

17th 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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CONTENTS.

VOLUME IV—27th October to 18th November 1941.

	PAGES.		PAGES.
<b>MONDAY, 27TH OCTOBER, 1941—</b>		<b>MONDAY, 27TH OCTOBER, 1941—<i>contd.</i></b>	
Members Sworn . . . . .	1	The Mines Maternity Benefit Bill—Introduced . . . . .	106
Starred Questions and Answers . . . . .	2—17	The Weekly Holidays Bill—Introduced . . . . .	106
Unstarred Questions and Answers . . . . .	17—24	The Code of Criminal Procedure (Amendment) Bill—Introduced . . . . .	106
Statements laid on the Table . . . . .	24—68	The Code of Criminal Procedure (Second Amendment) Bill—Introduced . . . . .	106
Statement made by the Honourable the President regarding the introduction of a second round for Starred Questions . . . . .	69	The Indian Income-tax (Amendment) Bill—Referred to Select Committee . . . . .	107—114 and 125
Motion for Adjournment <i>re</i> —Indo-Burma Immigration Agreement—Not moved . . . . .	69	The Railways (Local Authorities' Taxation) Bill—Discussion on the motion to refer to Select Committee not concluded . . . . .	125—127
Expansion of the Executive Council and the Establishment of the National Defence Council—Ruled out of order . . . . .	70—71		
Release of Political Prisoners, and Detenus and an immediate Declaration for recognising India's Status as a Self-Governing Dominion—Ruled out of order . . . . .	71	<b>TUESDAY, 28TH OCTOBER, 1941—</b>	
India's Dissociation in the Inter-allied Conferences and Allied Council to consider the Economic Post-War Problems—Leave refused . . . . .	71—72	Member Sworn . . . . .	129
Economic Condition of Cotton Growers—Withdrawn . . . . .	72 and 114—124	Starred Questions and Answers . . . . .	129—140
H. E. the Governor General's Assent to Bills . . . . .	72	Unstarred Questions and Answers . . . . .	140—142
Home Department Notification issued under the Registration of Foreigners Act, 1939 . . . . .	73	Motion for Adjournment <i>re</i> —Expanded Executive Council—Leave refused . . . . .	142—143
Amendment to certain Rules and Forms of the Insurance Rules . . . . .	73—78	Non-Release of Political Prisoners—Disallowed . . . . .	143
Election of Six Non-Official Members to the Defence Consultative Committee . . . . .	78—105	Occupation of Persia—Not allowed to be moved . . . . .	143—144
The Indian Income-tax (Amendment) Bill—Introduced . . . . .	105	Arrest and Detention of Mr. S. K. D. Paliwal—Disallowed . . . . .	144
The Excess Profits Tax (Second Amendment) Bill—Introduced . . . . .	105	Banning of Khaksar Volunteers—Negatived . . . . .	144, 178—186
The Factories (Amendment) Bill—Introduced . . . . .	105	The Delhi Masjid Bill—Substitution of the name of the Honourable Sir Sultan Ahmad in place of the Honourable Sir Muhammad Zafrullah Khan on the Joint Committee . . . . .	145
		The Code of Criminal Procedure (Amendment) Bill—Not moved . . . . .	145
		The Professions Tax Limitation Bill—Referred to Select Committee . . . . .	146—169

PAGES.	PAGES.
<b>TUESDAY, 28TH OCTOBER, 1941—contd.</b>	<b>THURSDAY, 30TH OCTOBER, 1941—contd.</b>
The Hindu Marriage Disabilities Removal Bill—Motion to refer to Select Committee withdrawn. . . . .	The Railways (Local Authorities' Taxation) Bill—Referred to Select Committee . . . . .
169—171	270—87
The Hindu Married Women's Right to Separate Residence and Maintenance Bill—Motion to refer to Select Committee withdrawn . . . . .	The Excess Profits Tax (Second Amendment) Bill—Referred to Select Committee . . . . .
171—177	287—303'
The Kazis Bill—Introduced . . . . .	The Madras Port Trust (Amendment) Bill—Referred to Select Committee . . . . .
177	304—10
The Special Marriage (Amendment) Bill—Introduced . . . . .	The Code of Criminal Procedure (Amendment) Bill—Passed . . . . .
177	310—11
The Reciprocity Bill—Introduced . . . . .	The Code of Criminal Procedure (Second Amendment) Bill—Passed . . . . .
177—178	311—12
The Muslim Personal Law (Shariat) Application (Amendment) Bill—Introduced . . . . .	The Factories (Amendment) Bill—Passed . . . . .
178	312—17
<b>WEDNESDAY, 29TH OCTOBER, 1941—</b>	Resolution re Amendment of the Auditor's Certificates Rules—Adopted . . . . .
Members Sworn . . . . .	317—21
187	<b>TUESDAY, 4TH NOVEMBER, 1941—</b>
Starred Questions and Answers . . . . .	Members Sworn . . . . .
187—208	323
Unstarred Questions and Answers . . . . .	Starred Questions and Answers . . . . .
208—09	323—33
Motion for Adjournment re Discontent among Detenus at the Deoli Detention Camp—Negatived . . . . .	Transferred Starred Questions and Answers . . . . .
209, 243—61	333—36
Resolution re—	Statements laid on the Table . . . . .
Indo-Burma Immigration Agreement—Debate adjourned . . . . .	337—42
210	Motion for Adjournment re—
The Atlantic Charter for a New World Order—Discussion not concluded . . . . .	Statement of Sir Shanmukham Chetty on Post-War Reconstruction—Ruled out of order . . . . .
211—43	342—43
<b>THURSDAY, 30TH OCTOBER, 1941</b>	Failure of the Government of India to instruct Sir Shanmukham Chetty re the grant to India of the status of a Self-Governing Dominion—Ruled out of order . . . . .
Starred Questions and Answers . . . . .	343
263—67	Assurance to grant India the status of a Self-Governing Dominion—Ruled out of order . . . . .
Statement by the Honourable the President re non-inclusion in the List of Business of matters received from the members of the Muslim League Party during the current Session . . . . .	343
268	Placing of the S. S. "Akbar" at the Calcutta Port to carry Haj Pilgrims—Withdrawn . . . . .
Nomination of the Panel of Chairmen . . . . .	343—44, 395—99
268	Notifications amending certain Motor Vehicles Rules . . . . .
Notification under the Indian Emigration Act . . . . .	344—46
268—69	The Code of Civil Procedure (Amendment) Bill—Presentation of the Report of the Select Committee . . . . .
Statement re Safety in the Building Industry . . . . .	346
269	The Professions Tax Limitation Bill—Presentation of the Report of the Select Committee . . . . .
Election of a Member on the Standing Committee on Emigration . . . . .	347
269—70	
The Code of Civil Procedure (Amendment) Bill—Appointments to the Select Committee . . . . .	
270	

	PAGES		PAGES.
<b>TUESDAY, 4TH NOVEMBER, 1941—</b>		<b>FRIDAY, 7TH NOVEMBER, 1941—contd.</b>	
<i>contd.</i>			
The Indian Income-tax (Amendment) Bill—Presentation of the Report of the Select Committee . . . . .	347	The Railways (Local Authorities' Taxation) Bill—Presentation of the Report of the Select Committee . . . . .	476
Presentation of the Report of the Public Accounts Committee . . . . .	347	The Code of Civil Procedure (Amendment) Bill—Passed . . . . .	476—78
The Indo-Burma Immigration Agreement and the Joint Report of the Indo-Ceylon Delegation . . . . .	347—56	The Professions Tax Limitation Bill—Passed . . . . .	478—81
Resolution <i>re</i> The Indo-Burma Immigration Agreement—Adopted as amended . . . . .	356-95, 399—409	The Special Marriage (Amendment)—Bill—Circulated . . . . .	481—87
<b>WEDNESDAY, 5TH NOVEMBER, 1941—</b>		The Kazie Bill—Circulated . . . . .	487
Starred Questions and Answers . . . . .	411—17	The Reciprocity Bill—Circulated . . . . .	487—89
Short Notice Question and Answer . . . . .	417—19	The Muslim Personal Law ( <i>Shariat</i> ) Application (Amendment) Bill—Circulated . . . . .	489—98
Unstarred Questions and Answers . . . . .	419—23	The Buddha Gaya Temple Bill—Introduced . . . . .	498
Motion for Adjournment <i>re</i> Statement made in the <i>Sunday News</i> of the United States of America regarding the Holy Prophet of Islam—Withdrawn . . . . .	423—24, 455—62	The Federal Court (Supplemental Powers) Bill—Introduced . . . . .	498
Election of a Member to the Standing Committee on Emigration . . . . .	424	The Code of Criminal Procedure (Amendment) Bill (Amendment of Sections 162, 488, and 496)—Introduced . . . . .	498—99
Election of Members to the Defence Consultative Committee . . . . .	424	The Indian Penal Code (Amendment) Bill—Introduced . . . . .	499
Committee on Petitions . . . . .	424—25	<b>MONDAY, 10TH NOVEMBER, 1941—</b>	
The Madras Port Trust (Amendment) Bill—Presentation of the Report of the Select Committee . . . . .	425	Starred Questions and Answers . . . . .	501—15
The Aligarh Muslim University (Amendment) Bill—Introduced . . . . .	425	Unstarred Questions and Answers . . . . .	515—21
The Mines Maternity Benefit Bill—Passed as amended . . . . .	425—55	Motion for Adjournment <i>re</i> Closing of Markets to protest against methods of assessing income-tax in Calcutta—Ruled out of order . . . . .	521—22
The Excess Profits Tax (Second Amendment) Bill—Presentation of the Report of the Select Committee . . . . .	462	Statement laid on the Table <i>re</i> cases in which the lowest tenders have not been accepted by the High Commissioner for India . . . . .	522—25
<b>FRIDAY, 7TH NOVEMBER, 1941—</b>		Statements laid on the Table . . . . .	526
Starred Questions and Answers . . . . .	463—72	The Trade Marks (Amendment) Bill—Introduced . . . . .	526
Transferred Starred Questions and Answers . . . . .	472—75	The Indian Companies (Amendment) Bill—Introduced . . . . .	527
Unstarred Question and Answer . . . . .	475—76	The Motor Vehicles (Amendment) Bill—Introduced . . . . .	527
		The Aligarh Muslim University (Amendment) Bill—Passed . . . . .	527—28
		The Indian Income-tax (Amendment) Bill—Passed . . . . .	528—63
		The Madras Port Trust (Amendment) Bill—Motion to consider adopted . . . . .	564—77
		<b>TUESDAY, 11TH NOVEMBER, 1941</b>	
		Starred Questions and Answers . . . . .	579—600

	PAGES.		PAGES.
<b>TUESDAY, 11TH NOVEMBER, 1941</b>		<b>FRIDAY, 14TH NOVEMBER, 1941—</b>	
— <i>contd.</i>		Members Sworn	807
Unstarred Questions and Answers	600—04	Starred Questions and Answers	807—19
The Madras Port Trust (Amendment) Bill—Passed.	605—26	Messages from the Council of State	819
The Excess Profits Tax (Second Amendment) Bill—Discussion on the consideration of clauses not concluded	626—56	The Railways (Local Authorities' Taxation) Bill—Passed as amended	820—24
Statement of Business	656	The Indian Companies (Amendment) Bill—Passed.	824—26
<b>WEDNESDAY, 12TH NOVEMBER, 1941—</b>		The Trade Marks (Amendment) Bill—Passed as amended	826—30
Starred Questions and Answers	657—81	The Motor Vehicles (Amendment) Bill—Referred to Select Committee	831—32
Unstarred Questions and Answers	681—83	Report of the Public Accounts Committee—Postponed	832—33
Statements laid on the Table.	683—92	Demands for Excess Grants for 1939—40	833—36
Resolution <i>re</i> —		Resolution <i>re</i> the Industrial Research Fund—Adopted	836—73
The Atlantic Charter for a New World Order—Adopted	692—708	Statement of Business	873—74
Release of Political Prisoners—Postponed	708—09	<b>MONDAY, 17TH NOVEMBER, 1941—</b>	
Repatriation of India's Sterling Debt—Adopted as amended	709—36	Starred Questions and Answers	875—82
<b>THURSDAY, 13TH NOVEMBER, 1941—</b>		The Mines Maternity Benefit Bill—Amendment made by the Council of State agreed to	882—84
Starred Questions and Answers	737—45	Joint Report by the Delegations from India and Ceylon—Motion adopted as amended	884—933
Short Notice Questions and Answers	746—47	<b>TUESDAY, 18TH NOVEMBER, 1941—</b>	
Unstarred Questions and Answers	747—53	Starred Questions and Answers	935—45
Motion for Adjournment <i>re</i> Condition of Allamah Mashriqui, Khaksar Leader, at the Vellore Jail—Disallowed	753—54	Unstarred Questions and Answers	946
Excess Profits Tax (Second Amendment) Bill—Passed as amended	754—75	Statements laid on the Table.	947—1013
The Railways (Local Authorities' Taxation) Bill—Discussion on the clauses not concluded	776—805	Message from the Council of State	1013
		Report of the Public Accounts Committee—Postponed	1013
		Resolution <i>re</i> Release of Political Prisoners—Withdrawn	1013—57

*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.

Monday, 17th 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.

## STARRED QUESTIONS AND ANSWERS.

### (a) ORAL ANSWERS.

#### MARRIAGE ALLOWANCE OF EUROPEAN AND SPECIAL ALLOWANCE OF NON-EUROPEAN OFFICER CADETS.

**180. \*Lieut.-Colonel Sir Henry Gidney:** (a) Will the Defence Secretary please state whether it is a fact :

- (i) that married Officer Cadets who are of European parentage on both sides and who are under training in the various Officers' Training Schools, receive a *marriage allowance* of Rs. 200 per mensem; and
- (ii) that married Officer Cadets, who are of pure Indian or of mixed European and Indian parentage, are entitled only to a *special allowance* of Rs. 50 per mensem?

(b) Will the Defence Secretary please state on what grounds a married European Cadet is granted Rs. 200 for the upkeep of his family, while married Indian and Anglo-Indian cadets who have an equal and in some cases a higher standard of living, are granted Rs. 50 only?

(c) Do Government propose to remove this distinction, when there is no difference in the standard of living between the Anglo-Indian and a European and the Indian gentlemen who are recruited for the grant of Emergency Commission belonging to families of good social status whose cost of living is not in any way inferior to that of the European and the Anglo-Indian?

**Sir Guranath Bewoor:** (a) (i). No.

(ii) Yes.

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

**Lieut.-Colonel Sir Henry Gidney:** I admire the Honourable Member's brevity in his replies to my questions. Will the Honourable Member kindly inform us whether or not he has received a representation from the Officer Commanding the Training School at Bangalore on this very subject?

**Sir Guranath Bewoor:** I have no information. If the Honourable Member had asked me that question, I would have looked into it, but now that he has mentioned it, I shall find out whether any such representation has been received.

**Lieut.-Colonel Sir Henry Gidney:** In view of the Honourable Member's very cryptic replies which give me no information, will the Honourable Member inform this House whether or not it is a fact that trainee officers in these schools receive what is called basic pay for food and other things and that there is a difference in what is called special allowance, between officers who are Europeans, domiciled or domesticated in India, and Indians, including Anglo-Indians? If so, will he tell us what that difference is?

**Sir Gurunath Bewoor:** With regard to the first part of the Honourable Member's remarks, my replies are exactly to the point and I do not think that there is anything cryptic about them. As regards the latter part, I must ask for notice.

**Lieut.-Colonel Sir Henry Gidney:** The Honourable Member will appreciate the fact that I gave him adequate notice for him to be able to give me a reply. I repeat my question which is a very definite one and is of serious importance to us. Is it or is it not a fact that there is a difference of nearly Rs. 200 between the money given each month to a European trainee officer and that given to Indians and Anglo-Indians? Whether you call it "marriage allowance" or "special allowance" I do not want to know, nor do I care.

**Sir Gurunath Bewoor:** The Honourable Member asked me whether a marriage allowance of Rs. 200 per mensem is given, and I have replied to him in the negative. As regards the method on which the various remunerations are paid, if he will ask a question on that point, I will give him a detailed answer.

**Lieut.-Colonel Sir Henry Gidney:** Another supplementary question, Sir. In view of the fact that we shall be sitting only once more this Session, i.e., tomorrow, will the Honourable Member accept a short notice question on this point?

**Sir Gurunath Bewoor:** There is I am afraid hardly time for it, Sir.

#### PAUCITY OF INDIANS AMONGST THE SECRETARIES OF THE GOVERNMENT OF INDIA DEPARTMENTS.

181. \***Mr. Amarendra Nath Chattopadhyaya** (on behalf of Sir Abdul Halim Ghuznavi): (a) Will the Honourable the Home Member please state how many of the following Secretaries are Europeans and how many of them are Indians:

1. Secretary to the Governor-General (Personal).
2. Secretary to the Governor-General (Public).
3. Secretary to the Government of India, Political Department.
4. Secretary to the Government of India, External Affairs Department.
5. Secretary to the Government of India, Defence Department.
6. Secretary to the Government of India, Railway Department (Chief Commissioner for Railways).
7. Secretary to the Government of India, Communications Department.

8. Secretary to the Government of India, Finance Department.
9. Secretary to the Government of India, Commerce Department.
10. Secretary to the Government of India, Home Department.
11. Secretary to the Government of India, Labour Department.
12. Secretary to the Government of India, Supply Department.
13. Secretary to the Government of India, Legislative Department.
14. Secretary to the Government of India, Civil Defence Department.
15. Secretary to the Government of India, Information Department.
16. Secretary to the Government of India, Education, Health and Lands Department.
17. Secretary to the Government of India, Indians Overseas Department?

(b) Do Government contemplate taking any steps to remedy the present situation where only one of the seventeen Secretaries is an Indian, so as to improve the proportion among the Secretaries in the Government of India?

**The Honourable Sir Reginald Maxwell:** (a) One Indian and sixteen Europeans; of these three are not Secretaries of Departments under the Government of India.

(b) I would refer the Honourable Member to the reply given by me in this House to question No. 357 on the 14th February, 1939, and to my speech in the Council of State on the 15th March, 1937, where he will find the position fully explained.

**Mr. Lalchand Navalrai:** May I know, Sir, why is it that there is only one Indian and so many Europeans as Secretaries? Are not Government going to increase the number of Indians?

**The Honourable Sir Reginald Maxwell:** Until recently there were two Indians.

**Mr. Lalchand Navalrai:** Even the number two is disproportionate. Is the Honourable Member going to see that there are more Indian Secretaries?

**The Honourable Sir Reginald Maxwell:** If the Honourable Member will read the papers to which I refer in my reply, he will find the position explained, namely, that the chances of selection for any particular vacancy must depend on the material available within the service group in question. Actually the distribution of officers of over 24 years service is roughly 269 Europeans and 38 Indians. That will be the field of selection for Secretaries, and the Honourable Member will see that the disproportion is not as great as he imagines.

**INCREASE IN THE NUMBER OF THE INDIAN MEMBERS OF THE GOVERNOR GENERAL'S EXECUTIVE COUNCIL AND CONSEQUENT INCREASE IN THE NUMBER OF THE GOVERNMENT OF INDIA DEPARTMENTS.**

182. \***Mr. Amarendra Nath Chattopadhyaya** (on behalf of Sir Abdul Halim Ghuznavi): (a) Will the Honourable the Home Member please state which Departments of the Government of India were in charge of

European Members and which of them were in charge of Indian Members before the recent expansion of the Governor General's Executive Council?

(b) Will he also state whether the increase in the number of Indian Members from three to eight has resulted in a proportionate increase in the number of Departments committed to the charge of Indian Members, and, if not, why not?

**The Honourable Sir Reginald Maxwell:** The question should have been addressed to the Honourable the Leader of the House.

#### ASSAMESE IN THE CUSTOMS DEPARTMENT.

**183. \*Mr. Ananga Mohan Dam:** Will the Honourable the Finance Member state :

- (a) the total number of employees in the Customs Department, both in the gazetted and ministerial ranks; and
- (b) how many of them are from the Province of Assam?

