehicles Rules, 1940, no fee shall be charged for the issue or alteration of certificates of registration relating to motor vehicles which are the property of personnel of the Nepalese Contingent in India or for the examination or inspection of such motor vehicles.
2. If any member of the Nepalese Contingent in India shall have paid or shall hereafter pay a fee for the issue or renewal of a license to drive a motor vehicle or for undergoing a test of competency to drive the fee shall on his application be refunded to him.

A. V. ASKWITH,
Chief Commissioner, Delhi

THE CHIEF COMMISSIONER OF BRITISH BALUCHISTAN.

NOTIFICATION.

Quetta, the 7th June 1941.

No. 1179/35-40/M. V.—In exercise of the powers conferred by Section 21 of the Motor Vehicles Act, 1939 (VI of 1939) the Chief Commissioner of British Baluchistan is pleased to direct that the following amendments shall be made to the British Baluchistan Motor Vehicles Rules, 1940, published in the Notification No. 347/M. V., dated the 1st April 1940, printed at pages 841 to 982 of the Gazette of India, Part II-A, dated the 27th April 1940:

In the First Schedule of the said Rules substitute the following:

- (a) for the heading "Hill Roads" the heading "Roads in British Baluchistan".
- (b) after the said heading as so substituted and the entries thereunder the following headings and entries be inserted:

Roads in the Tribal Areas of Baluchistan.

1. Saidak to Kachaw.
2. Smallan to Dalkuna.
3. Kachaw to Robot.
4. Smallan to Aiaratsari.
5. Murgha Kibzai to Musakhel.
6. Makhtar to Kingri.
7. Hosri to Barkhan.
8. Kapip to Dhanasar.

[Mr. M. S. Aney.]

9. Fort Sandeman to Shengar,
10. Fort Sandeman to Mughalkot.
11. Mani Kawa to Ahmedi Darga.
12. Nisai to Murgha Faqirzai.
13. Fort Sandeman to Gul Kachh.
14. Gawal Haiderzai to Marakalai.
15. Fort Sandeman to Babar.
16. Lakaband to Gurlana.
17. Fort Sandeman to Shaighatu.

"Roads in the Leased Areas of Baluchistan"

1. Quetta to mile 25, 1.7 furlong on Quetta-Ziarat Road.
2. Kolepur to Rindli.
3. Zawarkar to Main Quetta-Ziarat Road near Sarantangi.

By order,

(Sd.) R. A. C. HILL,

*Secretary to the Agent to the Governor
General and Chief Commissioner in
Baluchistan in the Police Department.*

THE CHIEF COMMISSIONER, AJMER-MERWARA

NOTIFICATION.

Camp Ajmer, the 26th July, 1941.

No. 245-C/W. F. 111/40-(2).—The Chief Commissioner is pleased to make the following amendment in the Ajmer-Merwara Motor Vehicles Rules, 1940, published with his Notification No. 1141/34-W./33-III, dated the 12th June, 1940, the amendment having been previously published in this Administration's notification No. 137-C./111-W/40, dated the 7th February, 1941:

In rule 6-1 (a) of Chapter VI—Control of Traffic—for the words "eight tons" in line 4 substitute the words "five tons" and for the words "five tons" in lines 5 and 6 substitute the words "three tons".

By Order,

T. B. CREAGH COEN,

*Secretary to the Chief Commissioner,
Ajmer-Merwara.*

THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban):
Sir, I present the Report of the Select Committee on the Bill to simplify the procedure in appeals to the Federal Court.

THE PROFESSIONS TAX LIMITATION BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

Sir F. E. James (Madras: European): Sir, I present the Report of the Select Committee on the Bill to limit to a maximum of Rs. 50 per annum the amount payable in respect of any person by way of tax on professions, trades, callings or employments.

THE INDIAN INCOME-TAX (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir Jeremy Raisman (Finance Member): Sir, I present the Report of the Select Committee on the Bill further to amend the Indian Income-tax Act, 1922.

PRESENTATION OF THE REPORT OF THE PUBLIC ACCOUNTS COMMITTEE.

The Honourable Sir Jeremy Raisman (Finance Member): Sir, I present the Report* of the Public Accounts Committee on the accounts of 1939-40, Volume I—Report.

THE INDO-BURMA IMMIGRATION AGREEMENT AND THE JOINT REPORT OF THE INDO-CEYLON DELEGATION.

The Honourable Mr. M. S. Aney (Leader of the House): Sir, I lay on the table a copy each of:

- (i) the Indo-Burma Immigration Agreement; and
- (ii) the Joint Report by the Delegations from India and Ceylon on their recent discussions in Colombo.

JOINT STATEMENT BY THE GOVERNMENT OF INDIA AND THE GOVERNMENT OF BURMA.

In two Reports issued at the end of 1938 and early in 1939, the Riot Inquiry Committee, under the Chairmanship of the Hon'ble Mr. Justice Braund, drew particular attention to the existence of a serious apprehension in the minds of many Burmans that Indian immigration was largely responsible for unemployment or under-employment among the indigenous population of Burma. The Committee recommended that, in the interests of both countries, some public examination of the grounds for the existing apprehension in Burman minds should be undertaken urgently.

2. Accordingly the Government of Burma in a Resolution, dated the 15th July 1939, after consultation with the Government of India, appointed the Hon'ble Mr. James Baxter to examine the question of Indian immigration into Burma, with the assistance of two Assessors, U Tin Tut, I.C.S., and Mr. Ratilal Dessai, M.A. Mr. Baxter presented his Report to the Government of Burma in October 1940. His recommendations were carefully examined by both Governments and it was agreed without commitment on either side that these recommendations formed a suitable basis for negotiation. The Government of Burma, therefore invited the Government of India to send a delegation to Burma and the invitation was gladly accepted.

*Not included in these Debates, but a copy has been placed in the Library of the House.—Ed. of D,

[Mr. M. S. Aney.]

3. As a result of the conversations the two Governments have agreed upon certain measures which in their view are calculated both to remove from Burman minds any reasonable apprehension that Burma may be subjected to undue economic competition by reason of Indian immigration and at the same time to secure for the Indian community settled and resident in Burma recognition of their legitimate rights.

4. The text of the agreement is attached to this statement. The agreement is based upon two main principles, firstly, that Burma has, subject to the provisions of the Government of Burma Act, 1935, the right to determine the composition of her own population, and secondly, that Indians who have wholly identified themselves with the interests of Burma should enjoy the same rights as members of the permanent population.

5. It is obvious that in the peculiar circumstances of the two countries, their geographical proximity, their cultural and economic ties and their long political association, the problems arising from regulation of immigration are of special complexity and delicacy. Both Governments have approached these problems in a spirit of cordiality and mutual understanding and are agreed that in giving administrative effect to the measures now proposed the closest co-operation will be required in the same spirit of mutual adjustment and identity of purpose which characterised the negotiations. It is their earnest desire that the agreement now achieved will serve to remove any causes for misapprehension which may have arisen either between the two countries or between the two communities in Burma and may furnish a lasting foundation for the development in the future of the firmest ties of friendship and goodwill.

AGREEMENT.

Definitions.

1. In this agreement, unless there is anything repugnant in the subject or context,—
 - (a) "dependant" means a person who is wholly and directly dependent for maintenance and support on a person who holds or is about to be granted a permit under the provisions of this Agreement and is related to such person as being—
 - (i) his wife, or
 - (ii) his or his wife's parent, or
 - (iii) his or his wife's daughter, or grand-daughter who is either unmarried or a widow or is divorced, or
 - (iv) his or his wife's son or grandson who is under the age of 18 years or, being over that age, is permanently disabled and incapable of supporting himself;
 - (b) "Indian" means a British subject domiciled in India or the subject of an Indian State;
 - (c) "work", "skilled work" and "unskilled work" have the meanings assigned to them in section 2 of the Indian Emigration Act, 1922.

Operation of Order in Council.

2. The Government of Burma agree that the notice given by them to terminate the operation of the Government of Burma (Immigration) Order, 1937, with effect from the 1st April, 1942, will be treated as withdrawn, and that notice to terminate the same will not be given before the 1st October, 1945.

Date of Operation of Measure of Control.

3. Indian immigration into Burma will, with effect from the 1st October 1941, be subject to regulations and restrictions, in the manner hereinafter explained.

Passports.

4. No Indian may enter Burma without a valid Indian passport containing his photograph and other particulars sufficient to establish his identity.

Passport Visas and Immigration Passports.

5. No Indian may enter Burma without a passport visa issued by or on behalf of the Government of Burma or an immigration permit issued by or under authority of the Government of Burma.

Passport Visas.

6. (1) The Government of India, or officers employed by them, may issue, on behalf of the Government of Burma and subject to terms and conditions imposed by the Government of Burma, *visas* on passports granted to Indians desiring to enter Burma as visitors or as students in educational institutions.

(2) A *visa* on an Indian visitor's passport will be valid for three months but this period may be extended by or under the authority of the Government of Burma up to a total stay in Burma of twelve months.

(3) A fee of Rs. 20 will be charged for visitors' *visas* but no fee will be charged for extensions.

(4) A student's *visa* will be valid for a stated period not exceeding five years.

(5) No fee will be charged for a student's *visa*.

Immigration Permits.

7. (1) Save as otherwise provided by the terms of this agreement, no Indian may enter Burma without one of the following classes of permits:—

(i) "A" permits, which will entitle the holder to remain in Burma for an indefinite period and to accept employment therein. No bar will be placed on the acquisition of a Burma domicile by holders of "A" permits:

(ii) "B" permits, which will entitle the holder to reside in Burma for a specified period and to accept employment therein. "B" permits being for limited periods, will not allow the holders to acquire a Burma domicile. They will be issued for a maximum period of three years and may be extended at the discretion of the Government of Burma for further periods which, with the original period, may not exceed a total of nine years. The holder of a "B" permit may apply for an "A" permit on the same terms as an original applicant for an "A" permit.

(2) The issue of immigration permits will be subject to the terms and conditions set out in this Agreement and also to such other terms and conditions as the Government of Burma may prescribe after consulting the Government of India; provided that any other terms and conditions so prescribed shall not be inconsistent with the objects of this agreement. The acceptance of these terms and conditions shall be a condition for the entry of the immigrants into Burma.

Restrictions on the numbers of permits and visas.

8. (1) The number of "A" permits to be issued will be at the discretion of the Government of Burma and they will be issued only to persons whom the Government of Burma consider to be of sufficient financial standing or possessed of an assured income in Burma of sufficient amount and to be persons who are likely to be suitable for permanent residence in Burma.

(2) "B" permits will be issued within such limits as may be prescribed in any year or other period by the Government of Burma after considering the advice of an Immigration Board.

(3) The Government of Burma reserve power to impose limits on the number of students and visitors' *visas* to be issued by the Government of India on their behalf.

Dependants of immigrants with "A" permits or "B" permits.

9. (1) Applicants for "A" or "B" permits will be required to declare particulars of dependants whom they intend to bring to Burma either with them or at some future date.

Declared dependants.

(2) Should the applicant receive his permit, dependants declared under sub-clause (1) will be granted on application by the former the same class of permit as the applicant.

Undeclared dependants.

(3) Other dependants of the applicant may also, on application by him and at the discretion of the Government of Burma, be granted the same class of permit.

Limit of validity of dependants' permits.

(4) The period of validity of a permit granted to a dependant will not extend beyond the period of validity of the permit held by the person on whom they are dependant.

[Mr. M. S. Aney.]

Land Frontier Migration.

10. The two Governments will co-operate in devising and effecting measures to deal with and to control immigration across the land frontier between the two countries. It is understood that this will require consultation by the Government of India with the Provincial Governments concerned.

Immigration Board.

11. The Government of Burma will institute at an early date an Immigration Board to examine the relevant data and to tender advice to the Government of Burma generally on matters of policy relating to Indian immigration into Burma and in particular on the fixing of quotas for the grant of permits. The Board will be of mixed racial composition and Burmans, Indians and Europeans will be represented on it.

Penalties for unlawful entry or unlawful residence in Burma.

12. The penalties imposable under Burma legislation shall not exceed imprisonment for six months or a fine of Rs. 1,000, or both on persons convicted before a Magistrate of an infringement of the immigration rules or of a breach of the conditions of a permit, or of making a false statement in order to obtain a permit or other privilege relating to entry to or residence in Burma or to secure registration as a privileged immigrant.

Literacy Test.

13. The Government of Burma may impose a literacy test on applicants for "A" permits :

Provided that such a test shall not be made in Burmese or in any other language indigenous to Burma.

Marriages or cohabitation between Indian male immigrants and women belonging to the indigenous races of Burma.

14. Marriage or cohabitation with a woman belonging to the indigenous races of Burma established to the satisfaction of the Government of Burma may be made a condition for the cancellation of a permit or visa granted to a male Indian immigrant :

Provided that exceptions will be made of marriages entered into with the sanction of the Government of Burma and that such sanction will be given if the immigrant makes, before the proposed marriage, provision which is sufficient in the opinion of the Government of Burma for the permanent maintenance of the woman he desires to marry.

Fees for permits.

15. The following scale of fees will be charged for immigration permits :—

"A" permits.—Rs. 500.

"B" permits.—For unskilled labourers, an entrance fee or a visa fee, of Rs. 12 plus a residential fee of Rs. 5 for every year or part of a year for which the permit will be valid. For other "B" permits, an entrance fee or a visa fee of Rs. 30 and a residential fee of Rs. 20 for every year or part of a year for which the permit is valid. Arrangements will be made to enable immigrants to pay the residential fee in yearly instalments if they so desire.

Dependants.—Half the rate per dependant of the fees payable by the immigrant himself.

Collection from Employers of visa or entrance fees for "B" permits.

16. The Government of Burma accept the principle that the incidence of entrance or visa fees and of the stamp duty charged in respect of "B" permit holders should fall on the employer and undertake to collect such fees from the employer or prospective employer in cases where a permit is issued at his instance.

Deposits.

17. Before entry into Burma a deposit of Rs. 20 will be made to the Government of Burma by persons who are granted "B" permits and by their dependants to cover the cost of repatriating them. Repatriation will be, at the choice of the repatriated Indian, to the ports of (a) Calcutta, (b) Chittagong, (c) Madras, (d) Vizagapatam, and (e) Gopalpur. The deposit will be refunded if the person concerned leaves Burma of his own accord or obtains an "A" permit.

Stamp Duty.

18. Applications for all classes of permits under the immigration control arrangements shall be subject to stamp duty under the ordinary law of Burma.

PROVISION RELATING TO INDIANS ALREADY IN BURMA.

Indians who are born and bred in Burma and who have made Burma their permanent home.

19. The Government of Burma recognise that Indians who are born and bred in Burma, have made Burma their permanent home and regard their future and the future of their families as bound up with its interests are entitled to be regarded as having established a claim if they wish to make it, to a Burma domicile and therefore to the benefit of section 144 of the Government of Burma Act, 1935.

Acquisition of Burma domicile by Indians in Burma.

20. No restriction will be placed on the acquisition of a Burma domicile under due process of law by Indians lawfully residing in Burma excepting those who by the terms and conditions of a permit which entitles them to reside in Burma are not given the right of residence beyond a specified period.

Privileged Immigrants.

21. Indians who prove a total residence in Burma of seven calendar years between the 15th July 1932 and the 15th July 1941 will be termed "privileged immigrants".

Such privileged immigrants shall have the right to further residence and to the acceptance of further employment in Burma without limit of time but they will lose their status as privileged immigrants should they be absent from Burma for a continuous period exceeding one year after the 15th July 1941.

A privileged immigrant, so long as he retains his status, will be given the right of free-re-entry into Burma on his return after an absence of less than twelve months.

Dependants of Privileged Immigrants.

22. The following classes of dependants of a privileged immigrant will be given "A" permits free of charge for entry into Burma :—

- (i) One wife if there is no other wife residing in Burma.
- (ii) His sons below the age of 18 by the wife who is granted an "A" permit under this clause or by a wife residing with him in Burma.
- (iii) His unmarried daughters by the wife who is granted an "A" permit under this clause or by a wife residing with him in Burma.

Indians who are already in Burma but have not qualified as privileged immigrants.

23. Other Indians who are in Burma on the 15th July 1941 will be entitled to remain in Burma indefinitely and to accept work for an indefinite period and will retain their privileges under section 44 of the Government of Burma Act, 1935.

Should an Indian of this class leave Burma for any period, his claim to re-entry will be dealt with in the same manner as an application for entry by a new Indian immigrant and if re-admitted into Burma, such person will be treated as new Indian immigrant with the exception that he will have a preferential claim to a "B" permit over new Indian immigrants.

Transitory Provisions.

24. During the transition period pending the constitution of an Immigration Board and the consideration by the Government of Burma of proposals to be made by the Board for the quotas for permits to be issued to Indian immigrants, the Government of India will prohibit the emigration to Burma of Indians for the purpose of unskilled work from the 21st July 1941 with the exception of seasonal labourers who may, at the instance of the Government of Burma, be granted passports up to numbers agreed upon between the two Governments.

Registration of Indians in Burma.

25. The Government of Burma will institute at an early date a system of registering Indians in Burma

[Mr. M. S. Aney.]

GENERAL.

Power of Exemption.

26. The Government of Burma may exempt any person from any or all the conditions and restrictions that may be imposed under this Agreement.

Co-operation between the two Governments.

27. The two Governments will act in close co-operation to achieve the objects of the Agreement and will freely consult each other on points of difficulty that may arise.

In particular the Government of Burma will grant the Government of India an opportunity of commenting on proposals to fix quotas and on the recommendations of the Immigration Board on which such proposals are based.

JOINT REPORT BY THE DELEGATIONS FROM INDIA AND CEYLON.

The discussions between Delegations from the Government of India and the Government of Ceylon, which terminated unsuccessfully in Delhi in November 1940, were renewed at the invitation of the Government of Ceylon at Colombo in September 1941. The resumed conversations were directed towards particular subjects upon which disagreement had arisen between the two countries. It was clearly understood that concurrence of views expressed during the conversations upon individual points should not be construed as effective agreement unless agreement were reached over the whole field of discussion. Exhaustive consideration of the following subjects:—

- I. Immigration and re-entry,
- II. Quotas,
- III. Franchise,
- IV. Registration,
- V. Status, and
- VI. General provisions.

resulted in the agreement set out below.

PART I.—IMMIGRATION AND RE-ENTRY.

SECTION A.—*New entrants, i.e., persons entering Ceylon from India for the first time after the date when the Immigration Ordinance comes into force.*

The discussion proceeded mainly on the basis of the draft Immigration Ordinance published in Ceylon on February 26, 1941. The Indian Delegation put forward the following proposals:—

- (1) That permits should take the form of an endorsement on a passport;
- (2) That the Minister should be advised by an Immigration Board, on which Indians should be represented;
- (3) Any proposals for the imposition of quotas (whether in the form of labour schedules or internal quotas) together with the advice of the Immigration Board, should be referred to the Government of India for comment;
- (4) That there should be no discretion regarding the entry of wives and minor children of persons to whom entry may in future be permitted;
- (5) That discretion to refuse entry should be limited in the case of persons to be employed in positions of confidence or for specialised work;
- (6) That fees chargeable for endorsements should be as low as possible, regard being had to the cost of administration.

Subject to the drafting of a suitable formula for persons covered by (5) above, the Ceylon Delegation felt there should be no difficulty in meeting the Indian Delegation's wishes on the points raised.

