

THE LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume III, 1942

(14th September to 24th September, 1942)

SIXTEENTH SESSION OF THE FIFTH LEGISLATIVE ASSEMBLY 1942

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LEGISLATIVE ASSEMBLY.

Friday, 18th September, 1942.

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.

†92*—109*.

UNSTARRED QUESTIONS AND ANSWERS.

†1—3.

MOTION *RE* THE SITUATION IN INDIA—*concid.*

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

“ That the situation in India be taken into consideration. ”

Major Nawab Sir Ahmad Nawaz Khan (Nominated Non-Official): Sir, continuing my speech of yesterday in which I pointed out the real causes of the present unrest, I say that the following political parties, the Congress, the Muslim League, the Hindu Mahasabha, All India Harijan League, All India Christian Association, All India Azad Muslim Conference, All India Communist Party, All India Akali Conference, All India Chambers of Commerce, the Indian Trades Unions, the Liberal League, the Chief Ministers of Bengal and Sind and many other political parties want the independence of India in some form, and mostly now. But the Government of India and the Government of Great Britain wish to grant independence in some proper form after the war. Several of our political parties believe that this is an excuse only and not a necessity. But so far as I know it is a necessity and there are two reasons for my belief. The first is this. The differing, disunited and contradictory proposals submitted by the different political parties to the Government of India have placed the Government of India in an impossible position and state to decide one way or the other according to the wishes and views of any one or of certain political parties. It is but fair to believe this undeniable fact and I challenge any other Member of this Honourable House, to refute it. The second reason is one which every sensible man can think it to be true, that Great Britain is in the middle of war on three continents—Europe, Africa and Asia. Not only she but every other ruling nation which is in the middle of the war cannot afford and should not like to deprive herself or lose any part of their dominions. Great Britain whose empire is scattered all over the world is in reality under a necessity

†For these questions and answers, see pages 233 and 487-509 of these Debates.

[Major Nawab Sir Ahmad Nawaz Khan.]

to keep every inch of her dominions under her direct control and management. It is a necessity. It is not an excuse which any reasonable person can think of. To lose India is the greatest loss to the British Government. Therefore, in my opinion, and in the opinion of every impartial thinker, the British Government is not at the present moment delaying any reply to the several demands of Indians when she says that they will consider over the matter and will grant India independence after the war, because during the war they cannot afford to leave the direct control of such a rich and important continent like India, when Great Britain is in great need of men, money, material, labour, Industries, export of necessities of life and protection of communications by different ways and means.

Now, the question may be asked, why full independence now at once during the war should not be given to Indians as the major community or even the minor communities want. I think from a practical point of view, and not from a merely theoretical point of view, that it will introduce a thousand kinds of difficulties and troubles for the Government of Great Britain and of India in the prosecution of the war as they wish to conduct it and not from the Indians point of view, because those who have full knowledge of the present situation and conditions of war are not the Indians. When an order comes from the High Command of Great Britain, without full explanation, to the Viceroy and Commander-in-Chief they arrange things according to their plan, which plan is not even before the Government of India; but if India is under the control of some other persons who then could rightly ask the High Command of Great Britain that they wish to know more and more explanations before they should take the whole situation of India in hand; and by the time the discussion ended, many military objectives would be ruined. Therefore, this is not an excuse on the part of the British Government, if we look at it impartially. I can give another simile. If your friend's house is set on fire, he is really in a very great need to get as many buckets of water as can be given. But if his real and intimate friend comes and asks him for a bucket of water for his own purpose, he is bound to refuse and say that first of all the fire has got to be extinguished before any water can be spared for other purposes.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Major Nawab Sir Ahmad Nawaz Khan: Sir, the real remedy for the Independence lies with us Indians, to be united and to produce before the Government a united demand, as the Government said many times in which case there is 80 per cent. chance of success and sure success. But if we remain disunited and quarrelling there is no chance of success even of eight per cent.

The Honourable Sir Sultan Ahmed (Law Member): Sir, it was neither my intention nor even my desire to take any part whatsoever in this debate as a full statement of the case of the Government had been made by the Honourable the Home Member, and I and all my colleagues take the fullest responsibility for every word that he has said. But lest our silence should be misconstrued and as one of the Honourable Members sitting opposite to me called us non-entities, it is necessary that some of those non-entities

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): I suggest that the Honourable Member should not go by the report in the press, but see the official report of my speech.

The Honourable Sir Sultan Ahmed: . . . it is necessary that some of us should say what we feel about the situation. I have got another reason which has impelled me to make a few remarks. I come from a province which has been, as you know, shattered badly by the recent events, and though I am thankful to say that law and order has been to a great extent restored there, I cannot say that we are still out of the wood. Coming as I do from that province, I felt this morning that it would be unwise for me not to say anything during this debate. A province famous for its potential wealth, its fertile soil, which is rightly held as the granary of India, is now the centre of partial devastation, some idea of which has already been given to you by the Honourable the Home Member and also by my Honourable friend, Mr. Nauman, the Member from Patna.

Sir, I never regretted the decision which I along with all my other colleagues took on the 8th August, because placed as we were, we had to choose between complete abdication of our responsibility as a Government and surrender to the challenge thrown out to us. And now, after all that has happened, we feel convinced that our decision was right. We made it perfectly clear in the resolution that we issued immediately after, that we were aware of the preparations that were being made in the name of and on behalf of the Congress for the various acts of sabotage, and if there was any doubt about the accuracy of the estimate that we made of the situation at that time that doubt is completely dispelled by the events that have happened.

Sir Cowasji Jehangir has referred to the speech of Sardar Vallabhai Patel on the 2nd August, and Honourable Members must have read the statements and speeches of others from which it was obvious that whatever the Mahatma's faith was, nobody else believed that the non-violent civil disobedience movement which the Congress threatened was or could ever be non-violent if the congress programme was put in operation as was done. The House knows the result.

It has been suggested that we should have waited for the letter of Mahatma Gandhi to His Excellency the Viceroy. We, however, knew of the repeated advice conveyed to Mahatma from different quarters who had influence with him, as to the unwisdom of coupling the demand for independence of India forthwith with the threat of launching civil disobedience if it was not conceded, but the Mahatma was adamant. He was out to force everybody's hands. We knew that he had overruled the wishes of some of the important members of the Working Committee who wanted to take a more sober and moderate course. We knew that his more militant associates had defined what this mass civil disobedience was to be. We had also the advice from our Provincial Governors of the grave dangers of delay in taking action, and subsequent events have proved that they were right. Under those circumstances no Government, I respectfully submit to the House, with any sense of responsibility could have possibly waited a minute longer after the ratification by the All India Congress Committee of the resolution of the Working Committee. Could any Government agree to negotiate with a party who wanted to come to us with certain demands in its right hand and a pistol in its left? It is

[Sir Sultan Ahmed.]

too late in the day now for any one to make the impossible attempt to absolve the Congress from the fullest responsibility of all that has happened in the country.

Some Honourable Members have suggested that we should have taken the action we did, immediately after the Working Committee's resolution. Perhaps they are right, but our reason for proceeding cautiously was that, unless the Working Committee's resolution was finally accepted by the All India Congress Committee, it was not a resolution which was the final word of the Congress, and I apprehend we would have been accused of having taken action on no decision of the Congress but simply on an incomplete proposal which might have been turned down by the All India Congress Committee.