**The Honourable Sir Jeremy Raisman:** (a) With the exception of the Imperial Customs Service, candidates for service in the Customs Department from the Province of Assam are eligible for appointment only in the Custom Houses of Calcutta and Chittagong. The total number of employees in these two Custom Houses is:

Gazetted Officers—20 (including six Officers of the Imperial Customs Service and one I.C.S. Officer).

Ministerial—430.

(b) None. One Preventive Officer was recruited from Assam in 1939 and is now on Military service.

**Mr. Lalchand Navalrai:** How is the recruitment made? Is it made by the Selection Board or by any competitive examination?

**The Honourable Sir Jeremy Raisman:** Recruitment for the Imperial Customs Service is by competitive examination, and the recruitment for other ranks is made by selection by the Collector of Customs.

**Mr. Lalchand Navalrai:** Is the competitive examination held by the Federal Public Services Commission?

**The Honourable Sir Jeremy Raisman:** The competitive examination for the Imperial Customs Service is one which is held for a large number of Central Services from which candidates are appointed for Audit and Accounts Service, and certain postal and railway services also.

**Mr. Lalchand Navalrai:** Does the Selection Board also recruit candidates by a competitive examination or by merely looking at them?

**The Honourable Sir Jeremy Raisman:** As regards the various other ranks, I think the local Public Service Commissions are also used to some extent.

**PROTEST AGAINST THE CORRECTNESS OF THE LATEST CENSUS FIGURES IN ASSAM.**

**184. \*Mr. Ananga Mohan Dam:** (a) Will the Honourable the Home Member be pleased to state whether his attention has been drawn to the report published in the *Hindusthan Standard* of the 27th July, 1941, and other Calcutta papers, of a public meeting held at Gauhati (Assam) protesting against the correctness of the census figures for 1941 in Assam?

(b) If so, has any step been taken for rectification of these figures? If not, why not?

(c) Has his attention been drawn to the fact that Hindus who numbered 52,04,650 in the census of 1931 have been reduced to 45,40,497 in the census of 1941?

(d) Has he seen the statement made in the public meeting that people who returned themselves as Hindus have not been shown as Hindus? If so, what has he done to rectify the irregularity, if any? If no action has been taken, why not?

(e) Is the Honourable Member aware that Srijut Gopinath Bordalai, the *ex*-Premier of Assam, sent a petition to the Census Commissioner of India asking him not to give publicity to these wrong figures of 1941 in Assam? If so, what has he done to have the correct census for the Province of Assam? If nothing, why not?

**The Honourable Sir Reginald Maxwell:** (a) Yes.

(b) and (c). The protest referred to in clause (a) is based on a misapprehension of facts. In the previous censuses, there was a tabulation by religion; in 1941, it is by community. The former tabulation was based on replies to question 4, namely, religion; the latter is based on reply to question 3, namely, 'race, tribe or caste'. The two tables are not on a comparable basis. It is, therefore, incorrect to say that the number of Hindus or any other community has been reduced, and the question of rectification of the census figures for 1941 does not arise.

(d) Presumably the Honourable Member is referring to the replies to question 4, namely, religion. If so, persons who returned themselves as Hindus were so recorded and the irregularity alleged did not occur.

(e) The request was sent, but since the representation was based on a misunderstanding of the facts, the Census Commissioner did not find any action necessary.

**Mr. Ananga Mohan Dam:** What is meant by community?

**The Honourable Sir Reginald Maxwell:** Community means "race, tribe or caste".

**Mr. Ananga Mohan Dam:** As between Hindus and Muslims, am I to understand that Hindus are one community, and Muslims are another community?

**The Honourable Sir Reginald Maxwell:** Hindu is one religion, and Muslim is another religion.

**Mr. Ananga Mohan Dam:** It is a religion. How could the number of Hindus be fixed as shown by the Census Report, as there are communities even in the Muslim religion also?

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

†185\*.

#### RELEASE OF POLITICAL PRISONERS.

**186. \*Mr. Amarendra Nath Chattopadhyaya:** (a) Will the Honourable the Home Member be pleased to state if he considers the release of political prisoners is needed in consideration of the war situation?

(b) Will the Honourable Member be pleased to state if, under the present relationship between Soviet Russia and the British Government as allies, it is incumbent upon the British Government in India to release all prisoners confined in jails as detenus or convicted as communists without delay?

(c) Will the Honourable Member be pleased to state if Government have been considering the necessity of releasing all political prisoners in India, Province by Province, to create a situation for complete co-operation of Indians with War efforts?

(d) Will the Honourable Member be pleased to state if Government and, according to their instructions, all Provincial Governments, have given freedom to all movements which are known to be anti-fascist movements? If so, do Government in the Centre and in Provinces propose to release all persons put into prison for taking part in such anti-fascist movements?

**The Honourable Sir Reginald Maxwell:** (a) to (d). As the Honourable Member is no doubt aware, a Resolution on this subject will shortly be taken up for discussion in this House, in the course of which he will be able to raise the arguments covered by his question. Meanwhile with reference to part (d) I may say that the Government of India are not aware of any restrictions on anti-fascist activities in this country nor to the best of their belief has any person been imprisoned for taking part in such activities.

**Mr. Govind V. Deshmukh:** May I know, Sir, if the Honourable the Home Member will take part in the debate on the Resolution regarding the release of political prisoners . . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): It has nothing to do with it. The Honourable Member has answered the question.

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†This question was withdrawn by the questioner.

**DESIRABILITY OF FURTHER EXTENSION OF THE TIME OF LEGAL TENDER OF THE VICTORIA COINS.**

**187. \*Maulvi Abdur Rasheed Chaudhury:** (a) Will the Honourable the Finance Member be pleased to state whether Government are aware that there is still a large number of Victoria coins in the interior parts of several places of India on account of lack of wide publicity in the interior parts of districts?

(b) Are Government aware that on account of the order of Government poor and illiterate people of the interior parts have experienced great difficulties in tendering the Victoria coins as legal tender after the 30th September, 1941, and brokers of several Provinces have made it a business to buy Victoria coins at -/10/- and -/12/- per one rupee coin from poor villagers?

(c) Under the circumstances, are Government prepared to extend the time of legal tender of the said coin for another year in order to save the poor people from exploitation in these hard days?

(d) If not, how do Government propose to save the poor public from exploitation?

**The Honourable Sir Jeremy Raisman:** (a) and (b). No.

(c) Government consider this unnecessary.

(d) Does not arise.

**Maulvi Abdur Rasheed Chaudhury:** With regard to part (b), may I know whether Government will make inquiries as to the correctness or otherwise of the facts mentioned therein?

**The Honourable Sir Jeremy Raisman:** The question was whether Government were aware that this was happening, and that is not the case. I could, of course, endeavour to discover if this is happening.

**Mr. Husenbhai Abdullahai Laljee:** Will Government try to discover if this is happening or not, whether these coins are sold for 10 and 12 annas?

**The Honourable Sir Jeremy Raisman:** If the Honourable Member will give me any information on the subject, I shall consider it.

**Maulvi Abdur Rasheed Chaudhury:** Will Government consult the Thana Officers in Rojan as to whether this is a fact or not?

**The Honourable Sir Jeremy Raisman:** It is quite possible that in rare sporadic cases something of this kind does exist, but that does not affect the merits or the desirability of withdrawing these coins from circulation.

**Maulvi Abdur Rasheed Chaudhury:** Will he consider extending the period?

**The Honourable Sir Jeremy Raisman:** No.

**ENEMY SHIPS CAPTURED IN AND OUTSIDE INDIAN WATERS BY THE ROYAL INDIAN NAVY.**

**188. \*Mr. Lalchand Navalrai:** (a) Will the Defence Secretary be pleased to state how many enemy ships have been captured in Indian waters since the beginning of the war?

(b) How many ships have been captured outside Indian waters by the Royal Indian Navy, or by the Royal Indian Navy in association with other Empire navies?

(c) Who is the owner of such captured ships, and what use of such ships is being made?

**Sir Gurunath Bewoor:** (a) and (b). One ship was seized in Indian Territorial waters when Italy entered the war, and the following ships were in Ports captured in the course of operations, in the Indian Ocean, Red Sea and Persian Gulf, in which the R. I. N. took part along with other Empire Naval and Land forces :

3 naval vessels.

5 naval Auxiliaries.

29 merchant ships.

1 Hospital ship.

(c) Of these ships, some were scuttled or otherwise damaged and it is not yet known how many of them can be salvaged or made fit for use. Their ownership will be settled in due course by the Prize Court in accordance with the principles of International Law. Meanwhile, they are being used under the direction of the Ministry of War Transport for the benefit of the war effort of the Empire as a whole.

**Mr. Lalchand Navalrai:** May I know from the Honourable Member whether the ships that have been captured—I am referring to part (c) of the question—have been repaired and put in service or not?

**Sir Gurunath Bewoor:** It is not yet known how many of them can be salvaged or made fit for use. Some of them are lying at the bottom of the sea.

**Mr. Lalchand Navalrai:** With regard to part (a) of the question, may I know in what place in the Indian waters this ship was captured?

**Sir Gurunath Bewoor:** I think it was in Calcutta.

†189\*.

**THE MINES MATERNITY BENEFIT BILL.**

**Mr. H. C. Prior (Labour Secretary):** I move :

“That the amendment made by the Council of State in the Bill to regulate the employment of women in mines for a certain period before and after childbirth and to provide for payment of maternity benefit to them be taken into consideration.”

†This question was withdrawn by the questioner.

This is merely a drafting amendment to give effect in somewhat better terms to an amendment which was accepted by this House at very short notice when the Bill was under consideration here.

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

"That the amendment made by the Council of State in the Bill to regulate the employment of women in mines for a certain period before and after childbirth and to provide for payment of maternity benefit to them be taken into consideration."

**Mr. N. M. Joshi** (Nominated Non-Official): The Honourable the Mover of this motion stated that the amendment made by the Council of State was a verbal one. Not being a lawyer, I do not know whether the amendment is merely a drafting one or not. The Honourable Member said that it improves the original provision. I am not sure about that also. The original amendment made by the Government of India to my proposal, in the first place, cut down my proposal considerably. They cut down the figure of Rs. 5 as a bonus to the mining woman to the maximum of Rs. 3.

**Mr. H. C. Prior**: On a point of order, Sir. I think the Honourable Member is dealing with the substantive part of section 6 (1). The amendment made by the Council of State deals only with the proviso.

**Mr. N. M. Joshi**: Sir, I have not spoken for half a minute, and the Honourable Member rises to a point of order. If that is the condition under which I can discuss this Bill, I shall sit down. I have not uttered two sentences. The Honourable Member should have shown some patience.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member need not take it like that. Every Honourable Member is entitled to raise a point of order.

**Mr. N. M. Joshi**: If the discussion is to be carried in this House in a proper manner, I had not uttered more than two sentences before the Honourable Member gets up and calls me to order. My proposal was considerably cut down by the Government's amendment, and in my judgment the amendment made by the Council of State does not improve matters from the point of view of the mining woman. The amendment made by the Government of India to my proposal says that if a woman is provided with services of a trained midwife or a trained health visitor, then alone she need not be paid the bonus which may be fixed by the Provincial Government. The amendment made by the Council of State says that if a woman is entitled to the services of a trained midwife or a trained health visitor, then she will not receive the bonus fixed by section 6.

**An Honourable Member**: No.

**Mr. N. M. Joshi**: I say there is a difference. (Interruption.)

**An Honourable Member**: " . . . provided by the owner . . . "

**Mr. N. M. Joshi:** I am not talking of whether provided by the owner or not. The Assembly provided that the bonus should not be paid if she is provided with the services of a trained midwife. Now, the amendment made by the Council of State says, if she is entitled—she may be entitled, but she may not be provided with. I think there is a difference between services being provided and a man being entitled to the service. A man may be entitled to the service but he may not get the service. The woman may be entitled but she may not actually get the service, and even then she will lose the bonus. I, therefore, feel that there is no improvement made by the amendment made by the Council of State.

**Mr. H. C. Prior:** I think the amendment which the Government accepted in this House in respect of this proviso contained everything which the Honourable Member has now objected to. In considering that amendment, we found that it was not quite clear whether a woman would be deprived of her bonus if a qualified midwife was provided by the mine, but she herself chose to go home. We have, therefore, somewhat whittled down the proviso as it was passed by this House in the direction which the Honourable Member would, I think, have desired. I think, as I say, that his objection is taken really to the amendment which we passed in this House rather than to the amendment as re-drafted by the Council of State.

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

“That the amendment made by the Council of State in the Bill to regulate the employment of women in mines for a certain period before and after childbirth and to provide for payment of maternity benefit to them be taken into consideration.”

The motion was adopted.

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

“That the following amendment, as made by the Council of State, be concurred in: ‘In clause 6 for the proviso to sub-clause (1) the following proviso was substituted, namely:

‘Provided that she shall not receive such bonus if at the place chosen by her for her confinement she would have been entitled free of charge to the services of a qualified midwife or other trained person provided by the owner of the mine.’”

The motion was adopted.

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## JOINT REPORT BY THE DELEGATIONS FROM INDIA AND CEYLON.

**The Honourable Mr. M. S. Aney** (Member for Indians Overseas): Sir, I beg to move:

“That the Joint Report by the Delegations from India and Ceylon be taken into consideration.”

Sir, this is the second important motion I have moved in this House. This relates to the negotiations that have been carried on for some time in the past between the Delegation of the Government of India and the delegates of the Government of Ceylon. The result of those negotiations is embodied in the Joint Report that is in the hands of Honourable Members. The Government this time, as Honourable Members are aware, have published the Report for the public to express their opinion thereon as well as placed the Report on the table of this House and given an official day for its discussion in order to ascertain the views of this House. The Government on a matter like this are really anxious to know as to what is the exact opinion or what are the exact modifications which

the people, in the interest of Indians resident in Ceylon, will like to have, before these proposals are finally embodied in the form of an agreement between the Government of India and the Government of Ceylon. Both the Government of India and the Government of Ceylon, before they put their seal of approbation on these proposals, have thought it proper to place the proposals before the public and before the Legislatures of their respective countries. The Government of Ceylon have not yet placed it before their State Council. I think they will do so shortly. I am glad that this House has got an opportunity of discussing these proposals. I will not, therefore, myself give any analysis of these proposals to this House, because I think the proposals have been in the hands of Members for a pretty long time but I would like to give a brief history of the negotiations that may be of some use to Honourable Members in knowing the background and viewing the proposals in their proper perspective.

It was in July 1940 that a reference was made by the Ceylon Government about the desirability of having some kind of understanding about the Immigration of Indians and Honourable Members are aware that a goodwill mission was sent to India by the Government of Ceylon. That goodwill mission moved in this country in 1940 and they have had a conference with the Delegation of the Government of India and the result of that conference was published by us in the form of a Press Communiqué issued on the 11th February, 1941. Those who have read the Press Communiqué must have known how the Government of India and the delegates of the Ceylon Government had viewed the question regarding the status of Indians which is one of paramount importance to us entirely from different points of view and the view points from which the Ceylon Delegation looked at this question not being identical, with that of the Indians, unfortunately, the negotiations broke down. The points on which difference of opinion became most apparent are specifically noted in the press communication and I bring them to the notice of the Honourable Members of this House:

"Subject to acceptance of the fundamental principle that full rights of citizenship over the whole political and economic field on a footing of equality with Ceylonese should be conceded to Indians resident in Ceylon on an agreed date, on their furnishing proof of residence for a prescribed period and of permanent interest, the Indian delegation were prepared to consider any modifications in detail of their proposals that the delegation from Ceylon might put forward.

The Ceylon Delegation, however, found themselves unable to accept the principle underlying the proposals of the Indian delegation."

That was the main reason why on the last occasion when the two delegations met at a conference at Delhi the result was infructuous. I might here bring to the notice of the Honourable Members that though the negotiations broke down a hope was expressed that should a favourable opportunity occur again, the talks should be resumed once again in the future. This is what the communiqué says:

"It was with profound regret that the Indian delegates were forced to the conclusion that the angles from which the two delegations approached the vital question of the status of the resident Indian population in Ceylon were so divergent as to offer no basis for continuing the exploratory talks. While fully appreciating the desire of the Ceylon delegation to secure the maximum opportunity for employment for their own people in Ceylon, the Indian Delegation were unable to agree to any method of achieving that purpose which would involve discrimination against, or pressure upon, Indians resident in Ceylon who, in their opinion, could legitimately claim full equality of citizenship. The conversations were, therefore, discontinued. The desire of the

[Mr. M. S. Aney.]

Government of India that relations between the two countries should be placed on a firm basis of friendship and co-operation has in no way diminished and should a prospect of a resumption of negotiations with greater possibilities of success appear in the future, they will be found ready to take advantage of it."

Now, after the Ceylon Delegation returned from India, after the breakdown of these negotiations, a good deal of sentiment and considerable hostile feeling against Indians were aroused in Ceylon. It was at that psychological moment that His Excellency the Governor of Ceylon came out with a very important statement. He gave out that his duty as the Governor of Ceylon would be to see that nothing that is against the undertakings which the Government of Ceylon have given can be enacted in the form of a law; and if that comes out, it will be his duty to veto it unless the thing was done with the consent of the Government of India. I shall quote the very language used by him so that there may be no misunderstanding. The following is the Governor's message to the State Council on the 10th February, 1941:

"1. In connection with the recent Informal Conference at Delhi between a Ministerial Mission from Ceylon and representatives of the Government of India it is desirable to place on contemporary record in the easily accessible form of a Message to State Council a Schedule of certain matters in respect of which undertakings have been given by His Majesty's Government and by the Government of Ceylon to the Government of India, together with references to the latest statements made in relation to such undertakings.

2. Having regard to the circumstances in which these undertakings were given, the Government of Ceylon is bound by them to the Government of India and I hold myself bound as Governor to withhold approval, ratification or assent in respect of any act, regulation or measure to which the Government of India has not agreed and of which the effect would be to deprive Indians of the benefit of any of the undertakings."

There are other matters which are not relevant. This attitude of His Excellency the Governor of Ceylon and the memorable statement that he made had to a great extent eased the situation in Ceylon at the time. It seems that His Excellency the Governor of Ceylon had been working to bring the Ministers of his Government to a reasonable frame of mind for some time and ultimately he succeeded in being able to persuade them to resume the negotiations on a certain basis. It is stated here that "ultimately on the 14th of June, 1941, His Excellency the Governor of Ceylon was able to communicate to us through his Chief Secretary that it was desirable to resume negotiations on a certain basis." He sent this letter on the 14th of June, 1941. This is how the negotiations which broke down in 1940, to which reference was made in the Communiqué issued in February, 1941, were again resumed. In the letter which the Chief Secretary of Ceylon sent to us it was mentioned:

"The Ministers are most anxious to restore to full the friendly relations which, until lately, have existed between India and Ceylon and consider that my enclosure will afford a basis for the resumption of informal conversations and I have therefore to enquire whether the Government of India share this view."

On having received this communication from the Government of Ceylon which was dated the 14th June, 1941, and which was accompanied by a long Memorandum in which the principal points which are to be followed as the basis for negotiations have been exhaustively discussed and also summarised in paragraph 12 of that memorandum, the Government of India thought it proper to place the matter for consideration before the Standing Emigration Committee. A meeting of the Standing Emigration Committee, which consists of Members of this House as well as the

Members of the other House, was held and they unanimously decided that the Memorandum, particularly the points summarised in paragraph 12 of that Memorandum, afforded a basis, without committing anybody, for a discussion and exploratory conversations with the Government of Ceylon, and it authorised the Government of India to send their Delegation to Ceylon. I may just mention the points which have been specifically referred to in the Communiqué of His Excellency the Governor of Ceylon. Those points are supposed to be the expression of views of moderate opinion in Ceylon as against the extremist view that was propounded before us by the Delegation that came out to India as a goodwill mission from Ceylon. Let me point out again that the first must be taken an extremist view as against the second which is described by His Excellency the Governor as moderate opinion. The Ceylon moderate opinion is:

"We are definitely faced by an Indian problem which, if not tackled, at any rate, will sooner or later lead to irretrievable estrangement between two friendly and neighbouring countries."