SECTION B.—*Re-entry of Indians who are not new entrants.*

(1) Undesirables, destitutes and persons prohibited by existing law from entering Ceylon or liable to deportation thereunder to have no right of re-entry;

(2) Persons repatriated to India in accordance with existing law or existing administrative arrangements to be subject to the provisions of the Immigration Ordinance;

(3) In the event of the Ceylon Government undertaking to provide at their own expense facilities for repatriation to India, persons so repatriated to have no right to re-enter Ceylon save in accordance with the provisions of the Immigration Ordinance, provided that repatriation (a) is voluntary, (b) involves monetary compensation in excess of a passage to India, (c) is accepted by the repatriate on the explicit understanding that he will be subject to the provisions of the Immigration Ordinance;

(4) Persons possessing a domicile of origin or a domicile of choice or a certificate of permanent settlement shall have the right to re-enter Ceylon, provided however that the holder of a certificate of permanent settlement shall not be granted a return endorsement valid for a period exceeding twelve months;

(5) Assisted unskilled labourers with less than five years residence in Ceylon on the date of the agreement to be subject to the provisions of the Immigration Ordinance;

(6) Unassisted unskilled labourers with less than five years residence in Ceylon on the date of agreement to have the right to re-enter Ceylon only if returning to employment under the same employer or to guaranteed employment of the same class;

(7) Persons not included in (4), (5) or (6) above with three years residence or more in Ceylon on the date of the agreement shall have the right to re-enter Ceylon and to seek employment;

(8) Persons not included in (5) or (6) above with less than three years residence in Ceylon on the date of the agreement shall have the right to re-enter Ceylon only if returning to the same means of livelihood or, if employed, to any employment under the same employer;

(9) Wives and minor children may not be refused permission to enter or re-enter Ceylon for the purpose of joining the husband or father as the case may be;

(10) Persons seeking to re-enter Ceylon other than in virtue of the preceding paragraphs to be subject to the provisions of the Immigration Ordinance;

(11) A right of re-entry in virtue of any of the preceding paragraphs, except in respect of persons possessing a domicile of origin or a domicile of choice, will be lost after a continuous absence from Ceylon of more than twelve months.

PART II.—QUOTAS.

(1) Indians possessing a domicile of origin or a domicile of choice or a certificate of permanent settlement or having been resident in Ceylon for seven years or more on the date of agreement to be exempt from the operation of any quota legislation;

(2) Any Indian resident in Ceylon for three years or more but less than seven years on the date of the agreement to be exempt from the operation of so much of any quota legislation as applies to the same class of employment as that in which he is employed at the time the legislation comes into force. If such persons completes seven years residence in Ceylon, he shall thereafter be exempt from the operation of any quota legislation.

(3) Any Indian resident in Ceylon on the date of the agreement to be exempt from the operation of so much of any quota legislation as applies to any employment in the service of the person who is his employer when the legislation comes into force;

(4) Indians resident in Ceylon for less than three years on the date of the agreement shall qualify only for the exemption conferred in paragraph (3), provided that any such Indian who may, consistently with the terms of this agreement, subsequently qualify under paragraph (1), shall be entitled to the exemption conferred by that paragraph.

[Mr. M. S. Aney.]

PART III.—FRANCHISE.

The State Council (Elections) Order in Council to be amended so as to provide as follows:—

SECTION A.—Indians entering Ceylon for the first time after the date when the Immigration Ordinance comes into force.

(1) A class entrants to be entitled to be registered on satisfying the literacy and property qualification and, after five years residence, on establishing a domicile of choice to the satisfaction of a Court;

(2) B class entrants to be entitled to be registered only on satisfying the literacy and property qualification.

SECTION B.—Indians resident in Ceylon prior to the date when the Immigration Ordinance comes into force.

(1) Birth in Ceylon of parents either or both of whom were born in Ceylon to be sufficient proof for registration as possessing a domicile of origin, birth outside Ceylon during the temporary absence of the mother to be deemed birth in Ceylon;

(2) Registration as possessing a domicile of choice to be made only on production to the Registering Officer of proof that the person to be registered has satisfied a Court that, after having had five years residence in Ceylon he has acquired a domicile of choice in Ceylon according to the rules of English Law regarding the acquisition of a domicile of choice. (Administrative arrangements to be made to facilitate the establishment of such domicile as cheaply and readily as possible);

(3) Qualifications to obtain a certificate of permanent settlement:—

(a) a declaration that the applicant has an intention to remain in Ceylon indefinitely;

(b) proof of means of livelihood;

(c) if married, proof that his wife and minor unmarried children, if any, ordinarily reside with him; provided that no Indian who at the date of the agreement is registered as a voter, but whose wife by any personal law or custom is either precluded from joining or justified in refusing to join her husband in Ceylon, shall be treated as disqualified for the franchise by reason only of the fact that he is married and his wife does not ordinarily reside with him;

(d) the prescribed period of residence prior to application to be seven years for persons who are married at the date of the application and ten years for other persons, provided that such period of residence shall have been completed within four years from the date of the agreement;

(e) continuous absence of more than one year prior to application to constitute a break in any qualifying period of residence and, after registration as a voter, to involve removal from the register;

[The provisions in the State Council (Elections) Order in Council, both as to appeals to the Governor and as to disentitlement to special privileges, not to be changed it being understood as regards the latter, that

(i) the position of the Agent of the Government of India,

(ii) the existing arrangements regarding repatriation, remain unaffected.]

(4) Provision to be made for the grant of a certificate of permanent settlement to the child of a holder of a certificate of permanent settlement and for his registration as a voter by virtue of such certificate, subject to the following conditions:—

(a) he shall have been born and bred in Ceylon, or, if born outside Ceylon, shall have accompanied his father to Ceylon or joined his father in Ceylon before attaining the age of fourteen and shall, during minority or the period of minority since his first entry into Ceylon, have been resident in Ceylon, provided that temporary absences due to the causes mentioned in Part VI, paragraph (4) shall not constitute a break in residence;

- (b) he shall be resident in Ceylon on the date of his application for the certificate;
- (c) such application shall be made within three years after attaining majority;
- (d) he shall declare his intention to remain in Ceylon indefinitely;
- (e) he shall, on making the application, prove that he has a means of livelihood in Ceylon and if married, has his wife and minor children if any, ordinarily resident with him.

PART IV.—REGISTRATION.

It is agreed that to give effect to the provisions of the agreement in regard to the right to enter and re-enter and liability to immunity from the operation of internal quota legislation, as also to maintain accurate records of immigrants and to compile labour schedules, registration is necessary. It should be either voluntary or, if compulsory, applicable to all residents in Ceylon.

PART V.—STATUS.

(1) It is agreed that, as regards future legislation other than the legislation necessary to give effect to the agreement, there shall be no differentiation in treatment between Indians who possess a Ceylon domicile of origin or choice or a certificate of permanent settlement and other members of the permanent population.

(2) It is agreed that, as regards future legislation other than legislation necessary to give effect to the agreement, there shall be no differentiation of treatment between other members of the permanent population and any Indian who is the child of a holder of a certificate of permanent settlement (a) during minority or, (b) after attaining majority, if he is ordinarily resident in Ceylon and has identified himself with the permanent population of Ceylon.

(3) It is agreed that, as regards existing legislation, no amendment need be undertaken to modify any provisions which, in terms or in operation, are discriminatory.

(4) It is agreed that Indians, other than those possessing a domicile of origin, (a) should not claim the right to appointment to Ceylon Government service or under quasi-Government bodies, provided however, that Indians already serving under Government or quasi-Government bodies will be entitled to continue in such service without discrimination, and (b) should not participate in the benefits of the Land Development Ordinance.

PART VI.—GENERAL PROVISIONS.

(1) Wherever domicile of choice is referred to herein, it means a domicile of choice established in accordance with the procedure prescribed in Part III, Section B, paragraph (2).

(2) Wherever domicile of origin is referred to herein, it means a domicile of origin established according to the rules of English law except in the case provided in Part III, Section B, paragraph (1).

(3) Wherever a period of residence is prescribed herein, the period shall be computed in accordance with the following provisions:—

- (a) as regards period of residence prior to the date of the agreement, the prescribed period shall be exclusive of an aggregate allowance for temporary absence at the rate of five months for every year of the period prescribed*;
- (b) as regards a period of residence after the date of the agreement, the prescribed period shall be inclusive of an aggregate allowance for temporary absences at the rate of one and a half months for every year prescribed;
- (c) any continuous period of temporary absence shall not exceed one year;
- (d) any continuous period of absence exceeding one year shall constitute a break in the period of residence in Ceylon;

* *Explanatory Note.*—If the prescribed period of residence is X the period within which the prescribed period can be completed is $\frac{12 X}{7}$.

[Mr. M. S. Aney.]

(e) any period of absence shall not be deemed to be exceeded if return to Ceylon is prevented by illness, accident, emergency or other similar cause.

(4) Any person not entitled to a return endorsement valid for a period exceeding one year who desires to leave Ceylon for purposes of education or health for a period exceeding one year shall, on establishing to the satisfaction of the prescribed authority the purpose of his absence, be entitled to a return endorsement for the requisite period, and continuous absence for more than one year in conformity with such purpose shall not be deemed to be a continuous period of absence for more than one year.

(5) It is agreed that any unforeseen case or any case of hardship which may be revealed in the operation of the agreement will be made the subject of consultation between the two Governments and will be decided in accordance with the spirit and intention of this agreement.

Agreement between the two Delegations having been reached on all the subjects discussed, this joint report is now submitted by them to their respective Governments. The Delegates wish to record that the conversations took place in an atmosphere of complete candour, cordiality and goodwill.

(Sd.) D. S. SENANAYAKE.

(Sd.) G. C. S. COREA.

(Sd.) ROBERT H. DRAYTON.

(Sd.) G. S. BAJPAI.

(Sd.) MIRZA M. ISMAIL.

(Sd.) T. G. RUTHERFORD.

(Sd.) T. R. VENKATARAMA SASTRI.

COLOMBO;

Dated the 21st September, 1941.

RESOLUTION RE THE INDO-BURMA IMMIGRATION AGREEMENT.

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

"That the adjourned debate on the following Resolution moved by me on the 29th October, 1941, be resumed, namely:

"That this Assembly being of the opinion that the Indo-Burma Immigration Agreement should not have been concluded without consulting the Legislature and public opinion in India and being further of the opinion that the said agreement ignores the fundamental rights of Indians settled in or having connections with Burma, violates the assurances and pledges given at the time of the passage of the Government of Burma Act in regard to the right of free entry of Indians into Burma and is discriminatory and humiliating in its provisions and detrimental to the interests of India, recommends to the Governor General in Council not to implement the agreement as it stands and to revise it satisfactorily in consultation with the interests concerned."

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

"That the adjourned debate on the following Resolution moved by me on the 29th October, 1941, be resumed, namely:

"That this Assembly being of the opinion that the Indo-Burma Immigration Agreement should not have been concluded without consulting the Legislature and public opinion in India and being further of the opinion that the said agreement ignores the fundamental rights of Indians settled in or having connections with Burma, violates the assurances and pledges given at the time of the passage of the Government of Burma Act in regard to the right of free entry of Indians into Burma and is discriminatory and humiliating in its provisions and detrimental to the interests of

India, recommends to the Governor General in Council not to implement the agreement as it stands and to revise it satisfactorily in consultation with the interests concerned."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The discussion on the Resolution will continue. Sir Abdul Halim Ghuznavi.

The Honourable Mr. M. S. Aney (Leader of the House): If persons who have tabled any amendments are also allowed now to move them, a general discussion can then go on on the Resolution and the amendment as well.

Mr. President (The Honourable Sir Abdur Rahim): Very well. There are several amendments proposed to the Resolution which has just been moved. The first amendment is in the name of Mr. Akhil Chandra Datta.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, I beg to move:

"That at the end of the Resolution the following be added :

"That this Assembly further recommends to the Governor General in Council that in the event of the Government of Burma not agreeing to a revision of the Indo-Burma Immigration Agreement so as to ensure the right of free entry to all Indians except surplus unskilled labour to the satisfaction of Indian opinion, the Government of India should give immediate notice of the termination of the Trade Agreement concluded last February in order to safeguard the fundamental rights of Indians residing in or having connections with Burma'."

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

"That at the end of the Resolution the following be added :

"That this Assembly further recommends to the Governor General in Council that in the event of the Government of Burma not agreeing to a revision of the Indo-Burma Immigration Agreement so as to ensure the right of free entry to all Indians except surplus unskilled labour to the satisfaction of Indian opinion, the Government of India should give immediate notice of the termination of the Trade Agreement concluded last February in order to safeguard the fundamental rights of Indians residing in or having connections with Burma'."

Mr. President (The Honourable Sir Abdur Rahim): The next amendment is in the name of Lieut.-Colonel Sir Henry Gidney.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official): Mr. President, with your permission, and that of the House, I do not propose to move my first amendment. With your permission, I propose to substitute it with the amendment of which I gave notice yesterday at two o'clock. I beg to move:

"That for the original Resolution the following be substituted :

"That this Assembly being of the opinion that the provisions of the Indo-Burma Immigration Agreement are a violation of the assurances given in Parliament with regard to the status of Indians in Burma and their right of entry into Burma after its separation from India, inasmuch as they render nugatory the protection which Parliament undoubtedly undertook to give in these matters in Part V of the Government of Burma Act and the Instrument of Instructions to the Governor of Burma, recommends to the Governor General in Council to request the Secretary of State not to implement the Agreement by Order in Council unless and until satisfactory

[Lieut.-Col. Sir Henry Gidney.]

modifications are secured which will carry out, to the full, the Parliamentary assurances and remove such provisions as are discriminatory and humiliating to the people of India'."

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

"That for the original Resolution the following be substituted :

"That this Assembly being of the opinion that the provisions of the Indo-Burma Immigration Agreement are a violation of the assurances given in Parliament with regard to the status of Indians in Burma and their right of entry into Burma after its separation from India, inasmuch as they render nugatory the protection which Parliament undoubtedly undertook to give in these matters in Part V of the Government of Burma Act and the Instrument of Instructions to the Governor of Burma, recommends to the Governor General in Council to request the Secretary of State not to implement the Agreement by Order in Council unless and until satisfactory modifications are secured which will carry out, to the full, the Parliamentary assurances and remove such provisions as are discriminatory and humiliating to the people of India'."

Now, Sir Abdul Halim Ghuznavi will make his speech.

Sir Abdul Halim Ghuznavi: Mr. President, I am discussing today a Resolution on a matter of vital importance, namely, the Indo-Burma Immigration Agreement. Sir, during my membership of this Honourable House for the last 17 years I have not come across a Resolution of such importance as the one which is under discussion now.

The story of separation of Burma from India is a very sad one. India did not want separation, Burma did not want separation, but the separation was wanted by our Britisher friends for their own exploitation. That is the story of the separation of Burma from India.

Sir, the Agreement which is under discussion here today has been condemned from one end of India to the other. Assurances and pledges had been given repeatedly from the year 1931 to 12th June, 1941, that there shall be free entry of Indians into Burma. Those assurances, those pledges that had been given to India by His Majesty's Ministers, by the Government of India, and by other responsible officers, have been thrown away to the gutters. The result is this humiliating document which we are discussing today. It touches only the Indians. His Majesty's British subjects have free entry, but His Majesty's Indian subjects are being debarred from that right of free entry.

Before I proceed to give the dates of those assurances and pledges, I desire to quote a few sentences from what has been uttered by Mahatma Gandhi, and Mr. Jinnah, the President of the All-India Muslim League. Let me tell the House that the trick of setting one against the other, of dividing and ruling is out of place in this instance. India is united, there is no question of Hindu-Muslim dissension. We demand, united India demands, that this Agreement must be thrown into the gutters, and nothing short of it will satisfy the Indian demand. Mahatma Gandhi in a very lucid note has condemned this document. He described this as:

"An unhappy agreement, panicky and penal, sprung upon an unsuspecting public, the agreement is an insult to the whole nation."

Mr. M. A. Jinnah, the President of the All-India Muslim League, has condemned this Agreement and urged upon the Governor General and the Secretary of State for India not to ratify the Agreement and thus remove

the serious discontent which it has caused in all Indian trading circles and the offence it has given to the self-respect of the peoples of India.

Mr. Satyamurti, in one sentence, has described his view. He said, "The soul of India is in revolt." Is that the agreement which, Mr. President, we are discussing today?

In 1931, the Burma Sub-Committee, called Sub-Committee No. 4, which was appointed by the Round Table Conference and of which I was a member, expressed as follows:

"The Sub-Committee also specially stress the importance of there being no discrimination as regards Indians entering Burma."

That was the first recommendation of the Burma Sub-Committee—namely, that there shall be no discrimination as regards Indians entering Burma. From then onwards, assurance after assurance was given, pledge after pledge was given. Those pledges and assurances were given by the same gentleman, I mean, Sir Girja Shankar Bajpai. On the 12th June, he gave the assurance that nothing harmful will be done. And behold! The moment he arrives in Burma he sets at naught all the assurances and pledges, and signs, seals and delivers this rotten and most humiliating document that India has ever seen.

Then, Sir, when this Burma Bill was under the consideration of the House of Commons, we were apprehensive that something might be done to injure India's interest as against Britishers there and Earl Winterton moved an amendment in the House of Commons:

"That nothing in this sub-section shall affect any restriction lawfully imposed on the right of entry into Burma of such Indian subjects of His Majesty domiciled in British India as enter Burma whether by previous engagement or otherwise, to perform unskilled labour for hire in Burma."

He wanted to make it abundantly clear that excepting for unskilled labour no restriction should be placed on Indians entering Burma but that amendment had to be withdrawn and why? Because of an assurance given by Sir Thomas Inskip on behalf of His Majesty's Government. He said that there was no reason for any apprehension as they did not desire to restrict anything else except unskilled labour, and therefore he asked the Honourable the Mover of that amendment to withdraw that amendment. Sir Thomas Inskip said in April 1935: "Nobody wants to discriminate between British subjects domiciled in India or Indian States subjects when they go to Burma any more than one wants to discriminate between British when they go to British India". What a solid assurance! On that assurance that amendment was withdrawn and he further said that section 44(3) may not be abused and to that end there will be an instruction in the Instrument of Instructions. He repeated also on the floor of the House "that there shall be inserted in the Instrument of Instructions a direction to reserve any Bills which contained racial discrimination and to reserve also Bills which contained restrictions upon professional or business men, who, while India and Burma have been united, have carried on business in either country". These were the assurances given when the Government of Burma Act was passed. But Mr. Butler went further when the Instrument of Instructions was being discussed. This was in November 1936. He assured the House that:

"They had to give the right of restriction in regard to unskilled labour only (Bear in mind that Mr. Butler gave the assurance that they had to give the right

[Sir Abdul Halim Ghuznavi.]

of restriction in regard to unskilled labour only) while at the same time they did not want to stop the free entry of Indians in general."

The Government of India had no business to enter into any agreement when they knew perfectly well that these were the assurances given to India by His Majesty's Ministers before the Bill was passed and before Burma was separated from India. The intention of Parliament was abundantly clear from the speeches made by Earl Winterton, Sir Thomas Inskip and Mr. Butler, that there shall be no restriction whatsoever on Indians entering Burma, except those under the category of unskilled labour. Now, as late as February of this year, what did the Honourable the Prime Minister of Burma, The Honourable Mr. U Saw, say, when he visited my country, India? He came here during the Indo-Burma trade talk. He gave this assurance in India that "Some kind of regulation of immigration of Indian unskilled labour seems necessary". "I can assure India", he said, "however, that whatever be our decision regarding immigration of Indians, there would be no discrimination against Indians and as far as Indians already settled and resident in Burma are concerned, they will be entitled to every right and privilege enjoyed by the sons of soil". I ask, Sir, was that assurance given effect to when this document was signed? That was the assurance given in February by the Prime Minister of Burma and then behold! What happens next?

Then comes the 10th of June this year when the Government of India announced the personnel of the delegation to visit Burma. What did the Government of India do in that connection? They appointed one official delegate, Sir Girja Shankar Bajpai, and with him accompanied one European adviser. There was however no Indian adviser. Sir Girja Shankar goes to Burma and let me read the statement that he made before he left Calcutta for Burma. Consider what he said in Calcutta and what he did after he arrived in Burma. He said on the 12th of June 1941 in Calcutta, "That the present negotiations were more or less of an explanatory nature and it was their aim to secure as complete an exchange of views as possible on the many complicated questions connected with Indian immigration into Burma". He was not in a position (bear in mind) to say whether the present negotiations would result in an immediate agreement between the two countries, but it was an accomplished fact within a week of his arrival in Burma.