Before the ink was dry on the All India Congress Committee's resolution the whole of India was in flames and acts of destruction followed with lightning rapidity and virulence almost unparalleled in the history of India, and it is most remarkable that the movement was most violent in provinces where the Congress Ministries had functioned before they went out of office. Another extraordinary feature of this movement has been, and which demonstrates beyond any doubt that it was well planned as well as well directed, that throughout this movement no looters, rioters or rebels attacked Muslim life or property. All that was done could not have been done by professional dacoits or looters, because they do not discriminate between Muslim and Hindu victims, nor do they discriminate between private and public property. The whole objective was to paralyse the administration and thereby paralyse the war efforts, and this had to be done in the Axis fashion of "blitz".

Government had to be on the defensive from the very first day. Their only duty was to prevent the extension of the crimes of sabotage. If being on the defensive when there is widespread rebellion is repression, Government pleads guilty to it, but if what they did was to save the country from the danger of the greatest disaster possible, then what they did was in the normal discharge of their functions as Government. We are convinced that in the discharge of their extraordinarily difficult and perilous duties the police and the troops as a whole have not committed excesses, but if there are individual cases which have occurred it will be the function and duty of Provincial Governments to see that those who have been guilty of excesses do not escape punishment.

Now, Sir, I come to another aspect of the question referred to by a number of my Honourable friends in this House. They are disappointed, and they say they are extremely disappointed, that Government have not produced any constructive programme for reforms to deal with the situation. Faced as we are I am surprised that such a demand should be made from us. Let me repeat what I said before—that the rebellion is not yet completely quelled. There are still places where law and order have not been fully restored. In fact there are one or two places in Bihar where we do not know what is happening today. But we hope that a reaction has set in amongst the general public against the barbarities and excesses committed by the rebels and the recrudescence of the mob rule is being resisted by the inhabitants of the devastated areas themselves. In these circumstances, to expect Government to sit down and consider and formulate constructive measures, whatever the meaning of that phrase may be, is to say the least, exceedingly unreasonable. Apart from that, the

Cripps proposals were and they remain today the constructive proposals put forward by His Majesty's Government. That, unfortunately, has been spurned. Let me frankly tell the House that the acceptance of those proposals in my opinion would have resulted in the swaraj for which India had been longing but they were rejected on the ostensible ground of the Viceroy's veto and so on. Has it been realised that the convention which the Congress demanded would have come in as a matter of course, once there was a sanction behind it from the representatives of the people? Conventions would not be conventions if they were put on the Statute-book or for which there was an express agreement. Conventions grow up as all customary rules do in sensible gradations. Some small deviation from the precedent itself becomes a precedent. So, the constitution "broadens down". Conventions do not supersede the law. They merely determine in certain eventualities how legal power shall be exercised. In England, the greatest changes in the constitution have not been brought about by legislative enactments. Whilst the legal code has remained substantially unaltered, there has grown up by its side a purely unwritten and conventional code. As a well-known constitutional lawyer puts it, "the object of conventions is to secure obedience to the deliberately expressed will of the representatives of the people and therefore the ultimate will of the nation". In England, for instance, neither the Prime Minister nor the Cabinet is known to law, and yet the whole system of Parliamentary Government hinges on the working of the Cabinet, that is, on the collective responsibility of certain members of the Executive to Parliament and to the nation for the conduct of public affairs.

Then again, are the constructive measures only to be initiated by the Government and the Honourable Members who have collected here have no part or share in it? May I appeal to them not to go back to their homes without making some tangible contribution to the constructive measures which will command a fair measure of agreement of all the parties. The greatest danger and futility of any criticism is to ignore the complexity of this problem. Once that is realised, it is possible to find the remedy. Sir, in this House is fully represented the genius, the intellect and the patriotism of the country. Is it too much to hope that those who still dominate the public life of this country will not fail to produce an agreed programme? They should not suffer from inferiority complex. Any proposal which has the unanimous support of the Honourable Members opposite cannot be lightly treated by any Government here or in England. But if the House wants the Government to impose upon the country a constitution, irrespective of the agreement of the parties during the extremely critical period we are passing through, it will be neither fair to itself nor to the country. Honourable Members have been talking about "national Government" and that is the cry which is coming from all corners of India but is it realised that national Government cannot be imposed but it must be the creation of the fairly unanimous will of the people? With the consent of all parties, it comes in automatically in places where there is a government of the people by the people and in places where there is a foreign government it has to be formed first by the people themselves and the proposal is submitted then to the Government of the day, and if denied, the so-formed national government asserts its will.

Sardar Sant Singh (West Punjab: Sikh): In what way?

The Honourable Sir Sultan Ahmad: In exactly the same way in which you are doing at present, and I cannot conceive that if such a Government is formed, His Majesty's Government can possibly resist it. But remember that this national Government has to satisfy one test—and that is a crucial test at the present time—and that is that its main purpose today is to resist the Axis powers with the last drop of its blood. It has to resist them as the Russians are resisting the Germans. Civilised humanity, and I claim that we Indians form a part of it, has decided, and there is no difference of opinion about it, that these enemies are outlaws and civilisation cannot be satisfied until these outlaws are brought to book. The Allied Nations have pledged themselves to "do or die" in this great struggle and whichever Government comes into power in India it has to pledge itself to that faith. We, the Indian Members of the Executive Council, are as anxious as any one in this House or outside to have the freedom of the country and as soon as possible and we are here only to advance that interest. We are, however, clear in our own minds that this freedom secured from the British without the agreement of the major parties, even if it were possible, would lead us to anarchy and civil war and thus to abject slavery under the Japanese and we sitting on this Bench and I hope every one of us here would sooner prefer annihilation to the position thus created.

Syed Ghulam Bhik Nairang (East Punjab: Muhammadan): This debate has been initiated by the Honourable the Home Member on a motion which strikes me as very laconic and vague and puts the House in a position of considerable disadvantage by calling upon it to take the situation in India into consideration. I do not mean to put forward a technical objection and raise a point of order but I certainly wish to point out the practical difficulty of adopting such a motion. No definite substantive proposition is put before the House. The situation in India may mean anything and naturally embraces quite a multitude of things. On many occasions, motions are moved in that form, but they always mean something definite. For instance, when the motion is that such and such a Bill be taken into consideration, there is always a particular Bill before the House, which makes the motion definite. When some years ago we had before this House a motion that the Ottawa Agreement be taken into consideration, that Agreement was before the House, and the House knew what it had to consider and the motion was, therefore, quite intelligible and quite definite. The present motion moved by the Honourable the Home Member is, not conveniently, but most inconveniently vague and indefinite. It simply amounts to saying this: "Let us talk," and, in meek obedience to the Honourable the Home Member, Honourable Members of this House have talked, and some of them, it appears to me, have talked at cross purposes. That is due to the indefinite nature of the motion. Possibly, the Honourable the Home Member meant to say: "I am going to make a statement about the situation in India: let that statement be talked about and endorsed and approved". Well, he did make a statement. As a statement, it was certainly lucid, forceful and impressive, but that did not improve matters. The position of those who tabled amendments still remained a difficult one. It was a question whether the so many amendments tabled on this occasion are real, alive amendments or only substantive propositions sought to be substituted for the original motion. I need not pursue this point further but would refer to a recent illustration of the way in which a motion like this was moved before this House and disposed of.

In the Secret Session of this House the motion was that the "war situation be taken into consideration". The Honourable the Leader of the House moved the motion; His Excellency the Commander-in-Chief favoured us with a comprehensive statement of the war situation; some speeches were made; some questions were asked and certain suggestions put forward; and, without passing any resolution or any motion as a motion, the Session came to an end. Possibly, the Honourable the Home Member means a thing of that kind, and if that is the course to be adopted, I think the so many motions put forward as amendments will have to be either withdrawn or simply ignored.