I want Honourable Members to take note of this very important fact which is mentioned as one of the most important points to be borne in mind by those who were to sit to exchange views with a view to arrive at some amicable settlement in regard to the question of emigration of Indians to Ceylon:

"They have to face an Indian problem."

Now, what is the nature of that problem? I think it would be better for me to give some idea to the Honourable Members as to what is the nature of that problem according to the opinions of Ceylon Ministers. We may not agree with that but it is better for the House to have some idea of the problem which is mainly troubling them and for the solution of which they have been making some efforts to come to a settlement with the Government of India. I am now quoting from the Government of India Communiqué dated the 11th February, 1941:

"The Ceylon delegation, while agreeing to the discussion of matters of principle, explained that the discussion must take into account the peculiar circumstances of Ceylon. At an early stage one of the Ceylon ministers said '.....We cannot absorb the full number of Indians in Ceylon. It is of course difficult to decide off-hand the particular quantum, but obviously the absorption of what corresponds to one-sixth of the total population of the country . . . . would undoubtedly lead to the possible result, as many of us see it, of the extermination of our own people . . . . It is really becoming now a stark question of survival.' Their absorability, in the sense of all privileges being extended to the Indian population of Ceylon, must be so strictly limited as to prevent the dangers of that submergence which is going on very fast."

This is the extremist opinion about the Indian problem in Ceylon. The moderate opinion which His Excellency the Governor has put in the summary runs thus: I have already read out some portion of it:

"The way to tackle it is, without denying to Indians already in Ceylon conditions promised by former undertakings, to take power for a comprehensive control of future immigration into the Island and, if it should be found necessary, for the limitation by quota of the number of immigrants to be given work in any specified place of employment."

There, two important concessions are made by the Governor in the summary of points which he had sent to us that should afford a basis for negotiations between the two delegations when they meet. Firstly, he admitted the fact that Indians in Ceylon are promised certain positions on account of former undertakings. They are there. Secondly, the main question to be asked was to prepare a comprehensive scheme of control of

[Mr. M. S. Aney.]

future emigration into the island. These two important points have been conceded here in the *communiqué* that was sent to us by His Excellency the Governor of Ceylon and this formed one of the important points in the basis for our discussion with the Ceylon delegation.

The Government of India sent this time a delegation which was not a purely official one. As Honourable Members are aware the Indian delegation was led by my distinguished predecessor, Sir Girja Shankar Bajpai. There were two great public men with considerable position in public life of the country and with great administrative experience—Sir Mirza Ismail and Mr. T. R. Venkatrama Sastri—these two were associated with the Indian delegation. There was also Mr. Rutherford representing the Government of Madras who accompanied the delegation. These three persons, besides the Leader of the Delegation, were there. Among the others who accompanied the Delegation were Mr. Bozman, who was the Adviser to the Delegation and one of the Under Secretaries in the Department acted as the Secretary to the Delegation. This Delegation reached Ceylon about the end of August and they started their work immediately. For about 15 sittings they worked hard and ultimately the result of their discussions is now before you in the form a joint report. This Joint Report, therefore, is a labour of hard thinking of the delegation which was not merely an official one, but also had two non-officials of considerable experience with intimate knowledge of the people whose fate was more or less going to be decided by the agreement that was going to be arrived at. I wish Honourable Members will always bear in mind this fact in discussing the proposals before them.

I do not want to discuss in detail the proposals, because on that point the Government of India would like to hear the views of Honourable Members of this House and the Government of India have formed no opinion at all on the point. In fact, they have made up their minds not to form any opinion unless they have heard clearly the verdict of this House as well as of the other House and also the opinions of public organisations which are more or less concerned with this problem. But there are one or two suggestions which I should like to make. Firstly, when you have to consider the question of agreement, it is always a matter of compromise, meaning thereby that the two parties have come together with a view to come to a mutual understanding and in that attempt both parties have to approach each other in a spirit of give and take. None can stand on the original position they took when they began the negotiations. Unless either of the two parties or both are willing to recede from the original position to some extent, the problem becomes impossible and the agreement becomes a hopeless affair. In judging these proposals, I should like the Honourable Members to see whether a departure made from the original positions taken up by the Government of India or by the Government of Ceylon is of such a nature that you regard them as a departure amounting to a sacrifice of principles altogether or is a departure of such a nature that in spite of the fact that you are not adhering to the original position, the main features of the principles are not lost sight of and you are still sticking to those main principles and that your conclusions are not inconsistent with the principles for which you stood. That is the first point which I should like Honourable Members to take into consideration in judging these proposals. Secondly, I think it is necessary in my opinion that the relations between the small State of Ceylon and a big State like India should continue to be cordial and friendly, and, if

possible, we should make every effort to avoid a friction. I do not mean to say that you should neglect your duty *viz.*, the safeguarding the legitimate rights of your countrymen in order to avoid friction. That is not my point. One of the ways or the spirit in which you have to approach this problem is with a view to see that the friendly relations which have been existing between these two countries from times immemorial will continue and, if possible, the danger of an abnormal rupture of those relations should be avoided by our talk or by our deliberations. That is another point which I should like Honourable Members to note.

Honourable Members are aware that Ceylon and India are two countries which have been linked together from time immemorial; from the hoary days of our mythology, we have known Ceylon as part and parcel of the great *Bharatvarsha*. From those days, has been handed down to us a graphic description of this island in the immortal Indian Epic *Ramayana*. What do we find there. We find that after a bloody war between the two people, peace was restored and *Vibhishana* the scion of the Royal family of Ceylon was installed on the throne of Ceylon Kingdom. He turned out to be the best friend of the conqueror, Rama. From those hoary days, we have been maintaining a friendly contact with Ceylon without any interruption. With a view to bring about friendly relations, with a view to bring about harmony, in that spirit the great war was fought in those days of mythology. It is in the same spirit we should approach this problem *viz.*, to bring about harmony and establish friendly relations and this spirit should be the keynote of the efforts which Honourable Members will have to make. This should be made the spring of their action and the motive with which they should approach the question that is now before the House.

There is one more point that I should like to touch upon before I leave these proposals to the care of Honourable Members of this House and for the best consideration they can bestow upon them. It is, unfortunately, one of the peculiar growth of the latter part of this century that the spirit of nationalism has become a little bit intolerant and uncatholic in nature. Nationalism which was really meant to be a solution of the various kinds of sources of conflict amongst people belonging to different faiths and belonging to different creeds is now ultimately being tinctured with the spirit of racialism. That is what I find. Territorial patriotism as distinguished from tribal or racial patriotism is an essential element of nationalism meant to foster the spirit of allegiance to a particular country and the component parts and of the population of the territorial unit should be able to forget and sink all their religious and cultural differences in the service of one common motherland. It was that spirit which was the object of the nationalist movement in the world to foster. But somehow or other a new cult has grown and has more or less affected nationalist ideas of almost all the countries of the world; and even we are not altogether free from that kind of trouble. The Ceylonese people in their zeal for serving Ceylon thought that none but Ceylonese could remain there. That kind of national sentiment is growing; it is unfortunate, but we have to take note of the fact. At the same time I do not want this House to succumb to the fact. We stand here for territorial patriotism and we do not allow this racial patriotism to grow to such an extent as to overpower or destroy the growth of true nationalism which alone can solve questions between communities and communities and one religious people and another religious people.

[Mr. M. S. Aney.]

I want the Ceylonese Government to understand that they must proceed with a Government and deal with a people which consist not only of Ceylonese but Indians also and with people who have been residing there for a long time. They must take that population as part and parcel of their population and deal with the question of Ceylon as consisting not merely of Ceylonese but those who can be absorbed among the Ceylonese on account of their long residence and on account of their permanently identifying themselves with the people of Ceylon. If there is that feeling growing amongst the Indians who are residing in Ceylon it would be wrong on the part of the Ceylon Government not to take note of that fact and not to make an attempt to absorb the Indian population as an integral part of the Ceylon population. We, in India, have been standing for this principle, for this right of the Indians who have gone out from India overseas. This principle we have enunciated times out of number. I do not want to read out extracts from the speeches of some of my predecessors when the Indian Immigration Bill was passed by this House in 1922. Memorable passages from the speech of the Honourable Mr. Sarma have been quoted in most of the representations that we have received, and I say that the policy enunciated there is still the policy of the Government of India; and the Government of India, therefore, expect this House not to look at the proposals purely from a sentimental point of view but to make a statesmanlike approach to the question and furnish them with constructive proposals so as to enable the Government of India to conclude an honourable agreement with the Government of Ceylon and thus help to bridge the gulf that for the time being seems to divide that little island from India. Let us try to bridge that gulf, and by doing so now we may be able, in times to come, when India will come to its own, to claim Ceylon not as a foreign nation but as a part of the Indian nation as a whole. Sir, expressing the hope that the Honourable Members will give due consideration to the proposals placed before them the Government of India will certainly leave them free to come to their own decision on the proposals before them. Sir, I move.

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

"That the Joint Report by the Delegations from India and Ceylon be taken into consideration."

**Mr. Jamnadas M. Mehta** (Bombay Central Division: Non-Muhammadan Rural): Sir, I move:

"That for the original motion, the following be substituted:

"That this Assembly is of opinion that the Joint Report of the Delegations of the Governments of India and Ceylon is a violation of the undertakings and promises assuring to Indians full rights of citizenships on a footing of equality with the indigenous population of the country, and unfairly discriminates against them in respect of—

- (1) entry,
- (2) franchise,
- (3) holding of lands,
- (4) employment, and
- (5) occupation,

and, particularly, with reference to the right of entry, in a manner which is humiliating to the self-respect of Indian nationals and injurious to their economic interests.

This Assembly is further of opinion that in the world crisis of the present War, the proposals formulated in the Report are highly prejudicial to the solidarity of the British Common-wealth.

This Assembly, therefore, recommends to the Governor General in Council not to implement the proposals made in the Report and to carry on, if necessary, further negotiations with the Ceylon Government, with a view to removing the discriminatory features of the said Report in consultation with the interests concerned and to the satisfaction of the Assembly.' "

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

"That for the original motion, the following be substituted :

"That this Assembly is of opinion that the Joint Report of the Delegations of the Governments of India and Ceylon is a violation of the undertakings and promises assuring to Indians full rights of citizenships on a footing of equality with the indigenous population of the country, and unfairly discriminates against them in respect of—

- (1) entry,
- (2) franchise,
- (3) holding of lands,
- (4) employment, and
- (5) occupation,

and, particularly, with reference to the right of entry, in a manner which is humiliating to the self-respect of Indian nationals and injurious to their economic interests.

This Assembly is further of opinion that in the world crisis of the present War, the proposals formulated in the Report are highly prejudicial to the solidarity of the British Common-wealth.

This Assembly, therefore, recommends to the Governor General in Council not to implement the proposals made in the Report and to carry on, if necessary, further negotiations with the Ceylon Government, with a view to removing the discriminatory features of the said Report in consultation with the interests concerned and to the satisfaction of the Assembly.' "

**Dr. P. N. Banerjea** (Calcutta Suburbs: Non-Muhammadan Urban):  
Sir, I move:

"That for the original motion, the following be substituted :

"That this Assembly, after having taken into consideration the Joint Report of the Delegations of the Governments of India and Ceylon, is of opinion that the proposals contained in the Report are unsatisfactory in many respects. This Assembly, therefore, recommends to the Governor General in Council that these proposals be not given effect to. This Assembly also recommends that further negotiations be conducted with the Government of Ceylon, in consultation with the various interests concerned and with the advice of a Committee consisting of four non-official members elected by the Assembly, with a view to arriving at a satisfactory settlement of the questions at issue. This Assembly further recommends that the results of these negotiations be placed before the Legislative Assembly.' "

**Mr. President** (The Honourable Sir Abdur Rahim): Further amendment moved:

"That for the original motion, the following be substituted :

"That this Assembly, after having taken into consideration the Joint Report of the Delegations of the Governments of India and Ceylon, is of opinion that the proposals contained in the Report are unsatisfactory in many respects. This Assembly, therefore, recommends to the Governor General in Council that these proposals be not given effect to. This Assembly also recommends that further negotiations be conducted with the Government of Ceylon, in consultation with the various interests concerned and with the advice of a Committee consisting of four non-official members elected by the Assembly, with a view to arriving at a satisfactory settlement of the questions at issue. This Assembly further recommends that the results of these negotiations be placed before the Legislative Assembly.' "

**Mr. Husenbhai Abdullahhai Laljee** (Bombay Central Division: Muhamadan Rural): Sir, I move:

“That for the original motion, the following be substituted :

‘This Assembly after having taken into consideration the Joint Report of the Delegations of the Government of India and Ceylon, is of the opinion—

- (i) that Indians in Ceylon on the prescribed date of agreement and those who have been residents in Ceylon with a specified period before the date of the Agreement should have freedom of entry into Ceylon and no regional and occupational restrictions should be imposed upon them and that they should be entitled to full rights of citizenship on completion of the prescribed period;
- (ii) that, for the future, provisions are made for entry and occupations so that the trade interests of Indians are safeguarded and that unskilled labourers permitted to emigrate are assured of freedom of movement and choice of employment and opportunity to acquire full citizenship rights.’ ”

**Mr. President** (The Honourable Sir Abdur Rahim): Still further amendment moved:

“That for the original motion, the following be substituted :

‘This Assembly after having taken into consideration the Joint Report of the Delegations of the Government of India and Ceylon, is of the opinion—

- (i) that Indians in Ceylon on the prescribed date of agreement and those who have been residents in Ceylon with a specified period before the date of the Agreement should have freedom of entry into Ceylon and no regional and occupational restrictions should be imposed upon them and that they should be entitled to full rights of citizenship on completion of the prescribed period;
- (ii) that, for the future, provisions are made for entry and occupations so that the trade interests of Indians are safeguarded and that unskilled labourers permitted to emigrate are assured of freedom of movement and choice of employment and opportunity to acquire full citizenship rights.’ ”

**Mr. Jamnadas M. Mehta**: Sir, some days ago the House was discussing the Indo-Burma Agreement. Today we are considering the Joint Report of the Delegations of the Government of India and the Government of Ceylon. In some respects the conditions are different; in other respects the conditions are more or less identical. The Burma Agreement was a *fait accompli*, and it was also far more drastic than the Ceylon Joint Report. There was no association of any non-official in the Indo-Burma Agreement; in the Ceylon proposals two eminent Indians were associated from the beginning. But there the similarity ends. In point of fact, not one of the proposals made in the Joint Report is satisfactory and I am sure the country will not accept this Joint Report without considerable modification. In this connection, Sir, the Joint Report is not easy to understand unless the documents referred to therein are also studied and these are the Immigration Ordinance—the rules made thereunder—and one or two other documents, and it is in the light of this Ordinance that we have to study the proposals of the Joint Report. The Joint Report divides itself into five or six sections and we are told that agreement was reached on every one of the provisions in the Joint Report. That is a matter which I deeply deplore, that the Indian Delegation in spite of two non-official Indians associated with it should have agreed to this document is a matter for very great regret. As the time allowed for the Movers of amendments is very short I shall immediately turn to the proposals.

The first is the immigration and re-entry. With regard to immigration and re-entry, there are two classes of Indians referred to. One is those Indians who wish to enter Ceylon for the first time and the second is the category of Indians who had been there and their right of re-entry. It appears that the first class of Indians, namely, those who want to enter Ceylon for the first time, are to have permits which are called 'A' permits and 'B' permits. One should not assume from this that those who are under class 'B', namely, re-entry, are not subject to permit. Although the division appears to be permits for 'A' and 'B' for new entry, the permit idea runs throughout the question of re-entry also, and you can say that in both cases the Ordinance is very drastic in its restrictions. Permits 'A' and 'B' are to be given under the most severe and drastic restrictions. They are absolutely at the discretion of the authorities in Ceylon and they divide Indians into several categories. There are for instance those who are people of independent means—the merchants and the professional men—who, if they want to enter Ceylon for the first time, will be required to have with them Rs. 10,000 in the first case and Rs. 5,000 in the second case. They are free to spend all of it there and if they survive the expenditure they may continue there but if they become destitutes I am sure the Ordinance will come into force and they will be deported also. But so long as they spend the money there they can remain provided they make some lucky hits and are able to prosper with their Rs. 10,000 and Rs. 5,000. Their number will be necessarily restricted because the trade and commerce with Ceylon is already largely covered by Indian nationals and any new industry or line is not a very likely possibility. It is more the safety of those who are there and their right to continue unmolested which is more relevant. As regards professional men, I do not know the scope that may be there. But this scope is restricted by initial requirement of Rs. 5,000 without which no matter what your qualifications may be, however distinguished you may be, however helpful you might be, you are on the complete mercy of the Ceylon Government. I think some of our best scientists, some of our best philosophers, some of our best public men unless they carry five thousand rupees with them will be undesirable. Nor should we suppose that those who re-enter are free from difficulties. There the repatriated Indians who are again to re-enter under the Ordinance, if they are at all to enter again, they cannot enter as a matter of right, although in the event of Ceylon Government undertaking to provide at their own expense facilities for repatriation those who are repatriated know that they will have to re-enter as under the provisions of the Immigration Ordinance. The only people who have got some choice are the people who already possess a domicile of origin. Then those who have acquired a domicile of choice and those who are permanent settlers as defined later on. Barring that, the question for all the remaining sections of the Indians will be one bristling with difficulties no matter what rights they have already acquired, no matter what their vested interests may be, unless they satisfy the conditions of the Ordinance they will not be permitted to re-enter.

Now, Sir, regarding the permit, it is so derogatory that I shall describe a few features of it. Men of independent profession, as described above, are free to go. Then there are people who have some religious profession. If their maintenance is assured in advance then they can go. Somebody should guarantee that they will be kept going while they are in Ceylon. Similarly, students; their maintenance must be assured from the very

[Mr. Jamnadas M. Mehta.]

beginning if they are to be allowed to go there. And there is a provision "that 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", that is for those four classes of people. Further, "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", *i.e.*, as regards the people of independent means and the others described, "will be lost after a continuous absence from Ceylon of more than twelve months". So that even those who are people with assured maintenance and independent profession if they are absent from Ceylon for a period of more than twelve months, they will lose their right of re-entry. Now, Sir, the result of it would be this. There are today less than a million Indians in Ceylon. With these restrictions on the re-entry of those who have earned the right already the position would be that they will be under a serious difficulty. The right of re-entry of those who are settled is more or less as equally curtailed as the right of entry of the categories I have described which are under permits A or B.

Permit B which nominally applies to new Indians is also liable to be applied to several categories under re-entry; and that is even worse. But so far as people under permit A are concerned, they will live without restriction for an indefinite period, but those who get permit B will live there for the period, mentioned in the permit itself. On account of these restrictions the number of Indians who are already less than a million will be subjected to a continuous process of attrition, until a large part of them will be extinguished in due course, and those only who are enjoying the domicile of origin will be there to remain. Even those who have acquired domicile of choice and all permanent settlers come under the definition of non-Ceylonese. Let there be no mistake about it. The only Ceylonese under these proposals which are based on the ordinance will be the man who possesses a domicile of origin. That is the fundamental thing. The domicile of choice and the permanent settlers and even those who live there under permits A or B are all non-Ceylonese, and, therefore, subject more or less to the restrictions that are mentioned.

About the quota portion I will not say much, except that the quota is in itself such a discriminatory process that I abhor the quota system altogether.