As regards entering into an immediate agreement between the two countries. He said it would depend on the questions raised, the terms offered by Burma and the spirit of accommodation and understanding displayed by the Burma Government. In any case the Government of India's object was to secure on the question of Indian immigration to Burma an agreement that would satisfy generally Indian opinion in this country. Has that satisfied the general opinion of this country? The country from one end to the other has denounced this agreement. He had no authority to enter into that agreement without consulting this Legislature, without consulting the Indian opinion and without consulting the Indian Chambers of Commerce. He went there to explore the avenues and it was his duty to come back and to report to his Government and to the representatives of the people who sit in this House. He had no business to sign it there. It was on the 12th of June that he made that statement.

I will now take you round to that wonderful statement which he made as soon as he landed on the soil of Burma. This is what he said:

"The Government which I have the honour to represent today has only one desire—the desire to ascertain and comprehend the difficulties that immigration from India may be creating for you, and to help you to the best of their ability to solve them."

So, he had gone there with one desire, namely, to assist Burma how to stop the immigration from India. That he has done to his complete satisfaction. He has solved Burma's difficulty. In contrast to this, mark the words of the delegate who went from China for the same purpose, namely, immigration from China to Burma. He did not go there to solve Burma's difficulty: he went there to solve China's difficulty. He went there to look after the interests of the Chinese and not those of the Burmans. Soon after Sir Girja Shankar Bajpai returned to India, the Burma Government began this talk with the Chinese Government. On 20th September, 1941, Dr. Tu Yuen Tan made the following statement:

"The National Government is keenly interested in the welfare of the Chinese abroad, and so while taking into full consideration the views and aims of the Burmese Government and the people, we have to protect the legitimate rights and interests as well as maintain the status of the Chinese residents in Burma in accordance with the Treaty obligations between Great Britain and China."

That was the statement the delegate from China made. But the delegate from India had gone there with the sole object of solving Burma's difficulty which were worrying the Government of India.

When the Baxter Committee was appointed, it was appointed purely to find out the ways and means as to what was to be done about the unskilled labour. This Committee was appointed on the 15th July, 1939. It was a fact-finding Committee. The terms of reference of this Committee were "whether in the light of the statistics obtained and other relevant factors, a system of equating the supply of Indian unskilled labour to Burma requirements is needed". Mark these words because so much has been said about this Committee. The Committee was further asked to collect statistical data with regard to the Indians in general and also the extent of the employment and unemployment in Burma. After that Committee was appointed, the Federation of the Indian Chambers of Commerce felt rather nervous at the wide scope of the terms of reference. They then addressed a communication to the Government of India in which they pointed out that both the Royal Commission on Labour in India and the Braund Riots Inquiry Committee had, however, the immigration of unskilled labour in their mind. They requested the Government of India to represent to the Burma Government to restrict the scope of the Baxter Inquiry to the problem of Indians with regard to unskilled labour only. Now, look at the funny reply which the Government of India gave which can be used both ways. The Government of India said:

"They had already reserved to themselves the right to consider, criticise or resist any proposal that may be formulated on the basis of the Commission's findings."

This did not allay the apprehensions of Indians and they were still under the impression that something very serious might be done. Then, what happened was that the Prime Minister, who came here to negotiate the Indo-Burma trade agreement, made a statement and then Sir Girja Shankar Bajpai gave us an assurance also. I cannot find his statement

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just now but he said something to the following effect. If Indians would make some sort of gesture in this trade agreement to Burma, that would solve the problem of immigration. With these assurances, with these pledges, he had gone to Burma and within a week of his stay in Burma, he had finished this agreement without consulting any Indian opinion whatsoever.

Now, Sir, what is the position today? There is united demand and I once more repeat, and let the Treasury Benches bear this in mind that there is no Hindu-Muslim question; we'll unanimously demand that the Government should approach the Secretary of State and tell him that India will not accept this agreement and he dare not implement that before giving one more chance to India to express her opinion and they can then decide the fate of India. Is it too much for me to appeal to Burma Government and to the Burmese people? Is it not a fact that the present position of Burma is entirely due to the help of Indians? Have not Indians sunk tons of money in that country to make that country what it is today? Have not Indians helped them materially, in every way, in every aspect of their life? I appeal to Burma to be reasonable. Do they not allow Englishmen without restrictions and why should they place restrictions on their Indian brethren? Sir, Burma was a part of India only the other day. Those black sheep who agreed to the separation of Burma will yet realise today or tomorrow that the separation from India has done them no good, on the other hand it has harmed the Burmese. I, therefore, ask the Treasury Benches to take account of these pledges, the dates which I have given from 1931 up to 12th June 1941 and examine the case in the light of these pledges and assurances given in Parliament and on the floor of the House here.

The Resolution says that the agreement has been concluded without consulting the Legislature and public opinion in India. That is a fact. It needs no argument. No one in India was consulted when Sir Girja Shankar Bajpai entered into this agreement. The said agreement also ignores the fundamental rights of Indians settled in or having connections with Burma. Not only does the Agreement ignore our fundamental rights, but it also contains shameful clauses such as matrimonial rights and so on. I am myself ashamed to read those clauses. Sir, I move.

Mr. Akhil Chandra Datta: Sir, before I speak in support of my motion I want to have some information from the Honourable the Leader of the House on these points. What is the genesis and the history of this agreement? Who moved in the first instance? Who took the initiative in this matter? When was that done, and what was the nature of the restriction that was proposed in the first instance? Is it a fact that the only restriction that was proposed by the Burma Government was the restriction of unskilled labour? I want information on these points if the Honourable the Leader of the House can give.

The Honourable Mr. M. S. Aney: I will make some of these points clear in my speech, but I can now assure the Honourable Member so much that the demand for having an Agreement was initiated by Burma Government.

Mr. Akhil Chandra Datta: Speaking on this Agreement, the Honourable the Mover of the Resolution has told the House how this Agreement has been denounced by the whole country. The country unanimously with one voice denounced it. There is absolutely no difference of opinion. All classes and all interests concerned have denounced it, capital has denounced it, labour has denounced it, Europeans have denounced it, but I do not know what they will do today. The Europeans in this country in unmistakable language have denounced the Agreement. Indians have of course denounced it. Provincial legislatures have denounced it. Provincial Governments have denounced it. That being the position the Agreement is unacceptable to India, unacceptable as regards its fundamental basis, unacceptable as regards its detailed provisions. What is the problem that this Agreement seeks to solve? The problem is the alleged penetration and unfair competition of Indian labour in Burma. I would emphasise the word Indian labour. It is never the case of anybody that there was any unfair competition with regard to any other matter except the competition of labour. As I was saying, the question is the alleged problem of penetration. But is there really a problem of unfair penetration and unfair competition? On this point, there was a Committee appointed by the Government of Burma themselves. Let us see for one moment what are the findings of that Committee? That Committee is called the fact finding committee, to collect statistics on this point. I shall read two or three findings of that Committee. As we know there was no Indian on that Committee and Indian interests were not represented. One finding is this. Mr. Baxter, the Chairman of the Committee, at the very commencement of the report remarks:

"Migration from India to Burma is no new thing. It has been going on as far back as Burmese history can be traced through its chronicles and legendary lore."

Then it is said on a most important point:

"There is no evidence of any kind to suggest that Indians have displaced Burmans from any employment which they had previously obtained."

Another equally important finding is:

"Indian labour in the past has been supplementary rather than alternative to Burmese labour."

There is thus no question of competition, fair or unfair. Then, a still more important finding of Mr. Baxter is this:

"There is, in fact, no parallel in the modern world to present position of Burma *vis-a-vis* the problem of immigration from India. In this country for generations Burmans and Indians have grown side by side, joint contributors to a progressive economic development."

I lay emphasis on this sentence that for generations Indians and Burmans have grown side by side and jointly contributed to a progressive economic development. Then the finding is:

"On the whole the volume of immigration from India adjust itself to the conditions of economic prosperity in Burma."

Not only this; Mr. Baxter sounds a note of warning. He anticipates there might be some restrictions proposed and therefore he gives this warning:

"I venture to call attention to an aspect of the immigration problem which is frequently neglected. General discussion too often limits itself to that simple and negative word 'restriction', overlooking the probability that hasty and ill-judged action in this way may lead to economic maladjustment far more serious than the evils which they are intended to remedy. Such a negative view is often based upon a

[Mr. Akhil Chandra Datta.]

superficial and pessimistic view of the possibilities for the future development of Burma. There is a wide field, on the other hand, for fruitful positive action by the opening up of additional avenues of employment for the people of the country."

Therefore, I say without further elaboration, that the alleged problem is a fictitious problem. There is no penetration or competition of which Burma can complain. In fact it must be admitted by all that Indian talent, Indian capital and Indian labour have contributed to the economic development of Burma. I may even say that India has made Burma what she is today. The contribution by India is not merely a temporary contribution. It has been found that the contribution is a lasting contribution which will bear fruit for a long time. Apart from this direct contribution by India to the development of Burma we know that, as a matter of fact, we Indians have had to finance their deficits for years, and even today Indians have to bear a share of the defence expenditure of Burma. Administratively Burma was a part of India only the other day. So that, there is no reason, there is no ground, there is no justification for the drastic restrictions that have been accepted by the Government of India in this Agreement. The immigration problem of Burma was a question that was discussed at the time of the separation of Burma. It was discussed threadbare when the Government of Burma Act was passed in 1935. At that time the right of free entry of Indians into Burma was never disputed and assurances were given which I need not repeat because they have been placed before the House by the previous speaker. The only restriction that was proposed at that time was on unskilled manual labour, and nothing beyond that. If you look at clause (h) of section 36 (1) of the Government of Burma Act, the intention of that Act will be clear. The intention of the Act will also be clear from section 44 (3) of the Act. The amendment that was proposed by Earl Winterton, the reason why it was not accepted, the assurances that were given as regards the right of free entry of Indians into Burma in order to preclude all possible restriction in future, the provisions in the Instrument of Instructions, etc.—all these prove conclusively that the immigration problem was not only discussed but decided once for all. I do not understand how this question can be reopened now. Who is competent to reopen this question? I am not arguing in a court of law or discussing whether the Instrument of Instructions coupled with the section of the Act are sufficient to establish the right of free entry. I am not going to enter into any legal quibbling. I say that at all events these assurances and pledges were given on the floor of the House of Commons and the House of Lords by responsible Ministers who were in charge of the Government of Burma Bill. They amount to a gentleman's agreement. I shall not discuss the question whether it is legally binding or not. I shall concede for the sake of argument that it is a gentleman's agreement, and I do not know if it is open to any gentleman to give the go-by to that agreement. After all, who are the parties to this Agreement? The Government of India and the Government of Burma. Is it open to these Governments to brush aside all these assurances given by British Ministers on the floor of the House of Commons and the House of Lords? I say it is disloyal of the Governments of India and Burma not to give full effect to those assurances given when the Act was passed and the protection that was given in the Act in unmistakable language. I hope, Sir, that Burma Government will try to maintain the mutual goodwill, mutual trust, mutual co-operation, mutual

accommodation—it is essential not only for India but also for Burma—and we do hope that Burma will be reasonable. But supposing, unfortunately for India, Burma insists on a pound of flesh and refuses to revise the Agreement then the question is: is India so absolutely helpless that it cannot have any voice in the Agreement at all. In that event I do hope that our Government will not give way. In my amendment I do recommend to the Government of India that they should give a notice to terminate the Trade Agreement which was concluded in February last. Just one word more and I shall have finished.

Fortunately for us the Overseas Portfolio is now in the hands of the Honourable Mr. Aney whose courage and independence have all my life been the object of great admiration and regard. Fortunately or unfortunately for us I do not know, he has been kidnapped from our Benches to the Treasury Benches, but I do hope—in fact I do believe—that although his body is on the Treasury Benches his spirit and his soul is on these Benches. India has been betrayed and sacrificed in this Agreement. It is for Mr. Aney to undo the mischief.

Lieut.-Colonel Sir Henry Gidney: Sir, before I deal with my amendment I would ask the House, when discussing this very important matter, to try, as far as possible, not to be provocative or irritative in their remarks when dealing with the country that has insulted us, for after all, Sir, "two wrongs don't make a right" though—"Two can play at the same game". That it is an insult to India none will deny, and that feeling is felt by all communities without exception. It includes members of the Domiciled European and Anglo-Indian community, for after all what is the definition in this Agreement of the word "Indian"? It is defined as "British subject domiciled in India". It excludes Britishers, all foreigners and even Negroes and others who are not domiciled in India. Sir, there can be no doubt in the Treasury minds and of the whole House that this is a one-sided Agreement, and that it was executed under most extraordinary and abnormal circumstances and environments. I shall not enter into any details, for you must all know the background and other matters germane to this obnoxious agreement. I fully realize and appreciate the psychological aspect of this matter and its percussions and repercussions on both India and Burma—but as I am no jurist so I shall not deal with the legal aspects of it—but I desire to state, without fear of contradiction, that the signing of this Agreement was certainly, to say the least, an error of judgment. It was a disservice to India though I might readily admit that the great Indian colleague of ours who did sign it had no intention in his heart to hurt or insult us. But, Sir, on such matters one must leave sentiments aside and face facts as they are found in the agreement. What are the facts, Sir? I shall not take up the time of this House with the recital of those facts—they are to be found in the Agreement—except to repeat that it is a most objectionable and humiliating agreement. The regrettable part of it is, that there is a feeling in my mind and the minds of many others that the Deputation which went to Burma was stampeded into signing an Agreement, and in doing so it sold the honour, the soul and dignity of India to a country whose very prosperity and position of today is so largely dependent on what India has done for it. I am taking a national view. And it is for this reason I am moving my amendment, Sir, not only for India and Burma but the British Commonwealth of Nations,

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and particularly the Secretary of State for Burma and India (an office which is held, as Dr. Jekyl and Mr. Hyde, by one person—Mr. Amery) to know that, if this is the attitude of Burma, if this is the aftermath of the separation of Burma from India, if this is to be the policy of an obstinate Burmese Government, who, it is an open secret, more than once held the revolver at the head of the Indian delegation, and if Burma, as its Prime Minister said in England refuses any modifications, or, as we see in the press today, states that this is very satisfactory and he hopes soon to have an Order-in-Council passed, and again, if Burma desires to remain an integral part of the British Commonwealth of Nations—it would really become—not a British “Commonwealth” but a British “Common-rut” of Nations.

Sir, what was the Prime Minister's attitude: ‘take it or leave it’. If you refuse it, I will go to my legislature and have orders passed that its provisions become operative. It was the attitude of a bully, not only taking advantage of the world war which we with the British Empire are facing together, especially in the Far-East—but with a blank mind of ingratitude as to what he and his country owe to this country and blind to the fact that, should his country be invaded, India would have to defend it. With this knowledge it was difficult for anybody in this House not to be moved with a sense of intense indignation, revolt and with feelings of humiliation and insult at the Agreement which has been concluded. In doing so, one has to think of that great Indian, our worthy colleague, Sir Girja Shankar Bajpai, who is not present here today, and, therefore, unable to defend himself. I know, according to the frontispiece of my Honourable friend, Mr. Satyamurti's book it is said among other matters: “an undeserved slur both on India and Burma”. Sir, no one in India has been given authority to talk about Burma, nor do they merit anyone's sympathy or blessing. The voice of Burma is to be found in the terms of the Agreement which is an insult to India—not to Burma. But, Sir, if ill-becomes any Indian whoever he be to charge our Honourable colleague, who is not here, with ugly motives. On the contrary, he is due our gratitude for the great work he has done for Indians overseas—in Africa and elsewhere.

Sir Abdul Halim Ghuznavi: You are defending him.

Lieut.-Colonel Sir Henry Gidney: Yes. I am, for he is not here to refute what Sir Abdul has said against him. Will the Honourable Member please remain silent and not interrupt. I demand from him the silence I gave him when he harangued this House.

We cannot blame Sir Girja Shankar Bajpai personally. He is but a servant of Government and he carries out orders. Some in this House would like to say: “He should have closed up his book and come back to India”. To them I would say “Reverse your position and place yourself in Sir Girja Shanker's place”. What would you have done in those circumstances, faced as he was with such violent circumstances, dealing as he was with an impulsive nation as the Burmans are, and faced as he was with the fear of a collapse of the negotiations and the chaos that would have resulted, had the Prime Minister, thereupon, taken the matter before the Burman Legislature as he threatens he will do and received the necessary legislation as he assuredly would have? Had this crises happened

what would we have said? What would Sir A. H. Ghuznavi have said? Would he have blessed or cursed Sir Girja Shankar?—I do not say that this is an extenuation of the signatories to the Agreement, but it is a view that I take in the defence of an Honourable colleague of ours, who is now doing higher services and cannot personally defend himself. Let us be a little more tolerant in our outlook and, while I repeat that the Agreement was an insult, it was the policy, and not the person, which was at fault. The services rendered by Sir Girja Shanker need no repetition by me. These are writ large in the history of India for the past 25 years. The history of this Legislative Assembly scintillates with the work he has done for our country. I hold no brief for the Government, but I ask the House to realise the circumstances of this matter.

Before Sir Girja Shanker Bajpai left this country, I am told he consulted the Standing Emigration Committee. When he was in Burma he had frequent and free interchange of thoughts and discussions with the *ad hoc* committee, and, before he arrived at any compromise, he had the consent of this *ad hoc* committee. At least that is what I understand. But I want to know, did the Government of India instruct him to make this compromise? I join my friend, Mr. Datta, in asking the Government to tell us frankly, but please do not place the brand of Cain on our colleague—Sir Girja Shankar Bajpai. Let us be fair, if not charitable; generous if not appreciative of our great colleague and his great services to India and Indians.

It is unnecessary to enter into the objectionable clauses of this Agreement. No subject has been so thoroughly dealt with, so thoroughly ventilated and so unanimously resented as has been this Agreement and within such a short time. The terms are before us. But why has there been this secrecy? Why have we not been informed by the Government of India about this before? I beg of the Government to desist from this policy of secrecy. We know that you work and try to do your best for us, but, surely, we, as a Legislature, are entitled, equally as is the House of Commons and other Colonial Legislatures, if not to your secrets in open at least in a secret session. You must trust us if you invite us and want us to become your accessories as Members of this Assembly; otherwise we are nothing but tools and automatons to listen to what you tell us and then only after it has been done.

Sir, no nation with any self-respect would accept this Agreement. Even Mr. Baxter is against it; and one almost feels tempted to ask where would Burma have been had it not been for the great services rendered even by the unskilled Indian labourer? The trend of Burman thought has always been against India, but one hardly thought that the Burmans wanted to cut their own throats and ruin their future and threaten the peace of the Far-East by such drastic restrictions in the matter of the entry of Indians into their country. This ill-feeling started with the demand for the separation of Burma and it was followed by widespread riots. I do not suggest that the Burmese Government was responsible for those unfortunate clashes. Then came the Baxter Report which, however, failed to give a lever to implement the wish of the Burman. It is little wonder, therefore, that the Baxter Report did not see the light of day till after the Government of India had been inveigled into initialling the Agreement. That is my chief complaint against this Agreement. We

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have not been taken into the confidence of the Government and I do beg and hope that the Government will not repeat this error. But, whatever be the agreement finally arrived at by the Secretary of State, I do desire to state on the floor of this House, before it becomes a *fait accompli*, that this House will be given the fullest opportunity of discussing and examining what the terms are going to be.

Although Burma faces a crisis on its Eastern Border, it forgets that it will have to look to India for its defence, unless of course it turns fifth-columnist of which no one here has any fears, and I feel from what one knows of the unfortunate impulsive nature of the Burmans, it is difficult to expect them, in their present frame of mind and, particularly, after the recent utterances of the Prime Minister in England, that he would refuse to accept any modification of the Agreement—it is difficult to expect them to accept any modification or to take a long and calm view of his matter. They seem imbued with one idea, one obsession, jealousy of India and the desire to exclude Indians from Burma, except unskilled labourers to do the scavenging of the Burmese streets which the Burman declines to do himself and it seems as if the Burman is prepared to go any extremes in this desire.