Now, as to the Home Member's speech, it covers a vast field and it is the first comprehensive statement made by Government about the disturbances which followed the arrest of Mr. Gandhi and the Congress leaders at Bombay. No Member of this House and no responsible person outside this House can entertain or express anything but the strongest condemnation for the organised campaign of arson, sabotage, destruction of public property and in places even brutal murder, which somehow came to be started and was ruthlessly carried on by certain sections of the people in certain parts of the country. And no one in his senses can say that while this hooliganism and lawlessness were rampant, Government ought to have merely looked on and taken no steps to prevent them or to deal with them even sternly. Surely, Government could not abdicate its functions and could not afford to adopt a policy of non-violent non-co-operation when the movement had disturbed the public peace, set up mob rule, burnt post offices and railway stations, cut telegraph and telephone wires, damaged railway lines and tried to paralyse not only the war effort but also the normal economic life of the people. Surely, when such a state of things came into being, nobody expected the British Government to say to the hooligans: "Heroes and patriots! have patience. You need not worry yourself. We have received the order to quite India and we are preparing to do so. Aeroplanes and steamers duly convoyed are ready to take the British people bag and baggage out of India. We have arranged to summon Mahatma Gandhi and all his satellites from Bombay by aeroplane. They are reaching here tomorrow. We will hand over the charge of this country to your respected leaders and we shall walk out. Why bother! You can have your country at your disposal. You can rule it; you can misrule it. You can govern it; you can misgovern it. You can have a Govt. or you can have absolute anarchy, whichever you choose. We did in our day make some promises to the Muslim nation and to the Depressed Classes and to the Indian States and to certain other loyal sections of the people.—the martial races and so forth, but surely those promises were not intended to be performed at the cost of our own lives. Life is dearer than anything else, and we are leaving all these people to your tender mercies. You can do anything you like with the Muslims. You can pluate them; you can appease them; you can coerce them; you can convert them; you can annihilate them; you can do anything you like with them. As to the Depressed Classes, well, they are, according to you, meant to serve the high caste Hindus; they can go on as they have been going on for centuries. As to the Indian States, they can take care of themselves. So, we are off and you take charge of this country and administer or maladminister it as you like." If that position has been taken by the British Government which was the only alternative to the action taken at the outbreak of this lawlessness, I think the British Government would have, by doing so, committed political, administrative and even

[Syed Ghulam Bhit Nairang.]

moral suicide and would not have been able to show its face anywhere. It would have been the duty of Government under any circumstances to put a stop to lawlessness, and the duty was all the more imperative when the invader stood at the gate of India. If the Government had failed in this duty, we do not know what would have happened. As I have already said, the only other alternative was to abdicate and walk out. There is, therefore, no question that the measures taken by Government were not called for and not justified.

If in the course of these measures any excesses were committed by the military or the police—and I must say there are complaints to that effect which deserve serious attention and looking into—it is the duty of the Government to inquire into those complaints, punish the guilty and see that such things do not recur. I am glad after having had the advantage of listening to the Honourable the Law Member that that is the position of Government and that Government do mean to dispose of these complaints after proper enquiry and in a proper way.

Then comes the important question, who is responsible for this outburst of organised lawlessness. Some quarters blandly put forward the view that it is the spontaneous ebullition of public resentment at the arrest and incarceration of Mr. Gandhi and the Congress Leaders. Others strongly hold that this is the very thing which Mr. Gandhi and the Congress Working Committee had threatened to start on the British refusing to quit India, after being ordered to do so. The question is not free from difficulty and the relevant evidence, even such of it as is already before the public, is voluminous and complicated. Mr. Gandhi's utterances and writings are not only oracular but contradictory, and the great difficulty is that he declared sometime ago by quoting Emerson that consistency is the hobgoblin of small minds. We know that Mr. Gandhi's mind is not small and so he considers it necessary to indulge in inconsistencies to the mystification and utter embarrassment of those who want to ascertain his leanings and know precisely what he aims at. Now, Sir, among the lieutenants of Mr. Gandhi, we have the very conspicuous figure of Sardar Patel who said that the movement was going to be short and swift and would end in a week. If such a movement was going to be non-violent, it could not, as it were by the touch of the magician's wand, complete its work in a week. Without going into details, one may say that there are very very strong indications that the Congress is responsible for this movement. Some people believe that Subhas Chandra Bose has something to do with this movement and point out to the broadcast sent out from Berlin on the evening of 19th and 20th August last which purported to be a record of a speech by Subhas Chandra Bose and in which a complete programme of rebellion and sabotage had been outlined and detailed instructions given, firstly, secondly, thirdly and so on up to perhaps 25 or more paragraphs. Many of the instructions contained in that broadcast tally with what has actually been done during the course of these disturbances. But people point out that this was, as far as known, only on the 19th and 20th August, but the movement was already in full swing long before that had been sanctioned at least by the Andhra Provincial Congress Committee and had been embodied in cyclostyled instructions which the Government of the Central Provinces said had been found with some of the members of the All-India Congress Committee. These are bewildering circumstances. It is further pointed

out that Subash Chandra Bose had not been on good terms with Mr. Gandhi and his party and so the two could not have acted in concert and, therefore, the entire thing must be put down to Subash Chandra Bose who has gone over to the enemy and has no scruples now to deter him from starting and fomenting a movement of this kind in India. But it is said by others that the differences between Subash Chandra Bose and Mr. Gandhi and his friends have long been made up. The other day when news of the death of Subash Chandra Bose in an aeroplane crash was received in India, Mr. Gandhi was among the first men to send a telegram of condolence to the mother of Subash Chandra Bose in which he characterised the death of Subash Chandra Bose as a national loss. Later on, when it was discovered that the report about his death was unfounded, it was Mr. Gandhi again who was the first to send a telegram of congratulation to the mother of Subash Chandra Bose, congratulating her on the safety of her son, and that congratulation again was for her and for the nation. Anvhow the circumstances are such that for us who are not in possession of the entire bulk of the evidence, it is difficult to come to a very definite decision and give a clear finding as to who is responsible and how far the Congress is responsible for this movement, although one must say that there are very strong indications, as far as our knowledge goes, putting down this movement to the account of the Congress.

Now, Sir, the question is, under these circumstances what has this House to suggest or to propose. The Honourable the Law Member has told us that if we put forward any constructive and concrete suggestions as to something to be done under the circumstances, the Government will be prepared to see that the suggestions are adopted and something constructive done. We must thank the Honourable the Law Member for that declaration and we consider it to be in consonance with the spirit evinced by the British Government in sending out Sir Stafford Cripps to India with certain definite proposals, and after the failure of the Cripps mission, in declaring that the offers made in those proposals are still open. We do consider that what the Honourable the Law Member has said is genuine.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Syed Ghulam Bhik Nairang: I will simply say this. I hope Honourable Members of this House will put their heads together and try to put before the Government some agreed constructive suggestions and not be deterred by what the Honourable the Law Member very patronisingly called "inferiority complex". With these words, I resume my seat.

The Honourable Dr. B. R. Ambedkar (Labour Member): Sir, the debate on the motion that has been going on for the last two or three days reveals that there are two definite points of view presented by the Members of this House. There is one point of view which holds that the action taken by the Government by arresting the members of the Congress and in suppressing the violent movement that has sprung up was not justified. There is one section of the House which holds that the action taken by the Government is perfectly justified. In a situation like this it might be well for Government to say that it is unnecessary for them to intervene in this debate for the simple reason that one side of the House cancels the other, but it seems to me, from what my Honourable colleague,

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the Member for Law, has said, that it would not be proper for Government Members and, particularly, the Indian Members of the Executive Council to allow this matter to rest there. Rather than let the burden remain on the shoulders of one section of the House, I think it is very necessary that the Members should take the burden upon themselves, and I, therefore, propose to deal with some of the points that have been made by that section of the House which thinks that the action was not justified.