I come to the most important question—franchise. Franchise is the real symbol of citizenship. The man who has a vote is a citizen; the man who has not got a vote is not a citizen; and under this report the symbol of citizenship is granted under these electoral rules as they are called—extracts from the Ceylon Order in Council, State Council Election—from that you find that only three classes of people will have voice; and they are mentioned in para. 3—the right of voting is mentioned there. Now, in all these three cases, whether it is domicile of origin or of choice or permanent settlement, all these are extraordinarily difficult to prove because the condition is that everybody will be taken to be a non-Ceylonese unless he proves that he is a Ceylonese. Thus although a number of people might be actually in possession of the domicile of origin it will not be taken for granted, it will have to be proved in a court; the domicile of choice has of course to be applied for and the permanent settlers are subject to conditions laid down in one of the Ordinances. Therefore, the right of

franchise will be restricted even in the case of those who as a matter of fact have got domicile of origin, much more in the case of people who enjoy domicile of choice because it is most difficult to obtain it. The domicile of origin will refer to those Indians who are mostly illiterate because they are working classes; for them to prove domicile of origin will be most costly and extraordinarily difficult, and, therefore, they will be disfranchised; and to this part I attach the utmost importance because as soon as they cease to be franchise-holders, they will be subjected to the process of attrition by which their rights will be extinguished.

Then there is the registration which is again fundamentally objectionable. I object to every system of registration of my countrymen. Then there is status and the report says that in future no legislation other than legislation to give effect to this agreement shall be undertaken and there shall be no differentiation in treatment. But it adds that all the existing discriminations will continue. In part 5, para. 3, it is said that as regards the existing legislation no amendments need be undertaken to modify any provisions which are discriminatory. If there are any provisions which are discriminatory they will remain. But on the top of it comes this. "It is agreed that Indians other than those possessing a domicile of origin should not claim the right to appointments." Those who have domicile of origin will find it most difficult to prove it on account of their illiteracy because they are largely labouring classes, and those who are others will have no right of holding any appointment in future. Indians are not wanted in Ceylon and those who are there will have to beat an ignominious retreat as soon as their career is over. If they retire and go back to India they shall not be allowed to re-enter, unless under the conditions mentioned in the ordinance.

Finally the delegation are so satisfied with what they have done and they are so pleased with themselves that they actually insert a condition under Miscellaneous General Provisions: "It is agreed that any unforeseen 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." What a promise! This agreement, as it is called, is full of discrimination, full of expropriation, full of disfranchisement of Indians, full of making their lives miserable; and yet if any question arises in future the Indian Delegation agreed that it will be decided according to the spirit and the intention of this agreement! That means that it will be decided in the same narrow and discriminatory spirit as pervades the agreement.

This in short is a summary of the agreement in the matter of entry, re-entry, quota, franchise, registration, status and revision; and in the matter of holding lands, the law is so devised that Indians cannot hold lands under any circumstances; and the condition of the labourers there is so harrowing, their wages and conditions of work are so distressing, that to my mind in the interests of labour alone, in the interests of such as are settled there already, the Government of India should have taken a far more courageous stand than they have done. As it is the Delegation is more apologetic than energetic. They did not, as befit the representatives of a great country, take a firm stand, but throughout they are animated by a spirit of "How much shall I give up?", and not "How much shall I insist on?" Naturally, they have surrendered so much that though there

[Mr. Jamnadas M. Mehta.]

is a slight distinction between the Burma and the Ceylonese Agreements, in actual fact this will result in the eventual extinction from Ceylon of the Indian people except a few.

Sir, our Leader of the House is called *Loka Naik*—he stands for the self-respect of the people of this country. *Loka Naik* means the leader of the people. In the Ceylonese deputation there was a gentleman who called himself *Bandara Naik*. *Bandara naik* means the leader of monkeys; and what are his words about India? "I want to see the last Indian out of Ceylon and when I do that, I shall die happy." This *Bandara naik* as he calls himself will have to live to an infinite age, full of agonies, because the last Indian does not leave Ceylon, or he will have to die a death due to disappointment. But I hope that the *Loka naik* will teach a lesson to the *Bunder Naik* that Indians are not so anemic in spirit, and that the Government of India are bound by their own repeated statements, particularly between the years 1921 and 1923, they are re-inforced by the promises of the Ceylon Government, they are further reinforced by the findings of the various Commissions and also by the declarations of Lord Passfield that under no circumstances the Indians will be driven out and that, so long as they remain there, they will be subject to equal treatment. Sir, the ideal condition is that that every Indian should, in Ceylon or elsewhere, live on conditions of perfect equality with the Nationals of that country like any resident in the United Kingdom. That is the ideal to which we should aim, and if that is not going to be so, then let there be some fair chance that those who have settled there are treated with equality; those who wish now to enter with a view to business or profession should have unrestricted right of entry, because the Government of India themselves are bound by their repeated declarations to that effect. But the process of the last two years is one of strategic withdrawal which is ultimate defeat, and I find that the position of the Government of India in 1920-21 and their subsequent declarations are in absolute dissonance with the Report and the proposals made with the full support of the Indian delegation.

A few words more, Sir, and I shall close. One of the leaders of the Delegation which visited Ceylon was Sir Venkatarama Shastri. I have, unfortunately, a very painful experience of this eminent Indian. He is all right; so long as he studies the case, he is your best champion, but in making recommendations, he joins the enemy. In 1931 we had a Railway Court of Inquiry. He was the best champion we could get while the proceedings were going on and we thought that we were winning, but when the recommendations came, they were most disappointing. . .

**Dr. P. N. Banerjea:** He is a liberal, is it not?

**Mr. Jamnadas M. Mehta:** I do not wish to say anything about Sir Ismail, because I had not the honour of knowing his temperament. . .

**The Honourable Mr. M. S. Aney:** May I ask the Honourable Member not to deal with the individual member of the delegation, but he should try and confine his remarks to the recommendations made by them.

**Mr. Jamnadas M. Mehta:** I am not anxious to deal with them individually; I will not describe their colour or height, but their performances are within my discretion. . .

**The Honourable Mr. M. S. Aney:** That is based. . .

**Mr. Jamnadas M. Mehta:** I have the greatest respect for him; he called me his *batcha* or son. It is as his son I am protesting against the doings . . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): I want to remind the Honourable Member that there are quite a number of Members who want to take part in this debate.

**Mr. Jamnadas M. Mehta:** Very well, Sir. I have nothing further to say, except one thing, and it is this. It is said that this agreement is different from the Burmese Agreement in the matter of self-respect of the Indians; I agree in part. It is said that this agreement shows a spirit of compromise which was not manifest in the Burmese agreement. Again I agree in part, but when this is admitted, I must be pardoned for saying, Sir, that this report is wholly and decisively against the self-respect of Indians and frankly unjust in its purpose and ruthless in its intent; it is a subtle and insidious, but none the less unmistakeable process of attrition as I have called it, whereby the political and economic rights of Indians in Ceylon will be eliminated in the course of a few years, and such Indians who are allowed to live there, except those who possess a domicile of origin, such Indians who are allowed to remain or enter there, will be landless serfs or indentured labourers living in every condition of degradation and distress nursing alike the country of their origin and the country of their adoption praying that India may soon be free so that her nationals can look squarely any man in the face. In the meantime, I say that the proposals we are discussing are worthy of the present Ceylonese Government, but not of the Ceylonese people; the proposals are unworthy of the British Commonwealth which is always held up as an ideal before us, and above all, the proposals are unworthy of the Government of India whose stand in the past has always been right on paper, but in actual fact it is unworthy of their position. Sir, there is an Indian proverb that "a poorman's wife is everybody's drudge"—'*Garib ki joroo subki bhabi*'. Indians, unfortunately, instead of feeling that they are a great race, the best in the world, their Governments have always apologised for their existence, and I ask them now when this executive council is reconditioned and we have some harbinger of a national Government in front of us, I now ask the Treasury Benches to take up a really bold step,—I don't want any apology, I don't want mere sentiment, I have had enough of general views about goodwill and old ties and traditional culture,—I have had enough of it,—I want some concrete action definitely in favour of the self-respect and the economic and political rights of the country, and until the Government of India do so, until they place their new proposals before this House, I shall continue to oppose this very retrograde, insulting, and ex-proprietary Report.

**Sir F. E. James** (Madras: European): Sir, first of all may I welcome on behalf of my Party the statesman-like speech of my friend, the Honourable Mr. Aney, the Overseas Member. I hope that adequate steps

[Sir F. E. James.]

will be taken to see that that speech is fully reported in the press without delay. Secondly, the Report of the two delegations,—for it is not an Agreement,—it is merely a Report . . .

**Mr. Jamnadas M. Mehta:** They call it an Agreement themselves.

**Sir F. E. James:** The Report of the two delegations does, in our view, represent a decided improvement in the relations between this country and Ceylon, and for that one must be grateful. I should like to pay a public tribute to the part which has been played in the securing of this improvement by the present Governor of Ceylon, Sir Andrew Caldicott. I have had the opportunity of knowing in some detail the work which he has been undertaking during the summer months in order to bring about a better state of affairs in the relations of the two countries than that which existed when the negotiations last winter broke down. Sir, I do agree with the Honourable the Leader of the House that when an agreement is sought to be arrived at between two countries, both sides must be prepared to compromise, and it is quite impossible for either the one side or the other to stand absolutely upon its original case. It is true that the Government of Ceylon, as the Honourable the Leader of the House has said, represents or should represent all communities in Ceylon. It is also true that the Government of India in their approach to this problem represent not one province or one community or one section of the people; they represent India at large and, therefore, must take the broadest possible view of such an agreement as this.

Now, Sir, I wish the procedure in this House in discussing this matter, could have been different from what it is at present. I make no secret of the fact that I suggested in the Standing Emigration Committee that the Government of India would be well advised to place this Report before the House for discussion, but when I made that suggestion I made it with the idea that the Assembly should not necessarily be asked to pronounce a definite verdict on the Report but that Members should express their views. I had hoped that the Parties concerned would have got together and arrived at some common view on the Report. What we have now is a series of amendments to the original motion, none of which are complete, and some of which, I believe, have no Party mandate behind them—though I do not think that applied to Sir Henry Gidney's amendment, I believe he is moving that on behalf of his Party.

**Mr. Husenbhai Abdullabhai Laljee:** Quite right.

**Sir F. E. James:** But Mr. Jamnadas Mehta is not speaking for his Party,—no doubt he is speaking with his usual vigour for himself. I do not know whether Dr. Banerjea is moving his amendment as a Party amendment. So that, even if these amendments come to the vote, what actually is the verdict of the House, if any?

Now, Sir, I do regret exceedingly some of the passages in my Honourable friend, Mr. Jamnadas Mehta's speech. It is not the slightest use referring to individuals either on the delegation from this country or in the Government of Ceylon. There is, as I know from experience, a great deal of feeling in Ceylon on this question of the regulation of immigration

into the island, and that must be taken into consideration. Of the difficulties in which the members of the Standing Emigration Committee are placed, I have already made reference on a previous occasion. The question of negotiations with Ceylon was considered by the Standing Emigration Committee, before the negotiations were undertaken, and they were undertaken with the approval of the Committee. When the Report was initialled by both sides it was placed, in the first instance, before the Standing Emigration Committee, and I for one,—and I know others of the Committee share my views,—believed that in the conclusions reported by the delegation there are considerable merits. We have, as a committee, made suggestions to Government as to alterations which we think are justifiable and necessary.

**Sir Cowasji Jehangir** (Bombay City: Non-Muhammadian Urban): Who is "we"?

**Sir F. E. James:** We, on the Standing Emigration Committee, and I understand—I do not know how far I am at liberty to make this statement, I see the Honourable the Law Member shakes his head as he is rather apprehensive of what I might divulge,—but I understood that the Government were prepared—I won't say more than that—to consider forwarding the suggestions of the Standing Emigration Committee to the Government of Ceylon. I do not say that they have done it. Anyhow, in our Committee meeting they said they were prepared to consider doing so, I hope I have brought myself with the narrow walls of the Honourable the Law Member's approval in saying that.

What are the points which we consider could be modified? I am not going to refer to details of some of the clauses of the agreement—I won't call it an agreement, but report—which should be re-drafted (and suggestions to that effect have already been made), but I will refer to one or two actual points.

**Sardar Sant Singh** (West Punjab: Sikh): May I interrupt the Honourable Member? The Honourable Member in his speech was saying that the Emigration Committee had made certain recommendations to the Government. As the Emigration Committee is a Committee of this House, this House is entitled to know what the nature of those recommendations is.

**Sir F. E. James:** That, Sir, is a point which I had raised the other day in the discussion of the Indo-Burma Agreement, and I have made a suggestion to the Government of India in regard to future procedure. That, is a matter for discussion by the Standing Emigration Committee itself before Government take any decision on the matter, but I, personally, feel that we are constantly placed in an extremely difficult position when we make recommendations the nature of which we are not able to divulge to this House, which elects us to this particular Committee.

**Mr. President** (The Honourable Sir Abdur Rahim): The recommendations of any Committee like that are not reported to the House.

**Sir F. E. James:** The procedure hitherto has been that the report of our proceedings is strictly confidential. It is only in that report . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): That never comes before this House.

**The Honourable Mr. M. S. Aney**: It has been treated as a confidential document.

**Sir Cowasji Jehangir**: May I make a suggestion to facilitate discussion on this matter. If my Honourable friend, Sir Frederick James, is in agreement with the recommendations made by the Standing Emigration Committee, he can speak on those points on which the Committee made recommendations, as his own to this House. There is nothing to prevent him from making a recommendation to the House as to how that report should be amended—as part of his speech.

**Sir F. E. James**: That was precisely what I was proceeding to do. The first modification that we should like to see is in respect of part I, clause (5), which deals with the discretion to refuse entry in the case of persons employed in positions of confidence or other specialised work. The House is no doubt aware of some undertakings which were entered into, whereby the Government of Ceylon is bound not to enact certain legislation in certain directions without the approval of the Government of India. This report is not necessarily a violation of those undertakings as suggested by Mr. Jamnadas Mehta's amendment, because the report is on the basis of an agreement between the two countries. But the particular point which I would like to refer to is the restrictions which are placed upon the emigration of classes of Indians other than recruited labourers. I think I expressed at the time of the Indo-Burma Agreement my doubts as to the wisdom of placing restrictions upon the going to and fro between various parts of the Empire of people,—of professional, trading and other classes. Although the Report says that the discretion to refuse entry in those cases is to be "limited", that is rather a vague expression, and in the hands of Ministers who might wish to place deliberate restrictions upon the entry of those persons into Ceylon might be used as an admission by the Government of India that they were prepared to accept such restrictions I should like to see that amended.

Then, Sir, another point which has occurred to me and which, I think, my Party has agreed to suggest should be modified, is the position of the children of those who are in possession of a certificate of permanent settlement. We suggest that such children should, as a matter of course, be granted domiciliary rights and should not have to prove or establish their claim to such rights. I do not believe that the Government of Ceylon would be opposed to a modification upon those lines and I certainly think that that modification should be made. The only other point that I think I should mention is in regard to the general paragraphs in Part V of the report dealing with status. Some of those paragraphs need modification but I shall not mention the particular modifications that I would suggest, for it would mean going into detail. But I do think it is important that there should be some agreed declaration, that those who have taken out domicile in Ceylon will, in fact, be treated as, and be entitled to receive exactly the same rights as, the ordinary inhabitants of Ceylon. Some declaration along those lines would, I suggest, be useful. It may be argued that it would merely be stating what is obvious, but sometimes in these matters it is necessary to make perfectly clear what is actually an absolute fact.

Sir, I shall not mention any other points at this stage. I hope that the House will not allow itself to be drawn into discussions which will not be helpful in the matter of the relations between these two countries. There is actually rather tense feeling on both sides and it should be our duty, as I conceive it, to try and discuss these matters in a reasonable frame of mind, refraining from exaggerated language and endeavouring as far as possible to recognise the feelings of those who are in the other country, while maintaining the rights of those from this country who are settled in Ceylon. On that basis, I am perfectly certain that an agreement can be arrived at on the basis of this report which is satisfactory to the Governments and peoples of both countries. As in the case of Burma, there is no problem arising out of the settlement of Indians in Ceylon which is not capable of solution, and a solution which is in conformity with the dignity and the strength of this country and the natural desire for self expression in Ceylon. So I hope that the House will proceed to an examination of this report in that spirit. If so, I am sure that they will find that the Government of Ceylon will not be obstinate; I am sure that they will find that Government in a somewhat chastened mood, only too ready to meet the legitimate desires of this country.

**Mr. Akhil Chandra Datta** (Chittagong and Rajshahi Divisions. Non-Muhammadan Rural): Sir, I do not rise to make any speech. I want to make a statement about the attitude and position of my Party with respect to the two amendments moved by two members of my Party, namely, Mr. Jamnadas Mehta and Dr. Banerjea. I want to say this, that the Party has allowed both the amendments to be moved. It has already been decided that the Party will support the amendment which the Party will make its own. One of these two we shall support.

**Lieut.-Colonel Sir Henry Gidney** (Nominated Non-Official): Sir, I have no desire to travel over the ground that has already been ploughed by previous speakers, but before I say anything further on my amendment I should like to ask the Government to tell this House what is the difference, both factual and in significance, between initialling say a "report" or an "agreement" and a full signature? There may or may not be a difference. Indeed it may be only a terminological inexactitude. But I should like to know whether the report under discussion received the initials of the Government Members, *i.e.*, the leader who represented Government and whether his initials mean that Government allowed him to initial it and accept it as legal tender. Before I proceed further I ask Government for a reply to this question.

**The Honourable Mr. M. S. Aney**: They have made a unanimous report to the Government. There is no signature on behalf of the Government by anybody.

**Lieut.-Colonel Sir Henry Gidney**: Then an initial is not a signature. Rather it is an abridged signature by a man who is in such a hurry that he has no time for a full signature.

**The Honourable Mr. M. S. Aney**: May I just add this. Suppose this House throws out this Report altogether, taking a hypothetical case, Government will not then be guilty of breach of faith with the Ceylon

[Mr. M. S. Aney.]

Government or anybody. Had it been an agreement on behalf of the Government, the Government position would have been different.

**Lieut.-Colonel Sir Henry Gidney:** I am thankful to the Honourable Member, but I am not convinced. Sir, I have studied this Report very carefully. I have read my friend, Mr. Jamnadas's Resolution, and it strikes me as being one of rather an omnibus character and I feel, rightly or wrongly, that the amendment I have placed for the consideration of this House lays down the general principles involved, what we demand not by force or reprisals but by compromise. It does not enter into the details because on a motion of this kind, it is difficult for any one to do so within the limited time at our disposal. I believe and I think few will differ from me in this belief, that my amendment, on the "report" or the "agreement" call it what you like,—is very generic and shows many pointers indicating to Government the paths on which we would like to travel with them—the Governments of Ceylon and India—and indicating very clearly to Government where we agree or disagree with the report.

Sir, I desire to congratulate the Leader of the House on his very splendid and statesmanlike speech which I feel has stirred within each of us a desire to compromise rather than blame and threaten with reprisals. I agree, nothing can be done in this world without compromise and without a spirit of give and take. But Sir, as I examine this Report, my vision becomes blurred, whether viewed from the Indian point of view, the Ceylon point of view and even the British point of view. I have examined the restrictions imposed on Indians, particularly those who have been resident in Ceylon and also regarding the re-entry of Indians into Ceylon and I should like to add that some of these restrictions are equally applicable to a section of Britishers in Ceylon and certainly they are applicable to the Domiciled Europeans and other communities in India, such as the community of my friend, Sir Cowasji Jehangir, my sown community, Anglo-Indians and others. As the Honourable the Leader of the House rightly pointed out, the association between India and Ceylon is one of centuries old. It has been the Indian labourer who has built up Ceylon to its present state of prosperity. I particularly, refer to the Tea industry which is mainly controlled by Britishers. The Honourable the Leader of the House referred to the mythological aspect of this association. Indeed—Ceylon formed part of India when the mythological bridge was built by SUGRIV's army of monkeys; a bridge which has since been more firmly constructed by the ingenuity of the Indian labourer and the engineering skill of British and Indian engineers. The Sinhalese—I do not refer to the 'moderate party' to which the Governor of Ceylon has referred today, desire, in some way, to break that bridge.

