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THE
LEGISLATIVE ASSEMBLY DEBATES

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THIRTEENTH SESSION
OF THE
FIFTH LEGISLATIVE ASSEMBLY,
1941



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Legislative Assembly

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LEGISLATIVE ASSEMBLY

Friday, 14th March, 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

APPOINTMENT OF MR. ALEXANDER SHAW, FILM ADVISOR TO THE GOVERNMENT OF INDIA.

319. *Mr. Lalchand Navalrai: (a) Will the Honourable the Home Member be pleased to state whether the attention of Government has been drawn to the criticisms in the press, regarding the appointment of Mr. Alexander Shaw, Film Advisor to the Government of India?

(b) Was the post of the Film Advisor advertised in India or England and if so, in which papers, and how many applications were received?

(c) If the reply to the above be in the negative, did Government try to find out whether suitable Indian candidates were available for the post, and are Government aware that there are several Indians available who have got foreign training and who have put service in the Indian film industry for the past several years?

(d) Has Mr. Alexander Shaw any experience of the Indian film industry? If not, what considerations or special qualifications made Government to select a candidate?

(e) If the reply to part (d) be in the affirmative, will Government state how long Mr. Shaw has previously stayed in India and what pictures he has produced?

(f) Are Government aware of Mr. Shaw's experience with the British Ministry of Information after the outbreak of war, and were Government aware of a report of a Sub-Committee set up by the Select Committee on National Expenditure by the British Government in respect of film propaganda work carried out in the United Kingdom?

(g) What is the period of the contract and the salary of Mr. Alexander Shaw, and what was the salary he was receiving in his previous job before he came to this country?

The Honourable Sir Reginald Maxwell: (a) Yes, but the report which the Honourable Member appears to have read is wrong in saying that Mr. Shaw has been engaged as "Film Adviser to the Government of India". He has been engaged as a technical expert in the production of documentary films.

(b) No.

(c) Yes. Government fully satisfied themselves that for the particular purpose required Mr. Shaw was by far the best man available.

(d) No. He was selected in view of his special experience in making documentary films for the General Post Office, Empire Marketing Board, Colonial Office, Ministry of Information, etc.

(e) Does not arise.

(f) The answer to the first part of the question is in the affirmative. Government have seen the report referred to; it related to a period before Mr. Shaw worked for the Ministry of Information.

(g) One year from October 22, 1940. Salary £1,000 per annum which is met by a contribution from His Majesty's Government, *plus* an allowance of Rs. 700 p.m. while employed in India. He was receiving the same salary in England and an allowance of £10 per week.

Mr. Lalchand Navalrai: How much does he get now?

The Honourable Sir Reginald Maxwell: I have just answered that question. £1,000 per annum *plus* Rs. 700 from India.

Mr. Lalchand Navalrai: May I know which other Indian experts in documentary films were called, and were their claims considered? Will the Honourable Member give the names of any?

The Honourable Sir Reginald Maxwell: As I said in answer to the question, there are no Indian experts in this particular branch of film production. It is a new thing in India.

Mr. Govind V. Deshmukh: Are these documentary films more concerned with war propoganda or other than war propoganda?

The Honourable Sir Reginald Maxwell: Not specially or particularly war propoganda. They are for purposes of giving objective information about the countries of the Empire dealt with.

Mr. Govind V. Deshmukh: Was not this Film Advisory Board started with the primary object of helping war propoganda and showing war films so that the people may be educated?

The Honourable Sir Reginald Maxwell: Not only war propoganda, because dissemination of correct information and means of making one part of the Empire interested in another and giving correct information about other parts of the Empire—all those things help the war but their primary object is the dissemination of correct information.

Mr. Govind V. Deshmukh: Have any war films been produced by this Film Advisory Board?

The Honourable Sir Reginald Maxwell: That is not the particular object of Mr. Shaw's visit. He will be dealing with Indian subjects.

Mr. Govind V. Deshmukh: Has this Film Advisory Board not produced any war films at all—no films dealing with war subjects?

The Honourable Sir Reginald Maxwell: As I explained in answer to part (a), we are not talking about the Film Advisory Board. We are talking about the technical expert on certain kinds of films.

Pandit Lakshmi Kanta Maitra: What is the tenure of office of this Board?

The Honourable Sir Reginald Maxwell: As I said in answer to part (b), one year from October 22, 1940.

Mr. Govind V. Deshmukh: No war films are produced? Is the Honourable Member definite about it?

The Honourable Sir Reginald Maxwell: I do not understand what the Honourable Member means by war films. There is no war going on in India.

Mr. Govind V. Deshmukh: The war has come to India.

WORKING OF THE 60-YEAR SUPERANNUATION PENSION RULE.

320. *Pandit Lakshmi Kanta Maitra: (a) With reference to the following pronouncement made by the Honourable the Finance Member on the 18th February, 1941, in reply to supplementary questions to question No. 91, on the subject of retirement of ministerial officers:

"The position is that the ordinary rules which apply to persons in Government service before the 1st April, 1938, allow ministerial officers to be kept in service up to the age of 60, if they are efficient;"

"The conditions of service of these officers, at the time the new rule was made, included a provision that if they were efficient, they will go on to the age of 60; and that could not be changed *without affecting their conditions of service detrimentally*;" and

"A Government servant who was in service on the date in question and who is perfectly efficient is *entitled* to be kept on till the age of 60,"

will the Honourable the Home Member please state if these provisions and instructions are followed by heads of offices in actual practice?

(b) Is it not a fact that in some Departments of the Government of India six months before a man attains 55 years of age, it is obligatory on him to apply for an extension? If so, why? Is it also not a fact that people are, as a rule, made to retire at 55 save and except in a few solitary cases where extensions for very short periods only are allowed?

(c) Is the Honourable Member prepared to enquire, of the different Departments at the headquarters of the Government of India, and lay on the table a statement showing, under different Departments, the names of persons of the ministerial staff who were made to retire before they attained 60 years of age during the period,—April to February,—of the official year 1940-41:

- (1) in the ordinary course, and
- (2) specifically on the ground of inefficiency?

(d) If the provisions as enunciated by the Honourable the Finance Member have so long been disregarded by departmental heads, is he prepared to issue a circular to them explaining in some detail the correct interpretation of the provisions in connection with the retirement of members of the ministerial staff so as to obviate injustice and hardship?

(e) Is the Honourable Member also prepared to issue directions that all orders contrary to the letter and spirit of the correct directions of the Government of India in this behalf should be withdrawn in the case of those not yet actually retired?

The Honourable Sir Jeremy Raisman: (a) I should in the first place like to point out that rules which have been carefully formulated and embodied in precise instructions cannot be suitably interpreted by the process of supplementary question and answer on the floor of the House. Having now studied this subject at more leisure and with great care, I find that the statement made by me on the 18th February, 1941, in reply to supplementary questions to question No. 91 and on the 7th March, 1941, to supplementary questions to question No. 263 is not strictly on all fours with the actual rules. The correct position is that, while persons recruited on or after 1st April, 1938, or who were not in permanent service on that date cannot be retained in Government service after the age of 55 years except on recorded public grounds, persons in permanent service on that date can be considered for such retention after attaining 55 years and up to the age of 60 years provided they continue to be efficient.

(b), (d) and (e). I have no reason to believe that the procedure followed in Departments is otherwise than in accordance with the rules.

(c) Yes.

Dr. Sir Ziauddin Ahmad: One thing was not clear to me in the reply to these things—whether extension after the age of 55 is given in exceptional cases on account of the efficiency of the work, or do they get it as a matter of course, if they happen to be efficient?

The Honourable Sir Jeremy Raisman: Having already once given a slightly different complexion to this matter than it ought to have borne, I must be very careful in answering supplementary questions. The rules say that ordinarily persons in permanent service on that date, old Government servants, can be considered for such retention. That implies that there is discretion to Government. That was the point which escaped my attention in dealing with the supplementary questions. In addition to the criterion of efficiency, there is a discretion with Government to retain those people or not. If they are not efficient, then they must go at the age of 55, even old staff, but even if they are efficient, the rule says "ordinarily" and that means that Government still has a discretion not to retain them to the age of 60.

Dr. Sir Ziauddin Ahmad: Their extension can be considered?

The Honourable Sir Jeremy Raisman: That is the position.

Mr. Lalchand Navarai: Is consideration given by the head of the Department, or is the case also sent to the Public Service Commission?

The Honourable Sir Jeremy Raisman: No, Sir. It would be quite impossible to send these routine cases to the Public Service Commission. They are dealt with by the head of the Department.

Lieut.-Colonel Sir Henry Gidney: The Honourable Member referred to 'recorded public grounds'. May I know who records it, who assesses it, and who decides it. I want to know this, in view of the fact that the Honourable Member did not give it correctly last time?

The Honourable Sir Jeremy Raisman: This is a very delicate and difficult matter to put in precise terms. By 'recorded public grounds' I understand that the head of the Department, if he retains a man after the age of 55—that is new Government servants—must write down on the record the reasons for which he did so and those reasons must be related to the public interest and have nothing to do with the private welfare of the individual.

WORKING OF THE DEFENCE OF INDIA ACT AND RULES.

321. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable the Home Member please state what measures have been taken by Government to implement the assurance given to the Legislative Assembly by the Honourable the Leader of the House on their behalf at the time when the present Defence of India Act was being passed, and which was to the effect "We are sure that those liberties will be in hands which will not abuse them and which will cherish and guard them"?

(b) What steps have Government taken to keep themselves in touch with the actual working of the Government of India Act and Rules made thereunder, in various Provinces, specially in those in which the Legislatures have been suspended?

(c) Are Government aware that in various places these rules are being utilised for the harassment of innocent political workers and persons who are suspected to have political inclinations?

(d) Is it or is it not a fact that Maulana Ghulam Ghaus, Dictator of the All-India Majlis Ahrar was arrested in Charsadda with fourteen others under the Defence of India Rules, and that seven of those followers were sentenced to imprisonment till the rising of the court and six for six months' imprisonment and a fine of Rs. 100 each except one who was fined Rs. 300 and Maulana Ghulam Ghaus was sentenced to one year's rigorous imprisonment on 17th February, 1941?

(e) Is it or is it not a fact that the seven persons who were sentenced to imprisonment till the rising of the court were taken at 9 P.M. in a lorry by the police across the river Kabul and in that dark night were left in a jungle with only a shirt on their bodies, and they had to make their way through that dangerous and impassable jungle and to walk ten miles in that dark and cold night before they reached Peshawar at 1-30 A.M. during the night?

(f) If the answer to part (e) be in the affirmative, what is the reason for such callous treatment?

(g) Is it or is it not a fact that Maulana Ghulam Ghaus and his companions were transferred from Peshawar Jail to Dera Ismail Jail with handcuffs and heavy fetters on? If so, why?

The Honourable Sir Reginald Maxwell: (a) and (b). I would refer the Honourable Member to the answer given by the Honourable the Leader of the House to parts (b) and (c) of starred question No. 216 on the 21st November, 1940.

(c) No.

(d) to (g). I am aware that Maulvi Ghulam Ghaus called a number of Ahrars from Peshawar City to Charsadda on the 14th February where they were made to march in military formation wearing quasi-military uniform. Thirteen of the band, and later Ghulam Ghaus himself, were arrested and tried for offences under the Defence of India Rules. I understand that they were convicted by the Courts. I am unable to give further details of their treatment as the administration of the criminal law and the rules regarding the custody of prisoners are primarily the concern of the Provincial Government.

Gari Muhammad Ahmad Kazmi: May I ask if the Honourable Member made any investigation or inquiry about the treatment and the allegations made in this behalf?

The Honourable Sir Reginald Maxwell: I have informed the Honourable Member that these are matters which concern the Provincial Government alone. If any person feels aggrieved by his conviction, he has his ordinary remedy by way of appeal, or, if he considers that his treatment is illegal, he has his ordinary remedies at law; they are not matters which concern the Central Government.

Mr. Muhammad Nauman: May I know—with reference to the answer to part (b) of the question—whether the rules made in the Provinces have received the sanction or approval of the Honourable Member? Is it incumbent on those Provinces to send a copy of the rules here?

The Honourable Sir Reginald Maxwell: The Government of India receive copies of all important notifications and executive orders issued by the Provinces and they are thus able to keep in touch regularly with the general use made of the Defence of India Rules.

Mr. Muhammad Nauman: Are the rules uniform, or there are different rules in different Provinces?

The Honourable Sir Reginald Maxwell: There is only one body of Defence of India Rules.

Mr. N. M. Joshi: May I ask—in view of the fact that the reply to parts (a) and (b) refers this House to some answer given in November which is not before us now—if the Honourable Member will kindly read that reply again?

The Honourable Sir Reginald Maxwell: I have no objection to reading it, with your permission, Sir.

Mr. President (The Honourable Sir Abdur Rahim): The whole of the reply?

The Honourable Sir Reginald Maxwell: The reply to parts (b) and (c) of question No. 216 on the 21st November, 1940.

Mr. N. M. Joshi: He referred us to some November proceedings in reply; I would like to hear the reply then given.

The Honourable Sir Reginald Maxwell:

"(a) and (b). I would refer the Honourable Member to the answer given by the Honourable the Leader of the House to parts (b) and (c) of starred question No. 216 on the 21st November, 1940."

On that occasion the reply given was in the following words:

"(b) and (c). The Government of India receive information of important orders made by Provincial Administrations, and they also receive certain reports bearing *inter alia* on the use made of the Act. They have indicated in correspondence on various matters their views of the uses to which the Act can properly be put; they have not, however, thought it necessary to issue any general directions on the point, since sections 2 and 15 of the Act itself, and many of the Rules themselves, give a sufficiently clear indication of the scope of the powers conferred thereunder."

Mr. N. M. Joshi: In view of the fact that large numbers of persons are detained in jail for indefinite periods, will the Government of India state whether they have any machinery by which these cases are reviewed from time to time?

The Honourable Sir Reginald Maxwell: It does not require any special machinery. Any Provincial Government or the Central Government using these powers can review such cases at any time.

Mr. N. M. Joshi: Do I understand that it is left to the Provincial Governments or to the Central Government to review a particular case when they think best, or whether after a year or after six months they review such cases?

The Honourable Sir Reginald Maxwell: There is no definite period fixed, with regard to an order of detention, for the review of cases. Obviously, that would not be apposite, because it is open to the Central Government or a Provincial Government to review a case a very short time after the detention order is passed—and supposing that it had been laid down that any person was to be detained for one year he would not be eligible for consideration earlier.

Pandit Lakshmi Kanta Maitra: Do I understand the Honourable Member to say that the Provincial Governments make rules under the Defence of India Act without reference to the Government of India and without their approval? Are they competent to do that?

The Honourable Sir Reginald Maxwell: I made no such statement.

Pandit Lakshmi Kanta Maitra: Do I understand that even this body of rules framed by the Provincial Governments has not been passed on to the Honourable Member for approval or that the Honourable Member has not called for them so as to introduce a sort of uniformity for the purpose of giving effect to the Defence of India Act.

The Honourable Sir Reginald Maxwell: I think the Honourable Member is under a misapprehension. I said that there is one body of Defence of India Rules which are administered throughout India. What I said, and what was said also on a previous occasion, was that we receive reports of notifications issued by the Provinces under those rules and of all important executive instructions issued under those rules. These are matters of actual, detailed application of the rules and not of framing fresh rules.

Mr. N. M. Joshi: May I ask whether the Government of India will consider the desirability of reviewing the cases of those people detained in jail, at stated periods, say every six months or a year?

The Honourable Sir Reginald Maxwell: If we think that it will serve any useful purpose, we shall certainly consider it at any time when the question may arise. Consideration has already been given to the point and I think that some Provincial Governments have been reviewing the cases of their detenus and releasing some of them.

Qazi Muhammad Ahmad Kasmi: In view of the undertaking given to this House, does not the Government think it proper, with regard to the administration of these rules by those persons in whose hands these rules have been placed for administration, to make an inquiry and satisfy itself and satisfy the House that they have been correctly used by such authorities?

The Honourable Sir Reginald Maxwell: That is difficult to answer within the limits of an ordinary reply; the Honourable Member wishes to raise the whole question of control.

Qazi Muhammad Ahmad Kasmi: I could not follow the answer?

Mr. President (The Honourable Sir Abdur Rahim): What was the answer—will the Honourable Member kindly repeat?

The Honourable Sir Reginald Maxwell: I said it is impossible to answer such a supplementary question within the limits of an ordinary reply. The Honourable Member is attempting to raise a discussion on the whole subject of the control over Provincial Governments in connection with the Defence of India Rules.

Qazi Muhammad Ahmad Kasmi: My simple question is—does the Government consider itself justified not to make an inquiry when allegations are made and to satisfy itself with the reply that they have been handed over to the Provincial Governments?

The Honourable Sir Reginald Maxwell: If the matter is a matter of provincial administration, then it would not be proper for the Central Government to interfere.

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

ARREST OF KHAN WAHABUDDIN AND OTHERS.

322. ***Qazi Muhammad Ahmad Kasmi:** (a) Will the Honourable the Home Member please state whether he is aware that on the 19th February, 1941, Khan Wahabuddin, Naib Salar of Ahrar Volunteers, with three or

four others was arrested, in connection with anti-war satyagraha; and that the three companions were taken in a lorry by the police from Charsadda to a place near village Tangi, and at midnight when it was heavily raining, the lorry was stopped on the bank of a rivulet and they were ordered to get down and on their refusal they were pushed down from the lorry into the water, and left there?

(b) Is it or is it not a fact that Khan Wahabuddin who had offered anti-war satyagraha is not being dealt with under the Defence of India Rules but under section 109, Criminal Procedure Code?

The Honourable Sir Reginald Maxwell: (a) and (b). I understand that the leader of one of two parties of Ahrars which visited Charsadda recently with the object of courting arrest was arrested under section 109 of the Criminal Procedure Code. I have no information, however, as to the details. These are entirely the concern of the Provincial Government.

Qazi Muhammad Ahmad Kasmi: Has the Honourable Member made any inquiry after the receipt of this question, or he is only just saying what he might have read somewhere?

The Honourable Sir Reginald Maxwell: I am giving the Honourable Member the information which is available with me; I cannot undertake to make special inquiries in every individual case raised by the Honourable Member.

Qazi Muhammad Ahmad Kasmi: Does the Honourable Member get regular reports and is his reply based on any of these reports, or is it the result of his sending the question to the Provincial Governments and this is only the reply received by him?

The Honourable Sir Reginald Maxwell: I get certain regular reports; and if a question of this kind is asked for information which I receive in the ordinary course, then I do my best to give it to the Honourable Member. I cannot undertake, as I said before, to call for special information from the Provinces in matters of provincial administration.

Qazi Muhammad Ahmad Kasmi: I am really asking about this specific question and not a hypothetical question. I ask when the Honourable Member receives a question of this kind, whether he sent my question to the Provincial Government, the whole of it, and whether this is only the reply he has received, or his reply is based on the reports that he has received.

The Honourable Sir Reginald Maxwell: I am sorry I am unable to give the Honourable Member details of any reference between the Central Government and Provincial Governments. This is a matter of official correspondence.

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

ARREST AND CONVICTION OF AHRAR SATYAGRAHIS.

323. *Qazi Muhammad Ahmad Kasmi: (a) Will the Honourable the Home Member please state whether he has seen the comment of the

Hindustan Times on the arrest and conviction of Ahrar Satyagrahis published in its issue of 8th February, 1941, on page 6, which is to the effect,

“Ahrar Satyagrahis, also, we see, are given heavier sentences than Congress Satyagrahis. If this is a tribute to the higher patriotism of the Ahrars we would not grudge them the honour.”?