The points that have been raised evidently fall into two categories: Some points are particular in their significance and in their nature; some points are of general importance and although it might be desirable for some of us not only to deal with the particular points but also with the general points, time, I am afraid, is so short that one has to make his selection in meeting some of the charges that have been levelled. I, therefore, propose to offer my remarks only on two charges which have been levelled by the Party opposite against the Government.

Sir, the critics of Government have said that the Government were not justified in arresting the members of the Congress and if I understand the argument correctly, the argument seems to be that Congress is a body which believes in non-violence and that if the Congress had been allowed to be free they certainly would have controlled the situation in such a manner that they would have prevented violence from emerging. It seems to me that the Members who take that line have not correctly read what has happened to the Congress and the members of the Working Committee during the last two years with regard to the principle of non-violence. Sir, as I read the proceedings of the Congress during the last two or three years, the impression that has been left upon my mind is that there has been a terrible landslide in the principle of non-violence as has been proclaimed by the Congress. The non-violence has been deeply buried—I have no hesitation on that point at all.

Let me give the House a few facts. Sir, on the 22nd of December, 1939, the Congress first gave the threat of civil disobedience. On the 19th March, 1940, the Congress had its Annual Session at Ramgarh. At the Annual Session Mr. Gandhi was made the dictator and given sole charge to lead the struggle. Mr. Gandhi became the Commander-in-Chief under that resolution. But on the 22nd of June, 1940, barely within three months, Mr. Gandhi was deposed from his place as a Commander-in-Chief. The Working Committee refused to accept the principle of non-violence as a guiding principle for its action, and Mr. Gandhi had to tender his resignation.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): That was with regard to the war.

The Honourable Dr. B. R. Ambedkar: Please do not disturb me.

On the 15th of December, 1940, the All-India Congress Committee met in Bombay and there a resolution was passed by which Mr. Gandhi was again made the Commander-in-Chief and requested to carry on the struggle. Mr. Gandhi continued to be the Commander till December 1941. In December 1941, a Working Committee meeting was held in Bardoli and a resolution was passed again deposing Mr. Gandhi. The important feature of the incident that took place in December 1941 is, I think, not quite well-known to the Members of this House. There was a great schism at

Bardoli between Mr. Gandhi and his followers who believed in non-violence out and out, and the other members of the Working Committee who did not believe in non-violence. The matter was put to issue at Wardha at a meeting of the All India Congress Committee. Everybody in India, certainly the members of the Working Committee, expected that Mr. Gandhi would push the issue to a decision and either have the Working Committee's resolution passed at Bardoli rescinded or, if it was not possible for him to do so, tender his resignation. One of the most astounding things that Mr. Gandhi did at Wardha when the resolution came up for ratification before the All India Congress Committee was that the apostle of non-violence instructed his followers not to carry the matter to a division. Not only that, he continued to associate himself with the Working Committee and continued to be its Commander-in-Chief. Sir, if that is not evidence that the Congress was saturated with a spirit of violence, right under the very nose of the Congress—Mr. Gandhi—I do not know what better evidence one could offer on that point.

There is another point which, I think, Honourable Members are not aware of and about which I would like to make some reference. It is not only a fact that almost all members of the Congress Working Committee—at any rate a great many of them—had ceased to have any faith in non-violence, a great many of them had become indifferent to the principle, but there is enough body of evidence to indicate that inside the Congress there was an attempt being made for a planned campaign of violence.

Sardar Sant Singh: So far as the war is concerned

The Honourable Dr. B. R. Ambedkar: Please do not interrupt me.

Sardar Sant Singh: You are making mis-statements.

Some Honourable Members: It is not correct. There is no evidence.

The Honourable Dr. B. R. Ambedkar: I am not making any inaccurate statement. I think there is one piece of evidence to which no reference has so far been made in the House, and I would like to make a reference to it.

An incident occurred at Deoli Detention Camp where Mr. Jai Prakash Narain was kept. The House probably is aware that the Jail Superintendent in charge of the Camp succeeded in getting hold of some papers which Mr. Jai Prakash Narain was surreptitiously trying to pass out of the Jail to his wife. That incident occurred in December 1941 and anyone who wants to understand what was happening within the Congress—within the Working Committee—I submit, ought to pay the greatest attention to that document. What does that document reveal? That document, if I read it correctly, reveals four or five points. First of all—and I am using the words of Mr. Jai Prakash Narain himself—the Satyagraha which Mr. Gandhi was carrying on was held by a majority of Congressmen as a stupid farce; it had no sense, it had no meaning. Secondly, Mr. Jai Prakash Narain maintained that if the Congress wanted to achieve its goal it had better give up the task of attending to moral victories and should try to achieve political victories. That was again a hit against Mr. Gandhi. The second fact

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12 Noon. which the document revealed was that there were in existence in India certain parties who were not only not believing in non-violence but were pledged to violence and the parties that are referred to in that document, I find, are these, which are said to be within the Congress: The Communist Party of India, the Revolutionary Socialist Party in Bengal, the Congress Socialist Party, the Hindustan Socialist Republican Association. It was the project of Mr. Jai Prakash Narain that all these bodies, except perhaps the Communist Party, should be amalgamated into one single organisation which should be a secret party, working within the Congress and working below ground, subterranean—to use the exact technical terminology. Mr. Jai Prakash Narain also suggested that this secret party should not only be within the Congress but should resort to political dacoities for the purpose of getting funds to carry on its own policy. If these two matters to which I have made reference do not convince reasonable people that the Congress was not to be trusted in the lip service which it rendered to the principle of non-violence, I do not know that there can be any better evidence by which a reasonable man can be convinced. That, Sir, is at any rate one of the circumstances on which Government relied in taking action at the stage it took.

Then I come to the second point which I have selected in offering my remarks in this maiden speech. It has been said by the Members of the Opposition that, although repression may be justifiable by the circumstances of the moment, it should not be the duty of the Government merely to stop with repression but that Government must take some constructive step. When one begins to examine the constructive steps to which reference has been made from different sections of the House, one cannot but be surprised at the bewildering medley of suggestions that have been made. I, therefore, pick upon only one which appears to me something definite and something which you can put your teeth in and examine. The suggestion has been made that the Government of the day should be recast, refashioned, and should work as a national government. Now, in order that I may be able to present to the House the point of view which I am urging with regard to this suggestion, it would be better if I began by stating what the present Government is, what is its nature. As Honourable Members are aware, section 33 of the Government of India Act says, that the superintendence, direction and control of the civil and military government of India is vested in the Governor General in Council. I am a bit of a constitutional lawyer. I do not claim to be an expert, but I do claim to be a student; and examining this section 33 and comparing it with the constitutions that exist elsewhere and taking as a measure the wishes of the Indian people as to the nature of the government they want, I have no hesitation in saying that this section 33 provides a government which has two characteristics which are of infinite importance. The one characteristic which this government has got is that it excludes autocracy completely. The second characteristic which this government has got is that it imposes collective responsibility, a matter which is so touch after the heart of the Indian people

An Honourable Member: Is it practised?

The Honourable Dr. B. R. Ambedkar: I will come to that. There is ample provision in the Act. The government is vested not in the Governor General, not in a single authority, but it is vested in the Governor General in Council

Mr. Jamnadas M. Mehta (Bombay Central Division: Non-Muhammadan Rural): Subject to the orders of the Secretary of State.