Let me refer briefly to the history of this desire to break that centuries old link and peep into the background, for it is only by knowing the background that we can with any degree of clarity see the foreground. Till as recently as 1930, there was absolutely no restriction and anybody who landed in Ceylon had the same rights as any other native of Ceylon. I want the House particularly to realise and appreciate this undeniable fact. Scarcely eleven years ago, we stood on a footing in Ceylon just the same as we stand on a footing of parity when we go to England or the Englishman comes to this country. The Donoughmore Commission was

the first instance which introduced restrictions in the matter of political rights and that was the seed that has given birth to all these unfortunate differences of opinion and impositions which it should be the paramount duty of this House to rectify.

**An Honourable Member:** What was the date of that Commission?

**Lieut.-Colonel Sir Henry Gidney:** It came out just before the present Constitution operated say, 1930-31. Franchise was granted only to those who had completed five years residence. In 1930, Mr. Senanayake himself declared in one of his speeches: "We want Indians in Ceylon and we do not deny them rights of citizenship". But time changes one's mind and outlook. In 1934, however, when the Land Development Scheme came, the very same gentleman remarked: "If the Indian labourers are given equal rights, they would claim the right for land and the right to settle down in the country". The present colonization scheme administratively excludes estate labourers on the ground that they are peasants. The estate labourer was also denied franchise in the village committees. In 1939 Ceylon compulsorily discharged Indian daily paid wage earners and repatriated them with some bonus. That is to say, that within ten years, beginning with 1930, the matter came to a climax and the long association of centuries was broken so suddenly and so unfortunately. And it was then and then only that the Government of India realised the seriousness of the position and stopped emigration of Indian labour which brought Ceylon to its knees and its senses. We cannot apply the same antedotal measures to Africa with the result that we suffer from humiliation still. Burma has tried to tread on the same footing and here we have the same enactment by Ceylon. It is said that the Indians in Ceylon suggested this procedure as long ago as 1930 to the Government of India when the first sign of discrimination was shown. Had that suggestion been accepted and acted upon by the Government of India the position, as we see it today, would not have come to the stage when Ministers and responsible Sinhalese have gone back on their own words of goodwill and fellow feeling for Indians and declared their desire to reduce or liquidate the number of Indians in Ceylon. One of the members of the Ceylon delegation was reported to have said on one occasion that he would be happy when the 'last Indian left the shores of Ceylon'. Admirable sentiments for a person who had been deputed to effect a friendly agreement with India? And, yet, it is said that Sir William Manning mentioned in one of his despatches in 1922 that Indian Estate Labourers who migrate from India would be permitted to purchase and own lands. Obviously Sir William realised that 'it is the much maligned Ramaswami and Meenakshi' who together have made Ceylon what it is to-day.

But as I said before, the deadlock came when the Government of India took the decision to prohibit emigration of labourers from India. It was a wise decision on the part of the Government of India. What was the result? A meeting between the two Governments. And who asked for it? The Ceylon Government. But before Government accepted the proposal, the House was not consulted. Why? Why this secrecy—this refusal to consult this Legislature? Impossible demands were placed before the Government of India and it is regrettable that, in the heat of the moment, a most important privilege was surrendered by the Indians in Ceylon, at the

[Sir Henry Gidney.]

pressing advice of the Government of India—namely, the right of participation by Indians who had settled in Ceylon, in the Land Settlement Scheme and employment under the Ceylonese Government. If I am wrong, I hope I will be corrected. But despite this, there was a breakdown of negotiations and the Ceylon delegation went back. I congratulate the Government of India on taking a firm stand although they did give in one or two most important matters.

The position was getting worse for Ceylon. The Governor wrote to the Governor General of India stating 'that moderate opinion in Ceylon regretted the breakdown of negotiations and that the Ceylonese Government was anxious to come to terms'. I want to know what is the value, force and strength of that moderate opinion. It is the term that is used so loosely by Governments, because from my enquiries I find that that moderate opinion is nothing but a term having no strength.

**The Honourable Mr. M. S. Aney:** I used the expression because it was used by His Excellency the Governor himself.

**Lieut.-Colonel Sir Henry Gidney:** I am not referring to what the Honourable Member said; I am referring to what the Governor said. That was why there was the second attempt at a rapprochement. We have spilt milk; let's spill no more. India is determined not to spill any more milk. We have suffered degradation in other parts of the British Commonwealth of Nations and we are not going to submit to any more. But whatever compromise we come to, let us see that Ceylon does not get the cream and India secure only the skimmed milk. One of the fears held by Ceylon is that Indians are said to have a commanding position in the Ceylon electorates and Legislature. It will surprise this House to know that in a House of 58 members Indians have only two elected and one nominated seats. Indians in Ceylon do not and cannot have any dominating voice in politics, and that reason put forward by the delegation is devoid of fact and truth. And, yet, the Indian labourer is most necessary to Ceylon. Why then does Ceylon want to sever connections with India after all these centuries against the advice of the Governor, against the finding of the Commission presided over by a great statesman and administrator. It is nothing, to my mind, but jealousy and prejudice, feelings which I hope a policy of give and take will eventually overcome. And are we going to be treated as social, industrial and political lepers in Ceylon, the same as we have suffered in Africa and are now asked to submit to Burma? I will not refer to Australia and New Zealand, because they have their own laws which I confess are equally humiliating and insulting to Indians, including Anglo-Indians. Can anyone deny that Ceylon must turn to India for its defence if attacked suddenly, although technically the defence of Ceylon is the concern of Great Britain? Ceylon's condition is such that she cannot have a Navy, an Army or an Air Force of her own. A dependent state like that ought not to have exhibited a spirit of intolerance towards the mother country, her closest neighbour. Indians in Ceylon, I venture to suggest, have the right to claim the same rights as Englishmen claim in India and Indians in England. They have vested rights in Ceylon, they have helped in developing the country to its present state of prosperity and India will have to help in the defence of Ceylon if attacked.

For similar reasons, we have recognised the rights of Britishers for no discrimination against them. Why not Indians in Ceylon.

But the Sinhalese knows in his heart of hearts that the moment Ceylon is attacked, India will rush to her defence within a few hours, **1 P. M.** for Ceylon occupies the same position to India as Ireland does *vis-a-vis* Great Britain. The enemy knows that Ceylon is a good jumping off ground for attack on India as Ireland is for an attack on Great Britain and that, therefore, India is bound to rush to the defence of Ceylon in any case. We cannot say that they do not understand the actual position and that it is the duty of the Ceylon Government to safeguard the interest of the masses of the people of Ceylon. Hitherto, it has been admitted that Indian labour was a necessity in Ceylon; if they do not want it now, they certainly have the right to say, "we do not want any more". But, if they want more in the future, it should be given on "our" terms. But, inasmuch as the labourers in the past have served Ceylon well, it is our duty to see that they are granted full rights of citizenship—just as Sir William Manning said in 1922; and Mr. Senanayak, himself, said in 1930 and we demand in this House today, and send as our minimum demands to Ceylon and Indian Governments.

The chief complaint about the agreement is the surrender of the rights of equal citizenship with the Ceylonese by two generations of Indians who have been resident in Ceylon. I refer to the loss to them of the right to participate in Land Settlement schemes financed by the Government of Ceylon and the right of employment in the Government of Ceylon. The surrender of this right was, I submit, forced from the Indian representatives, in the heat of the moment, and the desire, against time, to reach a compromised settlement by the Government of India's representative, Sir Girja Shanker Bajpai. The Delegation was working obviously against time, but one fact has been forgotten in the subsequent negotiations which took place. The entire negotiation which took place in 1940 was squashed when there was a breakdown. It was wrong of the Government to have taken up the attitude on the second occasion, that because Indians in Ceylon surrendered that right in the first instance, they should not go back upon it. I feel that that point ought never to have been accepted as the "free" view of Indians in Ceylon. We have fully in mind what happened in Burma and I have a feeling that Sir Girja Shanker Bajpai working against his limited time was most anxious to effect these agreements before he left office. I here pay my tribute of respect and gratitude for his great public work. Sincere though he was in the belief that he owed it to his country to bring about a settlement of these two problems, I do feel he rushed through the whole matter and used his persuasive powers in order to bring about a conclusion of these negotiations which, at its best, can be called a compromise, not a settlement, not a report. Perhaps there was also the feeling in his heart that others who might follow him would not be able to grasp the situation as well as he and his delegation did and desired to conclude the agreement before he laid down the reins of office. I say again perhaps but I speak subject to correction and I offer these criticisms with all respect to and admiration of Sir Girja Shanker Bajpai.

I submit, therefore, that that clause which stipulates that only Ceylonese who have a domicile of origin in Ceylon shall have the right to participate in the Land Development Scheme and should be altered to

[Sir Henry Gidney.]

include persons and children of persons who have a permanent domicile in Ceylon. I am glad to see that the European Group agrees with that. The stipulation "domicile" (a much abused and ill used word, used often to suit the conveniences of Government) "of origin", let us realise, will immediately exclude full rights of citizenship to Indian families although they might have lived in Ceylon for half a century and more. When I come to think of this, I am again reminded of the position which obtains in Africa and I am sorry the Government of India have been a party to this attempt to deprive these Indian families of their birthright, and making them 'lepers' in a country to which they had rendered immense services. Indeed, I believe this is what Sir Girja Shanker Bajpai, himself, originally demanded on behalf of Indians in Ceylon, but the introduction of the question of 'domicile of origin' as a qualification was, what I may describe, a cunning move on the part of the Ceylon delegation.

The other point which I desire to stress is that the Agreement provides in Part I, clause (3), that in the future proposals from the Government of Ceylon for the imposition of quotas together with the advice of the Immigration Board should be referred to the Government of India for "comment". Mark the word 'comment'. It is significant that the word is not 'approval'. I submit such a provision does not imply that there is to be an "agreement" or "approval" between the parties before such proposals are given effect to. We are simply asked to make comments. We know of what value these are. Every Honourable Member of this House knows that all comments submitted by the Government of India can be ignored by the Ceylon Government and the proposals put through without regard to our comments. Definite provision must therefore, be made in the agreement that all such proposals shall be put into effect only after the agreement between the two Governments have been reached. For, consultation leaves us in thin air. As participants, we should have an equal voice and this House demands it; otherwise let us chuck out this agreement lock, stock and barrel and let not our future generations rise and live to curse us for allowing a repetition of the insults and degradations we still suffer as Indians in Africa and other places. I do not wish to belabour the other points, except to say that, in the matter of franchise, it would seem that the agreement has curtailed the existing rights of Indians by extending the period of residence for a voter from five to seven years, a demand which finds no place even in the proposals put forward by the extreme Sinhalese delegate who was rude and crude enough to say that "he would be happy when the last Indian left the shores of Ceylon".

Sir, it is our duty to see that our countrymen, wherever they may be, and more so in a country which owes its very existence and prosperity to our services, are not insulted in the manner in which some of these Sinhalese politicians and even Ministers have, in the past, been doing. Ingratitude, I was about to say,—national suicide—cannot go to deeper depths. I do not wish to indulge in reprisals, for I put this down to ignorance, childishness, irresponsibility and jealousy.

But it has been suggested to me that if Ceylon does not realise its sense of responsibility and does not agree to modify the terms of the agreement, India should seriously and immediately consider the desirability of prohibiting the importation of copra—a Sinhalese owned industry which

solely depends on the Indian market. But as I said *before*, I do not believe in reprisals although it is one of the main ingredients of today's international policies e.g., United States of America, England towards Japan, Finland and *vice versa*, etc., and I sincerely hope that the Sinhalese will yet see reason and will not indulge in the suicidal policy towards which he has been drifting since 1930.

I am glad that this agreement has not been as yet accepted by the Government of India. Although I do not yet understand the implications of the Government initialling this agreement until my Honourable friend explained it to me. I am quite prepared to admit that the Indian Delegation which was a party to the Agreement consisted of persons of eminence and capacity, but let us also realise the background behind this Agreement; and the circumstances in which they concluded the Agreement. How in 1940, in the rush of the moment, the Indians in Ceylon agreed to the surrender of their fundamental right in an erroneous belief that everything would otherwise be lost. Let us realise that the signatories to the Agreement were naturally guided by that spirit of surrender on the part of the Indians in Ceylon itself. If we did so we would know, may be in a small measure, why they came to agree to those extraordinary terms. The fundamental rights must be restored before you recast the Agreement. We, in the House, demand it and I believe my amendment points to and ensures such a compromise. Then and then only the Agreement will have been conceived in the correct spirit. Sir, I feel my sentiments and Indians' claims are fully embodied in my amendment. I may inform the House that I have just received a letter from the members of the Ceylon party now in Delhi and who represent the views in India in Ceylon asking that our deliberations today should be devoid of party factions. It should be done in such a manner that we would be able to agree to some common formula, some agreement which we can offer to the Leader of the House as the unanimous opinion of this House, whether it be called an "amendment" or a "Resolution" I care not, otherwise more harm than good will arise from a divided House detrimental to the interests of the people who are resident in Ceylon today and whose cause we are pleading and trying to protect. And it is for that reason, Sir, I am making this submission to the Government of India.

I do not wish to indulge in what would be called destructive criticisms, for after all my Party is not in destructive opposition to Government. Every Member of my Party is imbued with one desire and that is to be a constructive critic with a desire to help Government in all points. But when we find we are right and Government have not acted correctly, we are not afraid to tell them so. I, therefore, appeal to the Leader of the House and Member for Indians Overseas to ascertain the means by which we can arrive at a better understanding or let me call it a compromise. I suggest for his serious consideration and for the consideration of the House that there should be another meeting between the representatives of India and Ceylon, of course under the aegis of the Government of India, to reconsider this agreement in the light of the views expressed in this House and the views that will be expressed in the other House.

With these remarks, Sir, I beg of the House to accept my amendment clothed or unclothed of the unpleasant remarks that I have had to make in my speech but with the one desire and on this let me assure the House on behalf of my Party, we are anxious to arrive at a common agreement

[Sir Henry Gidney.]

with all Parties. In other words, as the Leader of the House said, let us come to a compromise amongst ourselves so that our opinions will go back to Ceylon full of weight, full of constructive ideas, and Ceylon will yet see that she is not treating us as fairly as we treat her.

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

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

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**Dr. P. N. Banerjea:** Sir, geographically, Ceylon is a part of India. Ethnically, the populations of the two countries are the same, if we except the small Burgher population which is of a mixed stock. Culturally, there is affinity between India and Ceylon, for we all know that even in historical times Ceylon obtained her religion from India and the great bulk of the Ceylonese population is Buddhist. Now, why should there be, instead of unity, a feeling of disunion between the two countries? Even in modern times, goodwill and friendliness existed between these two countries. When Ceylon was annexed to India at the cost of the Indian exchequer the two countries remained on friendly relations for a long time. It was about twenty years ago that first signs of bitterness appeared among the Ceylonese people. In 1920, when the Emigration Act was being considered by the Central Legislature of India, the Government made it perfectly clear that the Indians would enjoy the same political rights as other classes of His Majesty's subjects. Sir B. N. Sarma, shortly afterwards, said the same thing. This view was expressed by Mr. G. N. Barnes. He observed:

"We are asked to send labourers to other parts of the British Empire.....Unless and until the Governments concerned issued Ordinances which distinctly proclaimed the perfect equality of status of the Indians with the other classes of His Majesty's subjects in those countries, we will not agree. To that policy the Government of India adhere now and it is because they follow that policy that they readily and willingly sought the co-operation of the legislature and have introduced this Bill."

That was said in 1921. And in Ceylon the Chief Secretary to the Government of that country said:

"I think I have said enough to make it clear to any impartial student of the history of this question that it was only after the Government of India had been given assurances that Indians in Ceylon enjoyed the same political rights at that time as other classes of His Majesty's subjects that they approved of the issue of the notification of 1923 permitting emigration to Ceylon and specifying the terms and conditions on which it would be allowed."

Then, in 1930, it was announced by the Colonial Secretary:

"His Majesty's Government wishes to make it clear that there is no intention of repealing or amending to the detriment of Indians any of the laws of Ceylon affecting their position or privileges."

Now, Sir, these were definite undertakings. Subsequently, the Government of Ceylon said that there were no definite undertakings and they were entitled to deal with the rights of the Indians as they liked. This was a wholly wrong attitude, and we all know that the Government of India was obliged to stop all emigration to Ceylon. That action on the part of the Government of India, backed as it was by the

Legislature, produced the desired effect. The Government of Ceylon now thought it necessary to come to an agreement with the Government of India. Last year, there were explanatory talks between the Delegation from Ceylon and the Government of India Delegation and at that time the attitude of the Government of India was definite and the Indian Delegation laid stress on two important points. In the first place, they said that "there should be full citizenship rights secured for all Indians of five years' residence in Ceylon who had permanent interests there", and, secondly, "those who do not complete five years' residence would be entitled to secure the same rights on fulfilment of the requirement". Now, these proposals were not acceptable to the Ceylon delegation and for the moment there was a break in the negotiations. The negotiations came to an end for the time being. Then the Government of Ceylon put forward an Ordinance in February, 1941. When this was done the Governor of Ceylon took a very firm stand against this Ordinance. He said, unless there was agreement between India and Ceylon it would be his duty to veto any piece of legislation which might be enacted, because he thought it his duty to stand by all the undertakings which had been given by Ceylon to India. When this was done, we in this House debated the question and we congratulated the Government of India on the firm stand taken by them, and we also thanked the Governor of Ceylon for the stand taken by him in defence of the undertakings between the two countries. Then, after a few months the Ceylon Government invited the Government of India to send a delegation to that island. It was on that express invitation that the Indian Delegation went to Ceylon, and, naturally, it was expected that the Government of Ceylon had modified their attitude and it was hoped that the negotiations would proceed on a more friendly basis. That, however, was not the case and it is surprising that the negotiations proceeded on the basis of the Ordinance which the Government of Ceylon wanted to enact and which it had been prevented from enacting by the definite pronouncement of the Governor of Ceylon. It is surprising that the Indian Delegation did not take up the firm stand which they had taken a few months before, but were prepared to give up the rights of Indians in Ceylon. That was a very humiliating sight for everybody to see. They arrived at certain agreed proposals which I shall presently examine. As some of the speakers have already spoken on this subject, I will not go into the details of the question but say a few words on each of these proposals.

The proposals are divided into six heads, and I will deal with these heads, *seriatim*. The first is the question of the right of re-entry. Here, if you read the proposals and the draft ordinance, you will find that a number of categories are mentioned. A great deal of complexity and inconvenience will arise, apart from other objections, if all these categories are accepted by us. These should, therefore, be done away with. A simple criterion should be adopted. We have no objection to category I, where it is said that destitutes and other persons of a similar character would be shut out. But if we accept all the other categories the result will be that business interests of Indians in Ceylon will be greatly jeopardised and the property rights of Indians will be very adversely affected. Therefore, what we urge is that a general rule should be laid down to the effect that all Indians who have been in Ceylon on the date of the agreement should have an unrestricted right of re-entry into that country; and even if they leave that country for a period of more than one year they

[Dr. P. N. Banerjea.]

should be entitled to go back. This is a very important and fundamental principle on which we cannot make any compromise. In regard to this there is also the further question whether the distinction between domicile by choice and the rights of those persons who are permanently settled should not be put in the same category. Why should you have a different category for these two classes of persons? I should like also to mention in passing, that at the present moment if a visitor goes from India to Ceylon on a pleasure trip or for religious purposes, he is not required to take a passport; but in future, if these proposals are accepted, every visitor will have to get a passport with a visa and then be allowed to enter Ceylon.

The next head under which the proposals are put is that of 'Quota'. Here, again, different categories are to be found and these categories create a great deal of complexity and are likely to give rise to great inconvenience in practice. Administration will be very difficult if these categories are maintained. Therefore, we urge that all persons entitled to re-entry should be exempted from quota legislation and they should be free to change their accommodation, their employment, their masters, and so forth. The many distinctions that are made here should be done away with. They are not necessary and they are extremely vexatious.