(b) Is it or is it not a fact that Ahrar Satyagrahis have been mostly awarded sentences ranging between two to three years, in addition to heavy fines in some cases in Delhi, while such is not the case with others? If so, what is the reason for it?

(c) Is it or is it not a fact that Ahrars alone have been selected for restrictive orders and about fourteen such orders have been served in Delhi? If not, how many belonging to other parties have been so served?

(d) Is it or is it not a fact that these restrictive orders restrict the movements of the victim to one or at the most two wards of the Municipality of Delhi, and require him to attend the police station four times a day i.e., 8 A.M., 12 NOON, 4 P.M., and 8 P.M., which entails a walk of eight miles and more a day for those who are served with such orders?

(e) Is it or is it not a fact that in one case a person between whose shop and Jama Masjid only a road intervenes cannot go to say his prayers in the said mosque, as it happens to be situated in a different ward from the one in which he is allowed to move?

(f) Is it or is it not a fact that one of the persons who has been served with such an order is a person about 70 years of age, both of whose eyes have been operated upon for cataract and who is, due to this defect, incapable of even walking at night?

(g) Is it or is it not a fact that one such person applied to the Chief Commissioner for permission to say his *Id* prayers in the Idgah, on the occasion of the last *Id-ul-Zuha* but was not allowed to do so? If so, why?

(h) Are Government aware that the persons served with such orders are badly handicapped in the daily vocations of their life, and two of such persons being tired of such life have after notice to the authorities requesting them to withdraw the notice, broken it and have been convicted and sent to jail?

(i) In view of the great hardship to which the persons served with restrictive orders are subjected, have Government considered the advisability of withdrawing such orders?

The Honourable Sir Reginald Maxwell: (a) I am prepared to accept the Honourable Member's statement.

(b) Up to date twenty Ahrars convicted in Delhi in connection with the civil disobedience movement have been given sentences of two years' imprisonment or more. In a few cases fines have also been imposed, but the fines have not been heavy. The largest fine was Rs. 200. It is not correct that persons connected with other political parties have not received similar sentences. Actually five Congressmen convicted in Delhi in connection with the civil disobedience movement have received sentences of two years or more. The sentence is of course determined by the magistrate at his discretion, having regard to the nature of the offence and other relevant

circumstances, and I must repudiate the insinuation that there is any differentiation based on the community or political party to which the individual belongs.

(c) It is correct that orders of restriction to local areas in the city have been passed against fourteen Ahrars, and that orders of this type have not so far been made against members of any other party.

(d) The maximum distance which any of the persons concerned has to go is half a mile; in most cases the distance is less than a quarter of a mile: Subject to this qualification the terms of the orders are substantially as described.

(e) Yes, but there are in the area to which the person is restricted at least five mosques in which Juma prayers are offered.

(f) One of the persons restricted is about sixty or seventy years of age, it is understood that some time ago he underwent an eye operation. There is, however, no reason to think that he is physically unfit to walk to the police station.

(g) It is correct that one person applied for exemption at the time of the *Id* and that this was refused.

(h) The orders were carefully framed so as to interfere as little as possible with the ordinary avocations of the persons concerned. Altogether five persons have been sentenced for breach of the orders. In one case the infringement was little more than technical and the accused was sentenced until the rising of the court only. None of the five had previously petitioned for the withdrawal of the notice.

(i) It has never been the intention that the restrictive orders should remain in force permanently and Government will be ready at any time to modify or rescind them if satisfactory assurances are given that the persons concerned are no longer disposed to engage in dangerous activities. Two of the orders have indeed already been so rescinded.

Qari Muhammad Ahmad Kasmi: How do Government know that they were doing anything which was prejudicial to the war before serving any notice? Was any charge served on them? I am asking this with reference to part (i) of the question. The Government have said that if they give an assurance that they will not carry on the agitation against the war, then they will consider the withdrawal of these orders. My question is: how can the innocent people who have not been convicted and who have not been called upon to show any cause be called upon to give an assurance?

The Honourable Sir Reginald Maxwell: Sir, I do not follow the Honourable Member's argument.

Qari Muhammad Ahmad Kasmi: With reference to part (e) of the question, the Honourable Member said that the distance is about half a mile or a quarter of a mile

The Honourable Sir Reginald Maxwell: That was in answer to part (d).

Qari Muhammad Ahmad Kasmi: I am asking about part (e). Has the Honourable Member got any idea of the distance of Juma mosques from the Faiz Bazaar police station?

The Honourable Sir Reginald Maxwell: I have no idea.

Qazi Muhammad Ahmad Kazmi: May I know, then, who gave him this information which he considers to be correct?

The Honourable Sir Reginald Maxwell: It is obtained from official sources on which I entirely rely.

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

HANDCUFFING OF CERTAIN POLITICAL PRISONERS WHILE ON TRANSIT FROM DELHI JAIL.

324. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable the Home Member please state whether it is a fact that 'C' class political prisoners convicted of anti-war satyagraha and other similar non-violent offences, on their transfer from Delhi Jail to other places, are handcuffed, and heavy fetters are put on their legs?

(b) If the answer to part (a) be in the affirmative, have Government considered the advisability of withdrawing such orders?

The Honourable Sir Reginald Maxwell: (a) and (b). The Delhi District Jail is administered as a unit of the Punjab prison system and the rules in the Punjab Jails Manual are applicable. Until recently, these required that every convicted criminal prisoner on transfer to another jail should be handcuffed and (unless he was certified to be unfit, owing to age or infirmity) fettered. Under orders issued in 1932 exceptions could be made in the case of prisoners of A or B class, if the authorities were satisfied that there was no likelihood of an attempt at escape or rescue; but in the case of C class convicts, subject to the provision mentioned, the rule was absolute.

Some 15 days ago fresh instructions were issued by the Punjab Government to the effect that Satyagrahi prisoners whether of A class, B class or C class should not be fettered on transfer from one jail to another unless the Superintendent of Police who had ordered the arrest of a prisoner or who had the responsibility for his safe custody during transfer issued specific orders requiring him to be fettered. The new instructions have been applied to prisoners on transfer to and from the Delhi District Jail as well as to jails in the Punjab.

Maulana Zafar Ali Khan: With regard to part (a) of the question, in view of the fact that "'C' class" political prisoners are not likely to run away from the grip of law, would it not be advisable to remove the regulation enjoining the fettering of their legs at least?

The Honourable Sir Reginald Maxwell: I have already said that the regulation is relaxed in the case of "'C' class" Satyagrahi prisoners.

PROSECUTIONS OF IMDAD SABRI AND OTHERS BY THE DELHI POLICE.

325. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable the Home Member please state whether it is or it is not a fact that about seven cases had been started by the Police in 1940 in Delhi in respect of

possession and distribution of literature prejudicial to the prosecution of war and out of these cases one was withdrawn and in the remaining six the accused were acquitted by courts?

(b) Has the judgment of Mr. A. Isar, Additional District Magistrate, dated the 17th February, 1941 in the case of Imdad Sabri, the last case of this type been brought to the notice of Government?

(c) Is it or is it not a fact that the case against Imdad Sabri was that on the night of the 27th April, 1940, Deputy Superintendent of Police, Criminal Investigation Department, Delhi raided his house at 12-30 A.M. and discovered from his possession a trunk containing undesirable literature?

(d) Is it or is it not a fact that the Deputy Superintendent of Police, Criminal Investigation Department, in his statement before the court said that after the door of the house was opened "Imdad Sabri came out dressed, he was informed that the Police wants to search the house.....he searched me, Inspector.....a trunk Ex. P. A. was placed on Takhat.....in the trunk pamphlets.....were found" and the finding of the Magistrate in this respect was "What had happened in my opinion was that the police after recovery of the posters in the house of the accused's mother brought out the property and were waiting there sitting on cots when the accused after the breaking up of the conference at about 12-30—1 O'clock returned to his house and was arrested"?

(e) Is it or is it not a fact that the Magistrate found "that the house where the posters were found does not belong to him (Imdad Sabri), that it has not been shown that he lived there before that night, and it is very doubtful whether he was present in the house at all when the police raided it?"

(f) If the answer to parts (d) and (e) be in the affirmative, have Government considered the advisability of stopping the harassment and false accusations of political workers by the police of Delhi.

The Honourable Sir Reginald Maxwell: (a) Substantially, this is correct.

(b) Government have seen a copy of the judgment.

(c)—(e). Yes.

(f) Government do not accept the assumption underlying the last part of the question.

Qasi Muhammad Ahmad Kasmi: May I ask if any steps have been taken against the officer who got this wrong *chalan*?

The Honourable Sir Reginald Maxwell: No.

Qasi Muhammad Ahmad Kasmi: Do Government not consider it advisable to take some steps against their own people who are held by courts to be liars?

The Honourable Sir Reginald Maxwell: If every acquittal by a court were followed by proceedings against the police officers concerned, we should be kept busy.

Qasi Muhammad Ahmad Kasmi: Will Government be prepared to give an opportunity to the people who were harassed by their officers to bring suits against them for damages in civil courts or to lodge complaints against them?

The Honourable Sir Reginald Maxwell: It is open to any person who considers himself aggrieved to make use of the opportunities afforded by the law.

MILITARY AND CLERICAL STAFF AT THE MILITARY HEADQUARTERS AND THE OTHER MILITARY OFFICES.

326. *Mr. H. M. Abdullah: (a) Will the Defence Secretary please state the strength of military and clerical staff at the Military Headquarters and the other Military Offices, (i) community-wise, and (ii) how many of them are zamindars and how many non-zamindars?

(b) Is it a fact that the staff at the Military Headquarters and other military offices is mostly from Hindus and non-agriculturists?

(c) Are Government aware that the preponderance of Hindus and non-agriculturists in the staff of the Military Headquarters and other offices is a source of grievance to the Muslims and the agriculturists in the Punjab, Bengal and Sind?

(d) If the answer to parts (b) and (c) be in the affirmative, how do Government propose to rectify this inequality?

Mr. C. M. G. Ogilvie: (a) and (b). The information is not available without an expenditure of time and energy which would be incommensurate with the value of the information when obtained.

(c) No.

(d) Does not arise.

RECRUITING OFFICERS IN THE PUNJAB.

327. *Mr. H. M. Abdullah: (a) Will the Defence Secretary please state if it is a fact that most of the Recruiting Officers in the Punjab are Sikhs?

(b) Is he aware of the fact that in the last Great War the Recruiting Officers were selected from the community to which the recruits belonged?

(c) If the answer to part (b) be in the affirmative, do Government propose to adopt the same practice in the present war? If not, why not?

Mr. C. M. G. Ogilvie: (a) No, Sir.

(b) Yes. In the last Great War the recruiting organization was on a class basis.

(c) No. The present system of appointing Recruiting Officers in charge of specific areas is considered to be more satisfactory.

Mr. Muhammad Nauman: What is the present system of appointing recruiting officers?

Mr. C. M. G. Ogilvie: A recruiting officer is appointed in charge not of the recruitment of a particular class but in charge of a specific area, and demands from units for all classes which come from that area are dealt with by him.

Mr. Muhammad Nauman: Does he get any allowance or pay?

Mr. C. M. G. Ogilvie: He is paid.

Dr. Sir Ziauddin Ahmad: Do Government usually appoint Muslim recruiting officers to recruit from the area which is predominantly populated by the Muslims?

Mr. O. M. G. Ogilvie: No, Sir. The idea that an officer in the army is a Muslim or belongs to any other community never enters into the case at all. He is appointed purely as an officer.

Mr. Govind V. Deshmukh: Have there been any complaints by the Punjab Government regarding the method of recruitment?

Mr. O. M. G. Ogilvie: None that I know of.

CONCESSIONS TO MULE-BREEDERS IN SARGODHA DISTRICT, PUNJAB.

328. *Mr. H. M. Abdullah: (a) Will the Defence Secretary please state if it is a fact that recently great concessions had been given to the mule-breeders in the district of Sargodha, Punjab?

(b) If the reply to part (a) be in the affirmative, will Government please lay on the table a statement giving the details of these concessions?

(c) Is there any class of mule-breeders in the districts of Lyallpur, Sheikhpura, Montgomery and Gujranwala?

(d) If the answer to part (c) be in the affirmative, do Government propose to extend this concession to mule-breeders in the districts of Lyallpur, Sheikhpura, Montgomery and Gujranwala?

Mr. O. M. G. Ogilvie: (a) and (b). No great concessions have recently been given to mule breeders in the district of Sargodha. A reduction of 10 per cent. in the number of mares required to be maintained by grantees holding land on special mountain artillery mule breeding conditions in the Chenab and Shahpur areas was granted from 1933-34 up to 1939-40. This concession has now been withdrawn.

In addition, the Punjab Government reduced the malikana from 6 as. to 2 as. in the rupee of land revenue in respect of these breeders. This concession is still in force.

(c) Yes, bound and unbound mule breeders.

(d) No, Sir, as Government are satisfied that the conditions obtaining in the two cases are not similar.

MUSLIMS IN THE OPIUM DEPARTMENT.

329. *Maulvi Muhammad Abdul Ghani: Will the Honourable the Finance Member please state:

(a) what is the reservation for Muslims in the Opium Department;

(b) how many vacancies of Assistant Opium Officers have been filled since 1934;

(c) how many Muslims have been recruited in these vacancies;

(d) how many vacancies now exist;

(e) whether Government propose to take a Muslim in one of these vacancies; if not, why not;

- (f) whether it is a fact that the order of rotation prescribed by the Home Department has not been observed in this case in the past; and
- (g) whether steps are being taken to ensure that it will be observed in future?

The Honourable Sir Jeremy Raisman: The information is being obtained and will be laid on the table of the House in due course.

EXTENSIONS OF SERVICE TO SUPERINTENDENTS.

330. *Mr. H. A. Sathar H. Essak Sait (on behalf of Nawab Siddique Ali Khan): Will the Honourable the Home Member please state:

- (a) whether it has been decided that as a general rule Superintendents, like other ministerial officers, should be retained in service up to the age of sixty years;
- (b) whether, in pursuance of this decision, extensions of service beyond the age of fifty-five years have been granted to any Superintendent;
- (c) if so, to how many, and to which community they belong; and
- (d) whether the only exception to this rule has been made in the case of a Muslim Superintendent who has been ordered to retire on attaining the age of fifty-five years?

The Honourable Sir Reginald Maxwell: (a) The Fundamental Rules provide that Superintendents, who are ministerial officers, may be required to retire at the age of 55 years but should ordinarily be retained in service, if they continue efficient, up to the age of 60 years. So far as ministerial servants who joined Government service before April 1, 1938, are concerned, there has been no recent change in those rules, the purpose of which is not to confer upon Government servants any right to be retained in service up to a particular age but to prescribe the age, namely 60, beyond which they may not ordinarily be retained in service.

(b), (c) and (d). The Honourable Member has not stated to what period of time his question refers, but information is being collected and will be laid on the table.

MASTER GENERAL OF ORDNANCE BRANCH POSTS EXEMPTED FROM COMMUNAL REPRESENTATION ORDERS.

331. *Mr. H. A. Sathar H. Essak Sait (on behalf of Nawab Siddique Ali Khan): Will the Honourable the Home Member please state:

- (a) whether recruitment to any posts in the Master General of Ordnance Branch of the Army Headquarters has been exempted from the communal representation orders; and
- (b) if so, to which posts, and why?

Mr. O. M. G. Oglvie: (a) No.

(b) Does not arise.

VARIOUS COMMANDS STAFF EXEMPTED FROM COMMUNAL REPRESENTATION ORDERS DURING WAR.

332. *Mr. H. A. Sathar H. Issak Sait (on behalf of Nawab Siddique Ali Khan): Will the Honourable the Home Member please state:

- (a) whether recruitment to the staff of the various Commands under the defence authorities has been exempted, during the period of the war, from the scope of the communal representation orders; and
- (b) if so, why?

Mr. C. M. G. Ogilvie: (a) Yes, but this exemption applies to temporary staff only, and then only in exceptional circumstances.

(b) Temporary staff must in war-time be recruited at short notice, and therefore locally. It sometimes happens that fully qualified persons of the required communities are not available at short notice, and a strict observance of the communal representation orders would, in such cases, involve delay. Commands have, therefore, been given some latitude in this matter, but they have also been given strict instructions to recruit their temporary staff in accordance with these orders as far as they possibly can. The situation will be reviewed from time to time.

APPOINTMENTS OF ASSISTANTS, STENOGRAPHERS AND CLERKS IN THE HOME DEPARTMENT.

333. *Mr. H. A. Sathar H. Issak Sait (on behalf of Nawab Siddique Ali Khan): Will the Honourable the Home Member please state:

- (a) how many temporary or officiating appointments (excluding those made by promotion) in the grades of Assistants, Stenographers and Clerks, have been made in the Home Department since the 1st July, 1939;
- (b) how many of the persons appointed in such vacancies were Hindus, and what are their names;
- (c) how many were Muslims;
- (d) whether the orders regarding communal representation were followed in making these appointments; and
- (e) if not, why not?

The Honourable Sir Reginald Maxwell: (a) Assistants 7, Clerks 41, Stenographers 5;

(b) Assistants 6, Clerks 29, Stenographers 4;

(c) Assistants 1, Clerks 11, Stenographers nil.

(d) and (e). Appointments in the clerical and stenographers' grades have been made in accordance with the communal representation rules. It is proposed to fill the next vacancy in the Assistants' grade by a Muslim, if a suitable candidate is available.

"SPEAKERS' NOTES BY MINISTRY OF INFORMATION" IN BRITAIN AND ALLEGED LIBEL ON INDIA.

334. *Dr. P. N. Banerjee: Will the Honourable the Home Member please state whether the attention of Government has been drawn to the news published in the *Hindustan Times* of the 16th February, 1941, under the heading "India being libelled" in which it is said that certain "Talking:

points on India" were issued in Britain as speakers' notes by the Ministry of Information in connection with the British Empire Publicity campaign, in which phrases occur concerning Indian people's ignorance and religious superstitions and the "difficulty of fitting democracy into indigenous social systems" and further in which it is stated that the army is being recruited only from certain martial races and the difficulty is emphasised of getting Indian officers? If so, will Government be pleased to state what action has been taken in the matter? If none, are Government now prepared to consider the desirability of taking suitable action?

The Honourable Sir Reginald Maxwell: I have seen the Press report and the Honourable Member has no doubt seen the reply given by the Secretary of State to a question in Parliament on this subject. The publication in question has not been seen by the Government of India, but enquiries show that when it came to the notice of the India Office it was found to contain points of detail which were open to criticism. Steps have consequently been taken to have it withdrawn.

Dr. P. N. Banerjee: Did the Government of India move in this matter?

The Honourable Sir Reginald Maxwell: Yes, to the extent of making enquiries.

UNSTARRED QUESTION AND ANSWER.

SAFEGUARDING OF THE INTERESTS OF BRITISH SUBJECTS HAVING BUSINESS IN ENEMY COUNTRIES.

124. Sardar Sant Singh: (a) Will the Honourable the Home Member please state whether Government are spending any sum on the maintenance of the refugees of the nationals of other countries who were left stranded in India on account of occupation of their country by the Germans?

(b) Do Government accord special consideration to exceptional cases while enacting emergency by-laws or issuing ordinances?

(c) What steps the Government of India have taken to safeguard the interests of British subjects carrying on their business in Sudentland, Germany and Italy and other countries, whose business is at a standstill due to international situation?

(d) Are Government aware that one Mr. L. N. Khanna, who had extensive business in Gablonz A/N. Sudentland, Germany, returned to India after the outbreak of hostilities in Europe and ever since that time he has not been able to find any occupation for him and that his wife and his daughter are still in Germany?