With such a mentality it is difficult to argue, except to express our resentment and disdainfully refuse acceptance of this Agreement. I would go further and say that, in these days, when friends and enemies change positions and places at times within twenty-four hours, one cannot depend too much on the steadfastness of any people. I shall say no more on this, Sir, but I am entitled to think and think and think again, and I would tell this House again that we are living in a world of sudden changes and happenings and the friends of today are our greatest enemies tomorrow. The Nazi intellect for creating Quislings in the most unsuspected parts of the world is too well known for us to take any risks, especially in a country so near the Axis partner in the Far-East. Even as a profound believer in the ability of the British Empire to achieve ultimate victory, we must admit that Great Britain has failed in detecting and preventing the growth of fifth columnists of the Axis partners in other countries, however far removed they may be. Not for a moment do I suggest that Burma, much less the Burmese Government, are fifth columnists, though it is known that Japan has her supporters there. But as I said, the world today is a world of sudden happenings. The demand for an agreement, coming at this stage, especially in the face of the findings of Mr. Baxter, indicates that Burma has taken an unfair advantage of the present world war and Far-East situation. I refer to this aspect to emphasise that the Secretary of State ought not to take for granted that, because Sir Girja Shanker Bajpai concluded and signed an agreement on behalf of the Government of India, therefore the requirements of section 138 have been fulfilled, and acted thereon.

This analysis as outlined by me will, I hope, show to the Secretary of State the difficulties which faced the Government of India and its Members, the unsympathetic and hostile spirit in which the Burmese Deputation evidently conceived the demand for an agreement. Sir, it is an insult to India to place no restrictions on its unskilled labour and restrict the entrance of others. I ask why should this country be a source of recruitment for labourers to do the scavenging of the streets of Burma which the

Burmans refuse to do and think below their dignity? Why should India have to do this dirty work? I am glad to know that the Government of India have issued a recent order prohibiting this, and I hope it will teach the Burman a salutary lesson.

But the most disgraceful clause, which I even do not like to mention, is the one mentioned by Sir Abdul Halim Ghuznavi, and it is the marriage clause. It is with great hesitation that one even refers to it. Nothing can be more humiliating to a nation like India with its wonderful traditions of culture, centuries and centuries before even western nations became civilised. India has got those traditions and India has got a pride which very few nations have; and to insult us by refusing this marriage with another country is, I consider, more than an insult; it is disgraceful and unmoral. A Negro, a Maori, a Singalese, a Malayan and even a Britisher can go to Burma and marry *ad libitum*: only Indians are excepted. We should fling this insult back at the face of Burma.

Speaking not only as the Leader of my Party, but as a son of India and a national who gives place to no one in this House or in India in my national claims and wants. I wish to express on behalf of my Party the unanimous opinion of extreme and bitter resentment and humiliation and insult at this Agreement. India should be given a free entry into Burma as in the past. She has merited it in more than one way. It is, however, some satisfaction to me to know that the signing of the Agreement by the Governments of India and Burma is not the finale of this matter and that it must receive the approval of the Secretaries of State for India and Burma (unfortunately they are vested in one person now) before His Majesty passes the Order-in-Council

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must now conclude.

Lieut.-Colonel Sir Henry Gidney: I am finishing, Sir. I submit that there is no doubt in the minds of any one in this House, as has already been expressed, of its refusal to accept this Agreement. In moving my amendment, therefore, I ask His Excellency the Governor General, through the Leader of the House and the Treasury Benches to convey to the Secretary of State for India that it represents the considered and agreed opinion of this House of all classes and creeds in India and Indians resident in Burma. Sir, I have been unable to incorporate one or two additions in my amendment as required by Sir A. H. Ghuznavi. I am sorry, but I feel sure, if he were in his seat, he would agree with me in my amendment and, therefore, I hope this Honourable House will accept my amendment and I place it before the House for its consideration and for its acceptance.

Mr. T. Chapman-Mortimer (Bengal: European): Sir, as I understand this Resolution, it raises two main issues. The first issue is that of the Agreement itself and its terms; the second issue is the terms of the Resolution which, I suggest, is rather a different thing. In regard to the Agreement, that has been widely criticised, violently criticised, by Indians of all sections and classes all over the country. It has also been criticised in the Bengal Legislature, where a European spokesman criticised certain aspects of the Agreement: he did not criticise the whole Agreement as the Deputy Leader of the House suggested; he criticised only

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certain aspects of it. There are Europeans everywhere,—and we in this Group are among them,—who also recognise that Indians have a case, and a very strong case, in making out their objections against this Agreement. At the same time, Sir, we on these Benches by a considerable majority find ourselves unable to support the Resolution now before the House

Sir Abdul Halim Ghuznavi: You are unable to support the Resolution or the amendment?

Mr. T. Chapman-Mortimer: Both. May I deal first with the Agreement? What we should prefer would be that the Governor-General in Council should request the Secretary of State not to implement that Agreement by Order in Council unless and until, in consultation with the two Governments concerned, he has been able to secure such modifications as will make the Agreement more acceptable to the people of this country and which will also carry out in full the assurances that Parliament has given. The legal position, as we see it, is simply this. Any agreement come to between India and Burma must be implemented by an Order in Council. That lays a heavy responsibility on the Secretary of State who in these matters is bound by the Government of India Act and by the Government of Burma Act. But, Sir, I would remind this House that, granted that the Secretary of State has these heavy responsibilities, that does not mean that the Government of India can shirk *theirs*. This is an agreement between the Government of India and the Government of Burma, and while in the last resort the Secretary of State, owing his responsibility to Parliament, must exercise his powers under the Government of India Act and the Government of Burma Act, that does not mean that those responsible in India for the Government of this country and for the execution of this agreement, and those in Burma similarly placed can evade *their* responsibility. They too have important duties. It is, therefore, as we see it, their bounden duty to narrow the points of differences between the Government of India and the Government of Burma to the smallest possible minimum; it is their bounden duty also to try to reach an agreement which will be satisfactory to both parties,—and of course that means satisfactory to the peoples of both these two countries

An Honourable Member: You admit that?

Mr. T. Chapman-Mortimer: They are responsible to Parliament for the people of this country. They have also to take into account the views of the people of this country.

Sardar Sant Singh (West Punjab: Sikh): Do they?

Mr. T. Chapman-Mortimer: Certainly.

Now, Sir, if it is their clear duty to reduce the points of difference to the smallest possible minimum; then to that extent, they make the dual position of the Secretary of State for India in his capacity as Secretary of

State for Burma a very much easier task than would otherwise be the case.

Having said that, I should like to say a few words about the Agreement itself and its terms. There are features in this Agreement that we, in common with Members in all parts of the House, consider thoroughly objectionable. In particular, we have misgivings about the restrictions sought to be imposed on non-unskilled labour, and also in regard to the nature of the restrictions sought to be imposed. Sir Henry Gidney has just given us in the last few sentences of his speech one other feature that is certainly objectionable in the eyes of many people,—I refer to the marriage clause, to which naturally many people take strong exception. In our view restriction of movement between subjects in this great Empire of ours as between one unit and another should be reduced to the absolute minimum, compatible with the integrity of the units in the Empire. But, Sir, there are certain provisions in the Government of Burma Act which allow the Government of Burma to impose certain restrictions on immigration. India in the same position would similarly desire to regulate unskilled labour. Now, there is a very important distinction between unskilled labour and skilled labour, and the reason briefly is this. In the case of unskilled labour, it is absolutely obvious to all of us that these thousands of coolies who are recruited annually to cross the seas and leave their own home country must be protected, and, therefore, regulations regarding their emigration have to be imposed. Under the agreement these regulations would be brought in by the Government of Burma in consultation with the Government of India who are responsible for the welfare of these thousands, lakhs if I may say so, of coolies, who are immigrants into Burma from India. The difficulty of the negotiations in regard to non-unskilled labour and the imposition that is sought to be imposed—the difficulty that is facing the Government of India is this,—that whereas they can do something to safeguard the interests of India in dealing with the Government of Burma over the question of recruitment of coolie labour for Burma, they are not in that same position in other respects, that is to say, in regard to non-unskilled labour. It is for that reason that when Sir Girja Shankar Bajpai went to Burma to discuss this Agreement he was at a disadvantage in bargaining with the Burma Government.

Now, Sir, I was very glad to hear what Sir Henry Gidney said about the work of Sir Girja Shankar Bajpai. He did, in my opinion, a great piece of work for this country, notwithstanding that many of the things to which he was forced to agree were objectionable to many in this House and also to people elsewhere. He had to face this situation.—“What can I persuade the Burmese Government to accept?” And it is no use in an agreement of this kind thinking that because one party wants a certain feature, the other party must agree and accept that feature. That is not “an agreement” at all. That would be a case of India dictating to Burma, and that is a position which the Burmese people and the Burmese Government are not prepared to accept. It is, therefore, useless, to my mind, to attack Sir Girja Shankar Bajpai or his successor the Honourable Mr. Aney or the Government of India on an issue of this kind. They have to do the best they can in the circumstances that face them, and, in our view, we consider that it would be very much better to have some agreement than no agreement at all,—in fact it is not only

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better, but in my own view, it is absolutely urgent in the interests of India that there should be an agreement regulating immigration into Burma. For these reasons, Sir, though we are critical of many aspects and features, we are opposed by a majority in this Group to the Resolution now before the House and also to the amendment standing in the name of my Honourable friend, Sir Henry Gidney. Sir, I oppose.

Dr. Rajah Sir S. B. M. Annamalai Chettiar (Nominated Non-Official): Sir, what we have to remember is that this Agreement has pleased no one in the country,—there may be exceptions. The Agreement denies to Indians the treatment which Burma willingly gives the nationals of other countries. Indian interests have not received the consideration that they deserved. Indians have invested enormously in Burma. Valuable rights have been acquired by Indians as a result of their substantial contribution towards the trade, agriculture and industry of Burma. Sir, it is only bare justice that these should be respected. Sir Girja Shankar Bajpai, if only he had known how this Agreement lays the axe at the foundations of Indian business in Burma, would not have so light-heartedly concluded this Agreement. The initial mistake was in the failure to associate with the Delegation non-official Indians having knowledge of Burma and her problems. Sir Girja Shankar said that he was going to Burma for exploratory talks, but he returned with a concluded Agreement. Where was the necessity for this secrecy? The Indian public, or at least the affected interests had a right to be heard on a matter which vitally concerned them.

Sir, I have tried to look at the Agreement from more than one point of view, but I am unable to say one word in its defence. It is a complete misfit and an ill-conditioned baby which Sir Girja Shankar Bajpai has left on my Honourable friend, Mr. Aney's doorstep.

This Agreement is opposed to the assurances given to the Burma Indian Delegation which went to England in 1935 at the time of the passing of the Government of Burma Act. I had the privilege of serving on the Delegation. The Delegation interviewed the Secretary of State for India and the Under Secretary. We brought up the question of Indian immigration into Burma. Both the Secretary of State and the Under Secretary of State told us that some check on the entry of unskilled labour was necessary but that no check would ever be placed on the entry of other Indians. This assurance was repeated by the Attorney General, Sir Thomas Inskip, in the House of Commons. It was repeated again in 1936 by Mr. Butler, the Under Secretary. We thought that there was no cause for alarm. All these assurances, so publicly made and so authoritatively given, have simply been ignored and treated as though they were never made. If these assurances had been kept in mind, this Agreement would not have been concluded.

Again, Sir, the services rendered by Indians to Burma have not been taken into consideration either. Indians have brought prosperity to Burma, but under the Agreement, they are regarded as trespassers who walked in without permission and who, therefore, should be prosecuted.

Sir, for a long time past the relationship of Indians in Burma with the Burmese has been marked by great cordiality and friendliness. An

occasional riot here and a disturbance there cannot alter the fact that, generally speaking, the relations between the two countries have been characterised by the greatest cordiality. One can assert that this age-long cordiality is still existing and I am sure that the vast majority of the Burma population, while naturally welcoming measures intended to better their economic condition, will not willingly agree to impose such humiliating restrictions as are mentioned in the Agreement. Therefore, Sir, it is up to all of us to see that the cordial relations which prevail between Burma and India should be maintained and strengthened. But to go and place vexatious and improper restrictions upon Indians entering Burma is not the way to do it.

Sir, this Agreement should be considerably modified if it is to prove acceptable to the Indian public. Some of the discriminatory clauses like that outrageous clause,—clause 14—which imposes unheard-of penalties, must go. The permit system and the fee imposition must go. The nine year limit to a man's stay in Burma is most unfair and illogical. It comes to this: A man goes and takes up a job or profession or business in Burma, say, when he is 25 or 30 years of age. At the end of nine years he has to pack up his trunks and take the boat to India just when he has acquired experience and his business begins to prosper. He cannot go to Burma again. That is the agreement presented to the country! After having spent the best part of his life in Burma, he is to look to other countries for earning his livelihood. The business he established will disappear and the property he acquired must take care of itself. That is the position. This and such other restrictions must go.

Sir, it is said that if you do not accept this Agreement, legislation on the lines of the Agreement will be passed in Burma. I do not think it at all likely that legislation on these lines will be introduced in the Burmese Legislature and allowed to pass. The Governor of Burma will not, he ought not to, give his sanction for such legislation to be introduced. The Secretary of State cannot shut his eyes to the assurances given in 1935 and these assurances come to this. They mean that, Act or no Act, it was never Government's intention to restrict the free entry of Indians other than unskilled labour, that that intention was publicly declared and that in the purely executive matter of giving sanction and consent those assurances will be fully respected. That, Sir to my mind will be the only course open to the Government. In this view, I am clear in my mind that legislation on the lines of the agreement is out of the question but suppose, after all, the impossible happens and such legislation is introduced and passed, it will not be worse than this agreement. But I have faith in the Burmese. They will not, if they consider the matter carefully, impose unfair restrictions upon Indians. They will certainly not hurt and humiliate Indians. If they let us down, if the Governor of Burma lets us down, if our own Government of India let us down, if the Secretary of State and the British Parliament should let us down, then we will have time to revise our views. I do not, in the least, believe that the contingency will arise.

Sir, I shall not go into the details of the Agreement. They have been discussed in full. The Agreement is unacceptable and humiliating. It should be recast. The one thing and the most important thing is that the Government of India should be firm and protect the just rights of Indians.

[Dr. Rajah Sir S. R. M. Annamalai Chettiar.]

I would implore them and the Secretary of State to take note of the feelings in the country and to tackle the question with courage and wisdom which we have a right to expect at their hands.

Mr. Jamnadas M. Mehta (Bombay Central Division: Non-Muhamadan Rural): I beg permission to move an amendment to Sir Henry Gidney's amendment and I submit . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot move an amendment now.

Mr. Jamnadas M. Mehta: I am not moving an amendment. I beg permission to move an amendment to an amendment, with your permission.

Mr President (The Honourable Sir Abdur Rahim): The Honourable Member cannot do that. He might have sent in his own amendment in time.

Mr. Jamnadas M. Mehta: Thank you, Sir. Then, I shall exercise my right of speaking on the proposition and the amendment.

This Agreement has been subjected to threadbare criticism both inside and outside the House and it is unnecessary, therefore, to go at any great length into its provisions. More rather has to be said about the manner in which it was brought about, the implications of some of the more important terms of the agreement and the singularly ill-chosen occasion on which an agreement like this is thrust on this country. I shall take the last first. I say, Sir, this is a singularly ill-chosen occasion. On the one side we are hearing of a new world construction after the war. We are hearing of Atlantic Charters, in which the raw materials of the world will be open to all countries on equal terms. We are hearing of a re-orientation of the Commonwealth which will be a bulwark of democracy. This is a time when the Empire or the Commonwealth is fighting for its life. This is to my mind, therefore, a most deplorable and ill-chosen occasion for one of the wings of that Commonwealth to have asked for and another to have submitted to an Agreement of this character. Not only this Agreement breaks the promises which have been made to the Indians, it adds insult to injury; there is nothing new in the promises and pledges that have been given to this country ever since the British came here but the promises are more distinguished for their breach than for their observance. If all the promises were collected together they will fill the walls of this Council House; but you will find that not one will be discovered to have been observed and I am reminded of the statement of a Britisher who said: 'Having conquered India by breaking the Ten Commandments, it is impossible to hold it by the principles of the Sermon on the Mount'. Therefore, having taken India by breaking all the Ten Commandments, the British exploiter is living up to his reputation in not caring for the Sermon on the Mount in regard to the actual conditions under which India remains a part of the British Commonwealth. Therefore, it is no use quoting Mr. Maedonald. It is no use quoting Sir Thomas

Inskip or Mr. Butler or Mr. Anybody. I am asked to read the proceedings of the Round Table Conference. I am asked to read the proceedings of the House of Commons. Have I not read enough of the proceedings in the past? The words of the Sovereign have been thrown in the waste paper basket. The British Imperialist and the British industrialist does not care one brass button for the destiny of the Empire or the Commonwealth. He wishes to make hay while the sun shines and to leave this Commonwealth to its fortune when the sun does not shine.

In Burma, there is Mr. U Saw. Whether I Saw or not does not matter. It is U Saw who matters. In Kenya, it is the Highlander. In Zanzibar, it is the clove merchant. In Ceylon, it is the Burgher. This country of 400 millions which can conquer the whole world, if necessary, with a national Government, is to be insulted. I do not want personally to insult anybody but I do consider them to be jackals before the Indian lion who are insulting and oppressing my country. It is the spinelessness of the Indian Government; it is their backlessness, their bonelessness, their spiritlessness, their worthlessness which could subject them to an agreement of this kind. What is this agreement? It is an agreement of exploitation; it is an agreement of expropriation (bless the word); it is an agreement of expropriation to the extent of destruction of the established interests of this country in Burma. It is an expropriation under the very auspices of the Government of this country. Where am I to go to complain when this Government itself becomes a party to the expropriation of the nationals settled in Burma? When the watch-dog himself devours the sheep entrusted to his care, the flock has to thank itself. But this watch-dog, this Government of India, has allowed the fox to devour the sheep, merely looking on being a party to it. That is in a nutshell this agreement.

What is the fate of the eleven lakhs of Indians under this agreement? I refer to the Government of Burma Act. Sir, under that Act, the people of this country are entitled under section 44 to live in Burma, to reside in Burma, to travel in Burma without any disability, without any liability and without any condition. They are at liberty to reside, to travel, to hold property, to dispose of property, to buy property and to carry on business, trade, occupation and any profession that they may wish. That is section 44 of the Government of Burma Act. Let anybody read section 44 of the Government of Burma Act and he will find that the Indians are entitled to settle, to travel and to do their business in Burma on the same terms as any person domiciled in the United Kingdom. There is a proviso to this section which is otherwise co-terminous with the rights of the Britisher. That proviso says that some restriction may be placed on the residents of British India and of Indian States. Now, what the framers of this Agreement have done is to ignore the provisions of section 44 and to rely on its proviso as the main condition in the legislation. That is precisely where they are wrong. I won't say more. They have not been wrong by mistake but they have been wrong by choice, and what was merely a proviso has become the main provision of this Agreement.

Mr. President (The Honourable Sir Abdur Rahim): Is the Honourable Member likely to finish his speech now, or will he like to finish it after Lunch?

Mr. Jamnadas M. Mehta: I will take some time more, Sir, and it may be convenient to adjourn the House now.