Coming to the third head, namely, franchise, which in my view is very important. Some tests are laid down with regard to this matter, and if we accept the tests which have been laid down in the joint proposals, the result will be that the poorer people will be debarred from exercising their rights. Therefore, what is needed is that a simple machinery should be established and all persons should be raised to an equal footing. The tests should be the same for all. Fourthly, coming to registration, I am definitely of the opinion that there is no justification for it, and registration of Indians exclusively is not only humiliating and insulting to the self-respect of those Indians who live in Ceylon, but also to the self-respect of the entire Indian nation. Now, in this connection, may I ask if the nationals of other countries are to be registered? Are Europeans resident there to be registered? If not, why should there be such discrimination against Indians?

**Sir F. E. James:** If it is compulsory everybody is to be registered.

**Dr. P. N. Banerjea:** But is that clear from the Ordinance?

**Sir F. E. James:** You will find the reference to that in the draft Note on the Agreement.

**Dr. P. N. Banerjea:** The draft Note to the Agreement? I am afraid, my friend, Sir Frederick James, is mistaken. Sir, we cannot accept this registration proposal.

Fifthly, I pass on to status. Here we find that only certain categories of persons, namely, those who have only the domicile of origin will be entitled to appointments under Government and they will enjoy the benefits of the land development schemes, while others will be debarred from those privileges. Sir, is that right? Again, there is discrimination. You discriminate between those who possess domicile of origin and those who possess domicile by choice. Why should those who possess domicile

by choice and who are permanently settled in the country be debarred from the privileges of being appointed to Government offices and also from the privileges of the land development schemes? It does not appear to be at all fair. It is extremely inequitable. Therefore, Sir, we urge that Indians, other than those who are only temporarily settled there, should be entitled to enjoy all rights which are enjoyed by the Ceylonese people with regard to appointments under Government and also with regard to privileges in respect of the land development schemes . . . . .

**Sir F. E. James:** May I interrupt my Honourable friend? If he will look at Part IV under Registration, he will see that it will be either voluntary or, if compulsory, it will be applicable to all residents in Ceylon, so that it will also include Europeans and others as well.

**Dr. P. N. Banerjea:** Well, if it implies that Europeans and Asiatics other than Indians are also to be registered, then, of course, it will be different, but I do not know whether that is given here in the draft Ordinance . . . . .

**Sir F. E. James:** Yes.

**Dr. P. N. Banerjea:** In any case registration is unnecessary, as it is humiliating.

Now, Sir, as regards the appointment of Indians under the Ceylon Government, I may point out that the recommendation of the International Labour Organization of the League of Nations which in 1939 made the following recommendation:

“Foreigners authorised to reside in a territory with a view to employment and the members of their families authorised to accompany or join them should as far as possible be admitted to employment on the same conditions as nationals.” With regard to restrictions on the families it is said that these restrictions should in certain cases cease to exist and in other cases be waived.

Lastly, Sir, with regard to the general provisions, I should like to point out that, while wives and children of Indians in Ceylon are given privileges of entry and so forth, other dependants of theirs are excluded. This is not right. We know that the joint family system exists among Indians, and there are persons other than wives and children who ought in fairness to have the privilege of accompanying them.

Now, Sir, it may be urged that Ceylon has the right to determine the composition of its population. Well, I admit that Ceylon possesses that right, but that right should be exercised with regard to the future and not with regard to the existing circumstances. Certain rights have accrued to Indians in Ceylon, and those rights cannot be taken away. If in future Ceylon desires to put restrictions on immigration of Indians as well as on other nationals, she will be entitled to do so; but we also would be entitled to control emigration from this country to Ceylon. There should be a reciprocal arrangement to that effect. They cannot say that they will admit Indians into Ceylon on their own terms, the humiliating terms offered by them. They cannot have it both ways.

[Dr. P. N. Banerjee.]

Sir, I have already said that India and Ceylon have many affinities,—of race, of culture and of geographical proximity: Besides these, there are also other affinities. Economically, Ceylon is largely dependent on India. Who is the best purchaser of Ceylon Copra? India. And since the commencement of the war, India has been purchasing almost the whole produce of Ceylon in this regard. As regards Defence, without the help of India, Ceylon cannot defend herself. It is desirable, therefore, to promote goodwill between the two countries to the greatest possible extent. But how can that be done? That can be done on the basis of justice and equity. Justice and equity require that Indians should be treated on a footing of equality with the inhabitants of that island. If any inferior status is given to Indians, there will be heart-burning, there will be ill-will, there will be animosity. I don't wish to throw out any hint as to the future action which may be taken by India, but Ceylon should remember that India can retaliate if she likes to do so.

Sir, the agreed proposals are unacceptable to the Indian people, and I hope and believe that this House will record its verdict that they are unacceptable to this House.

Then, what is there to be done? In my amendment I suggest that  
 3 P.M. there should be further negotiations between the two countries. I further suggest that the Indian Delegation should negotiate with the Ceylon delegation after consulting the interests involved and with the advice of four elected Members of this House. If that is done, I believe the negotiations will have a much better prospect than the last negotiations had. These negotiations will inspire confidence in this country. Ceylon will know that behind the Government are the Members of the Legislature and Ceylon will be more careful in its dealings.

It is difficult to understand why there was a change in the attitude of the Government of India between February, 1941 and September, 1941. There are some people who suspect that that change was due to some hints which came from the British Government. I do not know whether that is true or not, but the belief is prevalent in this country that the British Government, in order to please peoples of other countries—Ceylon, Burma, and even Malaya—are prepared to sacrifice the interests of this country. It is incumbent on the Government of India to disabuse the minds of the people of this belief. Now that we have a Leader who is universally recognised as a man with an open mind and whose sincerity and earnestness are above question, I think that the state of affairs will be different and that in the future negotiations he will be able to give full satisfaction to this House and to the country.

**Maulvi Abdur Rasheed Chaudhury** (Assam: Muhammadan): I rise to support the amendment of my Party Leader, Sir Henry Gidney. Much has already been said about the Indo-Ceylon agreement by the previous speakers, and as I am not in the habit of repeating the arguments put forward by others, I will be brief.

Sir, in the exploratory conference of 1940 we find that the Indian delegation lost a good deal of ground. Sir Frederick James mentioned here that the Indian Delegation generally took their initiative from the Standing Emigration Committee of this House. So, if Sir Frederick James had given an explanation why the Indian Delegation lost ground

in the explanatory conference, this House could have consoled itself that the reasons for which the Indian Delegation gave way were acceptable. Sir, when the exploratory conference began, the Indian Delegation, instead of insisting on the fulfilment of all the previous obligations and all the rights and privileges ensured by the Government of India and the Government of Ceylon, went the opposite way. To begin with, till the year 1930 there was no restriction between Ceylonese and Indians. Then they yielded on three points so far as they tampered with the rights of Indians in Ceylon. They agreed that a residence of five years would count towards full citizenship. There was no necessity at all as to why that condition was imposed unasked. So long the Indians in Ceylon did not feel any difference between permanent residents in the island and themselves. It was only in 1940 for the first time that the exploratory conference accepted the principle that Ceylon had a right to interfere with the citizenship of Indians in that island. In that conference, the questions of permanent residence, domicile, privileges, and such other things were brought up. It was very wrong on the part of the delegation to have yielded ground in that way. India was helpful to Ceylon all along. India has got to defend Ceylon in case any emergency arises. India has helped Ceylon in its present prosperity. What would have been her condition had Indian labour not assisted in developing the tea, rubber and other industries in that island? That would have remained a jungle island as before. The Indian Delegation could have easily maintained their position if they had decided not to yield ground. Once they began to yield in tampering with the rights of citizenship of Indians, they went further to please Ceylon, and agreed that the Indian citizens in Ceylon would not claim any appointment under the Government of Ceylon or any *quasi*-appointment under that Government. That is a stab in the back of India and the exploratory conference owes an explanation as to why they yielded in that matter.

Now, Sir, the Ceylonese delegation consisted of very sharp and intelligent people and they found that the Indian Delegation had gone on yielding and yielding. So they took up a stiff attitude. They said 'No, these concessions will not satisfy us. You must give us more or we go'. In that way, the negotiations broke down and the Ceylonese Delegation went away. Then, Sir, again these shrewd people have persuaded their Government to ask for the resumption of that conference and the Government of India made the mistake of selecting almost the same spokesman of the delegation which yielded ground in the previous conference. The result was that the spokesman went on yielding grounds after grounds and accepted so many humiliating terms, so far as this country is concerned, that nobody has got a word of praise for him. He agreed to ten categories for the entry of Indians in Ceylon. He had no business to do that.

**An Honourable Member:** Who is he?

**Maulvi Abdur Rasheed Chaudhury:** The spokesman of the Indian Delegation. I do not want to name him. The Government of India was in no compulsion to agree to these ignominious terms. Now, Sir, mischief was done at the time of the exploratory conference and what followed is only a step forward. In this agreement so many points humiliating to India have been agreed to that it simply makes one's blood boil

[Maulvi Abdur Rasheed Choudhury]

when one goes through the details of that agreement. So far as the entry of Indians is concerned, so many restrictions have been put there that it is next to impossible for Indians there to retain their citizenship if once they leave that island even for a short period. A category has been introduced by which an employee there can return to that island only if he agrees to have the same occupation or to serve under the same master. What does it mean? It means that the position of the Indians cannot be improved. Once a scavenger he has always to remain a scavenger. Once a cooly he must remain a cooly for ever. In this country, even in this sort of labour, those who work on rubber, tea and coffee plantations make fortunes. We have seen coolies becoming shop owners and head-men and so on but all this has been denied in the case of Indians in Ceylon. Another thing has been introduced by which a man has got to work under the same master. That is the most ignominious and inhuman thing. Suppose there is a domestic servant in one house. He enters service on Rs. 5 a month. He has to serve, under the same master as long as he remains in that island. What does it mean? He cannot change his master and he will have to remain satisfied with whatever his master gives. Here, in this 20th century, when there is so much talk of democracy and independence, fraternity and brotherhood, it is simply insulting to human nature to conceive of ideas like this.

Then, Sir, a good deal has been said about the question of franchise. As my friend, Mr. Jamnadas, has said, franchise is the test of national honour. Even under the existing franchise only two Indians could be returned to the State Council out of 50. The total population of that island is only 59 lakhs of which the Indian population is nine lakhs, roughly one sixth. On the population basis, Indians ought to be given something like six or seven seats but instead of that they have only two seats. Under the last two elections under the Donoughmore Constitution they could not return more than two members to the State Council. This franchise, according to this agreement is going to be curtailed and the House can easily understand what will be the position of the Indian members in that Assembly when their franchise is further restricted and when they cannot send a single member to the State Council. This is the most humiliating thing so far as Indians in Ceylon are concerned and, I think, we should utter a note of warning to the Government of India that they should not accept any such demand regarding the curtailment of the existing franchise.

Now, Sir, a good deal has been said about registration and I need not say much. I should repeat that registration is a very humiliating thing for the inhabitants of an ancient country like India. We have got a civilisation much older than other countries and we feel it ignominious to have ourselves registered in other countries. This is a thing on which the Government of India should not yield and should not accept the joint report of the Indian and Ceylon delegation. Ceylon must be grateful to India at least for two things. First of all, the Indians made Ceylon what it is now. The entire prosperity of Ceylon is due to Indian labour and to some extent to Indian capital also. Now, it will be ungrateful on the part of the inhabitants of that island to humiliate the people of this country, who are their benefactors. The second thing is—what is Ceylon—this petty

little island? They have got no defence force. If today it is attacked by the Japanese, India will have to go and defend it. They must be grateful to us at least for two things, that we have given them safety and we are protecting them; we are defending them and we have given prosperity to their country. This is the help which no nation can forget. Instead of humiliating us, they should thank us for this essential help. They should also remember that even now India is helping them a good deal. Ceylon, as is well-known, has got only two assets and one of them is copra. At this time of war, the only purchaser of copra is India. If we stop purchasing copra, the Governor of Ceylon will send us an invitation to change the terms of the agreement. But, Sir, our country is very big in comparison with this small island and we must be chivalrous and we must show them magnanimity. But in doing that, we are not to humiliate ourselves; that is a point on which we will never agree. So, whatever agreement is arrived at now, the self-respect of this country has to be taken care of. Only a little hint from the Government of India will make the Government of Ceylon yield almost what is demanded. But we are not going to demand anything and everything because, as I said, we must show our magnanimity to our little neighbours. If they still insist on humiliating us and if they still insist on enforcing those ten categories of domicile, non-domicile, registration, etc., then I give a notice of warning that even if the Government of India do not move in this respect, there will be motion after motion in the next Session of the Assembly to terminate this sort of agreement with Ceylon. We have got power of retaliation in our hands and we cannot be humiliated. Our self-respect cannot be sacrificed to please our neighbours. Sir, I support the motion.

**Mr. M. Ghiasuddin** (Punjab: Landholders): Sir, this is the first time I have the honour of addressing the House since the Honourable Leader of the House, who is in charge of this resolution has assumed office. I take this opportunity of extending a warm welcome to him on behalf of all Members who are present in the House and on behalf of myself and to all his colleagues who have taken office for most patriotic reasons at this critical juncture. I am sure it has been their wish to help the country to attain freedom and to help in defeating the forces of aggression and I wish them luck in both these objects. They are at the helm of affairs at a most critical time and I am sure they need all the good wishes and assistance of the non-official Members of this House, which we give them very readily.

As for this draft agreement, with your indulgence I would like to go a little back to trace the history of these negotiations. As the Honourable the Leader of the House has stated, the relations of Ceylon and this country have been of a very cordial nature and are of a very long standing. The presence of a large minority community there, known as Jaffna Tamils, who are really descendants of Indians and who have settled down in that island for a long time is proof positive that there was no limitation of immigration from this country to Ceylon. The members of that community are our cousins in the sense that they are the sons of India. They are a well-respected community and they are as much loyal to their island home as any other community is. Besides, it is a historical fact that the last independent king of Ceylon was an Indian and it was that man who was turned out when the European invaders came. I believe they were

[Mr. M. Ghiasuddin.]

the Portuguese. Since those days up to the days of the Donoughmore Commission, the relations between India and Ceylon have been very cordial. The first rift in the lute was when the Donoughmore Report came out. Naturally, after that report the Ceylonese politicians had to say something to get a vote. So, that was the time when the anti-Indian feeling was excited and the Indians were represented to the Ceylonese populace as exploiters, and who go to that country only to get what they can without giving anything in return. Every honest man should know how false these charges are. The frame of mind of the Ceylonese these days is that Ceylon wants Indian labour and it will welcome Indian labour. But as soon as a labourer, who is at first a cooly, becomes a petty manager or attains even a slightly higher status, he at once becomes an exploiter and he is a man who is to snatch away bread from the mouth of the sons of their soil. I think it is the duty of the Government of India to tell the Ceylonese people that if they want our labour, it is not necessary that a labourer will always remain a labourer and not be in a position to improve his status. He becomes unpopular only because he tries to improve his status and that is a very unjust attitude to adopt. The Government of Ceylon are trying to force him not to improve his status.

Now, Sir, there are many other obvious defects in the draft Resolution. The one most obvious defect is the many classes and sub-classes into which the Indian population in Ceylon has been divided. It should be remembered that most Indians in that island are estate labourers and are ignorant people and it is very difficult for them to fight for their rights in courts of law and attain any improved status. For attaining these rights a complicated legal process is involved which even big lawyers find difficult to grasp. So, it is very difficult to expect these people to protect their own rights. The Indians in that island are divided into three categories. There are persons enjoying the domicile of origin, then comes the domicile of choice and then is the certificate of permanent settlement. Domicile of origin according to this agreement is enjoyed by a person born in Ceylon, one of whose parents also is born in Ceylon and furthermore will have to reside in Ceylon. One of the terms of the agreement states that the domicile of origin will have to be established according to the English law except for the purpose of franchise. As I pointed out before, how is a poor labourer going to establish domicile of origin according to English law. The lawyers who are present in this House well know how very complicated the English law is. Only in the matter of franchise, they have made the matter a bit easier. It is just, that persons born in Ceylon should have equal rights with citizens of Ceylon, and this constant recourse to law courts to establish one's rights is not very desirable.

After that we come to domicile of choice, that is conferred upon persons who have resided for five years in Ceylon and can prove to the satisfaction of a court from the mode of their living that they have made Ceylon their permanent home. Here again comes the expression 'to the satisfaction of the court'. After obtaining this privilege, all rights of citizenship are conferred upon them, barring Government service and the benefits of the colonisation scheme. Government service, in this connection, must be considered to include anything which is paid out of Government treasury. For instance, if a sweeper is sweeping roads, and if his

salary comes from the treasury, then he will be debarred from entering into that profession, however humble it may be. Again, he is also deprived of the benefits of the colonisation scheme. So, I think, very scant rights of citizenship remain.

The third category, is the holders of certificates of permanent settlement. This is conferred on Indians who have been resident for seven years out of twelve years ending December, 1945. This is one condition, plus furnishing proofs of means of livelihood, and if married, living with family in Ceylon and a declaration that he has intention of staying permanently in Ceylon. Now, Sir, the third condition that he should live permanently in Ceylon with his wife is a very difficult condition to comply with in certain cases. It is well-known that in our Indian families, sometimes the wife lives with the husband or with the husband's people. This will entail a great hardship if this condition is rigorously enforced. It is felt by Indians in Ceylon that this distinction between domicile of choice and the certificate of permanent settlement should be abolished. These categories must be combined and full rights of citizenship should be conferred on people after having proved on factual basis that their intention is to reside in Ceylon permanently.

Sir, much has been said about quotas and I would not like to go into them, but one thing I will point out and that is that Indians with residence of less than three years will remain perpetually slaves, they will have no freedom of changing their occupation or the choice of their employers. They will have to remain bondsmen of the same employer, not even their children can acquire the rights of citizenship and this is such a hard condition that is actually making them serfs. This draft agreement deserves condemnation on that account alone.

Sir, the Indian labourers went to Ceylon at the express invitation of that Government. In many cases, they were persuaded and even cajoled into going to Ceylon, they were given solemn promises and undertakings of legal and political rights and now those promises are thrown to the wind and any attempt to turn them out amounts to expropriation. One of the Governors promised Indian labourers the grant of settlement on land and this solemn promise has not yet been fulfilled. Why is this being done to India? We all know that Sir Edward Jackson, at one time the Attorney General of Ceylon, was appointed by the Ceylon Government to enquire into labour troubles and he, in his report, said, that the Indian community has caused no injury to Ceylon and that he was totally opposed to restriction on immigration. Why has this report not been accepted?

The last point is that it is not advisable to say anything about retaliatory measures. I hope the time will never come to take such measures. I wish and, I am sure, the whole House wishes that a proper settlement should be arrived at between the two countries, amicable and lasting and that no occasion should arise for retaliation.

**Mr. Govind V. Deshmukh** (Nagpur Division: Non-Muhammadan): Sir, I have a very strong grievance against the Government of India and their emissaries who wish to solve this problem which has arisen between India and Ceylon. They wish to follow the policy of appeasement. I

[Mr. Govind V. Deshmukh.]

wish they had taken up the stand which they did in November, 1940, and not yielded. The position then taken up was:

"Subject to the acceptance of the fundamental principle that full rights of citizenship over the whole political and economic field on a footing of equality with Ceylonese should be conceded to Indians resident in Ceylon on an agreed date, on their furnishing proof of residence for a prescribed period and of permanent interest, the Indian Delegation were prepared to consider any modifications in detail of their proposals that the delegation from Ceylon might put forward."

I am extremely sorry that this attitude has been given up, an attitude which rested on our self-respect, an attitude which gave us what we wanted—the political rights and the status we are clamouring for.