(e) What measures have Government taken, or propose to take, to provide Mr. L. N. Khanna with means of livelihood during the war and the repatriation of his wife and daughter?

(f) Will the Honourable Member please lay on the table a statement giving details of the German ladies and children repatriated since the outbreak of war?

The Honourable Sir Reginald Maxwell: (a) No.

(b) Certain emergency war legislation provides a power of exemption designed to meet special cases; but even in the absence of such provision it is generally open to Government to exercise a discretion in enforcing such legislation.

(c) This question should have been addressed to the Honourable Member for Commerce.

(d) and (e). The Honourable Member is referred to the reply which I gave to Bhai Parma Nand's starred question No. 165 on November the 19th, 1940. Since then information has been received that Mrs. Khanna and her daughter have been given permission to leave Germany. Every possible aid is being given to her through the good offices of the British Government and the United States Consular Authorities. The Government of India have no information about Mr. Khanna's means of livelihood in India.

(f) A statement showing particulars of German women and children who have been permitted to leave India since the outbreak of war is laid on the table of the House.

Statement showing particulars of German women and children who have been permitted to leave India since the outbreak of War.

Serial No.	Names of women.	No. of children, if any.	Date of departure.	Port of embarkation.	Name of ship.	Remarks.
1	2	3	4	5	6	7
1	Miss Anna Nussl		7-9-1939	Dhanushkodi.	...	
2	Hildegard Goldschmidt		20-9-1939	Bombay .	S.S. "Stratheden".	
3	Margret Leyser		20-9-1939	Do.	Do.	
4	Edith Neuhardt		20-9-1939	Do.	Do.	
5	Renate Sara Wachtel		20-9-1939	Do.	Do.	
6	Edith Galewski		28-9-1939	Do.	S.S. "Varela".	
7	Countess Donhoff		9-10-1939	Karachi .	S.S. "Elysia".	
8	Countess Silvina Donhoff		9-10-1939	Do.	Do.	
9	Miss Brocher		9-10-1939	Do.	Do.	
10	Miss Soegtig		9-10-1939	Do.	Do.	
11	Miss Buchmuller		9-10-1939	Do.	Do.	
12	Sister O. Strobl		10-10-1939	Bombay .	S.S. "Conte Bianco-mano".	
13	I. Kahn . . . . .	...	30-10-1939	Do.	S.S. "Conte Verde".	
14	Miss Horten . . . . .	...	6-11-1939	Do.	S.S. "Stratheden".	
15	I. Engelmann . . . . .	...	2-12-1939	Do.	S.S. "Conte Verde".	
16	E. M. W. Hellmann . . . . .	...	2-12-1939	Do.	Do.	
17	K. Meinke . . . . .	...	2-12-1939	Do.	Do.	
18	A. Niemitz . . . . .	...	2-12-1939	Do.	Do.	
19	M. Hendricks . . . . .	...	2-12-1939	Do.	Do.	
20	E. Baechle . . . . .	...	2-12-1939	Do.	Do.	
21	Erna Gluecksmann . . . . .	...	16-12-1939	Do.	S.S. "Tongo Maru".	
22	Anna Brodoz . . . . .	...	17-12-1939	(Left for Afghanistan from Allahabad).		
23	G. Blass . . . . .	...	18-12-1939	Bombay .	S. S. "Conte Rosso".	
24	E. Derksen . . . . .	...	18-12-1939	Do.	Do.	
25	I. Dolling . . . . .	...	18-12-1939	Do.	Do.	
26	Ilse Emma Hartung . . . . .	...	18-12-1939	Do.	Do.	
27	M. Messerschmidt . . . . .	...	18-12-1939	Do.	Do.	

Serial No.	Names of women.	No. of children, if any.	Date of departure.	Port of embarkation.	Name of ship.	Remarks.
1	2	3	4	5	6	7
28	Hedwig Maser . . . .	...	18-12-1939	Bombay	S.S. "Conte Rosso".	
29	Susanna Mueller . . . .	...	18-12-1939	Do.	Do.	
30	Anny Helen Elisabeth Reiff . . . .	...	18-12-1939	Do.	Do.	
31	Nadeshda Schneider . . . .	...	18-12-1939	Do.	Do.	
32	Nelly Harriet Treibmann . . . .	...	18-12-1939	Do.	Do.	
33	B. Wessely and child	1	18-12-1939	Do.	Do.	
34	E. Bischoff and son	1	7-1-1940	Do.	S.S. "Conte Bianco-mano".	
35	I. Baumann . . . .	...	7-1-1940	Do.	Do.	
36	U. Dann . . . .	...	7-1-1940	Do.	Do.	
37	E. Dammann . . . .	...	7-1-1940	Do.	Do.	
38	H. M. Kirchner . . . .	...	7-1-1940	Do.	Do.	
39	J. Kopp and child	1	7-1-1940	Do.	Do.	
40	H. Matke . . . .	...	7-1-1940	Do.	Do.	
41	M. Roemer and daughter	1	7-1-1940	Do.	Do.	
42	M. Schumacher and infant	1	7-1-1940	Do.	Do.	
43	E. Schott . . . .	...	7-1-1940	Do.	Do.	
44	E. M. Thomas . . . .	...	7-1-1940	Do.	Do.	
45	E. Vogel . . . .	...	7-1-1940	Do.	Do.	
46	J. Warko and child	1	7-1-1940	Do.	Do.	
47	M. Weingarten . . . .	...	7-1-1940	Do.	Do.	
48	F. Wilhelm . . . .	...	7-1-1940	Do.	Do.	
49	Miss L. Von Pott . . . .	...	7-1-1940	Do.	Do.	
50	Anna Elisabeth Buchholz . . . .	...	6-2-1940	Do.	S.S. "Conte Verde".	
51	Maria Bernhard and infant	1	6-2-1940	Do.	Do.	
52	E. A. Irmgard Burchard . . . .	...	6-2-1940	Do.	Do.	
53	Johanna Lang . . . .	...	6-2-1940	Do.	Do.	
54	Friederike Reiss . . . .	...	6-2-1940	Do.	Do.	
55	Eva Maria Sommer . . . .	...	6-2-1940	Do.	Do.	
56	Elfriede Seuf . . . .	...	6-2-1940	Do.	Do.	
57	Ingeborg Von Engel . . . .	...	6-2-1940	Do.	Do.	
58	Minna Johanna Zimmermann . . . .	...	6-2-1940	Do.	Do.	
59	Helene Viktoria Heerle . . . .	...	6-2-1940	Do.	Do.	
60	Anna Johanna Stodtrucker . . . .	...	6-2-1940	Do.	Do.	
61	Frieda Tittel . . . .	...	6-2-1940	Do.	Do.	
62	Fanny Schneider . . . .	...	7-3-1940	Do.	S.S. "Conte Bianco-mano".	
63	Mrs. Mary Rose Schulse and child	1	21-2-1940	Do.	S.S. "Conte Rosso".	
64	Ilse Freye with two children	2	12-3-1940	Do.	S.S. "Conte Bianco-mano".	
65	Lotte Feucht with child and infant	2	12-3-1940	Do.	Do.	
66	Anna Eleanore Schneider . . . .	...	12-3-1940	Do.	Do.	
67	Auguste Emalie Fritz . . . .	...	12-3-1940	Do.	Do.	

Serial No.	Names of women.	No. of children, if any.	Date of departure.	Part of embarkation.	Name of ship.	Remarks.
1	2	3	4	5	6	7
68	Frida Hermine Stueber . . .	...	12-3-1940	Bombay .	S.S. "Conte Bianco-mano".	
69	Ursula Schneider with <i>infant</i>	1	12-3-1940	Do. .	Do.	
70	Maria Birkenbell with <i>child and infant.</i>	2	12-3-1940	Do. .	Do.	
71	Mathilde Dietrich . . .	...	12-3-1940	Do. .	Do.	
72	Erika Staber with <i>two children</i>	2	12-3-1940	Do. .	Do.	
73	Olga Duckstein with <i>two children.</i>	2	12-3-1940	Do. .	Do.	
74	Therese Urchs . . .	...	12-3-1940	Do.	Do.	
75	Charlotte Dorothea Steche . . .	...	12-3-1940	Do.	Do.	
76	Susanna Zacharias and <i>infant</i>	1	12-3-1940	Do.	Do.	
77	Eva Buclle with <i>child and infant.</i>	2	12-3-1940	Do.	Do.	
78	Mira Hildegard Uber . . .	...	26-3-1940	Do. .	S.S. "Conte Rosso".	
79	Eleanor Frida Ueke and <i>infant Alexander.</i>	1	26-3-1940	Do. .	Do.	
80	Helene Lenz and <i>son Kurt</i> . . .	1	26-3-1940	Do. .	Do.	
81	Helga Komorzynski . . .	...	26-3-1940	Do. .	Do.	
82	Mathilde Daub with <i>child and infant.</i>	2	22-4-1940	Do. .	S.S. "Conte Verde".	
83	Anne Marie Palm . . .	...	22-4-1940	Do.	Do.	
84	Elise Haas with <i>child and infant.</i>	2	22-4-1940	Do.	Do.	
85	Hanny Bier with <i>child</i> . . .	1	22-4-1940	Do.	Do.	
86	Gertrud Johanna Bader with <i>two children.</i>	2	22-4-1940	Do.	Do.	
87	Grete Lore Reichenbacher with <i>infant.</i>	1	22-4-1940	Do.	Do.	
88	Edith Benz with <i>infant</i> . . .	1	22-4-1940	Do. .	Do.	
89	Bertha Margarete Henriette Goerdes.		23-5-1940	Do. .	Do.	
90	Luise Frolich . . .	...	28-5-1940	Do. .	S.S. "Conte Rosso".	
91	Margarete Heldmann . . .	...	28-5-1940	Do. .	Do.	
92	Rosmarie Helene Frida Anna Wagner with <i>two children.</i>	2	28-5-1940	Do. .	Do.	
93	Helene Melzer with <i>two children.</i>	2	28-5-1940	Do.	Do.	
94	Hedwig Martha Freda Kallert.		28-5-1940	Do.	Do.	
95	Gerda Poeschmann . . .	...	28-5-1940	Do.	Do.	
96	Freida Jetti Fischer . . .	...	5-6-1940	Do. .	S.S. "Anyo Maru".	
97	Bertha Berliner . . .	...	21-6-1940	Do. .	S.S. "Ginyo Maru".	
98	Erna Ginsberg . . .	...	26-12-1940	Do. .	S.S. "Anyo Maru".	
99	Maria Scheck . . .	...	26-12-1940	Do. .	Do.	
100	Laura Gerstl . . .	...	26-12-1940	Do. .	Do.	
101	Lotte Alexandrowits . . .	...	28-1-1941	Do. .	S.S. "Kasima Maru".	
102	Ruth Berger . . .	...	28-1-1941	Do.	Do.	
103	Margot Ilse Sara Simon with <i>two daughters.</i>	2	10-2-1941	Do. .	S.D. "Hakone Maru".	

SHORT NOTICE QUESTION AND ANSWER.

TREATMENT METED OUT TO MR. KRISHNA GOPAL GARG OF AJMER IN JAIL.

Qazi Muhammad Ahmad Kasmi: (a) Will the Honourable the Home Member please state whether it is a fact that Mr. Krishna Gopal Garg, a member of the Municipal Board, Ajmer, and a prominent citizen of that place, was, on his conviction, recommended by the trial Court to be placed in "A" class?

(b) Is it a fact that even while his appeal was pending in the Sessions Court, he was given solitary confinement?

(c) Is it a fact that on his return to jail, he was put on a grinding mill or some such labour, which is given to hardy criminals, as a result of which he had a fainting fit?

(d) Have Government considered the advisability of taking steps that such treatment should not be meted out to "A" class prisoners?

The Honourable Sir Reginald Maxwell: (a) The Court made such a recommendation, but the Chief Commissioner, who is the classifying authority, placed him in class "C" on the ground that he had no permanent source of income and had been included in that class on a previous occasion.

(b) He was for some time segregated from the other prisoners as he was fomenting trouble among them. He is not at present segregated nor was he ever given "solitary confinement" in the technical sense of that term.

(c) He was employed on grinding for a few days but is reported to have had an epileptic fit on February 8th, as a result of which he was kept in hospital until February 19th. He has since been employed on light labour.

(d) Does not arise.

Mr. Govind V. Deshmukh: Is it suggested that the Magistrate did not make enquiries concerning the status of the person who is convicted before awarding any class such as "A" or "B" or "C"?

The Honourable Sir Reginald Maxwell: It is for the Magistrate to make the recommendation about classification. It is only a recommendation, but the actual classification is an executive act.

Qazi Muhammad Ahmad Kasmi: Is it not a fact that the Magistrates do make enquiries from the police officers who challan a man about the status of the man in private life and that only after such enquiries that the Magistrates make their recommendations about the classification of the prisoners?

The Honourable Sir Reginald Maxwell: I have already said that the Magistrates make recommendations.

Sir H. P. Mody: May I know whether the awarding of a particular classification for a prisoner depends upon the social status and position of the man or upon the fact that he enjoys or does not enjoy a particular income?

The Honourable Sir Reginald Maxwell: The classification is according to the status and the previous mode of living of the man.

Sir H. P. Mody: What is the meaning of the argument employed by the Honourable the Home Member that as the prisoner was found to have no "permanent source of income", he was put in "C" class in defiance of the recommendation of the Magistrate?

The Honourable Sir Reginald Maxwell: If the man had no regular means of livelihood, he was not likely to have lived a life of luxury and so he was properly placed in "C" class.

Qazi Muhammad Ahmad Kazmi: Have the Government any information that he was put on a grinding mill in jail?

The Honourable Sir Reginald Maxwell: The task to which he was put was that ordinarily given to "C" class prisoners.

Mr. Govind V. Deshmukh: Was it not a fact that a person who was unaccustomed to this sort of heavy work was put on a grinding mill and it was in consequence thereof, he had to be sent to the hospital?

The Honourable Sir Reginald Maxwell: He was sent to the hospital because he had epileptic fit and it was later discovered that he had a family history of insanity.

Lieut.-Colonel Sir Henry Gidney: Was the prisoner suffering from an epileptic or apoplectic fit?

(No answer.)

Qazi Muhammad Ahmad Kazmi: Are Government aware that Mr. Krishna Gopal Garg was a very popular figure in Ajmer amongst all classes and are Government also aware that continuous meetings of protests are being held in Ajmer as to why this gentleman has been treated in such a manner in the jail?

The Honourable Sir Reginald Maxwell: I do not think that question arises.

Mr. Govind V. Deshmukh: The Honourable Member's reply contained a reference to insanity. May I know if that is a fact why this gentleman was not sent to a mental hospital instead of to the ordinary hospital?

Sir H. P. Mody: May I know whether, when Government Members retire, they are supposed to have a permanent source of income?

The Honourable Sir Reginald Maxwell: I can answer the first question put by Mr. Deshmukh: that is, my information is that he had no peripheral neuritis, but he was mentally unbalanced.

Qazi Muhammad Ahmad Kazmi: What action does the Honourable Member propose to take if the information he has got from the officials in Ajmer is proved to be false, as it is bound to be false?

Mr. President (The Honourable Sir Abdur Rahim): Order, order. The Secretary will now read the Message received from the Council of State.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly: Sir, the following Message has been received from the Council of State:

"I am directed to inform you that the Council of State, at its meeting held on the 11th March, 1941, agreed without any amendment to the following Bills which were passed by the Legislative Assembly at its meetings held on the 25th February, the 28th February, the 3rd and the 5th March, 1941, namely:

- (1) A Bill further to amend the Petroleum Act, 1934;
- (2) A Bill to extend certain Acts to Bihar;
- (3) A Bill to provide for the regulation of and the maintenance of discipline in the Assam Rifles; and
- (4) A Bill further to amend the Indian Railways Act, 1890."

THE EXCESS PROFITS TAX (AMENDMENT) BILL.

The Honourable Sir Jeremy Raisman (Finance Member): Sir, I move for leave to introduce a Bill further to amend the Excess Profits Tax Act, 1940.

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

"That leave be granted to introduce a Bill further to amend the Excess Profits Tax Act, 1940."

The motion was adopted.

The Honourable Sir Jeremy Raisman: Sir, I introduce the Bill.

THE INDIAN FINANCE BILL.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume discussion of the Indian Finance Bill.

Dr. Dalal.

Dr. B. D. Dalal (Nominated Non-Official): Sir, on Tuesday evening before the House adjourned I was explaining that in order to secure the association of public opinion in India with the prosecution of the war, Government suggested to form a consultative committee, over which the Viceroy would preside, from representatives of all large political parties of British India and the Indian States. Frequent meetings of such a consultative committee representing many divergent interests must naturally promote the cause of co-operation and thus bridge the gulf of communal bitterness, which is the chief obstacle to Indian constitutional progress. But the working committee of the Congress rejected this offer, and withdrew its ministries from 8 out of 11 self-governing Provinces. His Excellency Lord Linlithgow has ascertained the views of representatives of all the elements that form the Indian political mosaic. The British Government cannot bind themselves to concede to the Congress

what would amount to a monopoly of the representation of Indian political opinion. That would constitute a grave injustice to other important Indian interests, and that would be constitutionally improper. The demand of the Congress that the British Government should stand aside and allow them the sole voice in framing the destinies of India is altogether inadmissible. At the same time the All-India Muslim League no more represents Muslim India than the Congress represents India as a whole. The demands of the All-India Muslim League are also unacceptable. Their acceptance would perpetuate Indian divisions, and would destroy the promising scheme of an All-India Federation. The claims of the Indian Princes cannot be ignored. The Indian States have to be considered in any scheme designed to make India a political and constitutional entity. The British Government only desire that Indian recognition should be given to those special reservations such as Defence and External Affairs, which must remain largely a British concern for some time to come. The British Government cannot possibly accede to the Congress view that they should have no hand whatever in the framing of the final constitution of India, and that this should be left wholly to an Indian constituent assembly. But the history of constituent assemblies does not encourage the opinion that any assembly of the kind is fitted to frame a constitution of India. The mere convening of a constituent assembly could only prove the extent of Indian political disunity. It is a natural and reasonable desire that an Indian constitution should receive an *imprimatur* from Indians themselves. But a free constitution should come into operation by consent, and should provide for government by consent. The success or failure of such a constitution will depend upon a proper appreciation of the lessons of history. In Canada, Australia, South Africa, and even in the United States of America the procedure of constitution-making was the work of only a few practical administrators; while in France, Germany and Russia large popular assemblies took upon themselves the task of drafting constitutions, but they only lived to see their work eventually dissolve. So the proper function of a representative popular assembly is not to do the statesmen's work of drafting the instrument of Government, but to judge of that work when done and to give or withhold the general assent. Therefore the first aim of the actual constitution-makers is to make that general assent possible, and this is pre-eminently the goal of British statesmanship.

Personally I have not the least doubt that the British Government are only too anxious to transfer real power and real authority to Indian political leaders. But the national emergency should transcend all party differences, and the rivals—the Congress and the Muslim League—should agree to a scheme of provisional solution of the Indian constitutional problem by the inclusion of eminent Indians in the Viceroy's Executive Council, by the setting up of responsible all-party Governments in the non-co-operating provinces, and by entrusting the task of framing a constitution of India to a body of practical administrators, who would submit a scheme calculated to enlist the largest possible measure of popular support. Otherwise how can the British Government help to resolve the deadlock? The removal of the difficulties, which have circumscribed constitutional advance, calls for the exercise of tolerance and compromise. His Excellency Lord Linlithgow is ever ready to offer help, guidance, and collaboration. The objective of the British Government's policy has been clearly stated—the purpose now is to open the

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way to its attainment. Suspicions must be allayed; conflicting groups must be encouraged to beget trust towards each other; the majority community can afford, by reason of its numerical supremacy, to be magnanimous to the minorities; the minorities should be able to obtain justice; above all, the realities of Indian conditions should not be ignored, because they justify the British connection. I firmly believe that the removal of the British connection would see India reverting to the chaos which prevailed when British traders first reached the shores of this country. Successful collaboration all round is the surest way for achieving that all-India unity in which British India and the Indian States will associate themselves for the good of their common country.