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. Jamnadas M. Mehta: Sir, now I will refer to the manner in which this Agreement was brought about. The House will remember that in February last the Indo-Burma Agreement was hustled on the plea that if once the trade agreement was entered into it will facilitate the settlement of the immigration of Indians into Burma. Many of us were doubtful, but when two Honourable Members of the Executive Council, both Indians, agreed, perhaps the country was not quite in a mood to oppose that point of view. What do we find now. The trade agreement having been accomplished, Indians are left high and dry in the matter of their rights in Burma. Those rights can be divided into the rights of those Indians who are there and the rights of Indians who might come afresh. Both these are placed at a serious disadvantage in this agreement. Those who are to enter Burma for the first time have restrictions imposed upon them which are of a very drastic character. First of all they have to take visas from the Government of Burma, although they might have an Indian passport. In the case of students, they can live only for five years and no more. As visitors they can live for three months and for a maximum period of one year and no more. As regards those who wish to enter Burma for a longer stay, they will have to take permits A or B. Permits A and B are also hedged round with conditions which are very restrictive and definitely humiliating. The number of those who will get permit A and permit B will be decided by the Government of Burma, and the conditions laid down are so humiliating that it may not be possible for a large number of Indians to apply for permit A or permit B under such conditions. Then, as regards fees charged permit A will require you to pay Rs. 500; that simply shows the mercenary motive behind. As regards permit B it is even worse than permit A, although we are told that both the holders of permit A and permit B can, under certain conditions, apply for a permanent domicile later on. But as the number of these people will be necessarily limited, and as the conditions on which they are to enter are very onerous, it will be impossible for any large number of Indians to enter Burma afresh.

Then, Sir, as for Indians who are in Burma today, they are divided into three categories. Those who have made Burma their own either by birth or by adoption and who have been born and brought up there and who have decided to make Burma their home for the future, they will be entitled to obtain Burma domicile in certain conditions. Then those who may have favoured immigrant privilege, they will have to show certain amount of period of stay prior to July, 1941, and then only they will be allowed to stay indefinitely and to apply for Burma domicile. Those who are today in Burma may stay there indefinitely, but they have no right as such to obtain any domicile. One governing condition about all these whether they are already born and brought up in Burma, or whether they are living

there for a period of seven years or nine years preceding a certain date or they may stay indefinitely, one governing condition is that every one of them before he can settle in Burma free from any trammels about entry and re-entry will have to lose his Indian domicile. This is a most impossible condition. That no Indian can now enter and re-enter Burma as a matter of right without losing his Indian citizenship is an impossible condition.

But that is in a nutshell the Indo-Burma Agreement. Indians as such have no right. They may become Burmese and then they may under certain conditions remain. If they do not want to take Burmese domicile then they will be at the mercy of the Burmese Government. In spite of every assurance of public faith, the plighted word of the British Parliament, the plighted word of the British statesmen, the plighted word of the Sovereign notwithstanding, the Indian will be an enemy alien in Burma under this Agreement.

Sir, I do not know whether there is in England a Burke or Sheridan now. Those days of Burke and Sheridan when the Britisher was left with a conscience seem to have gone. If there was a Burke or a Sheridan, he would have impeached the Government and would have vindicated the right of British citizenship for Indians solemnly assured by the sovereign. Here is so far as the City of Bombay is concerned, a solemn promise given in the year 1669 when Bombay City was taken over from the Portuguese when the sovereign of that day said:

"All and every the persons being our subjects which do or shall inhabit within the said port and island, and every of their children and posterity which shall happen to be born within the precincts and limit thereof, shall have and enjoy all liberties, franchises, immunities, capacities and abilities of free denizens and natural subjects within any of our Dominions to all intents and purposes as if they had been abiding and born within this our Kingdom of England."

Sir, this is the sovereign's promise given in 1669, that any citizen born in Bombay wherever he goes in the Empire shall be entitled to all privileges as if he was born in the United Kingdom. These are the words of the sovereign of England, and here are the inheritors of that tradition, the Government of England and the Government of India, the Britishers in Burma and the Britishers who are our fellow-citizens in this country. What have they got to say to us? If there was a Burke he would have impeached the Government of India for signing this Agreement. But we are thrown on evil times when the word and the deed do not walk in the same footsteps.

When the Government of India as I said negotiated a trade agreement, we were promised that the immigration problem would be settled more easily if the trade agreement was first entered into. That was actually entered into. Then we were told that the Government of India were sending an official delegation on an exploratory mission and prior to that there was what is called the Baxter Commission. The report of that Baxter Commission is entirely against every section, every article and every clause of this agreement. The Baxter Commission findings of fact are categorical that the Indians in Burma are not making any economic penetration, that their number is not in excess of requirements, that they are not becoming a substitute for Burmese labour and that immigration of Indians into Burma is corresponding to the prosperity and economic development of Burma. These are the findings of Mr. Baxter. These findings are all against the Agreement and still this Agreement has been entered into, although when

[Mr. Jamnadas M. Mehta.]

the Government of India sent their delegation, the delegation was supposed to be exploratory. Then when the Indians living in Burma expected to be consulted, an *ad hoc* committee was created; the Baxter report was fully not shown to them, the terms of the Agreement were not all shown to them and they were coerced.

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

Mr. Jamnadas M. Mehta: Sir, with your permission, I desire to speak for a few minutes more.

Mr. Deputy President (Mr. Akhil Chandra Datta): Very well, the Honourable Member can have three minutes more.

Mr. Jamnadas M. Mehta: The Baxter Report found everything in favour of India. It established the justice of the rights of Indians; as a matter of fact these rights are guaranteed by law. Still the Government of India's Delegation without consulting the Indians there entered into an Agreement and coerced them to accept it by saying that in the international situation today the Government would like to honour the susceptibilities of Burmans more, a curious ground. The international condition is of course of a most desperate and serious character. I am out to destroy Hitler if I can. I am an anti-Fascist and I am pledged to the defence of this country and to support the war effort of this Government towards the destruction of Hitler and Hitlerism. But who are my comrades in arms? When I am looking round who are up with me in this fight against Fascism? I put it to the Britishers in this House that they cannot become fifth columnists that the Britishers in Burma cannot become fifth columnists in this titanic struggle for the life and safety of the Commonwealth and the State. I say in all humility that if they are really in earnest that Hitler shall be defeated they should abandon Hitlerian methods themselves. The Burma Agreement is a method which is worthy only of Hitler and not of the British Commonwealth. It is an agreement to expropriate Indians from Burma with the connivance, instigation and open toleration by the Britisher in Burma. Wherever I look I find that the hidden hand is that of the British exploiter. I am sorry to say that both in Burma and in Ceylon and to a larger extent in Kenya and Zanzibar, not to say of other places, behind this humiliation of Indians is the hidden hand of the Britisher,—not the British taxpayer, not the British masses but the British exploiter, the British imperialist and the British industrialist. I ask them in all humility to halt. Indians have for a hundred years developed Burma; they have established rights there; they have been more near to the Burmans than you can be. But still they make rules against Indians for such a simple thing as marriage, and irregular cohabitation with a Burmese woman "to the satisfaction of the Burmese Government". God knows what it means. To this I object as an Indian. It is an attack on my self-respect and it will give rise to blackmailing of the worst character against the Indian. To say that any irregular conduct on the part of a single Indian, will expose me and four hundred millions of my people to the stigma of a morally depraved person, is an insult beyond toleration.

I ask, Government, therefore, on all these grounds, fundamental rights, legal rights, constitutional rights, human rights, and above all, the safety of the Commonwealth, to scrap this Agreement, to fight for the unrestricted free entry, re-entry, double entry of the people of India into Burma, entry at all times without restriction. And I hope Government will give an undertaking that any fresh agreement shall not be ratified until it is submitted for the consideration of this country and, particularly, of this House, and that until it is approved by this House the new agreement shall not be accepted on behalf of the Government of India. If that is done, then only will the Indian people be satisfied. Without that we will regard the agreement as an insult to this country, as an expropriation of Indians in Burma, and the country will not touch it with a pair of tongs. Sir, I oppose the Agreement and support the Resolution and the amendment.

Mr. G. S. Boxman (Government of India: Nominated Official): Sir, if I intervene at this particular stage in the debate it is because I think Honourable Members would like to have some information, mainly relating to facts alone, concerning the circumstances under which this Agreement was concluded. As Members are aware, I accompanied the delegation from India to Burma in an advisory capacity. I was present at all the conversations which took place between the two delegations and I have been intimately concerned with all correspondence and the criticisms which have taken place since; and in the speeches which have been made today in the House there has been evidence, I think, of misapprehension with regard to particular points. I shall do my best to clear up those misapprehensions.

First, I think I should refer to the origin of the negotiations. As Members are aware, immigration into Burma from India is at present governed by an Order in Council. An Order in Council was made at the same time that the Government of Burma Act was passed, and it was to remain in force for a period of three years or until 12 months from the giving of notice by the Governor of Burma to the Governor General of India, whichever period was longer. The Government of Burma gave notice of termination of the Order in Council on the 1st April of this year. Therefore, the Order in Council would cease to operate as from the 1st April next year. At the same time they suggested to us that instead of their proceeding to legislation in Burma we might, as contemplated in the Government of Burma Act, come to an agreement; and they said to us that in their view the recommendations made by Mr. Baxter offered a basis for negotiation. But they made it clear at the same time that by making this statement to us they did not consider themselves committed to any particular item in those recommendations. This was the position when we first consulted the Standing Emigration Committee. The recommendations of Mr. Baxter were placed before them and they advised us to accept the offer of the Government of Burma to send a delegation to Rangoon and enter into negotiations to secure an agreement.

From that point I go on to the next misapprehension which has been frequently expressed in the House, namely, that the delegation went for the purpose of exploring whether an agreement was possible. Reference has been made to a newspaper report from Calcutta of an interview Sir Girja Shankar Bajpai gave there. I can only assure the House that whatever the newspaper reporter may have said, Sir Girja Shankar was at no

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time under any illusions as to his authority or the limits of his authority, and I should refer Honourable Members to the communique, which I think the House will agree is of more authority than a newspaper report from Calcutta, which says:

“As a result of preliminary discussions, both Governments are of the opinion that a stage has been reached where personal negotiations offer a reasonable prospect of success.”

Whether that can be interpreted to mean that the delegation was due to go to Rangoon for the purpose of exploring the ground only, I leave it to the House to decide.

Sir Abdul Halim Ghuznavi: Will you please read the reference again?

Mr. G. S. Bozman: What was said in the press communique, dated 10th June, two days before the report in the press, is:

“The Government of India and the Government of Burma are anxious if possible to reach an agreed solution of the various problems relating to Indian immigration into Burma.

As a result of preliminary discussions, both Governments are of the opinion that a stage has been reached where personal negotiations offer a reasonable prospect of success.”

I can only suggest that that should carry more authority so far as the Government of India are concerned than what was reported in the newspaper. Then the next stage is reached when we are told that the basis on which we negotiated, *viz.*, Mr. Baxter's recommendations, were to the effect virtually that no control of immigration into Burma was necessary, that Indian immigration adjusted itself to the needs of the time, that Burmans had no ground of complaint against either the Indian population in Burma or the coming of more Indians into Burma and that in any case Mr. Baxter was dealing only with unskilled labour. Well, I can only suggest to the House that a full perusal of Mr. Baxter's report will upset that conclusion entirely. Mr. Baxter's conclusions do not relate, except so far as the port of Rangoon is concerned, to unskilled labour only.

Lieut.-Colonel Sir Henry Gidney: Where is Baxter's Report?

Mr. G. S. Bozman: Baxter's Report is on the table in front of me.

Mr. Husenbhai Abdullabhai Laljee (Bombay Central Division: Muhamadan Rural): We haven't got it.

Sir Abdul Halim Ghuznavi: When was it circulated to the House?

Mr. G. S. Bozman: I should like, if I may, to read one quotation from Baxter's Report, as we have already read one or two quotations:

“The evidence which has been presented to me in the course of this enquiry reveals the existence of comparatively large number of elements in the “mental climate” of Burma which have favoured the growth of opposition to the immigrant Indian.”

“Even more important, however, for the encouragement of anti-Indian feeling has been the anomalous position of the population of Rangoon, the capital city of Burma, and its adjacent districts. The growth of national feeling in any country tends to

reach its highest peak and its most articulate expression in the life of the capital city, which is at the same time the headquarters of the administration as well as the centre of the largest and most influential commercial firms. Rangoon is itself largely an Indian town, as much as 53 per cent of its population being of Indian origin at the time of the 1931 Census”.

“At the present time the only overt demand for the control and restriction of Indian immigration has been aimed at the limitation of the employment of Indian unskilled labour, though it would not, on that account, be correct to suppose that there is no sentiment in favour of the restriction of other categories of Indian immigrants such as those engaged in semi-skilled and clerical occupations. I have been impressed from time to time by the fact that there is amongst Burmas, particularly those of the younger generation, a deeprooted sense of frustration. . . .”

Now, Sir, whatever the terms of reference to Mr. Baxter may have been and whatever may have been the intention in the statements made in Parliament, the delegation when it reached Rangoon, was faced not by Parliament but by the Government of Burma, and the Government of Burma fortified by certain recommendations made by Mr. Baxter. My point with regard to that is this: that though the House may consider it their duty to place before the Secretary of State the considerations which have already been argued with regard to the assurances or so-called assurances given in Parliament, the delegation in Rangoon—and I may say that the delegation in Rangoon had previously read the speeches in Parliament—the delegation in Rangoon was faced with an autonomous Government of Burma making certain requests. Members will probably suggest that, taking that position as I have stated it, it was still open to the Government of India delegation to say ‘no’ to Burma and refuse to come to an agreement. That was certainly the position. But on that point I should like to clear up another misapprehension which has been stressed more than once in previous speeches. It has been said that we took no account of Indian opinion, either in India or in Burma. I have already explained to the House that before going to Rangoon we consulted the Standing Emigration Committee with regard to the basis of our negotiations. It has been stated that we consulted an *ad hoc* Committee of Indians in Rangoon. The *ad hoc* Committee—I think there were eleven members of it—was specifically constituted by Indians in Burma in order to assist the Government of India delegation in its negotiations with the Government of Burma and I should like to say here that suggestions that the *ad hoc* Committee were not admitted to the secrets of how the negotiations were proceeding are incorrect. There were two or three points—one of them possibly a point of major importance upon which their opinion was not taken. The point which I am referring to was a point which arose at the very last stage in the negotiations, but all other major points included in the Agreement were, to my knowledge, placed before the *ad hoc* Committee and, so far as the time permitted, discussed with them. And when I say “so far as the time permitted” I think I should add that I have no doubt that the Indian delegation spent more time with the Indian *ad hoc* Committee than they did with the Government of Burma delegation.

Then, with regard to Indian opinion in India: Members know that on our return a meeting of the Standing Emigration Committee was called and they were consulted on the terms of the Agreement. I am only trying at this moment to clear up a point of fact and I am not asking Members to draw any conclusions or implications from what I have to say.

Lieut.-Colonel Sir Henry Gidney: The Agreement had been signed then.

Mr. G. S. Bozman: The Agreement had not been signed in Rangoon. That was another point to which I was about to come. At the termination of the negotiations in Rangoon, it was obvious that if the two Governments were to agree upon the conclusions which had been reached, something had to be put down on paper. Thereupon, a draft was drawn up by two members—one adviser from our delegation and one member from the Government of Burma delegation—and that draft was initialled in Rangoon as representing a fair picture of the conclusions that had been reached. It was made clear at the time that the Government of India could not sign the Agreement in Rangoon and Sir Girja Shanker Bajpai specifically stated that he must consult the Standing Emigration Committee when he got back to India and also he must consult certain other avenues of opinion, with regard in particular to the Marriage Clause. I should like to state here also that with regard to the Marriage Clause,—objections to which have been very freely voiced, objections with which no doubt all of us have a great deal of sympathy—that the Marriage Clause was specifically discussed with the Indian Committee in Rangoon. We were also asked whether it was a fact that the Government of India delegate had been instructed before he went to Rangoon to arrive at some compromise. I should like to make it quite clear that no such instructions were issued to the Government of India delegate. The Government of India delegate was at liberty to use his own discretion as to the stage to which he should take the negotiations and as I have already explained he used that discretion in this sense; he said “I can sign no agreement without consulting first the Standing Emigration Committee of the legislature and secondly my own Government.”

Lieut.-Colonel Sir Henry Gidney: Does the Honourable Member mean
 3 P.M. to imply that the delegation did not have any communication
 from the Governor General to compromise at all costs or on the
 best terms possible?

Mr. G. S. Bozman: He had no such instructions.

Then I want to make one point more and one point only; and this is not a question of fact. An appeal has been made on the basis that cordial relations have always existed between Indians and Burmans in Burma and that anything that the Government of Burma may do to impose restrictions upon Indians either in Burma or going into Burma in future, must embitter those relations. That appeal is, if I may say so, well conceived. But I think it is an appeal which should also be made to India. Let us agree with the Honourable Member that Burmans and Indians in India wish to be friends and have wished to be friends for many years. Let us agree that the Burma Government by imposing, let us say, harsh restrictions is going to endanger the friendliness which has existed. Let us also agree that hard words in India against Burmans or against the Government of Burma will equally endanger that friendliness and, may I add, will equally make it more difficult in any negotiations that may be taken up hereafter to secure modifications to meet India's just and necessary requirements.

Dr. P. N. Banerjea (Calcutta Suburbs: Non-Muhammadan Urban): Sir, my Honourable friend, the Secretary to the Overseas Department, has sought to remove certain misapprehensions which have prevailed in this House, and he has mentioned certain points with regard to these misapprehensions that have existed. I will take some of the statements made by him.

In the first place, he says that the Baxter recommendations are different from what they have been stated to be in this House. May I ask why the whole of the Baxter Report was not published? Why was it kept a close secret? Is there any reply? No. If the Baxter Report is kept a close secret, people are entitled to know portions and use those portions to the exclusion of other portions.

Another point is that the Indian Delegation did not go on an exploratory mission. But this was published in the newspapers. How did the newspapers come across this news if the news was not given to them by some persons in authority? It is not said that they manufactured this news. Did not the Delegation use the expression that they were going there to exchange views? If the mere exchange of views was their object,—their sole object,—as it was described, then did not the Delegation put the Indians in Burma and the Indians in India on the wrong track as to their real object?

Next, my friend says that the Delegation was faced with an autonomous government,—the autonomous government of Burma; and in the face of that autonomous government they were compelled to yield! They had not the courage to fight this autonomous government. That does not speak well of this Delegation. If this Delegation consisted of persons who had no courage in them, why did they not take with them some non-officials,—some elected Members of this House and some members representing the commercial community? My friend is unable to deny that the thing was hatched in secret. It has been said again and again that the whole of the negotiations were conducted with the greatest secrecy. Why was there so much secrecy? The Delegation ought to have known the feeling of the country on this vital question.

Further, my Honourable friend says that it was not their object to embitter the relations between these two countries. Who wants that the relations should be embittered? But is it the only way to avoid embittering relations to yield all along the line? Certainly not. The Delegation have bungled all along the line and now they have come before us and say that they have done the right thing. We cannot take them at their word

The Honourable Mr. M. S. Aney: I am afraid the Secretary did not say that. He only explained the circumstances under which it was done. He neither said it was the right thing nor it was the wrong thing.

Dr. P. N. Banerjea: I am glad to be corrected by the Honourable the Leader of the House. Mr. Bozman merely mentioned certain facts, but the conclusion which may be drawn from them is that in their view what they did was the right thing. Is that not correct? Am I not entitled to draw that conclusion?

Mr. G. S. Bozman: The Honourable Member is entitled to draw any conclusions, Sir.

Dr. P. N. Banerjee: It is not denied that the negotiations were conducted in a great hurry. For what period of time did the Delegation stay in Burma? Why was this thing done in such an indecent hurry? Is any explanation forthcoming? After Sir Girja Bajpai had made up his mind to leave India, why did he not leave the matter in the hands of his successor? Who compelled him to bring about this so-called agreement within such a short period? I do not blame Sir Girja Bajpai personally. We hold the view that he was acting under instructions, although my Honourable friend, Mr. Bozman, says that he had no instructions from the Government of India. Now, it is known to everybody that a thing which is done in a hurry is never done well. He should not have conducted the negotiations with such undue haste.

Sir, the Delegation ought to have known that great economic and political interests were at stake; they ought to have known that over 200 crores of capital had been invested in Burma; they ought to have known that Indian labour had contributed very largely to the prosperity of that country, and their stake was very great indeed. But more than that, the delegation ought to have known that their decision involved the honour and self-respect of India.