Well, Sir, these possessions who have taken up this attitude—whether it is Burma or Ceylon—are copying these methods of excluding Indians from Colonies, such as Kenya. In 1921, there was an agitation in Kenya against Indians curtailing their rights and that was very strongly resented in India and many representations were sent to England. They, amongst other things, wished to restrict immigration and not to allot highlands to the Indians. If you go through this particular Report you will find that the Ceylonese are also aiming at the same thing. They want to control immigration in such a way that, after some days, there would be absolutely complete prohibition of Indians entering into this Colony—Ceylon. Another thing is that as in Kenya they are preventing Indians from getting highlands, the counterpart of it here is that we—the Indians in Ceylon—are deprived the benefit of Land Development Ordinance. You see the Ceylonese are following the policy which was pursued by Kenya in 1921 and nothing was then done to redress our grievances—as a matter of fact things are getting worse and worse in Kenya now. The Ceylonese are stimulated to put their demands higher up. There is a degree to which statesmanship should be followed. But this policy of appeasement or statesmanship does not pay all the time and always. We cannot follow this policy *ad infinitum*. Sir, it will be remembered that up till 1930 we enjoyed this particular status which I have referred to in this passage which I read from this book, but afterwards we see that we are gradually yielding them ground. Under these circumstances the only thing that we can do when we do not intend to follow this policy of appeasement—and I request we should not follow this policy of appeasement—the only thing that we can do is to stand on this bed-rock which I have read from the Report of the Indian Delegation. We should take a stand on it and let the matters be settled in accordance with it.

The Report deals with such complications that it is very difficult for us to go through the details. I will not deal with the several items which are mentioned in this Report. These have been gone over by each and every individual speaker. It seems to me that it is useless for us to refer to our past connections, it is useless for us to say that they have derived their culture from us, it is useless to plead the justice of our cause or the helplessness of their defence of their country. They know all that. Nothing will help us. Nothing appeals in this world. If I may say so, after you get to a certain degree of statesmanship or diplomacy nothing succeeds but force.

His Majesty's Government is primarily responsible for the administration which is carried on in Ceylon. His Majesty's Government is also responsible after all for the Government which is carried on in London. If this Cabinet which takes the collective responsibility of managing administration in the Colonies and India cannot help us, well, who is going to help us? As a matter of fact, His Majesty's Government failed to help us at the time when the agitation was started in Kenya.

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

When measures after measures were passed in Kenya worsening our position nothing was done by His Majesty's Government, and when the Government of Kenya threatened His Majesty's Government nothing was said or done by them in our favour. When we see that His Majesty's Government cannot help us, when we see that negotiations which we are carrying on and under which we have yielded some ground do not help us, nothing remains. How long will you carry on this policy of appeasement? I am very sorry that I should strike a discordant note but in worldly affairs it is the only way to manage things. If I wish to pose as a good boy always then I have to forego sweets and all other things which as a matter of right should be coming to me, simply because I wish to be called a good boy. If the Government of India are anxious to get a certificate that they are a very good Government, they are a Government that is run on moderate lines, well, they have to forego the rights and privileges of Indians. I submit this is an intolerable position. As I have taken this attitude I consider it useless to go through all these various questions of franchise, status, quotas and several other things. We must take a stand that we shall not yield under any circumstances, and, as has been pointed out, we have two things in our hands. These two things can be wielded in our fight against them: one that we shall not supply labour and the other that we shall not purchase copra. It is necessary for them to dispose of the surplus copra in order that the Ceylonese may live comfortably in that island. So let us take a firm stand and let us not yield to these two things.

I think Burma and Ceylon are counting on one strategic position. They think that His Majesty's Government will always side with them. It is no use saying that Ceylon depends on us for her defence and we will deny that, and someone will come and occupy their colonies. They know very well, as much as we do, that we are bound to help them to defend their island. They will go ahead with this programme of theirs. They will say "If you do not wish to defend us, don't, but it is necessary for your own interest to defend us and, ultimately, yourself". So it is no use referring to the question of their defence or referring to other things. We must say that we take this stand, bereft of all restrictions and hedges—the stand which I have mentioned at the beginning of my speech—and we stick to it, and I should be very sorry if that stand is given up in the long run.

**Khan Bahadur Mian Ghulam Kadir Muhammad Shahban** (Sind Jagirdars and Zamindars: Landholders): Sir, it is becoming a fashion amongst the Empire countries, one after another, as it were to heap humiliations on this country. The problem of Indians overseas is almost

[Khan Bahadur Mian Ghulam Kadir Muhammad Shahban.]

as old as the problem of Indian swaraj. It is, however, more urgent. The only redeeming feature in this is that the Government and the European Members are one with the unanimous demand for holding prestige and the status of our nationals abroad.

Ceylonese, Sir, has the least justification to discriminate against this country. The cordial relations between India and that island is a matter of history. The affinity between the two countries is to be traced from dim pre-historic days. Indian capital, labour and enterprise have made the island what it is today. In no instance could it be definitely alleged by the Sinhalese that the Indians have encroached on their just and legitimate rights. The 8,00,000 Indians in Ceylon are mostly employed on the tea, and rubber estates at higher levels, where Sinhalese have so far not been willing to enter in any appreciable number. Indian traders and businessmen have built up their business only in such directions where there has not been any severe local competition. The Sinhalese traders and planters owe a heavy debt of gratitude to Indian bankers. It was the Indian bankers—the Nattukkottai Chettyars, I mean—that came to the rescue of the Sinhalese businessmen when they were refused accommodation by the banks.

It is very pertinent in this connection to recall the fact that the Indian labour migrated to Ceylon on the repeated demands and after obtaining specific assurances from the Government of Ceylon in regard to equality of status and rights with the Ceylonese. It was only some months ago early this year, that the Chief Secretary to the Ceylon Government stated in unequivocal terms as follows:

“I think I have said enough to make it clear to any important student of the history of this question that it was only after the Government of India had been given assurances that Indians in Ceylon enjoyed the same political rights at the time as other classes of His Majesty's subjects, that they approved of the issue of the notification of 1923 permitting emigration to Ceylon and specifying the terms and conditions on which it would be allowed.”

It is very unfortunate that in spite of all the close ties that exist between the two countries and specific and repeated assurances that the Government of Ceylon should seek to embitter and endanger our relations. While I fully agree that the draft agreement with Ceylon is not so bad as that with Burma, I have to point out emphatically that it is only a shade less so.

The report of the Indian and Ceylonese delegations has rightly been styled as a “Pandora's Box”. The amount of mischief that it could give rise to is simply enormous. The agreement divides Indians resident in Ceylon into a number of categories imposing multitudinous artificial restrictions on their employment and re-entry. In effect, the agreement refuses to recognise as citizens many Indians who have made the island their permanent home. The grant of whole citizenship rights has been restricted to only those who can establish a domicile of origin. Very few Indians will ever come under this qualification clause. A domicile of choice has been offered to other Indians. Domicile of choice has to be established in a court of law and it is seriously contended that it is not possible for many thousands of Indians, most of whom are illiterate to do so. The insincerity behind this clause is simply obnoxious. What is worse, even those who get a domicile of choice are not to get full citizenship rights, nor share in the benefit of the Land Development Ordinance.

nor be eligible for service under the Government of Ceylon. Those who can prove that they are long established in Ceylon and fulfil prescribed conditions are to be given what are called "Certificates of Permanent Settlement". Such certificates have very little value. Barely their right to reside in Ceylon and earn a living is conceded under these provisions. Again, such certificates are to be granted only to those who can prove that they can support themselves or have means of livelihood. In effect, this measure means that even if a person gets temporarily out of employment, his position is simply precarious. These precious certificates further would be rendered void if their holders stay away at any time from the island for a period of 12 months! The most nefarious part of these provisions is the disability that it imposes on the children of persons permanently settled up. Their children could acquire no definite status.

Indians residing in the island under three years and the future entrants, are constituted in a class of helots with no political rights in the country. Sir, I have only mentioned some of the very grave defects. I am sure, however, that with the Honourable Mr. M. S. Aney, the popular Indian Overseas Member, and with the sympathetic attitude of our Government, we would be able to convince the Ceylon Government of the rights and privileges of Indians over there. I do hope that fresh negotiations would be conducted under more auspicious circumstances and an agreement fully in consonance with the status and dignity of this country would be entered into.

**Sardar Sant Singh:** Sir, I intervene in this debate with a view to make a few observations which strike me as very necessary in order to reach certain definite conclusions. The Honourable the Leader of the House in his admirable speech gave us a very good piece of direction which is in the interests of India, Burma as well as Ceylon. It was only till lately that all these three parts were comprised in one country, namely, India. As a matter of fact, from their geographical positions, too, Ceylon, Burma and India constitute one country and as such it is in the interests of all that the economic and political problems that come up before these countries for their separate consumption should be treated as one consolidated whole. In this particular case, the grievance of Indians in Ceylon is directed against two Governments. First, is the grievance against the Government of India and secondly the grievance against the Government of Ceylon. As regards the grievance against the Government of India their position is that from very early stages the Government of India had very strong grounds to refuse to enter into any agreement with the Government of Ceylon. As early as June 1930, the Secretary of State for the Colonies in his telegram stated that "His Majesty's Government wishes to make it clear that there is no intention of repealing or amending to the detriment of Indians any of the laws of Ceylon affecting their position or privileges". That is a remark worthy of consideration in the present connection. In this remark the position of Ceylon and India has been defined in relation to each other. Later on, His Excellency the Governor of Ceylon in his message again repeated the same principle. The message has been read by the Honourable the Leader of the House when he introduced this motion; and I am not, therefore, going to repeat it. In that message too, the position taken up by the Governor of Ceylon was that unless the Government of India agree to certain changes being made, no changes will be sanctioned by him as a Governor of that colony. Similarly, when the people of

[Sardar Sant Singh.]

Ceylon tried to explain away this portion of His Excellency the Governor's message by stating that these conditions or statements did not constitute undertakings on behalf of Ceylon to the Government of India, but they constituted only pieces of information. We do not know what the expression precisely means, we do not know what the Board of Ministers intended to convey by the expression pieces of information. But the Board did not accept the same as undertakings given to the Government of India. His Excellency the Governor was very clear on that point when he made a reply to this representation of the Board of Ministers. He said that:

"By virtue of Emigration Act India placed herself in the position of being able to assure to such of her nationals as emigrated to any country the political and other conditions which such Indians would enjoy there. Before allowing further emigration of assisted labourers to Ceylon plantations she accordingly addressed questions to the Ceylon Government in regard to *all classes* of immigrants on the replies to which depended her approval of such emigration. To maintain that the replies were mere statements of contemporaneous circumstances, and not undertakings as to the conditions which emigrants would enjoy here, is to stultify both question and answer, and to ignore the purpose of the Indian Emigration Act itself."

These are very clear expressions of views. So, when the Government of India decided to enter into an agreement with the Government of Ceylon, they forgot that they held very strong trenches in which they could have said that they did not want to make any changes in the political relations of Ceylon and India so far as emigration was concerned. But the Government of India did not take up that position. The Government of India agreed to enter into negotiations, and so the position which they could have taken up was not taken up.

The second grievance against the Government of India, which I can understand from the papers that have been supplied to us, is that the Delegation which entered into negotiations with the Government of Ceylon did not safeguard the interests of Indians in Ceylon to the extent they should have done. This is one part of the question. The second part of the question is about the Government of Ceylon. The Government of Ceylon and the Ceylonese Ministers should pay greater regard to their relations with India. After all, we belong to the same race and culture. I would not personally approve of any sanction being applied to our brothers who are living under similar circumstances as we do in India. So, so far as Ceylon is concerned, if our political separation has come about, time may come when our political separation may end in our political re-union. We should not forget that contingency which is likely to arise later on. With the world as it is today, with the forces of violence that have come into existence, and the military weapons that are actually being made use of in all the theatres of war in Europe, it is not too much to suppose that the time may soon come when all our neighbouring countries will have to unite against foreign aggression. In such a contingency Ceylon will not be able to defend herself without the help of neighbouring countries, like India. Therefore, Sir, I would draw the attention of those who are responsible for carrying on the administration in our sister country like Ceylon that they should not forget that though territorial nationalism has come into existence and we ourselves are actuated by that nationalism today, this territorial nationalism should not be allowed to go to that extent as to harm each other; particularly so when economic interests on a much bigger scale have to be defended against those aliens who have made

serious inroads upon our economic life. Emigration of Indians to Ceylon is not such a great economic danger compared to the other danger which is of a more lasting and permanent nature. Therefore, I would ask our friends in Ceylon not to be carried away by territorial nationalism against Indians. They should look to bigger political issues which are facing both the countries at the present time. We both are fighting for our freedom. Our struggle is still in its infancy, and we should not waste our energies in fighting each other, but we should direct our attention to secure our political emancipation at the first available opportunity. With this background, Sir, I would ask the Ceylon Government that they should, in dealing with this matter, consider the desirability of maintaining friendly relations with India, even though it may cost them a bit from an economic point of view.

Now, Sir, I come to the various items which are mentioned in the Joint Report. These have been commented upon by various speakers who have preceded me. I feel, in the first place, that those Indians who have settled there for a long time should have the same rights and privileges as other nationals who have settled there. To prescribe conditions of permanent domicile or of settlement and then placing the onus of proof on such illiterate immigrants which onus is difficult to discharge in a court of law will practically amount to expropriation of Indians from Ceylon. That should not be the case. The issue is very simple. Indians have been living in Ceylon for a long time, they were invited there to meet the needs of Ceylon, they developed that country to a large extent. Therefore, adequate and unrestricted facilities should be provided to such of the Indians who wish to make Ceylon their home. There are certain points which have been made, and rightly made, by some of the speakers during the debate, and one of them is, that India and Indians overseas are not enjoying that freedom which other nationals enjoy in those countries, and that gives us good cause for irritation when our own brothers in countries like Burma and Ceylon try to impose conditions upon Indians. I would ask that in coming to a settlement in any agreed formula, we should show toleration towards Ceylonese sentiment, and we should expect that Ceylon will also reciprocate the same sentiment towards us. In this House three Resolutions have been moved, but now I can say that both the Parties have come to an agreed formula which Sir Henry Gidney will place before this House . . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): I cannot allow any such amendment to be moved now. Unless the notice of such amendment is circulated. I cannot allow a fresh amendment to be moved at this stage. Unless the Parties agree, unless every Member agrees that it may be discussed, I cannot allow . . . . .

**Sardar Sant Singh:** I do not think any Party objects to that.

**Mr. President** (The Honourable Sir Abdur Rahim): I do not know that . . . . .

**Lieut.-Colonel Sir Henry Gidney:** On a point of explanation, Sir . . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member has already spoken.

**Sardar Sant Singh:** I will leave that matter to Sir Henry Gidney to explain, but so far as our Party . . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): Sir Henry Gidney has already spoken.

**Sardar Sant Singh:** . . . . and the Independent Party are concerned, we are agreed upon that, and I hope there will be no objection from other Parties to the course which we are suggesting. With these few observations I will request the Government of India to kindly convey this to the Ceylon Government that this House desires a settlement with Ceylon on the lines suggested by this House.

**Lieut.-Colonel Sir Henry Gidney:** With your permission, Sir, I did not want to speak again on this matter, but, in response to my invitation in my speech to the Government and to the Parties, I have great pleasure in telling you that with a desire to give expression to what we feel . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member has to conform to the rules and practice of this House.

**Lieut.-Colonel Sir Henry Gidney:** Sir, have you any objection to my making a statement.

**Mr. President** (The Honourable Sir Abdur Rahim): I have ruled several times that an Honourable Member cannot move an amendment like this without giving notice to all the Members.

**Lieut.-Colonel Sir Henry Gidney:** Excuse me, Sir. I have given notice to all of them.

**Mr. President** (The Honourable Sir Abdur Rahim): You cannot move another amendment . . . .

**Lieut.-Colonel Sir Henry Gidney:** I am not moving another amendment to mine. I know the rules. I am asking that, with your permission, I may be allowed the expression of the opinion of the House as regards the invitation I issued to Government for an amicable united opinion.

**Mr. President** (The Honourable Sir Abdur Rahim): I do not understand that at all. The motion and the amendments are before the House.

**Mr. Husenbhai Abdullah Laljee:** After the speeches that have been made very little remains for me to speak on the question. I can only say that I agree entirely with the remarks and the exposition of the case made by the Leader of my Party and by several other speakers.

It has been the unfortunate position of this country that, when in the past for years we were able to get out of our country of our own free will and when in olden times we were able to look after ourselves, we were received everywhere as equals. In fact, so far as Ceylon and Burma were concerned, we were going there and staying there without any difference for centuries. The change has come only when Indians were taken as indentured labourers—we know the history of how indentured labour came into existence. It was, in my humble opinion, not

voluntary labour at all, it was slave labour, taken by the agents of foreigners under various pretexts, and our Government did not do anything to stop it. It was after many years that the Government began to realise in response to public clamour that indentured labour was stopped. The development of industries in Ceylon, in Burma, in Malaya and other places, is due to Indian labour and Indian enterprise. The Indian labour has been made use of at the cost of our country as well. Could anybody for a moment imagine that we could not have employed our men on rice and coffee cultivation here? Could anybody have imagined that our Government—and I blame our people as well—and our people could not have employed these our people in tea and rubber plantations in India? No. We did not care, Government did not care, foreigners' agents came to collect people from here for these industries. And now they want to tell us that we are required no more. Not only that, but who are these people, they are as some of my friends have pointed out, those who know very well that they cannot defend themselves or their countries. In fact, they have no army and they have got no resources. And to believe that they are seriously thinking of being independent and relying on their own resources—for people like those in Ceylon, even people like those in Burma,—is to say the least, to believe in a theory which no sensible Government will ever think of and seriously put forward.

Then, Sir, why is it that we are being asked to agree to any sort of treatment? It is because now they are made to believe that they can, because they have separated from India, but at the same time claim from the Indian armies and Indian resources all that the Britisher can claim? Let my Government make it quite clear that, whatever the position so far as Indians and Britishers are concerned, it is not going to be the same as between Indians and Ceylonese or Burmese, or for that matter, the people of South Africa, Australia, Canada or New Zealand. I do not want to go into the merits of the position existing between India and Great Britain, but I do want an assurance from this Government that none of our resources, whether it be our soldier, or our money, or any other sort of resources, will be allowed to go out of this country except for our honour and our protection. Now, let our Government make serious and due enquiries as regards the development of our rice and coffee plantations, tea plantations, etc., and get our men back, our men who are experienced people. Let us have more rice, coffee and tea plantations and it will give employment to all these people. I would go even further. Let our Government get back our men from other places also and employ them here. If after that, those countries want our enterprise and labour, then it will be our turn to make our terms. It is a fact recorded in history that for years together, at the cost of the Indian military budget, Indian troops were stationed at Colombo, at Point Galle, at Rangoon and other Ports in Burma, at Aden at Mombasa, at Zanzibar in Africa and at Singapore, at Hong-Kong, at Mauritius and at Natal in South Africa my soldiers, my money, and at my cost. May I ask the Government to find out how many lakhs of rupees and for how many years this country has paid? And for whose interest? Not the protection of my right, not the protection of my honour, but tell us honestly for whom was our money paid? This is a poor country. If you delve deeper, we will find that the training of armies and things like that have cost much more money to our country,

[Mr. Husenbhai Abdullabhai Laljee.]

and it is India and its taxpayer that has helped to keep a large standing army for the protection of colonies and islands far away from India but it has come to that it has been for the interests of everybody except we Indians. I do not want to take further time, but I do wish to say that the three amendments that have been placed before the House have been very carefully gone into. The object and principle is the same. In fact, I find there is very little difference, except in the wording. The principle enunciated in all these three amendments is the same. The points and details stated therein are also the same. The Honourable the Leader of the House has rightly put that this matter is one in which statesmanship is required and a cool mind and long vision to have further negotiation in the matter. The worthy leaders of the two Parties existing here have put their heads together and are preparing an amendment with the object of . . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member must confine himself to the amendment before the House. Notice must be given of all amendments.