Mr. J. B. Boyle (Bombay: European): Mr. President, after the thesis of the present political considerations which have been placed before us, perhaps the House will excuse me if I confine myself to a few practical observations on the proposals contained in this Bill.

First of all, I should like to deal very briefly with the position of the Provinces. The position of the Provinces with regard to emergency taxation is bound to be somewhat anomalous. We realise very well that most of the Provinces are faced with considerable financial difficulties. We realise too that they are keen on maintaining and even building up their nation-building services. But at the same time we feel that every anna that is spent and indeed every anna that is saved should be so spent or saved against the background of the war, and we are confident that the Honourable the Finance Member is bearing the position of these Provinces in that respect very closely in mind. One practical issue which arises immediately out of that consideration is the expenses on such services as Air Raid Precautions and the maintenance of the Civic Guards. I have examined the report of the Standing Finance Committee and it is clear that the Provinces are in fact subscribing in part towards the cost of those services; but I would like to know what the general financial policy of the Government of India is in regard to this matter. Is there any fixed allocation as between the Centre and the Provinces in regard to those two services, or is each single item of expenditure dealt with according to its merits? These are questions of considerable importance now, particularly with the war coming closer and closer to India, and I should like to know whether, for instance, it is the Government's policy to encourage the Provinces to meet the cost of these services entirely from their own revenues.

Now, I should like to come to the question of the increased duty on artificial silk yarn and thread. Certain reference has already been made to this, and I have very well before me the fact that in the Bill the Finance Member said that this was a revenue duty imposed for the purposes of assisting the financing of the war. Whether that means that after the war the duty will be removed or not, I suppose nobody could say. But I would like to make the point that since nobody can tell what the position would be after the war the protective duty which I am going to suggest should be regarded by the Finance Member from the same angle as that from which he imposed the revenue duty. I know that the protective duty that exists today was put on in order to assist the cotton textile trade. It was a high rate of duty and it was designed to help the

piece-goods manufacturer in this country. That is perfectly true and under that protection this new industry grew up, the industry of manufacturing art: silk fabric out of imported art: silk yarn; and I quite realise that in this too there is an anomaly and that what the Honourable the Finance Member has done in this Bill tends to reduce that anomaly. But I maintain with all respect that in fact that is a very theoretical consideration of the case. Coming as I do from Bombay, if the cotton textile trade was still anxious to maintain that protection, I for one should not be in a position to say anything; but Honourable Members will have seen in the press the representation that was made by the Bombay Millowners Association to the Government of India on this matter, in which they urged that a protective duty should be placed upon the import of art: silk fabric. That would appear to imply that the cotton textile trade themselves are not so interested as they were previously in this matter, that they feel that they can stand on their own legs, and that they are in fact really anxious to see this protective duty raised. That, I think, to a very great extent deals with the suggested anomaly that the Finance Member has in mind. Now, the Government are probably aware that there are in the neighbourhood of 6,000 looms, some power driven and some hand driven, in the country and situated in different parts of the country, and that a rough estimate of the number of people employed is about 25,000. I have no calculation of the number of their dependents, but this would probably mean that about 1,00,000 people were depending upon this industry. It is quite new and it is quite small. There has already been a movement to induce that industry to move into Indian States. In fact there has not only been a move, but some looms have already been moved. The considerations which encourage transfer in the Indian States are of course well-known, and it is true that they apply to any form of industry—that is to say, there is no income-tax and no super-tax. These apply to all industries, it is perfectly true, but in regard to this industry and, in particular, in regard to maritime States there are clearly certain other considerations which those who are asked to move would certainly bear in mind and which would encourage them to undertake this move. There is another point. Most of the looms that are working today are not in premises owned by the worker. That is to say, they are in hired premises and so the difficulty of moving is very considerably reduced—they merely give notice of the termination of the lease of the building and the plant, which is quite light, can easily be moved. For these considerations, I would urge the Finance Member to appreciate that far from receiving the additional 85 lakhs, which I think is the figure that he estimated he would get from this extra duty, he is far more likely to lose what revenue he is at present getting, and of course with that the income-tax and super-tax that arises from it.

There is another point too, and that is from the more commercial side. Honourable Members are probably aware that there is a plan—indeed it is more than a plan, it is a plan that will very shortly be reaching maturity, we hope, for the manufacture of the actual art: silk yarn in this country. Now, that is an industry which will, I think, undoubtedly prove a gold mine to the country and the Government of India have already shown their interest in that by giving a subsidy designed to hurry on the research work that is necessary to produce this yarn. If all the looms have already been moved into Indian States, who is going to get the advantage out of this new industry? Clearly not British India, but again the Indian States. Nobody is going to start the manufacture of

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the yarn in British India when all the product of that factory will then have to be transported to an Indian State for the purpose of weaving it on the looms that will have been established there. I would ask very strongly, therefore, that the Finance Member will consider whether a protective duty is not desirable on art: silk fabric imported into this country; and I ask him to bear in mind the fact that it has already been reported to us that there is already a variation in the price of Japanese goods. I have already brought to his attention the question of the position after the war and I do not think I need say any more about it at this stage.

Now, I move on very briefly to the duty on pneumatic tyres and tubes. I have only a small point to make here and that relates to the tyres that are used on animal-drawn vehicles. Everybody who uses the roads knows that the greatest damage to the roads is done by what are commonly called bullock carts: the ordinary solid-wheeled bullock cart cuts up the road in a way in one year that ten years of use by a motor car will not do; and I ask from that point of view and from the point of view of the wretched animals which pull these very over-loaded carts with solid wheels to bear in mind the advantages of doing everything possible to ensure the use of pneumatic tyres on animal-drawn vehicles. In regard to this particular duty I would also ask the Finance Member to bear in mind the position that may well overcome this industry as a whole after the war. It is true that there is a great deal of justification for this imposition and certainly I am not complaining in regard to what is being done today, but I do urge him to look ahead too and to make sure that after the war other countries whose tyre industries are now booming for war purposes are not allowed to dump into this country in direct competition with the local industry.

Finally, Sir, a very small point in regard to matches. I think I can safely speak for the industry itself when I say that not only were they aware but that they are quite prepared to welcome this increase in excise. They realise that it is a very easy and suitable means of raising revenue at a difficult time. In fact if it is imposed in the way that it has been imposed, the price fixation would still be easy, but there is no doubt at all that the actual retailer of matches has been profiteering very considerably. He was profiteering even before. On the assumption that an excise duty would be imposed the price went up considerably before the Honourable the Finance Member's speech. I appreciate the difficulties that were raised in regard to this question of price control which was referred to by my friend, Mr. Chapman-Mortimer, but I do urge that some steps should be taken to ensure that this duty which falls on the poorer classes should not be allowed to be the subject of profiteering. That is all I have to say on the actual provisions of the Bill.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I had no opportunity to speak at the time of the discussion of the Budget.

Some Honourable Members: It is a pity.

Mr. Lalchand Navalrai: The question of congratulations or no congratulations would have arisen then. We are now at a stage when we have to consider the Finance Bill, and what the Finance Bill requires is a demand

for supplies. The stage for disputing expenditure is past. We have actually passed the Budget. Whether it has been passed on its merits or on account of the absence of Members of the majority Party in this House is a question which need not be laboured here. However, the Budget has been passed anyhow. Therefore, it is necessary for us to consider at this stage the question with regard to the supplies very critically. So far the Honourable the Finance Member has shown a deficit of 8.42 crores this year and his estimated deficit for the year 1941-42 is 20.46 crores. On that point there could be no exchange of greetings between us. Such a huge and depressing budget will entitle no man to come forward and congratulate the framer of such a budget. I submit he would be a bold man, a very bold man indeed, who would feel happy with such a budget; he would also be a very bold man if he does not feel unhappy when the Finance Member comes forward and imposes a taxation for meeting the deficit Budget. Therefore, this is no occasion for offering congratulations. One thing can be recognised that the Honourable the Finance Member had a very onerous and difficult task before him. He has tried to get over it, but I submit that on that account he is entitled only to sympathy and nothing more.

The Honourable Sir Jeremy Raisman (Finance Member): Thank you.

Mr. Lalchand Navalrai: Then the next thing for which I wish to express my thanks to him is for the little boon that he has conferred upon Karachi. I am very thankful to him for having provided funds for establishing a Radio Station at Karachi. I am also thankful to the Honourable the Communications Member for having initiated the proposal and obtained the grant. Karachi's demand, Sir, was imminent and irresistible, though it was postponed from time to time and we were kept on hopes. We have got, as I said, only a little boon. What has been granted to Karachi, which is coming to prominence politically, commercially and in all other respects, is really a small boon, because what was asked for Karachi was a full-fledged Radio Station with long range transmission, but I find from the Standing Finance Committee's Report that only a small transmitter is being given to Karachi. . . .

An Honourable Member: Small people.

Mr. Lalchand Navalrai: No, we are big people, and we are getting bigger, and Karachi has come into very great prominence during the past few years in the eyes of the whole world owing to the manner in which the present constitution is working there. The Report of the Standing Finance Committee says that the Transmitter will be useful for Karachi only. Such a thing cannot be called a Radio Station. If the Radio Transmitter now proposed to be installed at Karachi is to reach the city of Karachi only, it cannot be called a Radio Station. What is required is that the Transmitter should be able to reach the rural parts of Sind; the range of transmission should be such as to reach the rural parts of Sind. I take it, Sir, that this is only a beginning, and I shall not, therefore, look into the mouth of the gifted horse, but it is absolutely necessary that Karachi should have a Radio Station which should be able to transmit to every nook and corner of Sind, and I hope that the Government will take the earliest opportunity to import a larger set for Sind.

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Further, Sir, I suggest that the staff for this Radio Station should be recruited from Sind and the station should be worked on a linguistic basis. In this connection I should like to point out one thing. I have some information that there was a small transmitter which perhaps was sent from place to place where perhaps it was rejected or it was found to be not quite up to the requirements of those places, and, therefore, it has been given to Karachi.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): The United Provinces Government sold it.

Mr. Lalchand Navalrai: Because it was unserviceable? Anyway, I don't want to go into that question at present, but I am hoping, as we have been kept on hopes from time to time, that a bigger Transmitter would soon be supplied to meet the growing needs of Sind. I am thankful for the small beginning that has now been made, and I hope that a larger transmitter will soon be granted to my province.

Now, Sir, I come to the question of the ways and means of meeting the deficit shown by the Finance Member. This Budget would have met with formidable opposition if the Congress Members had been present in the House, and it would have been little wonder even if the whole of the Finance Bill had been thrown out. From 45 crores in 1938-39 the defence expenditure has risen to 84 crores. The question is, if India should bear this burden. Sir, Indians have no hand in spending all this money, for the matter of fact, Indians were not even consulted when the war was started. The Defence Department is, in my opinion, too sacred, or we may call it, too untouchable. There is no popular control over the expenditure and there is nothing to show that the additional expenditure is being incurred directly for the defence of India and for the protection of Indian interests. There is nothing to show how much is being debited to the British exchequer and how much they have agreed to pay. India would like to know how the expenditure is being allocated and whether any overhead charges are being debited to Britain. This matter of allocation of charges gave considerable trouble at the end of the last war and the matter was after a very very long delay decided by a tribunal, but whether the decision was satisfactory to both the parties need not be gone into at present. The same difficulty may arise now and it must be clearly shown now what is debitable to each party and India should bear only that which is strictly for the protection of India. There is nothing laid before us with regard to the Defence Department as to how these expenses have arisen and which factories are actually working for the sole purpose of the protection of India and which are working in the interests of Britain. Sir, these are points that should be made clear, and we are not satisfied with a few pages of a skeleton pamphlet that were placed before us with the Budget the other day.

I now propose to go into the question of the removal of the deadlock. I must tell the House that I shall not enter into any controversy, I will not deprecate any party and I will not say anything that will be considered in any way distasteful, but I will give a few facts and then place my suggestions.

No one can deny that the question of this deadlock is one which must, in the interests of both parties, be removed without any further delay. It

cannot but be recognised that the present stalemate in the political situation is deplorable and is detrimental at this moment to Britain more than to India. It is clearly in the interests of the British Government to mobilise Indian goodwill and thus secure the whole-hearted and complete co-operation of the Indian people in bringing the war to a victorious end, instead of relying in the intoxication of their invincible power and adopting the present method of securing men and material from the people of India. The British Government are to be blamed for their persistent attitude of holding to their own and not yielding to the country's legitimate demands. In this connection, it is noteworthy to refer to what the President of the Indian Liberal Federation, Sir Chimanlal Setalvad, said at a public meeting in Bombay held on the 18th February, 1941. He deplored the unimaginative and distrusting attitude of the British Government and said that the British Government's offers to India from time to time had been halting and not such as to capture the imagination of the people of India. I submit it is regrettable that the Secretary of State for India, Mr. Amery, should have recently harped on his August offer and refused to budge an inch. (Interruption.) If anybody wants to ask me a question I shall answer it. These are facts which cannot be denied. This is not an information culled from a paper, but this has been disclosed in the very House of Parliament itself. On 6th February last, referring to that August offer Mr. Cary asked the Secretary of State in the House of Commons, "If it is to be accepted as the Government policy that not until the Indian leaders arrive at an agreement among themselves is any forward step to be taken for constitutional reform". Further he asked if that form of agreement must have the approval of His Majesty's Government. Mr. Amery replied—and this is a reply which cannot appeal to any one:

"I do not think I can do more than refer Mr. Cary to the statement of policy by Government of the 8th August and November 20th, 1940". Mr. Cary further enquired: "Is India to continue indefinitely in the present political status? Surely, India deserves a more positive policy".

That is how the members of Parliament have been looking upon the Indian question, and I think every sensible man will also do the same. The reply was "No". Is not that reply disappointing and is it not one that should not come from him? "The policy that I referred to is a very positive policy marking a very great advance." Is it accepted here by any one that it is a great advance? With such answers as these, no one can relieve the Secretary of State from the responsibility for the present political deadlock. I lay the responsibility at his door and I am sure many will be of my opinion. To be dogmatic is neither democratic nor statesmanlike. Any delay in removing the present impasse is suicidal to the interests of the British, no one can deny that. The demands of the political leaders in India have been clearly expressed. Putting it broadly, the country wants full self-government status and in the meantime national Government responsible to the elected Central Assembly. Each party has put forward its own views. Without being too exact, one can put it down that the Congress wants a declaration that India will have independence after the war, and national Government now responsible to all the elected elements in the Central Legislature. Taking next the Muslim League, Mr. Jinnah, its President, wrote in his letter to the Viceroy that the Muslim League should be consulted with regard to the total number of the expanded Council and the redistribution of the portfolios and allotting a certain number of seats

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to ensure real power for the Muslim League in partnership with the British Government as a price for full co-operation in the war effort. I am speaking subject to correction, if there is any correction I will be ready to accept it. He also asked to be informed how the position of relative strength of the Muslim members would be affected in case the Congress ultimately decided to join. The Congress leaders were, it is understood, anxious to come to an understanding with the Muslim League:

An Honourable Member: Who says that?

Mr. Lalchand Navalrai: That is the information I have got. (Interruptions). I am open to conviction and I would stand any interruption. Let me put the whole thing and then you can come forward with your own case. Mr. Jinnah did not attempt anything of the kind and he is said to have declined to give any straight answer until the League is recognised as the sole representative authority to speak on behalf of the entire Muslim community. This the Congress did not agree to. Mr. Jinnah, so far as I have been told, then raised the Pakistan issue at the Muslim League session of March last. Since then the Congress had had to give up all efforts to come to an understanding with Mr. Jinnah or the Muslim League. Mr. Jinnah's claim that the Muslim League should be accepted as the sole representative of the entire Muslim community has been repudiated by many elements and other parties of the Muslim community itself such as the Jamiat-ul-ulema-i-Hind, the Ahrars, several Shia leaders and Momins. At the Muslim Azad Conference held last summer, all the Muslim Nationalists repudiated the demand and actually supported the Congress demand for a constituent assembly. (Interruptions from the Muslim League Benches.) If you cannot follow me, who asks you to follow? I will go on in spite of your interruptions. You may rest assured.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member should not be interrupted.

Mr. Lalchand Navalrai: The leader of the Liberals, Sir Chimanlal Setalvad, in a public meeting in Bombay has said that the Muslim League was drifting into an extreme position by its Pakistan demand. This is not my own statement. Any partition of India as asked for by the League would not only be against the best interests of the country, but would also be suicidal to the Muslims themselves. Sir, I now come to the demand of the Liberals. It may be said that they want a definite promise of dominion status. (Interruptions from the Muslim League Benches.) I am not now attacking you. Be a little cool. It may be said that they want a definite promise of dominion status within a specified date such as one year after the war, a definite assurance that the minority community will not be allowed to obstruct or veto political progress and an assurance that the country will not be divided into Hindu and Muslim India, as suggested by the Muslim League.

The Hindu Mahasabha practically asked the same as Liberals, but with a threat of direct action in case their demands were not met by the end of March. The All-India Hindu League urges upon the Government to proceed forthwith with the formation of an expanded Council consisting purely of non-official Indians representing important elements in the

national life of the country and place at least one of them in charge of the Defence Department. It asks the British Government to approach the Indian people in a right spirit and persuade them to share and shoulder with the people of United Kingdom, the responsibility of fighting the Totalitarian forces, not merely for the establishment of democracy in Poland and other European countries but for the establishment at the end of the war of a representative government in India invested with the same powers and privileges as the self-governing colonies of Canada, South Africa or the Australian Commonwealth.

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): These are not colonies.

Mr. Lalchand Navalrai: I am open to correction. I will call them Dominions. I must take you as an authority.

Sir Syed Raza Ali: I suppose I am.

Mr. Lalchand Navalrai: You are, certainly. Then, the Working Committee of the All-India Aryan Political Congress has also urged, by a Resolution, upon the Government to make a definite declaration immediately that Dominion Status will positively be granted to India within a year after the termination of the European war.

These are the demands that have been put forward by the several parties. I am just giving my own suggestion as to what should be done. But when the British Government have solemnly declared their firm and unalterable resolve to concede freedom and equality of status to India, why then make this solemn declaration dependent upon the agreement between the Congress and the Muslim League, which have drifted so wide apart? If the British Government is sincere in its resolve, it should, instead of waiting for a reconciliation between the differing demands, go to the people, whom these and other political bodies prefer to represent and get their mandate as to the future constitution of the country and the time limit for its inauguration, as well as the interim system of Government. Thus, instead of wooing any party, the British Government will ascertain the will of the people as a whole and as to the reasonable safeguards for the minority community. It should not be beyond the wits of Government to devise a suitable machinery for obtaining a verdict of the people through elected men who shall command the confidence of the country. The Government will by this method be able to test the representative capacity of political organisations which claim to be the custodians of the conscience of the community or country and at the same time to give an unmistakable proof of the British Government's sincerity and love of freedom to the country and the world, thereby raising their moral prestige beyond all calculations in laying the foundations of a true and lasting friendship on the basis of equality between both the British and Indian countries.

An Honourable Member on the Muslim League Benches: Who wrote that for you?

Mr. Lalchand Navalrai: Do you think that I could not have made these suggestions of my own?

An Honourable Member: This is a written speech.