The Honourable Dr. B. E. Ambedkar: I am coming to that; I am dealing with all that. The position is this, that every Member of the Executive Council is a colleague of the Governor General. That fact can never be forgotten and ought never to be forgotten; and my submission, therefore, is that if Indians are wanting a government which is democratic, which excludes autocracy, and which by law—not by convention only—imposes upon those who are in charge of the administration a collective responsibility, then my submission to the House is this: that you cannot devise a better form of government than the one we have. I know it has been said against this government that although that may be so, this government is subject to the veto of the Viceroy and of the Secretary of State

Mr. Jamnadas M. Mehta: Not merely veto—orders.

The Honourable Dr. B. E. Ambedkar: I call it veto; you can call it orders. I would like to use a constitutional phrase as I am a constitutional man

An Honourable Member: The master's voice from Whitehall!

The Honourable Dr. B. E. Ambedkar: What I said is that this government is not a free government; it is a government that is subject to the veto of the Viceroy, it is also subject to the veto of the Secretary of State. With regard to the veto of the Viceroy I would like to point out that the veto is confined to matters which relate to the safety and tranquility of India. It is not a general veto. It is not a veto which applies to the day to day administration of the country

Sardar Sant Singh: May I ask one question.

The Honourable Dr. B. E. Ambedkar: You must not ask any question now, I have got a very short time. I am going to admit for the sake of argument that there is a veto. I have read a lot of constitutions, not to be afraid of a veto

Sardar Sant Singh: I am asking a legal question.

The Honourable Dr. B. E. Ambedkar: You can ask me later. I have no time to give a lecture now.

I am perfectly prepared to admit that there is a veto and that the veto exists. My question to Honourable Members who are so much disturbed by the veto is this: what is the significance of the veto? What does the veto mean? Let me state it in the most categorical terms, because I find there is a lot of confusion in the minds of many Honourable Members who wish to talk about the constitutional question. What is the difference between an autocratic government and a responsible government? What is the difference that exists in Germany under Hitler and the Government that exists in Great Britain? The answer simply is this (Interruption).

Mr. President (The Honourable Sir Abdur Rahim): Order, order. Honourable Members must not go on interrupting like this.

The Honourable Dr. B. R. Ambedkar: The answer is simply this and I want to put it in the most categorical form—the difference between autocracy and responsible government—I repeat it, I emphasise it,—lies in the fact that in autocracy there is no veto, in responsible government there is a veto. That is the simple fact about it. Let all those who want to understand the constitution and who want to frame constitutions bear that fact in mind.

Sir, the only question, the only quarrel that can arise—I can perfectly understand that sort of quarrel—is where should the veto lie? Should it lie with the Secretary of State, should it lie with the Viceroy, or should it lie at any other place or in some other organisation? That can be the only point of quarrel. As to the existence of the veto, I submit that there can be no quarrel among those who believe in responsibility, among those who believe in democratic government. The question, therefore, that arises is this. If we are not to have the veto with the Secretary of State, where are we to have it? It seems to me that if you want to transfer the veto from the Secretary of State, the only place where I can see it can be rightly placed is the Legislature. There is no other place for the veto.

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): I am glad that my Honourable friend has at last thought of the Legislature!

The Honourable Dr. B. R. Ambedkar: The question, therefore, is this, and I think it is a simple question. Can we transfer the veto to the Legislature as it exists today? (Interruption by Pandit Lakshmi Kanta Maitra.) I cannot teach you constitutional law. I am afraid I shall have to open a class. I spent five years in the Law College teaching constitutional law. The question to my mind is this. Can we transfer this veto to the Legislature? And I must consider the question from the standpoint of the present Legislature because the demand is that the British Government should abdicate at once. The question is, is this Legislature suited as a receptacle in which we can place this veto?

What is the composition, what is the character of this Legislature? Now, Sir, it is quite true and I do not think I am saying anything derogatory to this House, that, having regard to the efflux of time, this House is almost in a deceased state.

Sardar Sant Singh: It is always.

The Honourable Dr. B. R. Ambedkar: It was elected for three years, but it has been sitting for almost nearly nine years. I do not know to what extent the present Members of this House can be said to derive a mandate from their constituencies which can be regarded as direct and fresh, if it has not become stale by the efflux of time. I won't say anything about it, but let us proceed further and examine the composition of the House.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already exceeded his time.

Pandit Lakshmi Kanta Maitra (Presidency Division: Non-Muhammadan Rural): What my Honourable friend says has nothing to do with the motion before the House.

The Honourable Dr. B. R. Ambedkar: If you think, Sir, that my time is up . . .

Mr. President (The Honourable Sir Abdur Rahim): The time limit was arrived at by agreement of all Parties and I have got to enforce it.

The Honourable Dr. B. R. Ambedkar: Then I will close my speech. Examine the Legislature from any point of view you like, examine it from the point of view of the mandate, examine it from the point of view of the composition of the Legislature, its representative character. Examine it also from the point of view of the electorate which is represented, and I have no doubt about it that this House cannot be regarded as sufficiently representative to impose a veto on a national government.

Mr. Jamnadas M. Mehta: Why did you call the Session?

(There were some more interruptions.)

The Honourable Dr. B. R. Ambedkar: The point, therefore, is this. Either you must acknowledge the fact that this House is not representative enough to have the veto deposited in it, or you must consider whether during the period of the war it is possible for us to enter upon re-fashioning this Legislative Assembly in such a manner that it will contain within itself a sufficient number of Hindus, a sufficient number of Mussalmans, a sufficient number of Depressed Classes, and all the other elements which go to make up the national life of the country. Therefore, my submission is that this demand which has been made for a national government is certainly the result of confused thinking, is the result of the desire of most people, to avoid what I regard as the most crucial question, namely, a communal settlement, because until we get a communal settlement, it is quite impossible to re-fashion this House in a manner in which it would be regarded as fit to receive the veto powers over the Executive that may be fashioned under the new Constitution. Sir, I cannot carry the matter further as my time is up and I resume my seat.

Mr. N. M. Joshi (Nominated Non-Official): May I rise to a point of order? Is it good parliamentary practice that the Government side which has to make provocative speeches should make them at the end of the debate instead of in the middle or at the beginning of the debate?

Mr. President (The Honourable Sir Abdur Rahim): It is not a point of order which the Chair can decide. It is left to the Members of the House.

Mr. Hooseinbhoy A. Lalljee (Bombay Central Division: Muhammadan Rural): It was my earnest desire to be able to congratulate my Honourable friend, Dr. Ambedkar, when he made his maiden speech, but I am sorry to say that I am unable to do that at this juncture after hearing his speech but I do sincerely welcome him as a member of the Government of India. We had today what I considered to be a bright day when we heard the Honourable the Law Member admitting on the floor of this House that he looks to this House, a House which his Colleague, the Honourable Dr. Ambedkar, says is a good for nothing House. We are between

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the verdicts of two Honourable Members of Government, and I do not know whether there is any good our going into this question until they come to hold one and the same opinion. They have undertaken collective responsibility and they say, "You are no good. Trust us. You do not represent the people. These nine years you have not seen an election. We are the representatives and ought to be trusted! Not only are we under the Act colleagues of the Viceroy but have a collective responsibility." But the fact is, Sir, they have been appointed by the Viceroy and their term of office is until the pleasure of the Viceroy. I have never had a business proposal like that put before me, and I say that as a business man I shall not be proud of such a business. I call my servant and tell him, "You are my equal. I have appointed you. You shall remain during my pleasure, that is, no sooner I do not want you, then you are to go". Is this collective responsibility?