**Mr. Husenbhai Abdullabhai Laljee**: The proposal that is put forward, our amendment which would be better than my amendment and I honestly feel it would be better than my own amendment.

**Mr. President** (The Honourable Sir Abdur Rahim): That may be so. It may be much better than yours.

**Mr. Husenbhai Abdullabhai Laljee**: Well, Sir, I should appeal to the Chair to give us sometime for all the Parties to meet . . .

**Mr. President** (The Honourable Sir Abdur Rahim): This day is set apart for this motion and another motion. I cannot disarrange the business of the Government. That is for the Government to decide.

**Mr. Husenbhai Abdullabhai Laljee**: I quite agree. If the Leader of the House agrees, then only you will agree.

In that case, I will continue with the few remarks that I have got yet to make. The point that I was making was that the Government should consider very seriously the proposition whether we should make any more agreement with Burma and Ceylon, or whether it would not be advisable that we should drop these and arrange atonce employment for our people. I will say and I maintain that there is lot of employment for our people here, and we ought not to allow our people to go out. The people employed in tea and coffee estates in Ceylon are specialists and they form experienced labour and they should be very useful to our country. I should not like my countrymen to remain outside to be exploited by somebody else and put in a position of dishonour. The Government of India had no trouble so far as the Ceylon Government is concerned, right up to the year 1930. The troubles are of recent growth. We must blame ourselves also to a large extent for allowing these things to go on until 1940 when we took some definite

step. I do hope that so far as this country is concerned, we are not in need of anything from Ceylon or Burma. They have been with us. We have treated them fairly. We have no force behind us. There is no magistrate, police or military behind us to extract anything from these people. We have been living as brethren. We have been contributory to their prosperity. We cannot force anything out of them unduly. If even then we are not required we ought not to go a-begging. It is not that they do not want Indians. They want Indians as slaves. I cannot believe that they would enter into any agreement with us, if they can avoid it. The truth is that they want Indians as slaves and I feel we ought not and shall not allow that.

Who can deny that there is enough work in this country to absorb these few lakhs of our countrymen now remaining in Ceylon. We must be strong enough to deal with the matter fairly and squarely. We have been honourable friends with them and we do not want to part company with them but they must recognise our rights. Now, Sir, I remember one thing. There is a small island near Aden, a French possession called Dejebuti. The people who live there are of Arab origin. If a child is born there, he gets the right of citizenship and as such he is entitled to be elected President of the Republic of France. Then I ask why should the birthright of an Indian, whether he be in France, England or India or Ceylon or Burma, be treated differently?

Then there is another point also. We have seen that in lands belonging to France and England in African Ports, in the case of people living in one part of the British colonies and people living in the other part of the French colonies, if the children are born in one or the other places, they have the right of belonging to the country where they were born and when the child became a major, although he may be earning his bread in the other part of the country, he was called upon to serve the country of his birth. If that was the principle generally acted upon in all the civilised world, why should it be denied to Indians in Ceylon? The British Government is rightly entitled to call any Britisher for service, whether he be in India or anywhere, if he is born in England. They can conscribe him if conscription is ordered. In like manner, if an Indian has his child born in England, the same thing would apply to him in any other part of the country. That would be quite consistent with international and moral law. It is only in the case of Indians in Ceylon and Burma and colonies that this British Government which claims and rightly too that it stands for democracy throughout the world that an Indian subject is not to be accorded the status of a human being as understood in civilised world.

Then, another and a very important thing I want to say is this. I should like my friends in Ceylon and Burma to remember this. Besides the question of defence and all that is vital with regard to our Indian labour, they have got to remember that talking of Dominion Status or autonomy or any such thing would be an impossible thing with them, if they were not neighbours of India. They would be treated like the people in Aden or, if I may say so, as soon as the Andaman and Nicobar Islands are separated from India, they would be treated as the people of those Islands. Thanks to their being neighbours of India, they can speak of liberty. Ceylon, like Burma, is a small country with no army, no resources and yet claiming all the rights not only of autonomy but

[Mr. Husenbhai Abdullabhai Laljee.]

of Dominion Status and sometimes even more. This is all due to the fact that it is so near India. Let me tell them that it is in their interest that our country has never tried to conquer anybody outside its borders. Otherwise, Ceylon and Burma which were conquered in our name would never have been allowed to be separated so easily as was done in the Houses of Parliament. They were conquered by somebody in our name and yet when they wanted separation from us, we never raised any objection. Neighbours of this kind who have always come forward to do their best for them and who have treated them on terms of equality should not be treated in any way but on equal terms.

Now, so far as the imports and exports of this country are concerned, let me point out to this Government that the only thing that we should do is as they do not want our men, therefore, we do not want to take any of their raw produce. The greatest of their raw produce is the cocoa-nut which is worth a crore of rupees. We can very well replace it; we do not want it. But we also would tell them that we shall not allow our Government to make any agreement or international understanding whereby the quota of tea or coffee or sugar from India and tea, coffee and rubber from Ceylon is adjusted but that it should be broken off. It has been done for various reasons. In fact, my Government, in order to get for colonies and dominions more coffee quota or rubber quota or otherwise, have agreed to the export of sugar being stopped. Is that fair? Is that reputable? Still, we have yet made no distinction between an Indian and a Ceylonese and we have not taken up those matters seriously.

But after all is said and done and if we are going to be neglected and if we are not going to be treated as equals, then in that case I do hope that my Government will take at once even these economic measures into consideration and should see that in bringing about any agreements hereafter the interests of India and the interests of other Colonies will only be guided by the fact that the facilities that are allowed to Indians to live and to trade in those countries are also taken into consideration. In fact, in many places we have heard that when purchases have been made by one country from the other, clauses have been put in to the effect that they will have apprentices and that they will give a monopoly up to a certain quantity for years together to a certain country, and if the markets went down, they will give concessions and refund. All these considerations, when trade and other agreements are entered into by a civilized Government in the interests of their nationals, are taken into account. In any trade agreement that my Government has made with any foreign country, I have never found that any provision in this regard has been made for the nationals of this country. Take the trade agreement with Japan, Burma, Ceylon or any other country, no provision whatsoever has been made with regard to the status of the nationals of this country, far less for apprentices or others. If they are all going to have this sort of legislation, it will be our bounden duty to have such measures against them as also defence and others including economic taken in our own country. It does not lie with the Government to say that for any reason whatsoever we ought to give in everything and also the honour of the country. Throughout these negotiations we do not understand why all this hurry has taken place. A great war is going on and even in the midst of this great war agreements are being made

which affect very seriously the conditions of Indians in Burma, Ceylon and other places. This thing ought to be carefully considered. If the Government do think that there should be agreements made between the people of the Empire, let them be made on fair and equitable basis. Let the Government ask the Government at home to impress upon all the Dominions and Colonies and Islands to treat Indians as equals and I assure you that we shall always be glad to accord to them treatment as equals. I do hope that the Honourable the Leader of the House will assure us that the Government will do their level best to preserve our honour and to get us our equal rights which we deserve.

**Qazi Muhammad Ahmad Kazmi** (Meerut Division: Muhammadan Rural): Mr. President, the story of Indians abroad is a story of humiliations, insults and continuous kicking by the outsiders. It is very good for the Government and we have to thank the Government because they have extended their hand and want to take us into their confidence. But I have been wondering as to what is that confidence that is being reposed in us. We are being asked as to what is our opinion with regard to the Indo-Ceylonese Agreement. The question is—What is Ceylon? Ceylon is a small island attached to India. Before it came under the domination of the British, it was part of India. Whatever improvements there are in Ceylon today were made from men and material of India. So far as the foreign policy or defence is concerned, Ceylon had neither the resources nor the material to be an independent country by itself. It was India and India alone of which Ceylon was a part, that helped to make Ceylon what it is today. We had lately a debate on Indo-Burma Agreement. I do not want to say anything about that. I say that instead of this Government asking us again and again as to what was thought of the Indo-Burma Agreement or the Indo-Ceylon Agreement, they should understand our point of view, that is that we should be treated as equals throughout the whole of Commonwealth, if there is any Commonwealth at all as is claimed by the Government. Have they come to any agreement so far as Ceylon is concerned, as to the British people who are going there? Have they come to any agreement with the Burma Government regarding the English people who are going there? Have they come to any agreement with the Australian Government for the army officers that the Government of India are recruiting to the Indian Army? Have they entered into any agreement with Canada so far as the British people are concerned? Now, Sir, they say it is a Commonwealth. If it is a Commonwealth, then all the Members of the Commonwealth must have equal rights. If Australians are recruited to the Indian Army as officers, then Indians must have the right to be recruited to the army in Australia. If we really claim that there is a Commonwealth, then there can be no question that all people living in that Commonwealth must be meted out equal treatment.

Now, Sir, we are asked as to whether this Agreement is acceptable to Indians or not. My submission is that this Agreement is a negation of the equality which Indians aspire and claim as residents of British India and as residents of the Commonwealth. Much argument is not needed to say that the humble position which they occupy in this Agreement cannot be tolerated. Instead of asking us to give detailed recommendations about particular agreements, the only way we can deal with the problem is that they solve the whole question of mutual rights and

[Qazi Muhammad Ahmad Kazmi.]

liabilities of the residents of the so-called British Commonwealth. If there is any complaint of exploitation, let that exploitation be stopped for ever. Let there be no exploitation by one member of the family of another member of the family. If it is going to be any mutual co-operation, then it must be established on that basis. But so far as Ceylon and Burma are concerned, and especially Ceylon, my view is that Ceylon is only a part of India. Irrespective of the fact that it is a part of the Commonwealth, it cannot be claimed that Ceylon is anything else but a part of India. It is for the Government of India to come to a definite conclusion that every Indian must be treated as a Ceylonese is to be treated by the Ceylon Government. How is it that after India expands, they make a separate Government for Ceylon; after India has expanded they made a separate Government for Burma and created new problems. These problems are all the creation of the Government themselves. Aden was formerly a part of India, recently they detached it from India and after the detachment of every part, new problems arise. Why do they not consider these problems before they separate these parts and give them power to make their own legislation or to carry on their work and business.

**Sir F. E. James:** Since my Honourable friend has detached himself from the Muslim League, he has also created a problem!

**Qazi Muhammad Ahmad Kazmi:** The Muslim League is not here today for me to address them.

So far as Ceylon is concerned, I do not think any problem exists. The question is how this powerful Government of India which do things with great force so far as Indians are concerned here in India do not take a strong attitude with regard to Ceylon. The Government of India look to what the Ceylon Government might say, whether they will accept or not accept the proposition put forward by them, and so on. Have not the Government of India got powers, have they not got the force behind them, I do not mean military power, I am referring to economic power, financial power to stop financial help to Ceylon in the form of taking its products. Ceylon is a very small place and it depends so much upon Indian capital and Indian labour for her prosperity. If India refused to accept exports from Ceylon, then Ceylon will be starved and all her financial prosperity will be gone.

**Mr. President** (The Honourable Sir Abdur Rahim): I must remind Honourable Members that this day has been set apart for two motions. The House has been discussing till now only one motion regarding the Ceylon Agreement. There is another motion which has not been moved. I do not know whether the Honourable the Leader of the House may not reply to the debate. He may or he may not. But anyway, I understand that it is the desire of the House that this debate should be concluded today.

**Dr. P. N. Banerjee:** No, Sir, the debate will continue tomorrow.

**Mr. President** (The Honourable Sir Abdur Rahim): It is for the Government to decide. The Government have not expressed any desire that the debate should be continued tomorrow.

**Qazi Muhammad Ahmad Kazmi**: I would not take up much of the time of the House. I will summarise my standpoint by saying that any agreement in which Indians are not given the same rights as those given to the people of Ceylon cannot be accepted. With these words, I support the amendment.

**Some Honourable Members**: The question be now put.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That the question be now put."

The Assembly divided:

AYES—37.

Abdul Hamid, Khan Bahadur Sir.  
 Ahmad Nawaz Khan, Major Nawab Sir.  
 Aiyar, Mr. T. S. Sankara.  
 Aney, The Honourable Mr. M. S.  
 Bewoor, Sir Gurunath.  
 Boyle, Mr. J. D.  
 Buss, Mr. L. C.  
 Caroe, Mr. O. K.  
 Clow, The Honourable Sir Andrew.  
 Daga, Seth Sunderlal.  
 Dalal, Dr. R. D.  
 Dalpat Singh, Sardar Bahadur Captain.  
 Dehejia, Mr. V. T.  
 Gidney, Lieut.-Colonel Sir Henry.  
 Gwilt, Mr. E. L. C.  
 Ikramullah, Mr. Muhammad.  
 Imam, Mr. Saiyid Haider.  
 Ismaiel Ali Khan, Kunwar Hajee.  
 James, Sir F. E.  
 Jawahar Singh, Sardar Bahadur Sardar Sir.

Kamaluddin Ahmed, Shams-ul-Ulema.  
 Kushalpal Singh, Raja Bahadur.  
 Lawson, Mr. C. P.  
 Maxwell, The Honourable Sir Reginald.  
 Miller, Mr. C. C.  
 Mody, The Honourable Sir H. P.  
 Muazzam Sahib Bahadur, Mr. Muhammad.  
 Pai, Mr. A. V.  
 Rahman, Lieut.-Colonel M. A.  
 Raisman, The Honourable Sir Jeremy.  
 Scott, Mr. J. Ramsay.  
 Shahban, Khan Bahadur Mian Ghulam Kadir Muhammad.  
 Sivaraj, Rao Sahib N.  
 Spence, Sir George.  
 Sultan Ahmad, The Honourable Sir.  
 Thakur Singh, Captain.  
 Tyson, Mr. J. D.

NOES—14.

Abdul Rasheed Chaudhury, Maulvi.  
 Banerjea, Dr. P. N.  
 Chattopadhyaya, Mr. Amarendra Nath.  
 Dam, Mr. Ananga Mohan.  
 Das, Pandit Nilakantha.  
 Datta, Mr. Akhil Chandra.  
 Deshmukh, Mr. Govind V.

Ghiasuddin, Mr. M.  
 Lalchand Navalrai, Mr.  
 Maitra, Pandit Lakshmi Kanta.  
 Mehta, Mr. Jamnadas M.  
 Muhammad Ahmad Kazmi, Qazi.  
 Parma Nand, Bhai.  
 Sant Singh, Sardar.

The motion was adopted.

**The Honourable Mr. M. S. Aney**: My reply is very short and I do not think there is time enough to give a long reply and to detain the House. The debate has brought to notice the points to which the Honourable Members of this House take objection in the proposals which are under consideration of the House. Firstly, I find that serious objection has been taken by a certain Member for the period of franchise being raised in certain cases from five years to seven years. I also find that a good deal

[Mr. M. S. Aney.]

of grievance is felt by certain Members on the fact that the holders of a permanent certificate would not be entitled to the full right of citizenship; even their sons and grandsons are not entitled to the rights of citizenship. That is a point on which strong opinion has been expressed. Secondly, I find that some Members have echoed the opinion that the clause which purports to retain unamended all discriminatory legislation made in the past also calls for severe criticism. But they should also bear in mind one thing which is to their advantage; namely, the agreement provides for immunity from such legislation in future. The fact that that clause is there does not in the opinion of some compensate for the evil which exists in the form of retaining discriminatory legislation already made.

Then, I find that there is a good deal of complaint about quota system. Besides, the condition relating to the status of permanent certificate holders being lost owing to absence for twelve months from Ceylon is also criticised. Of course, there are other points, particularly the clause referring to registration. About this matter my friend, Dr. Banerjea, seems to be under a misapprehension. This clause relating to registration in the proposals is of an optional nature. It shall be made compulsory only if it is to be of a general nature applicable to all, but otherwise it is of an optional nature. These are some of the important points which strike me in the debate as calling for special notice. I can only say this much that Government have an open mind. It is for the House to make up their mind on any of the amendments they have discussed. Government Members shall not vote on the amendments and shall leave the House free to come to its own decision.

**Mr. President** (The Honourable Sir Abdur Rahim): Does the Honourable Member, Mr. Jannadas Mehta, want the question to be put on his amendment?

**Mr. Jannadas M. Mehta** (Bombay Central Division: Non-Muhamadan Rural): Yes, Sir.

**Mr. Husenbhai Abdullabhai Laljee**: On a point of order, may I submit, Sir, that the last amendment may be put first.

**Mr. President** (The Honourable Sir Abdur Rahim): No. The Honourable Mr. Mehta's amendment will come first.

The question is:

"That for the original motion, the following be substituted:

"That this Assembly is of opinion that the Joint Report of the Delegations of the Governments of India and Ceylon is a violation of the undertakings and promises assuring to Indians full rights of citizenships on a footing of equality with the indigenous population of the country, and unfairly discriminates against them in respect of—

- (1) entry,
- (2) franchise,
- (3) holding of lands,
- (4) employment, and
- (5) occupation,

and, particularly, with reference to the right of entry, in a manner which is humiliating to the self-respect of Indian nationals and injurious to their economic interests.

This Assembly is further of opinion that in the world crisis of the present War, the proposals formulated in the Report are highly prejudicial to the solidarity of the British Commonwealth.

This Assembly, therefore, recommends to the Governor General in Council not to implement the proposals made in the Report and to carry on, if necessary, further negotiations with the Ceylon Government, with a view to removing the discriminatory features of the said Report in consultation with the interests concerned and to the satisfaction of the Assembly.' "

The Assembly divided:

AYES—12.

Banerjea, Dr. P. N.  
 Chattopadhyaya, Mr. Amarendra Nath.  
 Dam, Mr. Ananga Mohan.  
 Das, Pandit Nilakantha.  
 Datta, Mr. Akhil Chandra.  
 Deshmukh, Mr. Govind V.

Lalchand Navalrai, Mr.  
 Maitra, Pandit Lakshmi Kanta,  
 Mehta, Mr. Jamnadas M.  
 Muhammad Ahmad Kazmi, Qazi.  
 Parma Nand, Bhai.  
 Sant Singh, Sardar.

NOES—15.

Abdur Rasheed Chaudhury, Maulvi.  
 Boyle, Mr. J. D.  
 Buss, Mr. L. C.  
 Ghiasuddin, Mr. M.  
 Gidney, Lieut.-Colonel Sir Henry.  
 Gwilt, Mr. E. L. C.  
 James, Sir F. E.  
 Kamaulddin Ahmed, Shams-ul-Ulema.

Kushalpal Singh, Raja Bahadur.  
 Laljee, Mr. Husenbhai Abdullahai.  
 Lawson, Mr. C. P.  
 Miller, Mr. C. C.  
 Scott, Mr. J. Ramsay.  
 Shahban, Khan Bahadur Mian  
 Ghulam Kadir Muhammad.  
 Sivaraaj, Rao Sahib N.

The motion was negatived.

**Mr. President** (The Honourable Sir Abdur Rahim): The next one is the amendment moved by Dr. Banerjea . . . .

**Dr. P. N. Banerjea:** Sir, I ask for leave to withdraw my amendment.

**Mr. President** (The Honourable Sir Abdur Rahim): Has Dr. Banerjea the leave of the House to withdraw his amendment?

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

**Mr. President** (The Honourable Sir Abdur Rahim): The next one is by Mr. Husenbhai Abdullahai Laljee: The question is:

"That for the original motion, the following be substituted:

'That this Assembly after having taken into consideration the Joint Report of the Delegations of the Governments of India and Ceylon, is of the opinion:

- (i) that Indians in Ceylon on the prescribed date of agreement and those who have been residents in Ceylon within a specified period before the date of the Agreement should have freedom of entry into Ceylon and no regional and occupational restrictions should be imposed upon them and that they should be entitled to full rights of citizenship on completion of the prescribed period;
- (ii) that, for the future, provisions are made for entry and occupations so that the trade interests of Indians are safeguarded and that unskilled labourers permitted to emigrate are assured of freedom of movement and choice of employment and opportunity to acquire full citizenship rights.'

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 18th November, 1941.