Mr. Lalchand Navalrai: On this subject it is very necessary to make a written speech and even the Honourable Member himself was reading from a written speech the other day, and I do not know why these interruptions are made. These are not graceful interruptions at all. Because it does not suit any Member that such points are raised, he should not make any interruptions.

Anyway, I think it might be a wrong mathematical calculation of Sir Ziauddin Ahmad and I would excuse him on that account. Sir, I have put forward my own view and my own suggestions; it should not hurt any other Party; the sum-total of what I am asking is that the British Government should neither be persistent in standing still and only being spectators, to see how far parties are drifting here, or how conferences are being made or what expressions are being used; they must take courage in both hands and come forward and find out how to end this deadlock. Now, Sir, a conference is at present sitting at Bombay and that conference is also considering this question but all these are suggestions that have been made and, as I said, it will not be beyond the wits of the British Government to soon find out some way or other to end this deadlock; otherwise we say that half-hearted, or, it may be said, even forced help is being given for the purposes of the present war. If India is to be satisfied, and at this critical moment it is very necessary that it should be decided at once; it is only then that it could be claimed and everybody would say that it is the willing help that India is giving for the war. Sir, I won't go into this question any more. Now, Sir, reverting to the question of taxation

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): May I interrupt the Honourable Member? When he has quoted me and referred to me, I cannot sit here quiet, but I must assert in this House and this should go on the record that he is quoting me entirely incorrectly; he has completely misrepresented me when he has quoted me, and the Party that I lead.

Mr. Lalchand Navalrai: I said, Sir, while I was speaking, that I was open to correction and that I would be very glad that, when the Honourable Mr. Jinnah has come forward to enter his own protest against this, it would be in the fitness of things for him to come out and say what he actually has said.

Mr. M. A. Jinnah: But I do not want to repeat what I have said; what I have said is on record; only, you have misquoted it entirely incorrectly.

Mr. Lalchand Navalrai: I will not say that I won't take what the Honourable Member says, but until and unless that written speech of his is placed before the House, his simply saying that "I have not said this" would not satisfy any Honourable Member.

Mr. M. A. Jinnah: The Honourable Member, Sir, has not quoted from any of my speeches.

Mr. President (The Honourable Sir Abdur Rahim): The Chair thought he was quoting from the Honourable Member's speech?

Mr. M. A. Jinnah: No, Sir; he has given his own version which is entirely wrong.

Mr. Lalchand Navalrai: It is not my version; I have been referring to a letter written to the Viceroy.

Mr. M. A. Jinnah: Will you kindly read that letter?

Mr. Lalchand Navalrai: Let us see if you have any other side; otherwise I will say that you are not able to contradict it. I will leave this question because I also knew that some controversy will enter into this discussion, but then the point is that now I have finished it and I have come to the other point,—and I think that is a point in which on the contrary I shall have the support of the Muslim League

Mr. M. A. Jinnah: In fairness to the House, you should read that letter.

Mr. Lalchand Navalrai: Sir, the letter was not written by me, nor received by me, and the meaning should be made clear either by the writer or the receiver of the letter. My point is what I read in the papers; I did not go up to Mr. Jinnah to show me the letter, which he would not have shown me. Then I say, Sir, that if the Honourable Mr. Jinnah is satisfied with only saying "no, what you say is incorrect", or that that was not contained in the letter, the burden is on him to show. (Interruptions.)

Coming to the question of taxation, in my opinion taxation is generally raised to meet the cost of administration and to meet the expenditure on nation-building purposes. Extraordinary expenditure must be met by extraordinary ways and means. War expenditure is an extraordinary expenditure, and it may be so much, and it may grow still so much more, that no taxation can cope with it. The Indian Government enjoys much credit, and all the war expenditure should be raised by borrowing and such other means. That will be only a just and equitable way of meeting the demand. The present generation should not be squeezed out of all proportion but the debts so incurred should be distributed so that the present generation and also the next should shoulder the burden. Sir, I certainly shall have no objection if the taxation is raised from those who want the Government to impose or increase the taxation. The Indian representatives are against any more taxation; so are the Nationalist Party of this House and also our Muslim League Party on this side of the House.

Mr. Muhammad Nauman: You are also a Muslim League member?

Mr. Lalchand Navalrai: Well, you are my brethren—how can I forget the Muslims unless they want to go back to Baluchistan and the frontiers? (Interruptions.)

Mr. President (The Honourable Sir Abdur Rahim): Let the Honourable Member go on.

Mr. Lalchand Navalrai: Sir, the people have no taxable capacity to pay more taxes. The European Group want the imposition of additional

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taxation. Anyway I do not see any objection coming from that side; on the contrary, they were talking as if they wanted to give a mandate to the Finance Member to impose taxation for war purposes. They no doubt have a large taxable capacity to pay increased taxes, and let them come forward at this critical moment to help India in the matter of its protection. It might be said that that would be discrimination, but why should not that be? They not only live on Indian money, but they have become too rich and fat (interruption)—of course you, Mr. Boyle, are tall and slim; they have virtually the whole commercial and industrial monopoly—I do not think they will deny that. They have large Banks, shipping concerns, shipping interests, monopoly in jute and several other commodities and concerns, and even the Indian merchants do their business through them. I am told that there are certain concerns in the United Kingdom who refuse to export materials to Indians unless the orders are placed through the European firms in India. I am supported in this from this side and they say it is so. Is not that condition, therefore, deplorable for India and now you are proposing that the Indians should also be taxed? Why don't you tax Europeans only because the profits which they have made have been made either through the Indian trade or their own trade from India? It would, therefore, be in the fitness of things to levy an additional tax on these European commercial concerns.

Then, the Honourable the Finance Member wants to realise 6.61 crores by additional taxation. On this point, I have been asked by the Indian commercial community of Karachi to refer to their views and also to refer to the Resolutions which they have passed. The Buyers and Shippers Chamber of Karachi says:

"The defence expenditure of the Government of India has piled up due to the war from 45 crores in 1938-39 to 84 crores, as proposed, in 1941-42. We emphasise the need for a fair and just allocation of expenditure between India and the United Kingdom and are of opinion that a major portion of it should be borne by the latter country. (I referred to this point a little while ago and I fully endorse it.)"

The Chamber further goes on to say:

"Government cannot expect the people to shoulder the burden of India's defence expenditure unless their representatives are placed in charge of the Defence portfolio, all important positions are held by the Indians and the proportion of the Indian officers in the army, navy and air force is substantially increased. The Committee deploras the further additional taxation amounting to Rs. 6.61 crores and is of opinion that the taxable capacity of the country has long been over-reached."

This is the opinion of the Indian merchants. In conclusion they have urged upon the Government to cease the imposition of taxation to meet defence expenditure and express the opinion that recourse should be had to other methods such as borrowing. I tell the Honourable the Finance Member that by means of this 6.61 crores he is not going to balance the Budget at all. He has already said that he shall have to raise 13 crores and more by loans and borrowings. If that is so, why should he trouble and harass the people of India and increase the income-tax which is already too much for the people to pay. I am not in favour of raising even the excess profits tax to the extent to which the Honourable the Finance Member wishes to raise it because in my humble opinion it will affect the growth of industries. I would, therefore, submit that the Honourable the Finance Member would be well advised if he does not charge this additional income-tax and other taxes to which I will refer presently.

Next, I come to the question of the duty on matches. With regard to this tax, I would like to restrict myself to the case of the cottage industries

Mr. President (The Honourable Sir Abdur Rahim): Today being Friday, the House has got to rise now.

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

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

Mr. Lalchand Navalrai: Sir, in continuing the discussion on the excise duty on matches, I wish to submit that this duty will operate harshly upon the cottage industries. In 1934 a duty was imposed on this industry and the excise duty was one rupee per gross matches containing 40 sticks each. It was Rs. 1-8-0 for 60 sticks, it was Rs. 2 for 80 sticks and so on. Even at the time when this excise duty was imposed, representations were made to the Honourable the Finance Member that the duty was three times the cost price of the goods. Now, Sir, it has again been doubled. The danger is that these small factories will get annihilated. These small factories are doing useful work, they are maintaining a large number of labourers and other employees and if they cannot carry on, they will have to close down the factories and the unemployment will very much remain in the country and it will rather increase. It is, therefore, necessary for the Honourable the Finance Member to consider that this duty should not be imposed. If this duty is removed, it will encourage and help the industries in India which we want to see established in India. The Government also recognised in 1934 that if this duty was imposed, it will affect the cottage industries which will be unable to compete with big industries. The Government, therefore, came to their help and provided a rebate and that was fixed at ten pies per gross of 40 sticks for matches manufactured by factories. This ten pies per gross works out to ten pies per rupee. Therefore, I am submitting that if the duty is to be retained anyhow and also to the extent of doubling the duty, then in fairness and equity, double rebate should also be given. That will save the cottage industries to some extent. It is from that point of view that I am urging that these representations which have been made have been based on materials and on facts which do really show that if no help is given to the cottage industries, they will come to a standstill.

Another thing with regard to this duty is that which has been urged by many Honourable Members of the House and that is with regard to controlling the prices. The Honourable the Finance Member knows that even before this tax was proposed, even before the budget time, the manufacturers and the retail sellers raised the price to double what it was before. I think they are now charging two pice per box and now they will be increasing still further. It is, therefore, necessary to take early steps to control the price of matches.

Now, Sir, connected with this is the question of industries in India. India's vital and imminent need of the day is the creation of industries and helping them to grow up. In this, I am sorry to say that the Government

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have failed. India, at one time was self-sufficient in industries even though that was not the age of machinery. It was an age when industries were worked only with man power. But even in those days, India was self-sufficient in all respects. Since then those industries got annihilated. I will not go into the question why they came to a stand-still. One can realise that if instead of man power, machine power is used, it will turn out the cottage industries and they cannot compete with machine power. Now, at present we find that everything is machine made and from that point of view it is the duty of the Government to see that the industries are enlarged or in the first place the industries are established. Now, Sir, there are not many industries in India. And India requires industry of every kind and why should not India be self-contained in that direction? Before the last great war there were no industries worth the name and there were insistent demands made in this House and outside that Government should give help and encouragement in starting them, but nothing was done. There was of course the European interest and there was exploitation which had to be protected by Government because after all the European commercial community is a powerful body. But although it was the duty of Government to establish industries and help them to grow, we are not able even now to make many parts of machineries needed for industries and have to send for them from outside. During the great war, however, some steps were taken because it was necessary that weapons and other things required for the war should be made here, and so some industries were established and railway workshops undertook this work. But after the war we found that the railway workshops again began to do their own work and these other industries did not exist. Now we are told that many workshops and industries have been started and the Defence Secretary made an offer to us the other day to go and see them.

Mr. O. M. G. Ogilvie (Defence Secretary): I repeat it, Sir.

Mr. Lalchand Navalrai: I am thankful to the Honourable Member and I must give him a tribute, because, even with regard to that untouchable department of Defence, we have very often got information which was not so evasive as we get from other Departments. However, I do not deny that there are factories and workshops which are working now. But my point is that you should do still more; and what I want to urge is that these things should not be done only for the purpose of this war but they should be done permanently so that they may be useful during peace time also. Advantage should be taken of the present situation and the industries which are being started for the purposes of the war should be established in such a manner as to continue even afterwards. Even in the case of private industries, if any subsidies have to be given or if you find that they can stand fair competition without any subsidies but they require some help from Government, that help should be given freely and liberally.

I next come to the poor man's income-tax. Sir, this income-tax, as everybody knows, was at first imposed as an emergency measure and assurances were then given that it will not be a permanent tax and after the end of the emergency it would not be levied. But then what happened: It has become permanent, not only in the shape and form in which it was first started but from time to time it has been increased and its incidence

has been changed again and again. Its first incidence was two pies per rupee, then it was raised to four pies per rupee and later on when this slab system came in, instead of the step system, it was increased again. No doubt an income of Rs. 2,000 is not assessable, but what do we find? The first Rs. 1,500 are exempted and no charge is made, but subsequently if it is only Rs. 501, the incidence is nine pies

The Honourable Sir Jeremy Raisman: Does the Honourable Member realise that the tax in the case he has given is less than one rupee?

Mr. Lalchand Navalrai: What I am submitting is that the income-tax is now being raised in the form of a surcharge from 25 per cent to 38-1/3 per cent. I have quoted the opinion of the commercial communities and it is very clear that the taxable capacity of the people has been reached. Therefore, I would request the Honourable the Finance Member to think over that suggestion: the small amount he will be getting from this he can take very well by borrowing. After all if you are going to borrow 18 crores, a crore or so in addition will not break the bones of any lender who lends you that money. These are days of lease and lend; and I think the Government of India also, since they enjoy great credit, should follow the example of lease and lend and make money that way rather than by putting a burden on people who cannot bear it. Of course, the Honourable the Finance Member will not see our point at all. He has made up his mind and he knows also our capacity on this side to oppose him. We are saying all this only in order to persuade him and if he agrees, he will be getting the blessings at least of those poor men. It is not that the people can pay this money: but your rules and regulations are so hard and rigid for recovering it anyhow, we know how your Income-tax Officers deal with people. The officers sitting in the Central Board of Revenue will say, even when these matters reach them, that the lower officers have done they will not interfere and the matter is finished: that is their stereotyped reply. The Income-tax Officers use a good deal of coercion and take down statements by force and cajolery, and tell people that if this is not done they will charge much more. They are armed with the power of prosecution, and many prosecutions are being made. Therefore, so far as income-tax is concerned, it is this House that should see that it is put on to such an extent that it can be easily paid.

I do not find the Honourable the Commerce Member in the House, but I have one matter which I will place before the House. I have got representations from Karachi with regard to the difficulties over export of wool. India has a great market for wool in America. The present policy of allowing only a small quota to be directly exported to America is detrimental to the interests of the wool merchants here. The Meek-Gregory Report discloses that the United States is a fairly large buyer of Indian wool, and at the beginning of the war the introduction of wool control and consequent restrictions brought many complaints from the carpet manufacturers there. This position seems to have improved somewhat, but the carpet mills are still short of supplies of Indian wool and are anxious to purchase from India to the maximum possible extent. The second feature of this trade is that the United Kingdom has controlled the prices of wool when exported to the United Kingdom at Liverpool. There again the middleman has a share of prices and that reduces the prices of the wool in India. The prices fixed are unreasonable, unremunerative, affording a poor margin to the already hard-pressed growers. The third feature of the question is that the British

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government is the sole buyer of New Zealand wool for the duration of the war, leaving a substantial margin to the sellers there. A similar advantage is given to the sellers of wool in Australia when they export to the United Kingdom. The consequence of all this is dumping wool in India and that is the complaint that I have received from Karachi which besides affecting the Indian trade has hit the grower hard.

Now, I come to the question of the Defence of India Act. The Honourable the Home Member is also not in his place now, but this will surely reach him. But the Defence Secretary is there. I am concerned with how the Defence of India Act is being enforced. I know that I was a party also to it; there is no doubt about it

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa : Muhammadan): Willing or unwilling party?

Mr. Lalchand Navalrai: I am just explaining it. The provisions were so very drastic that the Parties on this side opposed it very strongly; but there was no help for it. When you introduce anything like war and say: "Do you want us to win the war or not" and such like questions, one can find no help. This Act has been enacted in a manner that its provisions are drastic and harsh. But then an assurance was given that it will be worked well but it was this morning that in reply to the supplementary questions put by my friend, Mr. Kazmi, that the Home Member said it was a matter which was left entirely to Local Governments. Well, did we bargain for that? On the contrary, we wanted that rules should be made by the Government of India, and that if those rules were not properly applied or used by the Provincial Governments, it was the duty of the Government of India to bring pressure to bear on the Provincial Governments to see that those rules were properly administered so that there be no abuse of those rules. I understood the Honourable the Home Member to say that they have framed one set of uniform rules for all provinces. That shows that the Government of India must have framed those rules for the use of the Provincial Governments. It is, therefore, the duty of the Government of India to see that those rules are properly administered by the Local Governments. They have the power to do so under the power of superintendence which is inherent in them, in fact it is their duty to see that those rules are not abused. Whenever any complaints are brought to the notice of this House regarding the application of those rules in the provinces, it is the duty of the Honourable Member to go minutely into those complaints and remove all causes of grievance. But every time a complaint is made to him, he gives his stereotyped reply that it is a matter for the Provincial Government and the Government of India have nothing to do with it. I hope I shall not receive such replies hereafter, but that the Honourable the Home Member will see that these rules are fairly administered in the provinces. Sir, two instances were brought to the notice of this House by means of questions, and there was also some discussion over one of these.

One instance related to the arrest of Professor N. G. Ranga, a Member of this Assembly, under the Defence of India Act, because soon after his release after the expiry of his term of imprisonment, he was again arrested and was not allowed to attend the Assembly Session. When this question was raised, the Honourable the Home Member said that it was a matter for the Provincial Government and this Government had nothing to do

with it. Is not saving the liberty of the Members of this House in the hands of the Honourable the Home Member? If it is not so, then in whose hands is it? It was stated that Professor Ranga was on his way to Delhi to attend the Assembly Session. He was not coming here on any private business. He was coming here in response to a summons from His Excellency the Viceroy to attend the Assembly, and if there was anything seriously wrong which led to his re-arrest and confinement so as to prevent him from attending the Assembly Session, we should have been informed of it,—we should have been informed of those reasons. Anyway, he was not allowed to attend the Session of this House. Even in ordinary cases when a summons is issued by a court to a person and he attends the court, he cannot be arrested as long as he is on his way to the court, and only after he leaves the court premises he can be arrested or dealt with. That provision of the law ought to apply to any Member of the Assembly who comes to attend the Assembly Session.

Then, Sir, the other case was mentioned by my friend, Sardar Saut Singh. I do not know the actual facts of the case, but the information I have is this. A doctor was arrested on the ground that he had sold a controlled article at a certain price, which probably he should not have done. Subsequently they found that the offence for which the doctor was arrested, namely, the sale of a controlled article for a certain price, was no offence at all, as it was not a controlled article. But then what did they do? They got him prosecuted anyhow,—and that was very vindictive,—he was prosecuted for cheating,—but the court acquitted him. Sir, if things like this happen, in the name of the Defence of India Act, it is really a great danger. The Defence of India Act was framed with the sole object to see that there was no obstruction in any manner in the prosecution of the war, and so within those limits it should be administered.

Lastly, Sir, I come to the grievances of the employees of the Posts and Telegraphs Department. The Director General of Posts and Telegraphs seems to have changed his mentality, after he has got his extension, in his dealings with his subordinates. Sir, I will not take much time and so I will come to the point at once. He has adopted a policy now which verges on miserliness. Whenever he has to deal with a question affecting the interests of his subordinates, he adopts an attitude of miserliness and looks at everything from the point of view of unremunerativeness. He does not look to the convenience or welfare of those people who require something to be done. In that connection the Director General has said something in his annual report on the working of the Post and Telegraph Department for 1939-40. I take this from the Telegraph Review, and this is what is stated here:

"In presenting the annual report on the working of the post and telegraph department for 1939-40, the Director General observes, with considerable pride,—*I don't think he has pride, but he is acting like a bania*,—"that the surplus amounting to about 90 lakhs earned during the year is larger than that has been realised since the accounts of the department were placed on a commercial basis in 1925-26."

Then he says he is applying the commercial principles in assessing the services rendered by a public utility department in determining its administrative requirements. Sir, commercial principles cannot be applied to administrative requirements when you have to give salaries or allowances to your employees. It is said here:

"The Director General with evident glee",—*these are their words,—I do not know if it is right to use them, but he is always cheerful*,—"that while a sum of 14 lakhs

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should have been necessary to meet the normal increases arising from normal increments in staff salaries and increase in the pension bills, the actual increase in expenditure amounted to ten lakhs."