We have been told further by our Honourable friend, Dr. Ambedkar, about the great veto. He asks, where is the veto to be placed? It is certainly not with this Legislature but I admit it is in reality with the Secretary of State. We know as a fact that the veto lies in the hands of one gentleman 6000 miles away, and the Viceroy and the Executive Council, are humble servants of the Secretary of State and have to be there during the pleasure of the Secretary of State. This is the true position. I am sorry I have to deal with this question but it is the bounden duty of every one here who has been returned by his constituency to maintain the rights of the people. If I have said anything which my friends do not relish, I am certainly very sorry. But I strongly appeal to them to feel that we represent the people of this country, especially at a time when every day the freedom and the rights of the people to self-determination is dinned into our ears. If the Government as a whole have kept us on in this House it is not for anybody to challenge our position. We have told Government often and I am prepared to tell my friends today: 'Dissolve this House; if you want fresh verdict of the people'. Your policy is like the dog in the manger policy. The other day you grudged to give us more than two days to discuss the whole situation and, when great persons like Marshal Chiang and Sir Stafford Cripps came to this country it was so arranged that this Legislature had nothing to do with them. Not till this morning did we hear the least anxiety on the part of the Government Benches to take us in confidence or treat us as people's representatives. I take the pronouncement made by the Honourable the Law Member to-day very seriously and I tell him that if that is the spirit with which they are going to work with us, who are now here, they will not be sorry. It is high time I feel that you and we all must go round the country and explain the true position of the Government to the people. It may be that the powerful parties have been able to carry the people in their own way a great deal, but the fault really lies with the constitution and specially with the manner in which the Government have often treated the people and the people's representatives who have been co-operating with them. Change that policy. Let Government openly acknowledge those who are always prepared to discuss matters and co-operate with them and not only those who come at times to co-operate with them. You should not also surrender to those who sit on the fence and say that they will co-operate with you on certain terms. You should co-operate with all those who are bold enough to offer their services to you, not as a master, but as the Government of the country.

Let me again express the hope and trust that the pronouncement made by the Law Member is serious. He will excuse me if I still have doubts. I have been here for nearly ten years, and in season and out of season, we are claiming what you have just tried to give us that is true situation in the country and of the Government and I must say that we have yet to see that this is going to be your practice. Let us hope that you will put it into practice hereafter.

Coming to the motion before the House, I want to say that I entirely agree with the remarks that have been made by the Honourable the Home Member and the Law Member with regard to the great and serious losses that the country has suffered on account of the recent disturbances. I also agree that it is the duty of the Government to take strong and immediate measures to put them down. I do not think there is anybody in this country, (who honestly and sincerely believes in the safety and happiness of the people), who likes these disturbances. One thing you have got to acknowledge and that is the fact that today there are a very large number of people in the country who claim to be the followers of the Congress policy. There are today a large number of Muslims who claim to be the followers of the Muslim League.

Sir Muhammad Yamin Khan: With the exception of a few.

Mr. Hooseinbhoj A. Lalljee: I said large number. I have not said all. There is also the fact that there is a strong universal feeling that we ought to be free and independent. In these circumstances, the first duty of the Government is to try and satisfy the people's aspirations. In the Cripps proposals, I admit that a sincere attempt was made by the British Government to meet to a very large extent the desires of the people. I am sorry that attempt has not been successful. The Congress declared that the powers given were not real and further also not sufficient for the successful prosecution of the war. It is also a fact that the great Commander-in-Chief, as my friend, Dr. Ambedkar, has pointed out Mr. Gandhiji declared something to the effect that the Cripps proposals were a post-dated cheque on a bankrupt bank, but Sir, many do not agree with these. Many also feel that the Muslim League ought not to have rejected them. The reason the Muslim League put forward is that they did not get sufficient power to run the Government, and in that position, they were not prepared to take up any responsibility. Whatever that may be, I feel that the Government ought to have there and then attempted to get together the other parties, namely, the Depressed Classes, the working classes and other independent people's representatives together in a little round table conference at that time, and through them put the proposals before the public. It is not proper to blame all if you have not consulted or cared to consult all.

Sir, the Government are anxious and the people are anxious that we must carry on the war successfully. People are more anxious to carry on the war successfully because there are involved in this war two important questions for them. One is that our country is threatened and we cannot and will not allow our country to be invaded. The second is that we shall be able to get our freedom as soon as war successfully ends, because nobody can dare refuse us this right after the position that we have established and in the position we are now in. I feel also that a great deal and much more can be done for the war to be successful soon if the people of this country were frankly and fully trusted and taken into

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confidence. And further, if those Indians who are working in responsible position for the war supplies and preparations and those who can work in this direction should be given real and more responsible positions in the conduct of the war and in all the activities connected with the war. If this is done without any reserve India will be able to show very soon to the world at large that they not only can defend themselves but can defend the liberties of the people of the world at large. Unless and until some honest and real endeavours are made to place the real position and a fair right to handle the same in the accredited representatives of the country and a satisfactory solution is brought about in this respect, I am afraid we will not be able to do, with all the goodwill in the world, full justice to the cause of successfully carrying on of the war and for the cause of freedom. We have to seriously consider this position and I would earnestly and seriously draw the attention of the House and Government to it.

Only yesterday I read a small account in the newspapers the statement of Mr. Nash, the Prime Minister of New Zealand. He said:

"As I see it, Britain has made an offer, an honest offer, telling Indians to form a Government, and we drop our Government when you form yours. It is absurd to say you shall not have a Government meanwhile."

He further adds:

"There is one qualification. We do want to use the area to defend the interests of the United Nations."

Here is the Prime Minister of the smallest Dominion in the British Empire who calls this Government as 'our' Government. This is the statement of the Prime Minister of the smallest Dominion where an Indian cannot get free entrance or equal rights but who claims the Indian Government as 'our' Government. Mark these words, especially and consider its effect when you want to rouse the enthusiasm of the people to fight for their freedom as well. Then, the next thing he says is that he wants the area to defend the interests of the United Nations. In other words, he wants our country to be used as a battlefield to defend the interests of the United Nations, including of course New Zealand. It is not only New Zealand that wants this, but Australian and South African also want it because they all are in same position. Even the great American nation and the unfortunate China, (which is just like ourselves) also want it. The presence of their nationals in this country clearly shows what they mean. I do not say that we shall refuse them co-operation and help, but what I do say is this we are ourselves prepared to fight for our defence, if you want help ask us, do not dare to claim it, as we are prepared to fight for the cause of real freedom. We are prepared to make all sacrifices for the same but we must insist on being treated as equals. From this day let it be admitted by these people in all fairness that the people of India shall certainly and also have equal status with the people of the United Nations not only in India but in their countries as well. Make that simple and honest declaration. Let the great people of the United Nations also make this solemn simple declaration, that from today onwards the British Indian, or call him what you like, shall have in all those places where the United Nations rule the equal status and they shall and will accept the same position in India hereafter which is accorded to Indians in their countries by them. We are prepared to concede these privileges to them. In fact, we have