Now, Sir, what are the terms of this so-called Agreement? My friends who preceded me have dilated on these points so exhaustively that I do not think I need go into the matter in any great detail. But I will say this without fear of contradiction that the terms are humiliating to India, and they are such as involve a great deal of hardship, economic as well as political, on the people of this country. I will go further and say that the recommendations of the Delegation run counter to the pledges and the assurances that were given at the Round Table Conference and in the Parliament by eminent British statesmen.

Sir, things being what they are, can we say that this so-called Agreement is an agreement at all? Nothing of the kind. To every agreement there are two parties. And who are the parties to this Agreement? Is India a party? Were the people of India consulted beforehand? No. And after the conclusion of the so-called Agreement, were the people of India taken into confidence? No. Therefore, it is no agreement at all. It is a mere scrap of paper.

Sir, my friend has referred to the relations between India and Burma. The relations between India and Burma were cordial for a long time past; and not only that, Burma received her religion and culture from India. When Burma was annexed to India, the Indian National Congress opposed this step. The Indian National Congress said that it was wrong on the part of the Government of India to annex Burma,—and how was it annexed? It was annexed with the help of Indian soldiers, and Indian money was spent in annexing Burma. The British Government did not bear the cost of the Burmese wars. All these Burmese wars, as we all know, added considerably to the public debt of the country. But after the annexation of Burma relations continued to be cordial between the two countries for a long time. Then came the question of separation. When this question came, the majority of the Burman people did not want separation. Of course, India had no say in the matter. The Indians said, and quite rightly too, that it was a matter for Burma to decide. Indians did not want to thrust their opinion on the Burmese on this question, and

the Burmans decided not to separate from India. But in the teeth of the decision of the Burmans, as recorded at the polls, Burma was separated from India,—in whose interests? Undoubtedly, in the interests of the British capitalist, the British industrialist and the British Imperialist. That is the situation.

Now, we do not want to have any bitter feelings between the two countries. We want cordiality to prevail between India and Burma. It is our earnest desire that the mutual relations between the two countries should be as friendly as possible. But how can such cordial relations be secured? This can be secured only on the basis of justice to both the parties. Unless justice is accepted as the watchword to guide the relations of the two countries, there can be no friendly relations. The Government of India are aware that a chorus of condemnation and protest has been voiced against this so-called Agreement throughout the length and breadth of India. From Bengal, from Bombay and from Madras has gone forth the word of condemnation and repudiation. Every Chamber of Commerce, every political association, even some of the Legislatures, have protested against this so-called Agreement.

The duty of the Government of India is, therefore, clear. The Government of India can have no hesitation in this matter. The Government of India know that India is no party to this agreement, and India can never be a party to this agreement. This agreement, as it stands, is unacceptable to the people of India. Therefore, it is the duty of the Government of India to approach the Secretary of State and tell him that unless the so-called Agreement is substantially modified in favour of India, unless the self-respect and honour of India are adequately safeguarded, and unless the economic interests of India are protected, this so-called Agreement cannot be acceptable to this House or to the people outside this House. Now, I shall say

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

Dr. P. N. Banerjee: I shall say only a word about the amendment, Sir. I understand that the amendment moved by Sir Henry Gidney is an agreed amendment. This amendment was agreed to at a meeting which was attended by the Leaders of the different Parties. The European Group was represented there by two of its members, and these two members of the European Group accepted this amendment. Now, is it right on the part of my Honourable friend, Mr. Chapman Mortimer to come forward and say that the European Group by a majority

Mr. T. Chapman-Mortimer: On a point of explanation, Sir. All that was agreed to was that they would recommend it for our consideration. The Group on consideration turned it down.

Lieut.-Colonel Sir Henry Gidney: On a point of explanation, Sir. That is not correct. I was present at that meeting, and you, Sir, were also present there, and you know that the Agreement was provisional only with you and Sir Abdul Halim Ghuznavi. The others accepted it, in fact they drafted the Agreement.

Dr. P. N. Banerjee: Is it right, then, on the part of my friend to throw overboard his Leader? This is a most extraordinary procedure. I have never heard of such unparliamentary procedure before in this House. Sir,

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this amendment perhaps does not go far enough; still as it is an agreed amendment, we should all stand by it. It is the duty of the House to take the word of the Leader of the European Group, and not the word of another Member, as the word of the Party.

Sir, with these words, I commend this amendment to the House, and I hope that the Government will make it clear to the Secretary of State that this so-called Agreement is not acceptable to the House and that, unless it is substantially modified, there will be grave discontent in this country.

Sir F. E. James (Madras: European): I regret that there should be any note of dissension in this House with regard to the discussion which is now before us. I did entertain the hope that we should be able to agree to a certain motion unanimously without any reservation and that the discussion on the floor of the House would relate to the Agreement itself and be completely free from any references of an offensive nature either to the Secretary of State or to the Government of India, or to the Government and people of Burma. I have been disappointed in both regards and I particularly regret the speech delivered by my Honourable friend, Mr. Jamnadas Mehta, who, as a responsible leader in public life, ought to know better than to fling venomous and insulting accusations not only at the people of his own country in this House but also at the Government and people of Burma. That is not, if I may say so, a helpful attitude, and perhaps one of these days when my Honourable friend is in a position of authority and has to negotiate with other countries, he will find that it is not the best means of approaching his task.

Reference has been made to the amendment of my Honourable friend, Sir Henry Gidney. That amendment was drafted and considered at a meeting of Party Leaders on Sunday. I have no official position in my Group or at that meeting, but I was invited by the courtesy of the Leader of the House, because, the proposal that we should endeavour to arrive at a unanimous resolution originated with myself. All that was agreed to at that meeting was that the Leaders who were there would recommend to their respective Parties the acceptance of this amendment. They had no mandate from their Parties; they could not have any mandate from their Parties under the circumstances. Therefore, my Leader could only say that he would place this amendment with his recommendation before the members of my Party

Lieut.-Colonel Sir Henry Gidney: He agreed to it.

Sir F. E. James: and that was done this morning. My Party by a majority declined to agree either to this amendment or to the original Resolution.

Lieut.-Colonel Sir Henry Gidney: Why not put in another amendment?

Sir F. E. James: I may at once say that I am not one of that majority. I think, and I feel this sincerely, that if I were to withhold my support to the amendment, it would be neither in the interests of my community

nor in the interests of India, and I do not believe that it would be consistent with the policy which this Group has followed during these years in regard to the position of Indians overseas.

Now, when you are attempting to get a resolution by Agreement, you cannot insist upon your point of view being incorporated in the actual wording of the Agreement. What is really important is the tenor of the resolution, the underlying spirit of it; and with the underlying spirit of the amendment of my Honourable friend, Sir Henry Gidney, I am in entire agreement.

What does the amendment say? It expresses widespread disapproval of the terms of the Agreement. That is merely stating a fact. Secondly, it recognises that it is now for the Secretary of State for India and for Burma to implement the terms of the Agreement by an Order in Council. That, again, is merely a statement of fact. That being so, the responsibility of the Secretary of State for both Burma and India, and, through him, of Parliament, is attracted to a consideration of this problem. Certain articles in the Agreement—I shall refer to one specifically—have caused the greatest misgivings in this country for one reason or another. It surely cannot be objected to by anybody in this House or in Burma, if those who feel strongly on these matters now go to the Secretary of State and say, "In view of our opinion, we trust that you will not implement this Agreement unless and until satisfactory modifications are secured which will carry out what we believe were fairly firm assurances given in Parliament from time to time before the Government of Burma Act was passed." I am sure that nobody in Burma would object to that procedure being adopted.

Now as far as we are concerned in this Party, we have always advocated the greatest possible freedom from restriction between countries within the Empire, and, particularly, between this group of countries, which is a sort of geographical federation,—India, Burma and Ceylon. Surely these countries need one another; they will need one another still more in the near future; and, therefore, there should be as little restriction upon going to and fro within that area as possible. The amendment refers to certain assurances which were alleged to be given in Parliament with regard to the powers of the Government of Burma of the future. However critically those statements may be examined, there is not the slightest doubt in my mind that there was great ambiguity on the subject. Certainly, responsible Ministers of the Crown did give to those of us who were in London at that time—and I was there—the impression that the Government of Burma would not be given the power in future to place restrictions upon non-unskilled labour. But, unfortunately, the Government of Burma Act is there, and the provisions of section 44 would seem to give the Government of Burma the fullest powers in regard to immigration. Therefore, when you are judging the Agreement, it is no use considering what assurances were given. You have to consider the actual background against which the Agreement was concluded. One of the important elements of that background was the provision in the Government of Burma Act, which the best legal authorities seem to interpret as giving the fullest powers to the Government of Burma in the matter of immigration, whether of unskilled or of non-unskilled persons.

Thus this amendment which now goes to the Secretary of State with this opinion—for after all, the responsibility is now on him—implies, as far as I am concerned, and I believe as far as those Members of this House who

[Sir F. E. James.]

are free from prejudice are concerned, no criticism of the work of Sir Girja Shankar Bajpai. I am not revealing any secret when I say that the members of the Standing Emigration Committee,—a committee which is representative of both Houses of this Legislature—unanimously placed on record, after their examination of the Indo-Burma Agreement, a resolution paying the highest possible tribute to the services rendered by Sir Girja Shankar Bajpai to the cause of Indians overseas over a period of years.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): Who are the members of that Committee representing this House?

Sir F. E. James: Mr. Aney is one. I am another. As for the lesser lights I cannot recollect their names. My Honourable friend, Mr. Sivraj is one. If Sir Cowasji Jehangir is so anxious, perhaps if he goes to the Library of the House, he will find the list. Or I will give him a list afterwards. If he is suggesting that the committee is not representative of this House or of the Council of State then I deny the suggestion.

Sir G. S. Bajpai is in a very difficult position. He has not been able to defend himself, not because he had no defence but because, owing to the nature of the correspondence which was then in progress between the Government of India and His Majesty's Government, he could not divulge to the public what he knew and what he shared with the members of the Standing Emigration Committee. May I here say that the members of the Standing Emigration Committee have also been placed in an extremely embarrassing position, and I hope that steps will be taken to alter the procedure which is followed with regard to the proceedings of that Committee in the future. The proceedings of our Committee meetings are confidential. We represent this and the other House. We meet and discuss these very important matters relating to Indians overseas. We tender advice to the Government of India and yet when these matters come before this House, Honourable Members are not able to know what advice we tender. That places us in an extremely embarrassing position.

If the Members of this House had been able to study these proceedings, perhaps a much more realistic view would have been taken of the Agreement than has been taken up to date. I hope, therefore, the Honourable the Leader of the House, who is now in charge of the Overseas Department of the Government of India, will consider modifying the procedure which has been followed up to date. We are muzzled, and I make bold to say that if the Members had not been muzzled, they might have been able to answer many of the criticisms that have been made during all these past months. I have made no secret of the fact that I have disliked the vehemence and the direction of much of the criticisms that have been made.

Now, Sir, I very much hope that as a result of the representations which are now to be made to the Secretary of State some modification of the Agreement can be arranged with the Government of Burma. Let not my friends misunderstand the attitude of the Government of Burma in reaching this Agreement. There has been too little reference to the actual terms of the Agreement itself and there has been no reference to the joint statement issued by the Government of India and the Government of

Burma at the time of the publication of the Agreement. This is one of the statements which was made:

"As a result of the conversations, the two Governments have agreed upon certain measures which in their view are calculated both to remove from Burman minds any reasonable apprehension that Burma may be subjected to undue economic competition by reason of Indian immigration and at the same time to secure for the Indian community settled and resident in Burma recognition of their legitimate rights."

Now, the feeling in this country is that, as a matter of fact, certain provisions of this Agreement, notably Article VII, do not secure for the Indian community settled and resident in Burma, or for India itself, a proper recognition of her and their legitimate rights. That is a perfectly legitimate criticism to offer and that is the criticism that we now place before the Secretary of State, with the request that he will give due consideration to it and use his great influence with the Government and people of Burma to incline them to consider modifications of these particular provisions. Why should we assume for a moment that the Government of Burma will not be willing to regard these matters in a reasonable light, provided they are put forward in a reasonable way and not against a background of venom such as was evidenced in the speech of my Honourable friend, Mr. Jamnadas Mehta. I would call the attention of the House to paragraph 5 of the same joint statement. It says:

"Both Governments have approached these problems in a spirit of cordiality and mutual understanding and are agreed that in giving administrative effect to the measures now proposed the closest co-operation will be required in the same spirit of mutual adjustment and identity of purpose which characterised the negotiations."

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

Sir F. E. James: There is no reason to suppose that that spirit has suddenly disappeared from the minds either of the Government or of the people of Burma. I look at this Agreement from this point of view. If this Agreement applied to my community, would I accept it? My answer is—there are features in this Agreement which I should not wish to accept as far as my own community is concerned. That is why I ask the House to pass the amendment unanimously. It places the feeling of the people of this country before the Secretary of State and asks him to refrain from implementing the Agreement until he has striven his utmost to bring about those modifications which will make it more satisfactory to the people of this country.

Sir Vithal Narayan Chandavarkar (Bombay Millowners Association: Indian Commerce): The House may think I am a little too forward in venturing to speak in this august Assembly on the very day I have taken my seat. But my apology for speaking today is that I was very much pained by the speech of my Honourable friend, Mr. Chapman-Mortimer. Only a month or two ago, I was present at a Rotary Lunch in Bombay when Sir Frederick James made a speech on a subject which he called "I look forward". The speech was very interesting and very thought-provoking. After the speech some of my extremely political-minded persons asked me whether I believed in or accepted what Sir Frederick James had said at that meeting. I replied that I felt inclined to accept and to believe in what Sir Frederick had said, because, in spite of all that had happened in the past, I was rather anxious to look forward than

[Sir V. N. Chandavarkar.]

to look backward in my political or commercial outlook. My friends told me that I was a confirmed optimist asked: Can you expect anything in the future from your British friends having regard to their past actions? We discussed at some length the charge, very often made against the Britisher, by a large number of people, of breach of faith. I said that I took a long view in these matters and referred to one of the most outstanding events in the history of England the grant of self-government to South Africa in 1907. When Mr. Chapman-Mortimer spoke I felt whether there was anything for us to look forward to. Perhaps my inclination to look forward to is due not only to my upbringing but, also due to my connection spreading over 13 or 14 years with the Millowners' Association, the constituency which I have the honour to represent, where we have no distinction between Europeans and Indians. I may remember that whenever we have had to fight on what I may call the Lancashire front our European friends, I am sure my Honourable friend, the Supply Member, will bear me out in this, have been as pro-Indian if not more pro-Indian in their attitude than any of us. Having been brought up in such an atmosphere, I look at this question from a very long and large point of view. I am not anxious to go into the details. The only test is whether this Agreement is in the interests of India. It is certainly not in the interests of India. I would like to tell my European friends that it is not only not in the interest of India but also not in the interests of the British Commonwealth of Nations. I am not going to charge anybody with breach of faith. I am not going to criticise Sir Girja Shankar Bajpai or the Government of India, because after all we must remember what Lord Curzon told Mr. Montagu, that the Government of India was a subordinate Government.

In spite of the Act of 1935, much as the Government of India would like to fight for us, I am afraid their freedom of action is very much restricted and they cannot give free scope to their own feelings and convictions. From that point of view I do sympathise with the Government of India, but we have to look at this question from the point of view of the future of our own country. The school of thought to which I belong still thinks, in spite of the many disappointments in the past that we have a future within the British connection. I ask my European friends whether they believe in a future for us in the British connection. If they believe in a future for us within the British Commonwealth of Nations, then I want to remind them of the words which were used by Booth-Tucker of the Salvation Army. When he came to Bombay he said that the only way one can be associated intimately with a nation is by trying to get within the skin of that nation. I would like to ask my European friends, if they were the representatives of the people of India, whether they would have entered into an agreement of this nature.

Now, I will ask them another question. There is a feeling in the country—I will not say whether it is right or wrong—that today there is no need for importing skilled labour in India. We have today in India a large number of young Indians who have been to European and American Universities and have come back with exceptional qualifications as skilled technicians either as chemists or chemical engineers or physicists or electrical engineers. Now, suppose an autonomous Indian Government within the British Commonwealth of Nations were to say that

if any skilled Britisher is to be imported, he must come with A certificate or B certificate and if all sorts of restrictions were attempted to be imposed on the Europeans coming to India, how will they feel about it? There is only one law from the moral point of view which is applicable to everybody whether he belongs to the European Commonwealth of Nations or the Asiatic Commonwealth of Nations and that law is that every nation, as was referred to by the previous speakers, has a soul, and if that soul is lost, then there is nothing worth fighting for. And we, in India to whatever school of thought we may belong, and it is not necessary for me to conceal the name of the party or the school of thought to which I belong because my party is eminently inclined to be friendly with the British, are struggling hard to save the soul for our country. If that soul is saved, then the soul of the British Commonwealth of Nations will also be saved. If, as a result of the speeches in this House an impression is created that there is a difference of opinion in this House which encourages the Secretary of State to implement the Agreement by issuing an Order-in-Council, then the growing lack of faith in the British statesmanship will grow stronger and I am afraid agreements of this character whether they are with Ceylon or Burma will undermine the very fundamental basis of the British connection with India, which will be a tragedy, nay, a great calamity.

Mr. Husenbhai Abdullabhai Laljee: Sir, I have very little to add with regard to the details after what has been said by my friends, Sir Abdul Halim Ghuznavi and others. I only wish to point out one or two important things definitely. If you consider this Agreement and how it was brought about and what is the feeling in the country about it, we can come to only one conclusion, namely, so far as this country is concerned there seems to be very little democracy practised which is preached all round now. From one end of the country to the other, there is strong opposition to this Agreement which the Government have entered into and which call themselves responsible, and having entered into it I am sorry to observe they will not at once agree with the people's voice which is unanimous, to radically modify or drop it.

Sardar Sant Singh: This Government is not responsible.

Mr. Husenbhai Abdullabhai Laljee: As my friend says, although this Government pretend to be a responsible Government, they are not acting as such. There is a feeling that it is not His Excellency the Viceroy alone who has got the right of veto, but that this veto exists and is exercised not only by the Executive Councillors but it exists and is exercised even by the Collector and even by the Members of the European Group. Sir, it is on very exceptional occasions that H. E. the Governors-General in the Dominions are expected to exercise their veto, but it has become very common in this country that even a Collector or my friends belonging to the European Group do exercise it in practice, that is, they want Government to exercise it. In fact, we businessmen know it very well and it cannot be denied that throughout the Colonies and in the running of the British Government in most places the real voice is that of the businessman. You find this spirit existing here even today.

At this stage of the British Empire there are British businessmen in this country who can stand up and say: "We do not want to bow to

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the wish of the people." How can they dare say that? Is it with such motive that they want us to fight against those who flout the opinion of the people? No, Sir. It is this class of people who, in the words of H. E. the Viceroy, want to reap the harvest without putting their shoulder to the plough. H. E. the Viceroy also said that there are these people who for their own interests would not mind dividing the Empire. At this time my countrymen are out to shed their blood voluntarily and give all they have. Whatever the European people may consider, the facts are that we are making sacrifices and have been co-operating with them. In doing this we have only one objective and that is mine and their defence our self-respect and our self-regard. Sir, I ask in all fairness whether there is anybody in the whole structure of the Government of India except the M. L. A.'s and the M. C. S.'s, who are elected by the people, who is serving the country without getting a farthing? Still, what do we find? We find we are insulted, we are neglected at every stage and that the vote of this House, the opinion of the elected representative of the people, is often not cared for nor taken worth anything. Not only that, even the nominated Municipality of New Delhi treats the M.L.A.'s worse than it can treat anybody else and you will be shocked when I will place before you some day a recent instance. Under these circumstances it is deplorable to admit the position we are now placed in or reduced to nothing even when we are carrying on a great war for the existence of Empire and freedom to all.