He is giving credit to himself because he has made a saving of Rs. 4 lakhs, and this was certainly at the expense of the employees. What has been the result of that? They describe the result too. The Director General himself says:

"This was rendered possible by continuing to observe all reasonable economy in expenditure and by utilising (*these are important words*) more fully the unused capacity of existing staff."

That would mean, make them over-work.

Sir Gurunath Bewoor (Director General of Posts and Telegraphs): Not at all.

Mr. Lalchand Navalrai: But the result has been,—they say:

"It indicates a commercial mentality of the worst type which suffers from no scruples to deprive public servants of that relaxation from strenuous duties which the rules framed by Government entitle them to have. It is therefore not surprising to note that nocturnal candles have to be burnt in many offices to dispose of the continuous flow of accumulations and, as the"

Mr. Deputy President (Mr. Akhil Chandra Datta): What is it that the Honourable Member is reading from?

Mr. Lalchand Navalrai: I am reading from a review.

Sir Gurunath Bewoor: Why don't you quote from the report itself?

Mr. Lalchand Navalrai: That report is not in my hands; if it is given to me, I will quote from it.

Sir Gurunath Bewoor: If you had only asked for it, I would have gladly given you one.

Mr. Lalchand Navalrai: Unless the Honourable Member says, these are not the words used by him: ". . . and as the D. E. T. Patna admits, that clerks in his office have to attend office on holidays." If they are made to work on holidays or they are made to work overtime and paid nothing for it or any increase in the salary, it is a matter which cannot be brooked. Then,

". . . . Applications for ordinary casual leave, even on urgent grounds, are categorically rejected by officers who direct their subordinates to report sick and submit medical certificates."

I next come to the question of stamp vendors. With regard to them there is great complaint and from Karachi representations have been made to the Director General to improve the condition of the stamp vendors. But nothing has been done, and I find from the *Postal Sentinel* which is well known to the Director General, that no reply has been given by him to their representations. It is said by the officer of the Union:

"We have made a reference. The matter has already been explained in my previous letters on the subject and needs no further elucidation. The Union will feel highly obliged if the matter is decided early."

So far as stamp vendors are concerned, it is urged on their behalf that these men have to perform very arduous duties at the counter, deal with cash and face thousands of members of public speaking various languages. They are, therefore, supposed to be fit to meet all the members of the public, be competent cashiers, etc. They also generally perform the functions of enquiry clerks. They are expected to possess all the general information regarding the working of the post offices. Besides, the stamp vendor serves as an advertising agency for various postal services.

As regards trunk connection between Ruk and Kotri, I have spoken to the Director General on that point. I was feeling a little ^{3 P.M.} unhappy at the way the reply was given the other day, but I won't pursue it further. I would only tell the Director General that the question should not be shelved in that manner. Enquiries should be made and if personal interest is taken by the Director General, I hope that we will get that connection very soon. I can assure him that the Collector and other district officials are anxious to have that connection because that is the only part in Sind on the main line which has not got a trunk connection, and it cannot be said that there are no towns or districts there which are important, such as Larkhana and Dadu. If the matter is left to the engineer who usually sends his subordinates to make enquiries, then there will be no hope. But I submit there are the two sides of the river, and on the left bank you have got all connections, and it is only the right bank and this portion that requires connection and I would request the Director General not to plead against unremunerativeness. (Interruption.) I have put forward some important points and I reserve some for the amendments that will come up. With these words I resume my seat.

Mr. Muhammad Ashar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, I agreed with the Honourable the Finance Member when he said that he did not believe in taxing a country during a war more than its capacity. I also agree with him when he said that during a war, and especially such a great war as the present one, no country can balance its budget. These are very good principles, but what do we find under the Budget? We find that taxes have been levied, we find that people are asked to subscribe, we find that in different ways people have to pay, about which complaints have been made in this very House.

But, Sir, I am alive to the need and the exigencies of the occasion. I know that it is a very unprecedented war and the Defence Department wants money and we have to provide money somehow. I said the other day that we can meet this defence expenditure not by taxing the people beyond their capacity but by taking loans. The Honourable the Finance Member said that the credit of India stands very high today and that the external debts have also been reduced to a great extent. So, Sir, why should not an internal loan be floated here and I am sure India is capable of giving lavishly for the loans, if the Government wants. Sir, at the same time I would ask Honourable Members, not only of the Executive Council, but also highly paid officials to forego a great part of their own monthly income. If the officials and the Europeans in this country want that India should sacrifice men and money and everything that India possesses for the good conduct of this war, I would ask them to show by example that they are prepared to sacrifice not only their pay but whatever they can give for India's assistance towards the prosecution of the war. Retrenchment and economy are to be the principles that should

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govern our action when there is such a great calamity as we have now in Europe. We not only read in the papers but we are also told in this House that it is a very great war and never in the world has such a great war been fought. So, why not sacrifice according to the occasion and meet the expenses of the war? If you want to win the war, India will not be in any way backward in subscribing to the loans, if they are floated. We also find that new Departments have been opened recently. It was complained in this very House at one time not long ago that very highly paid officials are being appointed. We heard that there was an example set by one of the high officials here and we are surprised that other officials did not follow the example of that great high official in reducing his pay or not accepting a higher pay for a new post to which he was transferred. Remember that high Government officials hold key positions in India and if they are prepared to go to any length in making sacrifices to win this war, I think India will not lag behind.

Sir, we Indians generally think that India is considered to be a milch cow but I ask the Government and these highly paid officials to realize that this idea should somehow be driven out from our minds at this juncture and India is not to be considered a milch cow, to be drained out. Our European friends should know that they must also be ready to make sacrifices by their example. We know that if you tax we have no other alternative but to pay. You may increase the taxes. You may ask for subscription. You may tax the land, property, professions and everything that you like. We have no alternative but to bow down but remember that this is not an occasion when India should be treated like that. Just as in Europe and in England, nations are sacrificing, so in India by their example should Europeans be ready to make sacrifices. Now, Indian troops have gone to the front and other places. In the same way, those in authority here should also set a noble example.

The Honourable the Finance Member has put a duty on silk yarn. We Indians on the other hand claim that unless and until you put a countervailing duty on the piecegoods, it will hurt and harm the cottage industry of India very much. You may not believe in this and it is not a matter of academic discussion. It is not a matter of essay or theory but when you come to practical politics you ought to attend to this claim of Indians that there ought to be an import duty, especially when we know that this import in India is mostly done from Japan. We are not very much enamoured of Japan today. We know what Japan is doing today and, therefore, why is it that the Government of India is not prepared to impose a heavy import duty on Japanese goods. If a heavy import duty is put on these piecegoods which come from Japan I am sure the Government of India will realise a large amount and India will not be in any way affected. It may be an academic discussion. If the Honourable the Finance Member discusses this question with the industrialists, not only European but also Indian, I am sure he will come to the conclusion that a heavy duty ought to be imposed on Japanese goods.

Now, Sir, I find from the papers that my own province, the United Provinces, has not got a deficit budget but they have to a certain extent saved some money, and that the surplus comes to about Rs. 4,84,020; in fact what surprises me is that I find that the United Provinces Government has not imposed any tax at all. Now, Sir, it is to our good of course,

but today I stand here to defend my own constituency, that is the province of Oudh, and I say that we are not liable to any tax at all either from the Central Government or from the United Provinces Government. Sir, my contention is that there have been treaties between the East India Co. whose place the Government of India now occupy; long, long ago and the former kings of Oudh, and I will quote today a sentence or two from those treaties—even the decisions from the Privy Council and other places—to show that the Province of Oudh will not be liable to any tax whatsoever whether imposed by the Central Government or by the Government of the United Provinces.

The Honourable Sir Jeremy Raisman: Shall we all go to Oudh?

Mr. Muhammad Azhar Ali: Who can stop you, but, when you go there, it may be that we may ask that you may have to pay some taxes.

The Honourable Sir Jeremy Raisman: Oh, no.

Mr. Muhammad Azhar Ali: Sir, the Finance Member of the Government of India, while introducing the Budget for 1940-41, announced that the Government proposed to impose fresh taxation of Rs. 11.51 crores to meet the deficit of military expenses to be incurred by the Government of India which has been caused on the principle that the Government of India is jointly responsible for the external defence of India with the Home Government. In this way the Government of India is responsible for the Indian forces stationed at Egypt, Palestine and other foreign places. This year, Sir, they say that they want 84 crores. Sir, up to the present time the Home Government used to pay all such expenses and British Government used to pay all such expenses and British India was not responsible but after the Chatfield report for adjustment of the expenses between India and the Home Government, the said Committee recommended that India should be made jointly responsible for the external defences of India also; but, Sir, it is submitted that in any case my own province of Oudh is not responsible for the said expenses and such additional taxation either in respect of sugar, petrol, motor-spirit or tyres or whatever it may be and the enhancement of railway rates, etc., for the following reasons:

(1) That there was a treaty on the 10th November, 1801, between the then ruler of Oudh and the late Honourable East India Company. Under article one, the said ruler ceded one moiety of his kingdom to the said company. Under article three the said company agreed to defend the reserve dominion of Oudh rulers against all foreign and domestic enemies. No claim for its expenses could be made from the Oudh rulers for which the territories ceded would be liable. Under article six the said ruler agreed to establish in his reserve dominion such a system of administration to be carried into effect by his own officer as shall be conducive to the prosperity of the subjects and to be calculated to secure the life and property of the inhabitants.

(2) That about 1854-55 the said company resolved to annex the kingdom of Oudh on account of the failure of the Oudh rulers to perform their obligations mentioned in article 6 of treaty and referred to in paragraph 1 and invited the opinion of Lord Dalhousie's Government on it. The opinion of Lord Dalhousie and the members of his Council was a divided one. Lord Dalhousie was of the opinion that the said treaty did not contemplate the annexation of the Oudh domain, while the members of the Council were of the contrary view. Mr. Peacock, the Law Member, was of the opinion that the Oudh kingdom could be annexed for the specific performance of the obligations referred to in article 6, para. 1 and he also held that under article three the said company engaged to defend the Oudh territories from all foreign and domestic enemies. He also did not recommend that any part of

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the revenue of Oudh after annexation should be applied to the payments of military expenses for which territories were ceded under Art. I of Treaty of 1801. He also held that the residue of the revenue of Oudh could not be placed at the disposal of the East Indian Company and should be disposed of entirely for the benefit of the people of Oudh. The then other members of the Council were of opinion that the Oudh rulers were Governor Generals under Moghul emperors of Delhi and were liable to be removed by him and the said company succeeded to the position of and rights of the Moghul emperors and could remove the Oudh rulers.

The court of directors of the said company held that without expressing any opinion on the principle laid down by the several members of the Council, we are fully prepared to take the responsibility of authorising and enjoining the only other course of reserving authoritatively the power necessary for the permanent establishment of good government throughout the province by which our duty to the people of Oudh can be fulfilled.

That on the true interpretation of the said treaty of 1801 Oudh remained a kingdom without a king and the said company became its receiver or trustee on behalf of the people of Oudh (*vide* 28 Cal. p. 693 and English Appeal cases, known as the Malta case, of 1839, House of Lords and Privy Council).

The Honourable Sir Jeremy Raisman: I do not wish to interrupt the Honourable Member, but since Oudh is apparently not liable to taxation, I do not know what criticism he has to offer on the Budget.

Mr. Muhammad Azhar Ali: I say, we are not liable to any taxation.

The Honourable Sir Jeremy Raisman: What about the Budget then?

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban). Let the matter go to the Federal Court.

Mr. Muhammad Azhar Ali: We will, if necessary, go to the Federal Court but why should I not ventilate it for the consideration of the Finance Member and the Government of India itself? Sir, in 1858 the British Crown took possession of the said company with all its rights and obligations. Now, I say that I represent the province of Oudh . . .

The Honourable Sir Jeremy Raisman: "No representation without taxation".

Mr. Muhammad Azhar Ali: Today, I ask that the Government should exempt the province of Oudh from any taxation, and I may of course be asked to retire from the House if the House so wants but I would have done my duty to my own province. To go on:

"That one of the obligations under Arts. 3 and 5 of the said treaty of 1801 was to defend the Oudh domain, and its people from all foreign and domestic enemies without claiming any expenses for which the revenue of the ceded districts of Agra were alone liable and not out of Oudh domain and its people."

Sir, I have quoted chapter and verse and if the Honourable House is not prepared to think that Oudh is not entitled to any exoneration from law, I will bow to its decision. The British Government has no right, I say it deliberately, to throw the burden of the additional taxation on the people of Oudh. The Oudh people are not liable for any military expenses incurred and to be incurred. They are also not liable to any expenses of Government of India or that portion of income-tax which is retained by Government of India and is not given to Oudh provinces. the British Crown as holder of ceded district is alone liable for all its

military expenses and the pay of its offices, etc. That the present province of Oudh is neither a ceded nor a conquered province from its last rulers and the Legislative Assembly or the Viceroy is incompetent to legislate and to impose the additional taxation on the province. That the Oudh people are not responsible for the external defence of India with Home Government on the principle of joint responsibility strongly stressed by the Finance Minister in his last Budget speech.

So far, I have shown that my province is not being taxed by my own Government and, therefore, I thought it proper to induce this Government also to do the same on the authority of the authoritative statements which I have read out today. Even from the Centre we are not liable to any kind of taxation in Oudh.

Dr. P. N. Banerjee: That is very unreasonable.

Mr. M. Ghiasuddin (Punjab : Landholders): May I ask a question from the Honourable Member? Are the laws passed by this House applicable to Oudh or not?

Mr. Muhammad Azhar Ali: That is a different question and we may have to go to the Federal Court for that.

Now, I come to another point. I warn the Government of India to find markets to facilitate the Indian export. (Interruption.) If my Honourable friend, the Commerce Member, can declare today in this House as a responsible officer that Oudh will not be taxed, I shall do what he wants. I was saying that India's export should be looked into by the Government of India more closely than they are doing at present. Whenever we raise this question, we are told that we have very little shipping. We are also told that our exports cannot find market outside India as the British Government is at war. But you can arrange these things if not just now at some remote future. But you have to bear in your mind the development of Indian industries. Just as you are sending men for training to England, you can also train people here also if you want to do that. Find more employment for the people of India and I am sure they will come to your rescue. Remove the hard restrictions on exports and adjust railway freights to the conditions of the trade in India. If you do not do that, I am sure the position of the Indian traders will become very difficult. I know that all kinds of facilities are sure to be provided for the European traders and the European merchants, but I doubt very much if the same facilities will be provided for the Indian merchants. Therefore, I ask the Government to pay close attention to this matter. This is not the time to show any kind of favour to your own kith and kin but this is the time to think of the interests of India as a whole. My Honourable friend, Sir Henry Gidney, said the other day that he wants to show that he is an Indian and I want the Government of India to prove to the Indian people that this Government is an Indian Government and that India's interests will in future be more respected and honoured.

Having said so much on this subject, I now come for a short time to the question of the Post Offices. It was on the night preceding the 1st of January, 1941, that I presided over the Conference of the United Provinces Postal and Railway Mail Services employees at Bareilly. I

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said there all that I wanted to say and many Resolutions were passed at that time. I would ask the Director General of Posts and Telegraphs and the Member concerned to read those Resolutions carefully. Sir, the Postal Department is one of those Departments which are very hard worked and they are short in men. The pay of the postal employees is very low considering the amount of work which they do. Therefore, instead of neglecting that branch of your Government, I would ask the Government of India to think more of the postal people. I do not mind what you pay to the higher officials but you must think in these times of stress of the condition of the lower paid staff of the Postal Department. We have mentioned in detail the grievances of the postal people at Bareilly and I would like to refer only to a few figures. I do not want to discuss today the All-India question, but I have taken upon myself the task of explaining to the Director General and the Department concerned the need of the Postal Department in my own province. So far as the time-scale supervisors are concerned, there is a paucity of 20 hands; so far as the selection grade appointments are concerned, there is a paucity of 17 men; so far as the time scale sorters and clerks are concerned, there is a paucity of 23; so far as the Inspectors and Town Inspectors are concerned, there is a paucity of 4 and so far as the postmen are concerned, there is a paucity of only 7 men. It is not difficult for the Honourable Member to provide these men. Then, there is a paucity of 7 men in the case of the Railway Mail Service porters, mail guards and packers. I have got a list with me which I have prepared for the whole of India but I do not want to weary the House by reading out that long list. I will give that list, when the time comes, to the Director General for his own consideration.

Now, Sir, there has been an indiscriminate grant of extensions after the age of 55. This is also an acute grievance in my own province. It blocks the promotion of juniors and it also blocks the entry of new entrants in the Department. The question of unemployment, as everyone knows, is very acute in the country. It may be said that to relieve this unemployment you have created new offices and you are enlisting people for the army. But these employments are mostly for the educated and literate people and for people who are highly cultured and not for poor people. I submit that the poor people of India stand in need of more offices and more places. Some of the Provincial governments have restricted the compulsory retirement. I want the Central Government also not to discourage the retirement of people. I want that all those who are superannuated should not be given extensions because they block the way for other people.

Dr. P. N. Banerjee: Are you superannuated?

Mr. Muhammad Azhar Ali: I am, if my Honourable friend is not. It is quite possible that my friend wants to conceal his age, but I do not.

Dr. P. N. Banerjee: I am also in the same category.

Mr. Muhammad Azhar Ali: I ask the Central Government today to order the compulsory retirement of people on attaining 55 years of age.

The Post Office being a Central subject, the staff is suffering much on account of the lack of interest of Government in that Department. I recently went to Bareilly and a conference was held at which resolutions were passed on different subjects. I have not seen so far any declarations by the Government, concerning those subjects. I should also like to bring to the notice of the Director General of Posts and Telegraphs the sad state of the R. M. S. office at Bareilly. I request the Director General to go and see that office for himself. It is very congested, there is no ventilation, the room is small 18 feet by 20 feet in which 10 to 15 clerks are huddled together. Besides there are also iron cages for storing records.

Dr. P. N. Banerjee: A very hard hearted Director General.

Mr. Muhammad Azhar Ali: When you get up to speak, you can call him names. I consider that office to be in a horrible condition and I have now brought this to the notice of the Director General so that he can remedy the state of affairs. It is in the interest of the postal servants, it is not in my interest that the office should be more commodious and ventilated. I thought it my duty to ventilate these grievances on the floor of the House. In that small room, not only are clerks made to work, but also insured articles are stored as well. It is rather serious that in such a small room of 18 feet by 20 feet, such overcrowding should take place.

Now, I come to the railways. I am informed that in East Indian Railway, prior to 1928, the employees were exempt from paying house rent. Since then employees drawing Rs. 30 per mensem and above have to pay house rent of ten per cent. There is also a deduction of 7½ per cent towards provident fund. I am sure they are also called upon to subscribe to war fund. Moreover, those who have put in less than three years service are not entitled to passes to places other than home stations. For example, I will take an Assistant Station Master drawing Rs. 30 per mensem. He will have to pay Rs. 30 towards Provident Fund, then two per cent towards circumstance tax which comes to Rs. 7-8-0 per annum and together with Rs. 36 annual house rent the total expenses come to Rs. 78-8-0. They have also to pay interest to creditors because every railway servant will have to offer security of Rs. 360 when entering service and on this he has to pay interest if he borrows the money which they have generally to do. The House can well understand now the plight of a railway servant drawing only Rs. 30 per mensem. After paying so many taxes, does it stand to reason that he will be beyond corruption. No wonder that there are complaints against the railway staff. I am producing these figures before the House so that the Government might look into the matter and ameliorate the condition of these low paid staff in the railways.