upto now been forced to concede equal status, position, to them but hereafter they will get if they concede. Now, may I ask my friend the Leader of the European Group and his friends who kindly gave assurances to us yesterday to kindly rise and tell us whether he is agreeable and is going to allow us to be equals with him in this country, in their country and in other parts of the world where he has got his own kith and kin ruling and for whom he is fighting and asking us to fight this war. Here is a test, Sir, before you. May I ask him that since he has given us pledges and also assurances of freedom soon after the war to answer this simple question boldly. This simple question I am putting to you only as a businessman because they are all businessmen. Are you prepared to admit here and now that you will see that a British Indian shall have the equal status wherever the United Nations will be ruling? If that is not forthcoming, let me put to him another question. Will you at least concede that the poor brave Indian soldier wherever he has shed his blood, shall be treated on that soil as of equal status with the people of those countries? Our poor brave Indian soldier is taken to Iraq, Iran, Syria, Egypt, Malta, etc., will he get an equal status in those lands or if he is taken to New Zealand, Australia or South Africa or to England or even to America will he be treated after victory is won by him as equal there. We are prepared to send them to all these countries,—will these great nations say here and now to his children or send messages to his orphans and to his widow and to his father and mother that their precious blood which was shed on their soil to defend their hearths and homes entitles them to an equal status with them? For the time being, let me leave aside the Indian people, let them answer to those who are actually laying down their lives. Will you do that? These are the things that really and truly will appeal to the mind of the people. Declare these simple things, when you make so many others. The moment you do that, let me assure you, you change the whole aspect of the war, especially when every day you din into our ears that equality and freedom is everything in the world and that the Axis powers are not only refusing these but are committing cruelties. They are really doing so and are really committing cruelties but may I ask why are you treating us as subject races and conquered nations. Are you prepared even to say here and now that such a thing shall not happen? I leave aside all other great and weighty constitutional questions for the time being; I only want this great fundamental principle of humanity, namely, equality of status to come at once. As a businessman who has travelled in many parts of Asia, a part of Africa and of Europe let me tell you frankly, I have often found myself in a position when I had to hide my real identity to be a British Indian.

Mr. Jamnadas M. Mehta: What did you go as?

Mr. Hooseinbhoj A. Lalljee: I have tried to pass as a Egyptian or as a Muslim without giving my nationality. The moment I had to say that I was a British Indian, they look down upon me as an inferior being.

Mr. Jamnadas M. Mehta: Then you have committed forgery!

Mr. Hooseinbhoj A. Lalljee: I have great regard for honour and self-respect. If I am unable to maintain them, if I call myself a British Indian, then I won't admit that my nationality. That is certain, and I submit no self-respecting man will do it.

[Mr. Hooseinbhoj A. Lalljee.]

Sir, I wish to say all this as I feel I can claim it because I am one of those who are out to help openly and sincerely the Government in the successful prosecution of the war as a people's representative. We believe and strongly believe that in the successful prosecution of the war lies the safety of our hearth and home and our freedom, and that every endeavour must be made to win the war and that every obstruction should be removed and every thing must be done which would help people to come out to win this war. I do not ask for freedom. I do not wish to say that we shall be given freedom. I say, let by friends realise that hereafter if they do not concede, the Indian soldiers and people who are fighting in this war will demand freedom and take it and no power on earth will be able to deny it. The great President of the American Republic and the very great Premier of Great Britain found time during this great war to consider the Atlantic Charter for European Small Nations. But when the question of my country comes, they say, "We shall send white soldiers, English soldiers and American soldiers and also Chinese soldiers. We have nothing to talk to you or we have no time to talk to you and we have nothing to do with your domestic affairs". I wish they had nothing to do with our domestic affairs. I want to tell them one thing, what about our status in their countries? If we are an inferior nation, why come to us for men and for help. It is in the interest of those who are really out and working for the successful conclusion of this war I say, help us in attaining our status; I am making this appeal to our Treasury Benches, especially to my Indian colleagues who have now collective responsibility with the Viceroy as his colleagues and who have taken upon themselves great responsibilities in these grave and trying times. I appeal to my Honourable friend, Dr. Ambedkar, specially, who has very rightly asked his people to join the army and I hope and trust that he is as anxious as any one to see that the Depressed class soldiers shall shout wherever they be, with the foreign soldiers, "His Majesty the King" or "His Majesty the King Emperor" according as what the foreign soldiers themselves shout. Sir, I make this pointed reference and want to draw the attention of the Government to it. It has come to my knowledge that in different places when the British and Dominion soldiers toast the King, they simply toast "His Majesty the King" and the Indian soldiers also stand up. It has never been an occasion for our poor brave Indian soldiers to hear the Britishers and Dominion soldiers getting up and toasting "His Majesty the King Emperor". I have no quarrel about this. I may tell my Honourable friends, the Britishers sitting on the Treasury Benches that if they really want to treat this country as their own, they must treat us on equal status. I assure you that the moment the Japanese or Germans or anybody else know that Indians have been won over; Indians have acquired equal status and India to a man is behind British and that India is out doing all it can in the successful prosecution of this war, then believe me, Sir, both Japanese and Germans, our would not dare to make any advance on India or Asia and very would even try to sue for peace. India has great potentialities, the great things and she can do much more. Our enemies have the study of this country let me tell you when you gave them and they very well know the real power of India, and the potentialities existing in it to fight them to a finish.

Dr. P. N. Banerjee: Sir, I strongly condemn acts of violence and hooliganism; and there is no Party in this House, there is no person in my Party who does not condemn such acts with equal emphasis. But, Sir, I cannot see eye to eye with the Honourable the Home Member when he observes that there were no excesses committed by the police and that due care and caution was adopted in repressing lawlessness. Concrete instances have been pointed out by many Honourable friends and I have myself personal knowledge of innocent persons having lost their lives through no fault of their own. This is, therefore, a matter for full and proper investigation.

There is another reprehensible feature of the present situation, and that is the muzzling of the Press. Sometime ago the restrictions imposed on the Press of the country were so stringent in character that most of the nationalist papers thought it incumbent upon them to suspend publication. Some relaxation of control has now been provided, but even now the restrictions which continue are harmful not only to the people but also to the Government. The Government should remember that the Press is a great safety-valve and that it is dangerous to tamper with it.

I cannot agree with the Honourable the Home Member when he seeks to connect the Indian National Congress with loot, arson and murder. I have my own differences with the Congress. I was the Chief organizer of the party which was formed in Bengal under the guidance of our venerable Leader, Pandit Madan Mohan Malaviya and the great scientist, Sir P. C. Ray, a party which returned all its candidates to this Assembly, after inflicting crushing defeats on their Congress rivals. But whatever differences may exist between myself and the Congress, I cannot believe that non-violence is no longer the creed of the Congress. My Honourable friend, Dr. Ambedkar, pointed out that there have been serious differences in the Congress ranks with regard to non-violence. But these differences, he forgot to mention, refer only to the question of defence of the country. I cannot believe that Gandhiji and the other Congress leaders have fallen so low as to soak their hands in the blood of postmen and police officers.

I do not deny, however, that what the Congress intended to do was in itself a serious thing. The Congress threatened to launch a campaign of non-violent struggle. Their programme, in short, was a general strike all along the line. This was calculated to create serious disturbances in the country. I made a public appeal through the press to Mahatma Gandhi and the Congress leaders to desist from such a course. But it seems that the Congress was compelled by the unbending attitude of the British Government to resort to this method. Thus, while the Congress is partly responsible for the present situation, and while I admit that the Congress made a mistake, I must say that the Government also made a mistake, perhaps a greater mistake and that the Government are even more responsible than the Congress in bringing about the present catastrophe. More than three weeks elapsed between the meeting of the Working Committee and the meeting of the All-India Congress Committee and during this period the Government might have called the representatives of the different parties to a conference so as to be able to find a way out of the difficult situation. But the Government did nothing of the kind.

[Dr. P. N. Banerjea.]

The Government mishandled the situation. And what is the consequence of this mishandling of the situation? The consequence is that anti-British feeling is today twenty times greater than it was ever before. And what is worse than that, is that before the 7th of August there was no pro-Japanese feeling in this country, but today there is a feeling which approaches dangerously a pro-Japanese feeling. A feeling of active hostility to the Japanese invasion is gradually giving place to a feeling of passive acquiescence. That is a most dangerous symptom of which the Government must take note.

Mr. N. M. Joshi: They do not bother.

Dr. P. N. Banerjea: The Government should also consider that in addition to the political discontent there have been other factors such as economic distress, food shortage, misbehaviour of the soldiers, and the policy of repression followed by Government officers which have greatly enhanced the seriousness of the situation.