I now come to the matter before the House. I would like to tell my Honourable friends on the Treasury Benches that we present here are out to co-operate with the Government but please be bold and do not do any such thing for which not only yourself but later on, as the times are changing, your children may be ashamed of your acts.

So far as the Indo-Burma Agreement is concerned, which has been signed by an Indian Executive Councillor and which has been held by the country to be against the interests and honour of the country, I am sure lots of people in the country, I mean public opinion, will be saying not only against Sir Girja Shankar Bajpai but also against many of those who were connected with it. You are able, Sirs, to maintain very well yourself; you are high enough in the estimation of your people; therefore do not please be a party to any such agreements or arrangements. Let those who want to do it carry it out and we shall know, the public will know their position and judge them. If you want our co-operation, you will have to abide by the laws which are laid down in all the civilised countries, in these days, and hereafter, and I have every faith in your judgment as I am one who is ready to co-operate on equal terms as I believe you all are and have joined the Government in these trying times in the interest of the country.

Now, Sir, we were told that according to the Order in Council, after three years, a notice was given. When was it given? I presume it was given in March, 1941.

Mr. G. S. Boxman: Just before the beginning of April.

Mr. Husenbhai Abdullabhai Laljee: My point is that before this House adjourned after the Budget Session this notice was given. This House

was sitting and the people's representatives were here and yet the Government did not care to inform this House or consult this House. This is an important point. Why did not the Government of India consult this House? On such an important question relating to Indians, we were kept back. Another important point is that the Baxter Report was there. Was it placed before the Standing Emigration Committee before Sir Girja Shankar Bajpai left or after he came? What was the real position in Burma? I shall be only too glad to correct myself, if what I conclude is correct.

Sir Cowasji Jehangir: That point must be made clear first.

The Honourable Mr. M. S. Aney: Please repeat your point.

Mr. Husenbhai Abdullabhai Laljee: Was the Baxter Report fully placed before the Emigration Committee when this question of Burma was being discussed and considered by that body?

Mr. G. S. Bozman: The recommendations in the Baxter Report were placed before the Standing Emigration Committee.

The Honourable Mr. M. S. Aney: The report itself was not placed, but only five or six of the recommendations were placed.

Mr. Husenbhai Abdullabhai Laljee: Why was it not fully placed? That is the very important point, what was the objective in keeping it back?

The Honourable Mr. M. S. Aney: The whole report was not placed.

Mr. Husenbhai Abdullabhai Laljee: Here, Sir, I like to stand by my Emigration Committee, howsoever constituted and elected then because it has been elected by the House. I want to see whether there is any justification for the insinuation that has been made that they, the committee, agreed with all the knowledge and facts before them. If they had agreed, then I am sorry. Even then I will say we, the whole House, will have to correct their mistake. Sir, we were further told that so far as the *ad hoc* committee is concerned in Burma, if I am correct in understanding, most of the questions were referred to them except the marriage question.

Mr. G. S. Bozman: The marriage question was referred to them.

Mr. Husenbhai Abdullabhai Laljee: Most of the questions were referred to them. That is what the Honourable Member said.

Mr. G. S. Bozman: The Honourable Member is misquoting me.

Mr. Husenbhai Abdullabhai Laljee: Then may I know what were the recommendations which were placed before the *ad hoc* committee.

The Honourable Mr. M. S. Aney: All except one.

Mr. Husenbhai Abdullabhai Laljee: Whatever it is, I have got in my hand a telegram despatched on 26th July by the President of the *ad hoc*

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committee, Rangoon, to the Honourable Member in charge of Education, Health and Lands. The report was published on 22nd and this telegram was sent on 26th July. It runs thus:

"Re. immigration agreement published on 22nd July, several terms came as surprise, some entirely new. Burma Indians staggered. Various terms objectionable, such as literacy test, likely to be abused and so on".

Was such a telegram received in the Department of Education, Health and Lands?

Mr. G. S. Bozman: Yes.

Mr. Husenbhai Abdullabhai Laljee: Does it not make it clear that the *ad hoc* committee was not fully consulted? This statement was not only sent by telegram but it was made before the Standing Emigration Committee as I find from the record of 7th October. There again the question was put to them. They say:

"The opinion of the sub-committee was only taken on such terms of the Agreement as was considered necessary."

The Honourable Mr. M. S. Aney: By whom was the opinion of the Committee taken?

Mr. Husenbhai Abdullabhai Laljee: By Sir Girja Shankar Bajpai in Rangoon, and on matters he considered necessary.

The Honourable Mr. M. S. Aney: Did they refer to the Standing Emigration Committee?

Mr. Husenbhai Abdullabhai Laljee: They gave evidence before the Standing Emigration Committee on 7th October and at that time they were asked, the delegation from Burma was asked and they said so. I am giving this in support of the telegram which I just now read. The *ad hoc* committee was examined before the Emigration Committee, and they said they were not consulted on all terms. They said the opinion of the sub-committee was only taken on such of the terms of the agreement as was considered necessary by Sir Girja Shankar and those with him.

Sir F. E. James: That was disproved.

Mr. Husenbhai Abdullabhai Laljee: Whatever it is, we can draw now clearly our own inference from that. Remember it is not that all of a sudden a big change has come round. Sudden changes cannot come at once from one end of the country to another. Leaving aside how the change has come about may I ask is there any Indian who can say that this Agreement can be considered to be fair, equitable, honourable and respectable, even now as it is? How can it be? Well, Sir, we remember well the causes that let Great Britain to go to war against Transvaal and Orange Free State. May I ask whether Transvaal then did attempt to treat the honour and interests of Englishmen in any way like this? War was declared. Great Britain fought it out for years and that with the help of Indian army and resources as well. This is the history. Even now we find in this country people who live solely by exploitation, if I

may say so, and nothing else like our European friends who come and say to us or act as if, they do not care for this or that or the honour of our country. It may be said that because of the fact that Burma is so close to Japan we have had to agree to all this. Why? You go forward for the protection of Belgium's honour and freedom which never declared war against Germany, but you want me to swallow all my principles because you want to conciliate Burma for your purposes and keep them safe and your interest therein from attack from Japan and incidentally now you will say for my safety and that of the Empire. Is that honest logic? Why should we do it. You also want that we should fight for the freedom and honour of every people, Belgium, Norway, Denmark and what not although none of them declared war against Germany. Germany came upon them and we are now told it is our bounden duty to save them. It has been again and again also said that we have had to agree to these terms because otherwise Burma had sympathy with Japan. But I do not believe that Burmese have sympathy with the Japanese. If at all that was a ground even then there was no justification for this agreement. You want to make all sorts of concessions to all people and find excuse and defend this agreement, but we shall not agree now; if it came to, we are able to stand against Burma, and others.

I, therefore, support the amendment and I do hope that this House will pass this amendment unanimously as is the desire of the people so that we will have an opportunity to see whether the Secretary of State will carry out the unanimous wishes of the people. In fact, Sir, the Secretary of State has said over and over again that if Hindus and Muslims agree, they will give us Dominion Status. Let us see how that great principle in this case where the Hindus and Muslims agree, in fact everybody agrees is carried out, that is, whether our wishes will be carried out, and if he does I shall be happy and trust him believing that the times are really changing with regard to this country.

(It being Four of the Clock.)

Mr. President (The Honourable Sir Abdur Rahim): Order, order. The House will now take up the Adjournment Motion. Sir Abdul Halim Ghuznavi.

MOTION FOR ADJOURNMENT.

PLACING OF THE S. S. "AKBAR" AT THE CALCUTTA PORT TO CARRY HAJ PILGRIMS

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

"That the House do now adjourn"

In the notice that I gave I stated that I desire to discuss the placing of an ill-equipped boat, namely, the S.S. "Akbar" instead of S.S. "Rezwani" or the S.S. "Rahmani" at the Calcutta Port to carry the Haj pilgrims, which is too small to accommodate the large number of pilgrims who are pouring in to avail of the sailing from Calcutta. The position is that the Government of India have definitely decided that they will not allot to the Port of Calcutta more than one sailing, and in order that all the pilgrims

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could embark they agreed also that a definitely bigger ship would be placed at the port of Calcutta. I will read out to you what happened at a meeting held at the end of July or some time in August between the Government of India and the Scindia Steam Navigation Company. I am reading an extract from the minutes which were sent to Mr. Shanti Kumar by Mr. Master of an interview which Mr. Master had with the Honourable the Commerce Member and the Honourable Member for Education, Health and Lands on the 21st August, 1941, at Simla. That is the time when they fixed the Ports for the sailings of different ships:

"The Honourable the Commerce Member then remarked that he would like to make one point clear. The carrying capacity of the Scindia Company's boats was smaller than the carrying capacity of the Moghul Line. It was their intention that there should be one sailing from Calcutta. As Scindia's boats would carry about 800 and odd pilgrims as against 1600 pilgrims by the boat of the Moghul Line, he would suggest that that sailing should be given to the Moghul Line without disturbing the arrangements of the alternate sailings."

There you find that the Honourable the Commerce Member suggested to Scindia to accept his suggestion that they would abandon alternate sailing from Calcutta because there was only one sailing from Calcutta and a ship which could carry 1,600 pilgrims would be available. Then Sir Girja Shankar Bajpai also asked Mr. Master:

"To consider the question from the viewpoint of the pilgrims and not to insist on the Calcutta sailing being confined to the Scindia Line."

Mr. Master stated that he appreciated the viewpoint urged by the two Honourable Members and remarked that:

"in case there was going to be only one sailing at Calcutta and if the number of pilgrims offering were 1,400 to 1,500, it was but fair that that sailing should go to the Moghul Line, as his ship would not be able to lift so many pilgrims."

So they agreed that we should get a boat of the Moghul Line which could carry at least 1,600 pilgrims. And to my utter surprise I got a letter from the Chief Executive Officer of the Haj Committee of which I am the Chairman that they are placing a smaller boat and that a number of Hajees are going away to Bombay and not staying in Calcutta because a smaller boat has been placed. Sir, for years together this Moghul Line which is run by Turner Morrison or B. I. S. N. have been determined to close down the Port of Calcutta and they succeeded. After a great fight for years my brother the late Nawab Bahadur Alhadj Sir Abdul Karim Ghuznavi could make the Government of India agree to reopen the Port. Even then trouble would have arisen had not Scindia come to the rescue and placed boat after boat. Now they want to displease these pilgrims in Calcutta and they want this Port to be closed.

An Honourable Member: Who are "they"?

Sir Abdul Halim Ghuznavi: I refer to Turner Morrison and the Moghul Line.

Their intention is that after the war is over they will be able to show Government that the number of pilgrims from Calcutta was so small that that Port should be closed down. Sir, this is an arrangement between the Government of India and the Moghul Line and I ask the Government of India to exert their influence with the Moghul Line to place a bigger boat in Calcutta.

There is one other point that I want to refer to. Since I came in possession of this information I requested the Honourable Member for Overseas to look into the matter and he very kindly gave me a reply in which he said:

"In continuation of my letter of the 28th of October, I have looked into the matter of sailings for the next Haj. I think Mr. Rahim will very likely have spoken to you informally on the subject. You will understand that as things are at present, the matter of arranging individual sailings is largely out of our hands and must conform to the requirements of the Shipping Controller."

The opinion given here is absolutely incorrect. The Moghul Line ships are absolutely free and there is no control over them. Why cannot they place a better boat than they intend to do? Sir, I move.

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

"That the House do now adjourn."

The Honourable Mr. M. S. Aney (Member for Indians Overseas): Sir, my Honourable friend has moved his motion mainly with a view to bring to the notice of this House that a bigger boat is not kept ready for sailing with the Haj pilgrims at the Calcutta Port, and he considered S.S. "Akbar" as not a big boat at all. I think I can answer his objection by reading out the information which I have got about S.S. "Akbar". The Honourable Member referred to some undertaking given by my predecessor that a bigger boat of the Moghul Line would be kept for the sailing of the Haj pilgrims at the Port of Calcutta.

Sir Abdul Halim Ghuznavi: May I interrupt? A bigger boat which could carry over 1,400 pilgrims.

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

The Honourable Mr. M. S. Aney: I will read out the information I have got about S.S. "Akbar". My friend said some time before that it was a boat with a capacity for 1,100 pilgrims only. My information here is that it has a tonnage of 4,043 and a carrying capacity of 1,349 pilgrims. I leave the House to judge whether a difference of 50 is such a big difference that it should be treated as a smaller boat.

He then made a reference to S.S. "Islami". It is at present not on service for Haj pilgrims at all, but has been requisitioned for some other purpose. So that is not available. The other boats of the Moghul Line which have a capacity of 1,400 or more are two,—the S.S. "Rezwani" and the S.S. "Rahmani". They are for the service of Haj pilgrims in some other Port. That being the case, the only available bigger boat for the use of the pilgrims is "Akbar" in the Calcutta Port. So, I do not think my Honourable friend is right in accusing us of not having fulfilled the undertaking that was given to him.

In regard to the Honourable Member's point that the Haj traffic should not be diverted to some other Ports, I can say this much on the information that has been supplied to me that, from the number of pilgrims intending to embark from the Calcutta Port, it does not appear that the boat "Akbar" is not in a position to carry the passengers that will embark from

[Mr. M. S. Aney.]

that port. That is the information which I have got today. The fact that certain pilgrim passengers who had arrived at Calcutta and had then gone to Bombay, does not mean that they did not want to board the "Akbar", but because Bombay is the usual place for a great number of Haj pilgrims to go, as there are better facilities of *mussafar khana* and *sarais* etc., at Bombay and some of the pilgrims therefore like to go there. I, therefore, only want to say this much that the boat 'Akbar' has got a capacity of 1,349 and, so far as our present information goes, this is enough to carry the passengers who intend to embark from the Calcutta port for Haj pilgrimage. I, therefore, think that my Honourable friend will be well advised in withdrawing his motion if he thinks it proper to do so; otherwise I will have to oppose it. It would have been a proper thing to put a question in reply to which I would have supplied him with all the information. Anyhow, the motion is there and, if he does not withdraw it, I shall oppose it.

Sir Abdul Halim Ghuznavi: I have to withdraw this because I know I cannot carry this through. The Honourable Member need not take shelter under his privileged position. Sir, what my Honourable friend said was this. He said that the capacity of "Akbar" was, 1,349 and he also mentioned here that according to the information which the Honourable Member has received of the number of Hajis, he is satisfied that "Akbar" would be able to carry them. What a colossal ignorance! How can we get the number of Hajis today. The number of Hajis will only be known 15 days later. How do you know the number of Hajis who intend to sail today? You cannot tell the number of Hajis that would be coming. We know last year the number was only 1,400 and your "Akbar" could not carry them and many had to go to Bombay.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar (Commerce Member): To correct an impression which my friend has created, the agents of Companies certainly have sources of information to find out how many prospective Hajis there are and a business-like Company makes it a point—whether it is Scindia or Mughal, to find out beforehand the likely number that will be available and they do not wait like a railway train to find the passengers who are on the platform when the engine is put on.

Sir Abdul Halim Ghuznavi: Sir, that is exactly what I wanted to make out. The agents who give the information go about and say "do not go to the port of Calcutta but go to Bombay" and, therefore, they dissuade pilgrims from embarking from Calcutta.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): I think they go to Bombay because it is a better City.

Sir Abdul Halim Ghuznavi: Sir, I will withdraw this motion if the Honourable Member will give me one assurance.

Mr. President (The Honourable Sir Abdur Rahim): It cannot be conditional.

Sir Abdul Halim Ghuznavi: Sir, I want an assurance from the Honourable Member

The Honourable Mr. M. S. Aney: Not on the floor of the House. You can speak to me privately.

Sir Abdul Halim Ghuznavi: I want that assurance on the floor of the House in order that it may be recorded. It is that no boat with less than a carrying capacity of 1,400 or 1,500, or either of the two, if there is one sailing, should be allotted to Hajis.

The Honourable Mr. M. S. Aney (Member for Indians Overseas): We shall consider the matter.

Sir Abdul Halim Ghuznavi: Sir, I beg to withdraw my Motion.

The motion was, by leave of the Assembly, withdrawn.

RESOLUTION RE THE INDO-BURMA IMMIGRATION
AGREEMENT—*contd.*

Mr. Husenbhai Abdullahai Laljee: Sir, It was pointed out to the House that

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has spoken for 15 minutes.

Mr. Husenbhai Abdullahai Laljee: Just one minute, Sir. I have not finished. I was only pointing out to the House that it is essential that when the Agreement has to be modified and the fresh agreement made, if there be any, must be brought before this House and if no modifications are agreed to then the agreement ought not to remain at all. Well, Sir, this is all about the agreement but one thing more I want to say: that is having been a party to an informal agreement between the Leader of the House and the Opposition Leaders it was but due on the part of my European friends to abide by it more so when the country wanted it. It is only very very rarely that we have from the Treasury Benches this procedure, which is adopted so very often in England, where invariably the opposition are consulted on important matters, and, when all the leaders are consulted, then on that opinion of the leaders, it is well-known even great wars are declared and even great strategic and important movements are done. I hope the Englishmen in this House certainly know this procedure and principle that is being followed often in the House of Parliament, and let us trust they will behave in this country as they do in their country if really they have any regard towards the feelings and interests of this country which has been supporting them.

Mr. Ananga Mohan Dam (Surma Valley *cum* Shillong: Non-Muhammadan): The conclusion of the Indo-Burma Immigration Agreement has created a great stir and indignation throughout the length and breadth of the country. Everybody who is anybody in the country has condemned it in unmistakable terms. India and Burma were united for centuries by religious, cultural and economic ties. This Agreement is going to put an end to all these sweet relations. I have been to Burma, and have seen

[Mr. Ananga Mohan Dam.]

that the Bengali Brahmans who went to Burma centuries ago are still conducting the rites and rituals of the royal family—such is the tie with Bengal. Not only that, no ceremony is performed until and unless a Pauna Brahman comes and takes part in it. I must tell this Honourable House that this Agreement has been called by the officials as a diplomatic victory while it actually exposes in a singular manner an imbecile capitulation at the hands of the Burmese politicians. To call this an 'Agreement' would be a travesty of language, for a rightly constituted body of accredited representatives could never have agreed upon such harmful and highly derogatory terms. Far from there being a mutual agreement between the two peoples of India and Burma, the present Agreement has been a victory of the Burmese politicians over the Indian officials.

As a co-sharer of a common heritage of Indian culture we strongly do wish our Burmese brethren to prosper and flourish and see their rising nationalism duly reconciled. Unfortunately, without a correct perspective, the Indian Delegation erred on the side of over-emphasizing the susceptibilities of the Burmans. Being obsessed by the threats of Burma riots and unnerved by the critical international situation in the East, they gave away to complete capitulation. Burma was placated too much, whereas the facts that defence of Burma was a responsibility with India and that the Indian War effort was in no way less vital, were lost sight of. While appreciating the psychology working in the mind of the Delegation we cannot but feel that maladjustment and estrangement of economic and social relation between Burma and India is fraught with great danger at this juncture.

Pleas will be trotted out referring to abnormal situations and emergencies but the very manner of conducting the whole affairs has been under the deep suspicion of the public. There was certainly no justification for withholding the Baxter Report from publication for nine months when this report was said to form the basis for the negotiation of an Agreement. And very surprisingly the work of the Delegation, supposed to be of an exploratory nature, turned into a sudden final settlement and the public were faced abruptly with a *fait accompli*.

No non-political advisory body accompanied the Delegation and could share the responsibility of a decision having far reaching effect all round. And even the *ad hoc* committee constituted by the Indians in Burma was not prepared for a final work like this present Agreement and was not perhaps even supplied with the Baxter report.

That, in fact, the problem of unfair competition stifling the growth of Burmans was not existent is evinced from what Mr. Baxter holds:

"Indian labour in the past has been supplementary rather than alternative to Burmese labour."

"There is no evidence of any kind to suggest that Indians have displaced Burmans from employment which they have previously obtained."