Sir F. E. James (Madras: European): What about the Archæological Department?

Mr. Muhammad Azhar Ali: I leave that to my Honourable friend when he gets up to speak. I have many more things to say about the Railway Department, but I shall reserve my remarks for the occasion when the DeSouza report will be discussed. I think it will be discussed shortly in the Upper House also.

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I now come to a rather delicate question and that is about detenus. We have had interpellations put, we have had Resolutions moved with a view to improving the condition of the detenus. What I find here is that the more we ask the Government to redress the grievances of the detenus, the harder the Government become in their treatment of the detenus.

Dr. P. N. Banerjee: What is the use of your discussing this now when the Detenu Member is not here.

Mr. Muhammad Azhar Ali: Probably he has been detained somewhere.

An Honourable Member: Probably he is in 'A' class, or he may be in no class.

Mr. Muhammad Azhar Ali: Yes, he may be in no class. When we ask the Government to provide some comforts for the detenus, we are given replies to the effect that everything is being done for them and so on. But recently I read in the newspapers that even parcels of fruits, etc., sent to such a personality as Pandit Jawahar Lal Nehru are not delivered to him. What can the ordinary detenus expect when they have not the personality of Pandit Jawahar Lal Nehru to command in the land in their own case. Just as during the melon season in India they are mostly stolen at the railway stations, in the same way I am sure the detenus are being robbed of the presents which are being sent to them. It is a pity that these people do not get these parcels. In the case of Pandit Nehru, of course, it may be that being an All-India leader he is getting hundreds of parcels but these poor detenus are only getting one or two parcels for their sustenance from their parents probably once a month only, and it is very hard on them and their parents that they should not be delivered to them. Sir, the more we cry hoarse in this House over the detenus it recoils very badly on them. Whenever questions are asked about them and representations are made we find that they are getting into trouble all the more.

Sir, I have nothing more to say.

Mr. E. L. C. Gwilt (Bombay: European): Sir, I am sorry that what I am going to say is largely and directly opposed to the views of my Honourable friend, Mr. Lalchand Navalrai, but I am sure he will forgive me for this.

This discussion on this Bill gives me the opportunity of placing before the House a state of affairs with which India may well be faced during the post-war period. My reason for doing so at this date is that I consider the matter not without urgency even today. I refer to a possible unfavourable trade balance of the country, and suggest one remedy; the remedy is a service of highly trained Trade Commissioners.

So long as human nature remains as it is, those countries, who ask for co-operation and assistance from others, particularly in times of need, must expect in return to be asked what is to be the *quid pro quo*. Before the war,

there was, for instance, in America, a growing desire to export her manufactured commodities. Until recent years America—generally speaking, was not an exporting country on a large scale, except as regards agricultural staples. Certainly a few specialised industries enjoyed substantial export sales, but they were but few—to name the principal ones, automobiles, films, machine tools and refined oils. Within recent years, however, America's drive into export markets, such as it was, was in many countries confronted by those tariff walls, behind so many of which her own industries have been born and nurtured.

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

This, naturally, gave rise to a desire on her part to see, throughout the world, a lowering of tariff barriers, and there is no reason to suppose the war will see the end of her endeavours in this direction—rather the contrary—and since she is now in a position to supply those countries of whose aspirations she approves, with both food and supplies, it is not unreasonable to suppose she will ask for a *quid pro quo* of which I have made mention, of favourable treatment in the matter of tariffs. This on her part, I venture to suggest, would be a perfectly justifiable request.

In this connection we should do well to remember the Trade Agreement signed not long before the war, between the United Kingdom and the United States of America. This very important agreement is bound to have the most far-reaching repercussions on post-war world trade. There is, I think, little doubt that, in at least some well informed circles, this agreement has been, and is, looked upon as the first step towards freer trade throughout the sterling/dollar bloc.

India, as we know, has been promised Dominion Status and I must assume for the purposes of my case that she will have taken advantage of this offer and is well embarked on the voyage towards it. Circumstances thereafter, however, may well prove to be such that for reasons I have explained, the trade balance between Great Britain and India may not continue to be so favourable to India as it has been in the past. With the time at my disposal, I am able only to touch the fringe of what may prove to be the problem of which I have spoken.

As important as India's industries are, and their importance will, I am convinced, continue to grow, she remains first and foremost a producer of primary products, and such great industries as she has, are primarily engaged in supplying the Indian and not export markets. I could wish that some of those who to-day are critical of what they allege to be the Government of India's indifference to their industrial schemes, would pause for a moment to consider some of the problems which will inevitably face not only the infant industries themselves, but India's commerce and industry as a whole.

In emphasis of this, I make no apology for repeating what the Honourable the Finance Member said in his speech, in replying to cut motions, on the floor of this House last week. He said:

"Let it not be forgotten that the problem of carrying on with some of the industries which are now being created, will face the country, and the cost of maintaining those industries will probably, to a large extent, fall on the tax payer."

I hope my emphasis will not be misunderstood, but the matter is of such importance that I venture to make it.

[Mr. E. L. C. Gwilt.]

On the question, for instance, of the building of aeroplanes, civil as well as war craft would need to be built in numbers out of all proportion to those which their manufacturers could sell within India's boundaries to enable the industry to stand on its feet without heavy Government subsidy. At the moment there are only available the figures for 1938 of civil aircraft registered in this country, but I believe those to date do not greatly exceed the 1938 figures. These show the total to be 156 which is reduced to 152 as four of them were craft for which certificates of air-worthiness could not be granted. The remainder were represented by 44 different types of aircraft, the average thus being 3.4 per type of aircraft. Actual experience has thus proved that standardisation of aircraft is not feasible, as indeed it never can be, for commerce essentially requires a variety of types. But only an elementary knowledge of manufacturing costings is necessary to realise the enormity of the difficulties which must confront aircraft factories in this country erected for purposes other than strategic.

At the end of this war, America will probably be in a position to produce something between 60,000 and 75,000 aircraft a year and of a great variety of types, to say nothing of those which Great Britain can produce, and, naturally enough, the air lines in India will wish to purchase in the cheapest market. The same economic principle applies to the production of internal combustion engines required both for automobiles and aeroplanes and to the building of ships, and, to a lesser extent, to locomotive engines, for there may be an outlet for these in Burma, Malaya, the Dutch East Indies, China, Iraq and possibly East and South Africa.

Trade Agreements are invariably reciprocal; someone aptly termed them "two-way traffic". That is true, but unless each party is directing and accelerating its traffic, the arrangement may rapidly degenerate into "one-way traffic" and against the party least qualified to handle it.

No country's wealth is derived by living, as it were, on her own fat, but partly from what she can export and partly from increased use at home of her own natural resources. Obviously, therefore, India's first consideration must be the development of her export trade of raw materials. How may this be done? There is but one way of exploiting overseas markets, of investigating the market on the spot and by men specially trained for the work, by the appointment of fully qualified Trade Commissioners

Dr. P. N. Banerjee: They are being appointed.

Mr. E. L. C. Gwilt: They are, but I will deal with this later.

. . . . and if it is to be thoroughly done, it is an onerous and heavy task. Scanning, however thoroughly, of trade statistics of a country serves no purpose other than enabling the compilation of trade figures; they do not give, for instance, the whole story of the *potentialities* of a country's consumption of any specific commodity, although naturally the total volume of trade is an indication of a country's wealth.

My Honourable friend, Sir Ziauddin Ahmad, asked a question on the floor of this House during this Session, whether the Gregory-Meek report could not have been written by, I think he said, himself, by sitting in the library of the House and referring to its contents.

Dr. Sir Ziauddin Ahmad: I said by a journalist.

Mr. E. L. O. Gwilt: For the reasons I have given, I suggest, with respect to my Honourable friend, that were he to attempt such an undertaking without any first hand knowledge of the country concerned, the result would be thoroughly unreliable document. If he wished to convey his impression, that the Gregory-Meek report was largely negative, and I am not prepared to accept it as such, I should say that the cost of producing it would be well spent, for I should be prepared to accept a negative report from such eminent economists as Dr. Gregory and Sir David Meek as good advice against the spending of further money in more investigation, at any rate for the time being.

The potential wealth of a country should be based, though unfortunately it cannot invariably be so, upon its population. India in the past has appointed Trade Commissioners at Hamburg, Milan, New York, Alexandria, Mombasa and is shortly appointing another in Australia and South America. I wonder why in such countries as China and the Dutch East Indies, to name but two, Trade Commissioners have not been appointed; possibly because these countries, like India, are great producers of primary products, and potentialities must exist for the export of India's raw materials to a large number of other countries.

The mere appointment of Trade Commissioners, however, will not achieve the desideratum. I wonder, for instance, whether the gentleman about to be appointed in Buenos Ayres speaks fluent Spanish. Moreover—I speak with some little experience having travelled on commercial errands in some twenty countries in the world—I would suggest that India sets a standard of Trade Commissioners not frequently to be found, those with a thorough grounding in the interpretation of economic data allied with a capacity to understand businessmen, their methods and the problems which face them.

Before the war there was, I believe, in Vienna, an *Ecole Consulaire*, a school which trained students of European countries specially for the Consular service. I suggest that the Government of India should choose for Trade Commissioners students who have had adequate training in economics, a knowledge of one European language other than English, and Accountancy. They may consider a special degree at one of the Indian Universities, and I would suggest that the study of the principles of advertising should be included in the curriculum.

I would ask further what machinery there is in existence for co-ordinating the work of the Trade Commissioners already appointed and whether there is any intention of forming a Department comparable with the Department of Overseas Trade. Moreover, what facilities are given for the Commissioners themselves regularly and personally to investigate potential sources of demand for India's goods in the countries in which they operate; I ask whether it is part of their duties to tour the countries comprising their areas and not merely the collating of information and the writing of reports from their offices, and whether they all have direct contact with the Commerce Department in this capital.

I would make another appeal—that Government should encourage Indians to make careers in the profession of advertising. Lest I be asked what concern this is of Government not only would I refer them to their action with the Bevin boys, but, I would reply that since advertising is the high pressure steam of industry, and the personnel—Indian personnel—with

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a knowledge of its economical application is lacking, I consider it not outside the concern of Government at least to encourage, through the various means at their disposal, Indian students, who, after the war, are able to go abroad to complete their education, seriously to consider advertising as a profession.

Advertising, in these days, does not merely stay at the production of an attractive advertisement. It involves scientific market research as well, and a knowledge of psychology. Advertising, if directed along right lines and by persons proficient in their profession, is not merely of local value. It can be the means of decreasing overheads to the extent of enabling industries to compete in the world's markets. I maintain, however, that an Indian must understand the psychology of his countrymen better than anyone else.

Up to the time of the war, the ambition of many Indians who went to Europe seemed to be to qualify for the Indian Civil Service—an admirable ambition—but I would suggest advertising as another in which he could make just as distinguished and certainly a more lucrative career if he reaches the top of the tree, and one which is not overcrowded as are some of the others. The success of advertising is based not only upon a thorough understanding of one's job but of carrying it out with honesty. The day is rapidly approaching when dishonest advertising will not be countenanced, even if legislation has to be resorted to, as it has been in many countries. I commend this all the more because there are a lot of people who seem to think that there is something dishonourable about advertising.

Mr. Muhammad Azhar Ali: Can the Honourable Member suggest any place for apprenticeship in advertisement training?

Mr. E. L. C. Gwilt: I am quite certain that if some of the advertising Houses in London were approached on this point, they would be very pleased indeed to consider taking them into their establishments as apprentices. But on the other hand they may ask for a *quid pro quo*, in other words, they may naturally expect some sort premium from people who go from this country, and I think if there could be a link with one of the large advertising agencies there, it would be to the advantage of Indian industry; it would be an excellent thing. I commend that suggestion, Sir, to the Government. I would ask them to encourage students in the immediate post war years to study in England and America the many sides of advertising required to fit them for that profession, and to encourage the formation of a company of advertisers, which, I am sure, would prove successful, of service to industry, and incidentally, in times of need, could be of very real service to the country.

Sir, had there been in India at the commencement of the war Indians engaged in the profession of advertising, one of the difficulties confronting the country—I allude to war propaganda—would never have arisen. When, in the last war, Great Britain required men, Government did not seek amongst its own officials some one to undertake the task; there was no need to do so, they immediately contracted one of the great advertising houses in London. Moreover, when money was required for the financing of the war,

another advertising house was given the responsibility of raising it, and both of them carried out their work with great skill and efficiency. I hope Government will give this suggestion their sympathetic consideration.

Mr. Muhammad Nauman: Mr. President, it has been the parliamentary practice in every country to use the occasion of the consideration stage of the Finance Bill for ventilating the grievances which the representatives of the countries might have against the Governments of the day. Unfortunately, the community which I have the good fortune to represent in this country has so many grievances that I cannot recite even one-tenth of them, as that will exhaust the patience of the House, and probably I shall be overriding the rights of other Members in the matter of time. As such, I shall only content myself by touching on a few points that I consider to be of importance.

In the first place, Sir, I want to refer to the question of Muslim representation in services. For about a decade and a half, the Muslim representatives of this House had been urging on the Government Members that in all the Departments of the Government of India the Muslim representation has been very meagre, and lately on a comparison of certain figures, we found that the over-all percentage theory is greatly harming our community, I mean, more than it could ever have been imagined in this country. The real purpose of the Home Department Resolution of 1934 is being defeated by maintaining the theory of the over-all percentage, because, Sir, we have found that even in the average grades in respect of salaries from Rs. 30 to Rs. 200, Muslim representations are balanced by the recruitment of Muslims on salaries of Rs. 30, Rs. 40 or Rs. 50. I have not been able to get figures for the various Departments of the Government of India. We have got no staff to calculate the figures and find out the net amounts paid in a whole Department and to calculate the actual share which goes to the Muslim employees by way of salaries, but we have been able to get certain figures from our own men for one of the Departments, and that is the Railways. What is the position there? We find that in regard to the share which Muslim employees get it does not come to more than 3·7 per cent. of the total that is paid to different employees working under State-managed Railways. Whenever we approach the heads of the administration, on the question of quota, the only reply we get is that the quota in regard to numbers has been maintained. Sir, we are not prepared to accept that in all cases; but even if that quota is maintained in certain cases, unfortunately the practice of allotting communal quota on the basis of "over-all percentage" has affected very adversely the community which, as I said in the beginning, I have the good fortune to represent in this House.

Sir, we have no organization to calculate on an economic basis the total amount of salary paid to different communities, but the Government of India have certainly got that organization, and they are alone in a position to give exact figures to show what proportion of the total amount of salary paid in any one Department goes to Muslim employees. Sir, on the 11th of February last, I put a question to the Honourable the Railway Member in connection with this matter, and the reply that he gave was that he could not give me any figure of the net payment to employees who were drawing certain amounts of salaries within certain grades. I agree that might have been difficult within the period of ten days within which the Honourable Member for Railways had to answer the question, but I do

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want now to draw his particular attention to this issue. We feel that the question of employment is certainly to a great extent an economic issue, and on that issue we think that only a numerical share of 25 per cent. in a particular department distributed among a number of men is not the real thing which a particular community or class of people desire to have, but they want 25 per cent. share of the total amount of salaries paid. I will illustrate my point. If a certain Department of the Government of India spends, say, Rs. 10 lakhs towards salaries of its employees which might vary from Rs. 7-8-0 to Rs. 5,000 or even more, then out of the Rs. 10 lakhs, we claim that that Department should see that Muslim employees get Rs. 2 lakhs and fifty thousand per year. That is the point that I wish to bring to the notice of the Government of India. Of course, allied to this question is the question of promotions. I am not going to discuss any particular department—the Railways, the Post Office or the Archaeological Department, but what I want to point out is that even in the matter of promotions, unfortunately the Muslims have not had a square deal which they expected, and the real meaning of the word "efficiency" has not yet been found out. Probably it is known only to the members of the Government of India, but we could not find out what exactly is meant by "efficiency". When a Muslim is efficient, the question of seniority is brought in,—which is the particular word usually introduced for promotions in the different cadres, and if a Muslim is considered efficient enough by some officer, he is considered inefficient by some other officer, and somehow he does not attain the position which many of his colleagues do attain in the ordinary course. Suppose, certain Muslims and few non-Muslims were recruited on, say, Rs. 250 and within a course of 20 years, their colleagues, the Non-Muslims, at least some of them were able to reach Rs. 3,000, whereas those unfortunate Muslims could hardly reach to a grade of Rs. 800 or Rs. 1,000 and I want to bring this matter to the notice of this House. How and why is this happening? Either the recruitment of Muslims is defective and only inefficient Muslims are recruited and Muslims of better calibre and attainments are not recruited, so that they cannot rise to those positions to which non-Muslims can go, or there is something wrong somewhere, some defect in the machinery of the whole administration by which Muslims are shunted out. In the matter of the railways, unfortunately,—that is the Department with which I have been more associated—there has not been any Muslim officer who was recruited on Rs. 200 or Rs. 300 and who went up to a post carrying a salary of Rs. 5,000 or Rs. 4,000. I know about a few non-Muslims who rose high, and my friend, Mr. DeSouza, is one. He joined the railway service on Rs. 60 a month, but he had the intelligence, he had the efficiency, he had the calibre, and he had the capacity to rise to the position of a Member of the Railway Board. He was a very efficient man, but why should not a man of that calibre be recruited from our community? Are only duffers recruited from the Muslim community on Rs. 200 or Rs. 300 a month, so that they cannot rise, or is there any particular defect in the working of the administration? I wanted to bring this home to the Government, and I hope the Government will consider the matter in the light in which I have placed it before the House.

When on this, I want to bring in the question of Departmental rules and say that with Muslims the rules have not received that much of

favour as these had received with other people. In the matter of retirement again, you know questions after questions have been put in this House recently, whether it is compulsory that a man should be made to retire at the age of 55, or in what circumstances extensions are granted. The reply was that if his services are of public utility, if the man is of public importance, if he has to be retained because another man of the same calibre is not available, then in that case Government give extension. I am not going to name concrete cases in which people of non-Muslim section have been retained, whereas the other people, I mean the Muslims, have not been allowed extension. Mr. Ali Hasan, *ex-P. M. G.* of Bihar, was made to retire on the expiry of 55 years of age. he was not given any extension, because, in spite of his efficiency, in spite of the appreciation that he might have received from the Department during his tenure of office, he was not considered fit to be given a day more than he should actually have been in service. Not only that, but by making him retire from that particular position a few months earlier, he has been put to a loss of about Rs. 1,000 or Rs. 1,500. I am now holding a *post mortem* examination only as the man has already retired.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better not deal with individual cases.

Mr. Muhammad Nauman: I would only submit that a repetition of this nature should not occur in the future in that Department or in any other Department. I want to impress upon the House that such instances and a few more make us feel and ask why this Government are not sympathetic towards the members of a particular community who have been doing what they can in the Departments in which they are or have been serving.

Then, again, sometimes even as Indians we are not shown that amount of concession or that amount of favour which the Europeans receive. The vacancy of a Chief Justice occurred in the Patna High Court only recently. .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can not deal with that.

Mr. Muhammad Nauman: I now come to the question of the recognition of unions. I will not dilate on this point very much, but I will say that the question of recognition of unions is one which we have been placing before the House for a few years now and the Government of India have not been able to satisfy us on the point or as regards the actual difficulty members of the Government feel in recognising unions which may be organised by a certain particular community, a certain particular class or section of people. Or is it the case that they think that it will hamper the good work of the administration or that they have recognised a certain union? We have impressed upon them that the Muslims claim that they are a separate nation in this country and that claim has been recognised by giving them separate political rights. When we Muslims have taken that definite stand, with what reason can the Government say that they would not recognise communal unions on grounds only known to themselves, or grounds which cannot satisfy us. We have said definitely that we cannot submerge ourselves in a particular institution. . . .

(At this stage Mr. Lalchand Navalrai tried to interrupt.)

[Mr. Muhammad Nauman.]

I am not giving way.....which may be predominantly of other people, or into any organisation in which we shall have no voice whatever. Why should Government refuse our right of existence as a separate entity in everything? That is a thing which cannot be understood by me, and the position seems to be anomalous. On the one hand, you accept the political separation that we are a separate entity in this country, and on the other, you compel us to submerge ourselves into a particular organisation or institution which may be composed of non-Muslims or may be a homogeneous institution of all people in the country or outside the country. I hope the Government will take this question into serious consideration and see what best they can do in that matter.

I come to the Supply Department. Unfortunately, my Honourable friend, Sir Zafrullah Khan, is not in his seat, but any way he will have my remarks quite all right in the evening. There is an impression in this country that the Supply Department is the dumping ground for every class of people and every class of commodity. Contracts of hundreds of crores of rupees have been given to different concerns, and, as a result, what do we find? 75 per cent. of the supply contracts have gone to European or semi-European controlled, or administered organisation. Times without number we have been saying that the feelings of the people are that we prefer the system of open tender, but the same has not received that attention which we expected that it should have received.

Sir H. P. Mody (Bombay Millowners' Association: Indian Commerce): Now he has come. Go on, fire away.

Mr. Muhammad Nauman: I am only just giving my suggestions, which probably I have given earlier. That only reminds me of a line:

"Ham bhi taslim ki khoo dalenge.

Be neazi goe teri adat hi sahi."

I will try to make you feel for and respect me, but if you ignore me today, that is a different thing. I conscientiously feel that the system of open tender is the only system which we prefer in the interests of the department and in the interests of the people who are prepared to supply their goods to the department. We hope that the Honourable Member will reconsider this question in the light of the different speeches that have been made by different Members.

Now, Sir, as I have said in the Supply Department, the majority of the contracts have been given either to the European industrialists or to the semi-managed European industrial concerns and the Indian merchants have not received that attention which they deserved and expected.

An Honourable Member: Parsis have got a lot.

Mr. Muhammad Nauman: I do not know, except Tatas.

Now, Sir, I want to impress this fact that the European commercial community in this country receives lot of advantages from different banks, and lot of facilities that Indian merchants do not receive, and as such they are better placed in this country than the Indian merchants have been. We should certainly resent this. In the matter of giving contracts for the Supply Department, even if they are given an equal position with the Indians, this is absolutely wrong. We have always said that we want industrialisation in this country and by industrialisation we mean that the industries should be run by Indians for Indians. If it is

not Indian or if it is half-Indian, then it is not our industry. Now, the sugar industry run by Begg Sutherland and Co. cannot be considered to be our industry. The Muir Mills and the Lal Imli Mills of Cawnpore cannot claim to be an industry of our nationals. They are giving nothing more than labour wages to a few Indians. Unless the industry is financed by Indians and managed by Indians, it is not an Indian industry in the real sense of the word. No country in the world has given any other meaning, unless the industry is financed by our own nationals, it is managed by us and administered by us, and unless the industry exists for them, it cannot be our industry. That is what I want to impress on my European friends. They may feel unhappy over the remarks I am making, but unfortunately I have got to do that as an Indian representative. What I want to point out is that all these contracts which are given to the European organisations are certainly to be treated as contracts given to foreign people and they cannot be treated as contracts given to Indians, by which Indians will make any benefit or thrive in this country.

Having said so much on that subject, I come to the constitution of the Port Trust of Calcutta. I am very glad that the Honourable Member for Communications has introduced a Bill for the revision of the constitution of the Port Trust of Madras, and I want him to think over the matter and bring in a Bill also for the reconstruction of the constitution of the Port Trust of Calcutta which is about a century old. It is a predominantly European institution, because, out of 19 members, 15 are from Europeans, and only four are Indians. Now, the Muslim Chamber of Commerce which controls a big export of about 26 crores has not been able to secure more than one seat. The Skin and Hide Traders' Association has no seat at all in the Calcutta Port Trust and the European merchants had the good luck and the good fortune to settle in that Presidency of Bengal earlier and established big jute mills and other industries. They had the luck to get those seats reserved for them, but things have changed now. If the Honourable Member would see the report of the sea borne trade he would find that the Europeans do not hold that position in the trade which they held 30 or 40 years ago, and so the constitution of the Port Commissioners which is 100 years old does not suit the present needs, and I would request the Honourable Member to look into the question and revise the Calcutta Port Commissioners constitution in the best manner that Government can do.

I come now to the question of some of the particular Resolutions that we have been moving in this House. To be more precise, my grievance is that the Resolutions that we place before the House are not cared for, unless it suits the Government of India to accept them in the way they like. We have been moving Resolutions for the recognition of certain unions. We have been moving Resolutions on the question of the Indian catering contracts monopoly on the Railways and the whole question has been shelved and nothing has been done so far. The position remains as it was. The entire elected section of the House made it clear that they do not like the monopolist arrangement on the East Indian Railway for catering. What do we find? Things remain as they are. Nothing doing. Now, I want to impress upon the Government that they should take care not to flout the opinion of this House even in such matters which do not involve any constitutional issue and which do not involve any change of policy. That is what I want to bring to the notice of the Honourable Member, and I hope that the Honourable Member will think over the question of how he has been treating this House.

[Mr. Muhammad Nauman.]

Coming to the Budget itself, I need not make a very long comment on it, because I have said what I felt about it in the general discussion and I made it definitely clear that so far as the financial issue was concerned it was absolutely a sound budget. I do not want to conceal that feeling. That is my candid opinion, and some of my friends may not agree with me there. I said that the only opposition that some Members of this House are making is not on the financial issue, but on the question of the political issue involved. The question of the political status of India remains unsolved. The whole question was hammered out during the last November Session and Honourable Members know the attitude which the different Parties hold on that subject. So, it would be futile and wasting the time of the House if I go on repeating what other people have said. I have no fresh arguments to advance beyond those which have already been advanced. My only observation on financial issue in this connection is that I certainly feel that in the circumstances in which the Budget has been produced, there could not have been a better solution made but I would only make one more observation and it is this, that the Government of India should try to make us feel that they want money for the defence of India, which is our country. They should create a feeling of harmonious co-operation, a spontaneous co-operation within ourselves. We should not be made to feel that we are only being dragged to do what the Imperialist Government of India make us do for themselves. They should accept us as willing partners in the co-operation that we might be prepared to offer them in defending India as our own country. Of course, that involves a very big issue of declaration and such other things, but I would only remark that whatever it involves, the time has come when the Government of India should lose no time in receiving our full co-operation on the lines that we want to give them and on the lines that may be mutually agreed upon. That is the only thing I want to impress upon this House. Now, this certainly takes me at least to the question which my Honourable friend, Mr. Lalchand Navalrai, brought in regarding the impasse and the deadlock existing in the political atmosphere in this country. Every party is trying to shelve the responsibility and feels that the responsibility is to be thrown on the shoulders of the other group of people and in that trend every group wanted to shelve their own responsibility and said that it was because of a certain agreement that could not be achieved between the Muslim League and the Congress. Now, I must impress upon this House that before the Congress decided to resign the ministries, there was no question of any agreement between the Congress and the Muslim League pending at that particular moment and that there was not at all this issue on which they resigned; their doing so was absolutely the responsibility of the Congress and not that of any other group at all. They were holding the majority in the legislatures of seven provinces and they were the people who were carrying on the Governments of those parts of this country, and they brought in this deadlock for their own use or misuse according to their own ideas and the responsibility is entirely theirs and of none other. Now, another point which Mr. Lalchand Navalrai—unfortunately he is not here now—brought in is the question of the correspondence that my Leader, Mr. M. A. Jinnah, had with H. E. the Viceroy on the question of the expanded Council. I need not dilate on that, because the correspondence was published in practically all the papers of any importance in this country and everybody

knows what was the issue involved. Mr. Lalchand Navalrai tried to give his own interpretation in the way he did; I agree that he was trying honestly to interpret in his own way, but unfortunately he did not actually understand the meaning of those letters, or anyhow I cannot interpret what was in his mind. What my Leader said was this,—that we must have fifty per cent. of the representation if the Congress came—and fifty per cent. of the expanded number of the Viceroy's Executive Council, mind you, not of the entire number of the Executive Councillors who would be there, so that there should not be any misunderstanding created so as to say that we were demanding something which would appear to be rather more than we ought to receive. What my Leader said was only fifty per cent. of the expanded number of the Executive Council if the Congress came in to participate, and, if the Congress was not participating, then, naturally, a majority of the expanded Council—because then the Muslim League would be the only largest and the most important body, the biggest organization of this country, and as such they would certainly have the right to claim at least a majority of the expanded number of the Executive Council—not exactly a majority of the total number of Executive Councillors, but only of the expanded number. Our grievance is that in spite of the fact that the Muslim League's attitude is one of benevolent neutrality and the fact remains that their members are helping the Government in their war efforts in all possible ways, in spite of that, I do not see why the Government of India should not be able to agree with the point of view that my Leader, Mr. Jinnah, has placed before His Excellency the Viceroy and Governor General. Now, I would just like to impress upon this House that our demands were absolutely modest; what my Leader wanted was actually to co-operate in this hour of need, in this hour of extreme danger, and I hope and trust that His Excellency the Governor General will review the position in the light of the expressions of opinion that we are making and in the light of the expressions of opinion that our Members have made, *viz.*, that we should have the same share as our Leader, Mr. Jinnah, has already demanded.

Now, Sir, I would like to make a few small comments on the financial issue of the Budget,—and it is this. Really, I was surprised at seeing the absence of sacrifices from Government officials. No sacrifices from the I. C. S., the steel-frame of this country, are forthcoming; they should have come out first to make their sacrifices for the country who feeds them best, and should have offered some cut, even to make a good gesture and they ought to come out to support such a thing.

An Honourable Member: We are making sacrifices.

Mr. Muhammad Nauman: Nobody knows what. They should make a good gesture by offering some cut.

The Honourable Sir Jeremy Raisman: That is a self-contradictory term. A cut is "imposed" and an offer is "voluntary".

Mr. Muhammad Nauman: That may be contradictory so far as language is concerned, but what I wanted to say was to impress it upon the Government that they could have made a suggestion to the Honourable the Finance Member to the effect that a cut should be imposed in that

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sense if the majority of the steel-frame wanted it; there might have been some minority section of the people who would not like that a cut should be imposed—that was my idea

An Honourable Member from the European Group: Voluntary contributions are being made.

Lieut.-Colonel M. A. Rahman (Nominated: Non-Official): Voluntary contributions are being made which are better than compulsory cuts.

Mr. Muhammad Nauman: But I do not know whether everyone is doing something or other.

Mr. P. J. Griffiths (Assam: European): Are you making any similar offer?

Mr. Muhammad Nauman: Well, I am now speaking of the I. C. S. people first and then of the employees of the Government of India, those who are drawing over a thousand rupees a month and they can easily afford to make that sacrifice in view of the particular condition in which they are placed

The Honourable Sir Jeremy Raisman: How does the Honourable Member know what sacrifices the members of the services are making or not making?

Mr. Muhammad Nauman: Well, the Honourable Member might enumerate those if he likes—what sacrifices they are making; if they are making any such sacrifice, we should be quite happy to hear of them, but unfortunately in my ignorance of the true state of things I am obliged to make that comment. Next, Sir, the other people who should have come out with greater sense of sacrifices are the people who are drawing huge amounts of profits through the Supply Department and those people who are the contractors of the Supply Department,—people who are making two hundred per cent. on their turnover of one month and I do not know how many thousand per cents. on their total turnover of a year. I am not going to give details here, neither have I got the time nor would I like to tire the patience of the House by giving details but I want to impress it upon the House that there should have been some special taxation for these people, the contractors of the Supply Department

Sir F. E. James: I take it, my Honourable friend is an enthusiastic supporter of the provisions which raise the excess profits tax from fifty per cent. to sixty-six and two-thirds per cent.?

Mr. Muhammad Nauman: The excess profits tax may not, of course, be earned only by these people who are supplying the Supply Department.

Mr. T. Chapman-Mortimer (Bengal: European): What about the people who supply the Supply Department?

Mr. Muhammad Nauman: That is the only thing I wanted to impress upon the House just now, and then I shall take one minute regarding the question of the imported yarn duty which the Honourable Member has

increased. I remember the Honourable the Finance Member stated in reply during the general discussion that he did not like to help the foreign interests and he thought there was no use offering any encouragement to the cotton industry by way of giving any facility in importing silk yarn from Japan. The other day the Honourable the Finance Member, in reply to the general discussion, said that it was not the intention of the Government to encourage the import of silk yarn from Japan as the industry which depended on the imported silk yarn from Japan could not be called an industry of this country. I agree with him there. But so long as we are not able to produce our own silk yarn, some encouragement is needed for this kind of secondary industry. That is a point which I would like to make, and I will be glad to hear from the Honourable Member what he thinks in the matter of silk yarn, whether it is the interests of this country at this time or not.

Sir, I do not want to take much time of the House. I have already said that if you want to save India, make Indians feel that it is their India and then their contributions will be spontaneous. Do not make them feel that they are being driven to a necessity of payment. The contributions should be voluntary and spontaneous and there should be a feeling of co-operation. They should feel as though the trouble has come on them and that their absolute duty is to do what best they can to defend their own country.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): Sir, the Honourable Members of the House are very fond of telling stories. Dr. Sir Ziauddin Ahmad is the chief story-teller in this House. I have heard his stories. Then, I have heard the pleasantries of the Home Member and I have heard the stories of Sir Andrew Clow. Sir Homi Mody is also a story-teller. Now, I want to tell a story and that story will be in a poem. All the Members on the front Treasury Bench ought to have been here to hear this story. Here is the story:

*"Saar hain Qanoon ke aivan ke Sir Abdur Rahim
Jis ke har goshay pe rakhtai hain Nazar Abdur Rahim.
Bat agar sachhi ho aur kahna ho uska naguzir
Sab men kah daitay hain bay Khauf-o-Khatar Abdur Rahim
Zabitay ko torta ho gar Hukumat ka Ghurur
Uth kay ho jatay hain khud uskay bhi Sar Abdur Rahim.
Khaa lay kar in say papar maghrabi Insaaf kay.
Baitay jin ko rahay hain Umr bhar Abdur Rahim."*

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better not discuss the Chair.

Maulana Zafar Ali Khan: I am telling the story of the Chair.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better leave me alone as I am occupying the Chair.

Maulana Zafar Ali Khan:

*"Intizar Azad-i-kamil ka us kursi ko hai.
Jaha gar hain jis pe ba sud karr o far Abdur Rahim."*

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better not pursue that.

Maulana Zafar Ali Khan: There were many things in this poem about Sir Andrew Clow and Sir Reginald Maxwell, but I have been gagged by the Chair and, therefore, I will take another opportunity of referring to it.

(The Honourable Member again began to recite from his Urdu poem.)

*"Congress ho League ho Hindu hon ya Angrez hon
Dekhlay aik ankh say hain sab ko Sir Abdur Rahim."*

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better address the Assembly in English.

Maulana Zafar Ali Khan: When you are not in the Chair, Sir, and the Deputy President is in the Chair, I will complete this poem. But I have not praised anybody in this poem; I have simply stated actual facts.

Now, Sir, I come to the Finance Bill. As has been already pointed out, the Budget has been passed and it must have been passed. Last time when we discussed the Supplementary Budget, these Congress Benches were not empty; they were full. The Supplementary Budget was thrown out. And why was it thrown out? It was thrown out because the Muslim League Party remained neutral. Had we not remained neutral, the story would have been different. Why were we neutral and why was the Bill thrown out? It was pointed out in so many words that when the war broke out, India was not consulted at all. Neither the House, nor the Hindus, nor the Muslims were consulted, and the war commenced and went on merrily. Meantime, we had our grievances and the Mussalmans had the bigger share of those grievances. The deadlock that has arisen and is confronting us at the present moment is a greater calamity so far as India is concerned than the calamity that has befallen Europe in the form of this terrible war. Now, how did this political deadlock arise? Some friends are in the habit of accusing the British Government for creating this deadlock. To a certain extent, they are right. But the chief share of the blame attaches to us. Had we, the Hindus and the Mussalmans, made up our minds to sink our differences and made an honourable settlement between ourselves, no British Government, however powerful, would have dared flying in our face. The story of our differences, which is a painful one, reminds me of two brothers. An old man died and left two sons. The elder had all the characteristics and idiosyncracies of Mahatma Gandhi and the younger was something like Mr. Jinnah. This old man left them one magnificent mansion which was to be partitioned among them. Now, the elder brother gets up and says:

*"Az Sehn-i-khana ta balab-i-ham az an-i-mun
Az ham-i-khana ta ha Surayya az an-i-tu."*

which, in plain English, means:

"From the floor of the house to the top of the house is mine, and from the top of the house to highest heaven is yours."

This was the partition and the same thing happened in India to the Muslims. When the Government of India Act of 1935 was passed, the Muslims were assured as also other minorities that their interests would be safeguarded and protected by the Governor. We felt satisfied to a certain extent, but suddenly we were surprised to find that when it came to action, the Governor was nowhere. The Governor left the minorities in the lurch as in the case of Orissa. In Orissa, the population of Hindus

was 97 per cent, and that of Muslims three per cent. The Muslim community wanted that they should have their due share in the Cabinet. But the Prime Minister of Orissa, a Hindu gentleman by name Mr. Biswa Nath Das, said: "No, we will protect your interests." Then, the poor Muslims had to knock at the door of the Governor, Sir John Hubbock. But the Governor also said: "No, go to the Prime Minister." When these things happened, I moved a motion for adjournment in this House to discuss the matter. But the Governor General refused to give me permission, and, thereupon, I wrote:

*"Urti si khabar tar par ai hai Kuttock say
Bartania kay banglay ki Chhat ur gai bhak say;
Jis bumb ke dhamkay say yih afat hui barpa
Lim uski koi poch lay Sir John Hubbock say;
Bartania ka Sher ab in hal ko pahuncha
Jungle men bipharta hai tu bakri ki Kumack say;
Bheja hai Kuttock say mujhe jo nama sanam nay
Doonga main jawab uska lab-i-rod-i-Attock say."*

Meaning:

"The news has been flashed across the wire
That the roof of Britannia's bungalow was blown up by a tremendous explosion;
Go and ask Sir John Hubbock
Who will tell you the nature of the bomb which brought about this catastrophe;
The British Lion has now come to such a pass
That he requires the aid of Wardha's goat to become the monarch of the Jungle;
My sweetheart has addressed to me an epistle from Kattack
And I am going to send an answer from the shores of Attock."

The answer was given. It came in the form of the scheme which is known ordinarily or more philosophically as the scheme of the partition of India, but which, according to our Hindu friends, is known as Pakistan. Whenever the word "Pakistan" occurs, they flare up. It gives them the creeps. What is this scheme? Some of the Hindus do not want to understand it deliberately. It is a very plain and simple scheme and it is the only remedy for the trouble in India. The only solution of the intricate problem that confronts us lies in this scheme. When we saw what was happening in Orissa, what was happening in the United Provinces, in the Central Provinces, in Bihar, and in all other provinces in which the Congress had the upper hand, we came definitely to the conclusion that there was no hope for us so long as there was an irresponsible Centre, and, under that irresponsible Centre, there were provinces which will have their own say, and the interests of the minorities would go unprotected. Then, we put our heads together and we came to the conclusion which is embodied in the scheme.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member will stop now. The House will now adjourn till tomorrow.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 15th March, 1941.