And, undoubtedly, conclusion of the Delegation has been vitiated by such idea of 'Restriction' and has evidently given rise to serious maladjustment to be followed by baneful after-effects specially where ban on labourers was not put with a long notice.

During the passage of the Government of Burma Act assurances were given by Sir Thomas Inskip and Mr. Butler that free entry of Indians, in

general, was not intended to be stopped. So it was incumbent upon the Government of India to fight for seeing those undertakings implemented. Further, the rights guaranteed to Joint Stock Companies, ships and Aircraft registered in British India are not subject to Section 44 of the Government of Burma Act empowering the Government to restrict the right of entry of Indians into that country. Any restrictions as to this is *ultra vires* of the Government of Burma Act. In short it might be said that the provisions of the Agreement will have ruinous effect among the Indian businessmen established in Burma and the poor labour in Madras Orissa and Bengal, suddenly required to stop the immigration, will have to face starvation. It deserves to be noted that the provisions of the Agreement will discourage definitely Indian Capital and labour and will cause, ultimately, a shrinkage in employment amongst the Burmans for whose benefit these terms were imposed.

The economic disturbance that will obviously ensue due to this discriminating and flagrant provisions will be embarrassing in the political sphere, specially more so, where joint war effort is indispensable to both the people of India and Burma at this critical moment. With these words, I support the amendment.

Some Honourable Members: The question may now be put.

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

"That the question be now put."

The motion was adopted.

The Honourable Mr. M. S. Aney: Sir, the debate on this question has practically followed the lines of criticism which the Government of India had received on this Agreement from many public bodies and institutions interested in the question of Indians overseas. The Government of India are aware that the Agreement has aroused very strong feeling and that Indian public opinion insists that it requires to be modified before it can be acceptable to the people of India.

I believe that in approaching a question of this kind, the emigration of Indians into Burma, we shall have to bear in mind certain important considerations and principles. First, the Agreement should be calculated to remove from Burman minds any reasonable apprehension that Burma may be subjected to undue economic competition by reason of Indian immigration. Secondly, it should also serve to secure for the Indian community settled and resident in Burma recognition of their legitimate rights.

The criticism so far made in this country is to the effect that this Agreement has failed to secure for the Indians resident in Burma the recognition of their legitimate rights.

Honourable Members can easily appreciate the difficult nature of the negotiations which the two Governments have had to carry on with a view to reach a solution that shall harmonise the two somewhat conflicting but not altogether irreconcilable points of view, namely, that of the Burmans on the one side, and of the Indians resident in Burma as well as India on the other. I deliberately add that the Indians residing in India are also as vitally concerned in the proper solution of the problem as the Indians in Burma. The Indian people have a right to insist that the Government

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of India must jealously guard, not only the interests of the Indians resident and settled in Burma or any other part of the British Empire, but they shall stand uncompromisingly to uphold the honour of the Indian nation in making settlements with the governments of those countries in the interests of the Indians resident there. It is in safeguarding the honour of the Indian nation that the Government of India have to fight against discriminatory conditions in any agreement or legislation which the Colonies or such other countries might propose to bring.

The Overseas Department of the Government of India can, I believe, claim with some degree of truth and justice that it has endeavoured to discharge these onerous duties in close co-operation with the leaders of public opinion in India for all these years. Whatever differences the political parties may have with the Government of India in other matters, on problems affecting Indians overseas both of them have the same approach, and both of them have worked with the same purpose in view of the last so many years. The Government of India have always carried with them the support of public opinion in their attempt to safeguard the interests of Indians abroad and Indians have generally found in the Government of India champions to espouse the cause of their countrymen overseas and protect the honour of this country in distant lands across the seas. The Government of India will, in the future also, as in the past, follow the same noble tradition and maintain the same regard for close co-operation with the leaders of public opinion for the efficient discharge of their duties and fulfilment of their obligations in this matter. On a careful examination of the various representations, the Government of India have seen that there was considerable force in the criticism that certain clauses in the Indo-Burma Agreement have given reasonable grounds to the people who apprehend that the legitimate rights of the Indians settled and resident in Burma have not been duly protected, and in some respects the Agreement can be reasonably open to the criticism that it is discriminatory against the Indians.

The most important point urged against the Agreement is that it permits the imposition of restrictions on the immigration of every Indian into Burma, while the Parliament wanted this right of the Government of Burma to be exercised only for the regulation of immigration of unskilled labour from India. In this connection reference has been made to the pronouncements made by the Ministers of the Crown when the Government of Burma Bill was under discussion in the House of Commons. The attention of the Government of India is also invited in this connection to Article 20 of the Instrument of Instructions. It is urged that the Ministerial pronouncements made in explanation of clause 44 of the Government of Burma Act do indicate that Parliament desired the exercise of the powers given to the Burma Government in the matter of regulation and control of immigration mainly to regulate the immigration of unskilled labour from India. There may or may not be a legal bar for them to legislate. But there can be little room for doubt as regards the spirit in which the Ministers desired the powers to be exercised and the provisions of the Government of Burma Act to be administered by the Government of Burma.

I understand that those who object on the above ground maintain that the scope of the present Agreement must be confined to the immigration of unskilled labour only.

The other important objection which, I think, deserves to be particularly noticed is that the rights of the Indians already settled in Burma have not been duly protected. In addition to considerations of geographical proximity, cultural affinity and economic ties, the very fact that Burma was conquered by the British Government with the help of the Indians, subsequently annexed it to India as a province and administered as an integral part of British India has created a situation with regard to Indians settled there which no Legislature or Government can ignore without doing serious injustice to them.

I may concede that the British Government was perhaps right in separating Burma from British India by the Government of Burma Act, 1935, in response to the public opinion of the Burmese people. None in this House can deny the right of the people of Burma to decide on the issue of separation in the manner they thought fit. But in effecting separation neither they nor the British Government could have been in equity justified in not recognising and preserving in fact the rights of the Indians settled in Burma before the new order came into existence. Those Indians do not become foreigners or aliens by the mere fact that Burma is now made a separate country. Those Indians already settled there are an integral part of the population of Burma and are entitled to the same treatment in regard to going out from and coming into Burma as the Burmans themselves may have under the general laws of Burma. Any clause of any law or condition of any Agreement which distinguishes their position from the rest of the Burmans is an act of unjustifiable discrimination.

It is urged with great force by some that the provisions 19 and 20 enabling certain Indians to establish their claim to and acquire Burma domicile are based on the assumption that the Indians already settled in Burma on or before the date of the Indo-Burma Agreement have no status as the citizens of Burma and that they can, on fulfilment of certain conditions, get it if they so choose. It means, according to them, that the Agreement is given a retrospective effect inasmuch as it affects the rights of citizenship of those who were in Burma and had already enjoyed the status of the citizen of Burma, without being required to go through any process of law to acquire domicile. Similarly the clause relating to the 'privileged immigrants' is another attempt to create a class for a favoured treatment as against the large number of the Indians who will not be coming under that class and who will be styled as unprivileged immigrants. Even the privileged immigrants have a very precarious status. They are liable to lose it by absence from Burma for more than 12 months. It is clear from the representations received, that this condition is resented most bitterly. In the case of the so-called unprivileged immigrants already settled in Burma they lose their right to re-entry and they will be treated as new entrants or immigrants. This restriction virtually amounts to a confinement of this large class of Indians permanently to Burma without interruption for any interval. He has no liberty of movement even on any reasonable condition except on the penalty of losing his right to enter Burma and earn his livelihood there. There is no provision made enabling him to get the status of a privileged immigrant at any time in future. This class is most unjustly treated in the Agreement.

The right of an autonomous State to determine the Composition of her population recognised by the Imperial Conferences does not in any way

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conflict with the contentions of the Indian residents for recognition as Burmans. The Government of India's attention has also been categorically drawn to Article 14 of the Agreement which prohibits an Indian from marrying or cohabiting with a Burmese woman. The protest is based on the ground that of all the alien population, Indians have been singled out for this ban on marriage. It is discriminatory and derogatory to the honour of the Indians.

The definition of dependants in the Agreement has also been objected to as it does not take into account a large class of relatives who owing to the joint family system prevailing among the Hindus and certain classes of non-Hindus also have to depend on the manager of the family for their maintenance. The scale of fees prescribed for A and B permits is considered as too high and not merely raised to get the fund required to defray the administrative expenses for regulation of immigration into Burma.

There is a point which relates to those who are called upon to take B permits. The permit can be renewed only for 9 years. All those who are engaged in trade and business contend that this condition will virtually render it impossible for them to get persons from India to go to Burma to work there in various capacities. The class of persons who are thus imported from India is indispensable for the success of any business. No Indian can spend the nine years of his life in the prime of youth in Burma only to find that he is not admitted to any job in his country of origin later on account of his age and other difficulties. The condition will have very adverse effect on the existing business interests of the Indians in Burma. It is asserted that it has already made its evil effects felt. There are objections even to clauses relating to registration and literacy-test.

Thus, I have summarised before this House the various objections raised against this Agreement by Members who have taken part in this debate as well as by institutions who have submitted their representations. Besides this, I have tried to summarise the principal objections raised on merits against this Agreement in this statement. I am also aware of the objections to the manner in which this Agreement was concluded. Non-association of non-official Indians with the Indian Delegation, non-consultation with Provincial Governments who were concerned in the problem of immigration into Burma and non-publication of the joint report before it was made final are some of the important defects pointed out in the various representations submitted to the Government of India.

While I do not want to say anything to minimise the importance of the objections, I may be permitted to say that the Government of India Delegation had consultations with the Standing Emigration Committee before the commencement and after the completion of the negotiations with the Government of Burma. The Standing Emigration Committee is a joint committee of the two Houses. Similarly, in Burma the Indian Delegation was in constant touch with an *ad hoc* committee of the Indians resident in Burma and had the benefit of their advice while the negotiations were going on. It is true that the Provincial Governments as such were not officially consulted. The Government of India are fully aware of the strong feeling of the Indians against this Agreement. Soon after public opinion began to assert itself against this Agreement, they have invited the attention of the Secretary of State to it and urged that the Agreement will

have to be revised on certain important points or some method will have to be devised to meet the objections and make it acceptable to the people of India.

The question has been engaging the attention of the Secretary of State. The Government of India have also urged on the Secretary of State that he should postpone the promulgation of the Order in Council till suitable modifications or adjustments are effected by the mutual consent of the two Governments in the terms of the Agreement so as to make it unobjectionable and acceptable to the Indian people.

The Government of India hope that the Government of Burma will be willing to extend its co-operation to the Government of India to remove the points of difficulty which have arisen and which have seriously jeopardised the chances of its acceptance by the Indian public without modification of some of its terms. There is an obligation both on the Government of India and the Government of Burma to mutually consult each other under clause 27 for solving the difficulties that may arise. Our difficulties are real; there may be similar difficulties for the Government of Burma also which it shall be our duty to consider and solve. The only way to solve them is for the two Governments to meet together and exchange views with a determination to accommodate each other without sacrifice of principle or breach of the pledges given by the Ministers. If the two meet in this spirit and come to a solution, the Agreement may with the suggested modifications be promulgated as an Order in Council. The Government of India has been working to achieve this end and expect that the people of India will co-operate with them in their attempt to get the necessary adjustments. I hope that the two sister countries which have so many ties to bind them together, cultural, religious and even political, will certainly not fail to come to an amicable understanding with regard to this agreement honourable to the people of India and the people of Burma. I am an optimist. I think that our efforts will not be fruitless, but if it be found that our reasonable demands are not at all considered by the Government of Burma,—which I do not think will happen—I can, in that extreme case, approach the House if it be in Session, or the Standing Emigration Committee to take advice for the step which should be taken. It serves no useful purpose to speak of it or even to think of it today. The nature of the step will be largely governed by the considerations of the international situation which, as Honourable Members know, has been changing rapidly every day.

One thing more and I will conclude. The Government of India shall not fail in their primary duty to the people of India in dealing with the problems relating to their brothers and sisters overseas under any circumstances.

Sir, the Government of India have seen the Resolution as well as the amendment, and have decided to leave the question for decision to the House. The Government Members will remain indifferent if it comes to voting at all. But the Government assure the House that they will send the decision as well as the proceedings of this House to the Secretary of State with such recommendations as they think necessary to serve the purpose which they have in mind, with a view to bringing about the necessary modifications to meet the requirements of the Indian people and make the agreement acceptable.

Sir Cowasji Jehangir: What is the attitude of the Government of India?

The Honourable Mr. M. S. Aney: The Government of India will represent the views of the House to the Secretary of State with such recommendations as are necessary to persuade the Government of Burma to make the necessary modifications in the Agreement.

Sir Abdul Halim Ghuznavi: Will the Government Members vote?

The Honourable Mr. M. S. Aney: They will not vote. They will remain neutral.

Sir Abdul Halim Ghuznavi: What about us?

The Honourable Mr. M. S. Aney: You can vote as you like.

Sir Abdul Halim Ghuznavi: When I heard my Honourable friend, Mr. Chapman-Mortimer, with crocodile tears in his eyes, accusing us that we should not have criticised the Honourable Member who has executed this Agreement, I could understand him because he has made it abundantly clear in his speech that as far as his Party is concerned they are satisfied with this Agreement.

Mr. T. Chapman-Mortimer: No one has said that.

Sir Abdul Halim Ghuznavi: No one has said in so many words. But every Member has said in his heart of hearts that they care a tuppence regarding this Agreement.

Members of the European Group: No, no.

Sir Abdul Halim Ghuznavi: That is my reading, it may not be your reading.

Mr. J. D. Boyle (Bombay: European): How do you read anybody else's heart?

Sir Abdul Halim Ghuznavi: Because I am an astrologer! I have not yet been able to understand my Honourable friend, Sir Henry Gidney, who also shed crocodile tears. I want to know from him whether he shed his tears as an Anglo-Indian or as an Indian.

Lieut.-Colonel Sir Henry Gidney: I have very bad eyes, but I do not shed any crocodile tears.

Sir Abdul Halim Ghuznavi: The case which was made out by Mr. Bozman has supported my Resolution. What did he say? He said that Sir Girja Shankar Bajpai had the fullest authority to do whatever he liked in Burma. Then what we thought was not correct; he did that solely on his own responsibility. That puts the case worse.

Lieut.-Colonel Sir Henry Gidney: You are shedding cobra tears!

Sir Abdul Halim Ghuznavi: My Honourable friend, Mr. Bozman, was making a serious charge that the newspapers fabricated a statement—the statement which Sir Girja Shankar Bajpai gave to the Associated Press in Calcutta.

Mr. G. S. Bozman: I made no such charge.

Sir Abdul Halim Ghuznavi: He said, "Don't read statements which appear in the press, the press says many things." That is to say, the statement that appeared in the press was not correct or was not sent or was not made by Sir Girja Shankar Bajpai. Surely, the allegation that the statement which appeared in the press was not made by Sir Girja Shankar is not correct. But, Sir, my Honourable friend, had to defend Sir Girja Shankar Bajpai and had to say that he did not make that statement. He had no alternative because, what Sir Girja Shankar had said there, he did just the contrary in Burma. Therefore, he had to disown the statement which he had made in Calcutta.

Lieut.-Colonel Sir Henry Gidney: Then you think he is a liar?

Sir Abdul Halim Ghuznavi: My Honourable friends of the European Group reminded us that if we did not agree to this Agreement, the Government of Burma has power to legislate. No.

Mr. T. Chapman-Mortimer: Yes.

Sir Abdul Halim Ghuznavi: The Government of Burma have not the power to legislate, there is a safeguard, and I will read that out to the House. That safeguard would protect us. They dare not go to the Burma Assembly with such a Bill. Mr. Butler assured the House of Commons:

"I think the fear that has been felt on this score by Indians who wish to enter Burma may be quietened in view of the contents of paragraph 20 of the Instrument of Instructions."

That paragraph 20 is the safeguard. Sir Thomas Inskip said:

"Apart from that, there is the provision in paragraph 20 of the Instrument that the Governor, before exercising his discretionary power of leave to introduce, shall consult the Governor General of India."

He cannot admit that Bill including this Agreement, before he consults the Governor General of India, and the Governor General of India would protect the Indians:

"That is not an inconsiderable safeguard. Then there is the provision under section 36, sub-section (1) of the Act which provides that no measure affecting immigration into Burma shall be introduced without the previous sanction of the Governor."

There is another safeguard. The Governor dare not give the sanction without consulting the Governor General. It goes further. The Governor is to act in his discretion and that means direct responsibility to the Secretary of State and to Parliament. Those safeguards taken together really affect the purpose which is behind the amendment moved by the noble Lord, Lord Winterton, the Member for Horsham, so as to give protection for undesirable immigrants. Sir, I close my speech in this debate in the

[Sir Abdul Halim Ghuznavi.]

hope that the Honourable Members sitting on the Treasury Benches of the Expanded Council which now contains a larger number of Indians than Europeans, will take into serious consideration the feeling prevailing in the minds of Indians from one end of India to the other that this Agreement is a humiliating agreement. I trust they will do all in their power to see that this Agreement is drastically altered or a fresh negotiation opened. I hope I have not appealed in vain. I trust and hope that the members of the expanded Executive Council will take into consideration the seriousness of the situation that is staring in the face of Indians.

Mr. Akhil Chandra Datta: May I remind the Honourable the Leader of the House that I have not received the promised reply to my question, namely, whether the Government of Burma, when they moved in the first instance, proposed restriction only with regard to unskilled labour?

The Honourable Mr. M. S. Aney: There are two things which I want to bring to the notice of the House in this connection. The Government of Burma wanted the Government of India to issue a statement or rather to make an announcement to the effect that there is need for regulating immigration of unskilled labour. That was under the consideration of the Government of India at that time and later on that was dropped. So far as the present Agreement is concerned, when they renewed their invitation, they only wanted to proceed on the basis of the recommendations of the Baxter Committee about which we have had a good deal of discussion here. Whether the recommendation of the Baxter Committee is restricted to the scope of unskilled labour or not is a point which I leave to the Members to decide. In the second reference that they made and the invitation which they sent to the Government of India for the sake of negotiating an agreement there was no restriction put by them as regards this matter.

Secondly, I forgot to make another request. I wanted to appeal to my Honourable friend, Mr. Akhil Chandra Datta, pointing out the advisability of withdrawing his amendment in view of the fact that it is premature to take that amendment into consideration at this particular time.

Mr. President (The Honourable Sir Abdur Rahim): I shall first put the amendment moved by Sir Henry Gidney. If that is carried, then I shall put the amendment of Mr. Akhil Chandra Datta. Then his amendment would be that it should be added not to the Resolution but to the amendment of Sir Henry Gidney.

The Chair will now put the amendment moved by Sir Henry Gidney. The question is:

“That for the original Resolution the following be substituted:

“That this Assembly being of the opinion that the provisions of the Indo-Burma Immigration Agreement are a violation of the assurances given in Parliament with regard to the status of Indians in Burma and their right of entry into Burma after its separation from India, inasmuch as they render nugatory the protection which Parliament undoubtedly undertook to give in these matters in Part V of the Government of Burma Act and the Instrument of Instructions to the Governor of Burma, recommends to the Governor General in Council to request the Secretary of State

not to implement the Agreement by Order in Council unless and until satisfactory modifications are secured which will carry out, to the full, the Parliamentary assurances and remove such provisions as are discriminatory and humiliating to the people of India."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): Now, I shall put the amendment moved by Mr. Akhil Chandra Datta:

"That at the end of the amendment which has been accepted by the House, the following be added;

"That this Assembly further recommends to the Governor General in Council that in the event of the Government of Burma not agreeing to a revision of the Indo-Burma Immigration Agreement so as to ensure the right of free entry to all Indians except surplus unskilled labour to the satisfaction of Indian opinion, the Government of India should give immediate notice of the termination of the Trade Agreement concluded last February in order to safeguard the fundamental rights of Indians residing in or having connections with Burma."

Mr. Akhil Chandra Datta: In view of the observations made by the Leader of the House that he will consider the position, I beg leave of the House to withdraw the amendment.

The amendment was, by leave of the Assembly, withdrawn.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 5th November, 1941.

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