The Government should also consider the present situation, in relation to the most urgent need of the hour. And what is that? The most urgent need of the hour is to aid the war effort of the United Nations to the fullest extent. But how is that to be done? That can only be done with goodwill of the people, but can goodwill be secured by means of whipping, shooting, collective fines and gagging of the press? The answer ought to be an emphatic 'no'. The Honourable the Home Member spoke the other day about the "internal enemy", but why is he desirous of converting a friend into an enemy. The Congress has said again and again that it is prepared to aid the war effort of the United Nations to the fullest extent; and I do not know why the Honourable the Home Member is seeking to open two fronts in India. If a second front has to be opened, let it be opened in Europe against the Fascist powers, but in India what we want is a single united front against all the enemies of the United Nations—Japan, Italy and Germany. If this object is to be achieved, a reversal of the policy of the Government will be needed. The policy of repression must give place to the policy of conciliation. The administrator has played his part. Let him now stand aside and make room for the statesman. The first act of statesmanship in India will be to reverse the present policy, to convene a conference of the different parties of the people including the Congress, and transfer a substantial measure of real power to the people of the country.

My European friends say that power will be transferred to the people after the war; and they ask "Why are you not satisfied with promises?". But it is regrettable that our friends forget that the pages of the history of British-Indian administration are covered over with broken pledges.

An Honourable Member: No.

Dr. P. N. Banerjea: They seem to forget that the Charter Act of 1833 contained a provision for removing all racial discrimination between Indians and Europeans, and has this provision of the Charter Act been given effect to? This Charter Act was not the promise given by this person or that person, but was given by the Parliament of Great Britain. And if this Charter Act could be ignored with impunity, what reliance can be placed on the promises of the Members of the European Group. No. Promises will not do. You will have to do some thing immediately. If your promises

are to be believed they should be accompanied by some measure of fulfilment even at the present time. My European friends further say: "Power cannot be transferred in the twinkling of an eye" but do they not know that important events occur in the twinkling of an eye? Do they not know that Burma and Malaya ceased to be British possessions in the twinkling of an eye. They should remember that three years have now elapsed from the date of the commencement of the war; and are three years a mere twinkling of an eye?

No one will accept their view in this matter unless they are prepared to transfer at least a substantial measure of real power to the people here and now. If it is impossible to transfer the whole power immediately, they should transfer a substantial portion of that power. I am glad that the Honourable the Law Member took a line in this regard different from the line taken by others. I do not know who is the spokesman of the Government on this question—the Honourable Sir Sultan Ahmed or the Honourable Dr. Ambedkar? The Honourable Sir Sultan Ahmed says: "Prepare a scheme and we shall give effect to it", but the Honourable Dr. Ambedkar says: "The present is the best system of Government that is possible."

The Honourable Dr. B. R. Ambedkar: I did not say any thing of the kind. You did not allow me to conclude my speech.

Dr. P. N. Banerjee: The Honourable Dr. Ambedkar made so many incorrect statements that we cannot now take his explanation as correct. The Honourable Dr. Ambedkar said that the present Governor-General in Council possessed very great powers. Because he is a Member of that body, he may take pride in that fact that he is a Member; but what are the powers? If you read section 33 of this Act you will find that 'the Governor-General in Council is required to pay due obedience to all such orders as he may receive from the Secretary of State'. It is not a veto; it is an order to be obeyed. . . .

The Honourable Dr. B. R. Ambedkar: What is the difference between 'order' and 'veto'?

Dr. P. N. Banerjee: My Honourable friend takes pride in the fact that he is a constitutional lawyer. Is that the interpretation of a constitutional lawyer? I ask the Honourable Sir Sultan Ahmed,—who is the representative of the Government in this regard,—do you accept this interpretation? If so, I can only pity the Government of India that it has fallen so low.

Sir, I maintain that even within the limits of the present constitution considerable advance is possible. You have to remove certain sub-sections and amend only certain unimportant portions of the Government of India Act. If you do this and alter the Legislative Rules and the Electoral Rules you can make the Government responsible to the present Legislature.

Without much difficulty that can be done. But my Honourable friend pours his vial of contempt on this House. Does he represent in this House the Government with regard to this matter? Do the other Members of the Government share that view? If the Government pour such contempt, why do not the Government order a re-election? A general election would be welcome; in fact we have urged again and again that there should be a general election. But the Government, instead

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[Dr. P. N. Banerjee.]

of taking that step, is seeking to pour contempt on this body. Sir, within the frame-work of the present Constitution, a considerable advance is possible; the transfer of a substantial measure of power is possible without changing the whole Constitution and without ordering a general election. If the Honourable Sir Sultan Ahmad is sincere in his offer, as I believe he is, then we can sit round a table and point out such changes in the Constitution as will bring about a better Government which will be responsible to the Legislature.

But where is the statesman? Is there any statesmanship in this country or in England? The people have doubts about it. But if Britain fails to rise to the demand on this occasion, let the United States of America stretch out its hand of fellowship to a country struggling for freedom. It was that great country that wrote the noblest and most brilliant chapter in the history of world freedom; let the United States help an ancient nation which once was so great as a pioneer in art, in science, and in civilisation.

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions: Muhammadan Rural): Mr. President, I am sure the House must have appreciated the learned discourse that the one time professor of constitutional law, Dr. Ambedkar, was pleased to give on the question of veto. I think it would have been more advantageous for the purposes of this debate if he had told us something about the sanction that is required behind a totalitarian government and a popular government. There is an opinion in this country that there is no popular sanction behind the present Government; and I think if Dr. Ambedkar had given us some details regarding the different types of sanctions that are needed for a government, it would have been more advantageous for the purpose of this debate. He made certain observations regarding this House. I think it was in bad taste. If there have not been any general elections during the last eight years, the responsibility cannot be thrust on the shoulders of the Members of this House, the responsibility is on the Government of which he is a part today. . . .

The Honourable Dr. B. R. Ambedkar: What is the electorate behind this Legislature? (Interruptions.)

Nawabzada Muhammad Liaquat Ali Khan: I say that there is greater popular sanction behind this Legislature than behind the Government of which Dr. Ambedkar is a part.

Before dealing with the present political situation let me put before the Government one very important point which is causing great concern to the Mussalmans. It is the question of collective fines which have been imposed in certain areas by the Government. The Honourable the Home Member was pleased to remark that the Mussalmans on the whole have kept themselves absolutely aloof from the present civil disobedience movement. I am glad to say that some Provincial Governments have taken steps to exempt Mussalmans from such fines, but what I do submit is that the Mussalmans as a rule should be exempted from this collective fine and if it is proved—and mind you, the burden of proof must be on the Government officials—that any Muslim or Muslims have taken part in this movement, only then are they at liberty to realise fines from such Muslims. But the

burden of proof must be on the Government officials themselves and not on the people to prove that they have not taken part in this civil disobedience movement, and I want the Government to be very careful in this matter. There should be very strict instructions to their subordinate officials that this rule shall be scrupulously adhered to and followed. Without going into the details, let me tell you that since this movement was started, certain attempts in certain localities were made by certain officials to implicate Mussalmans who really had nothing to do with the civil disobedience movement; and, therefore, if the higher authorities do not take extra precaution in keeping the control over their subordinate officials, it might create an unnecessarily unpleasant situation where the Muslims are concerned; and, therefore, I would strongly impress upon the Government that nothing should be done by any of their officials which would in any way exasperate the Muslims against the actions of this Government. In certain cases fines have been realised from the Muslims who had nothing to do with the civil disobedience movement, thus causing great hardships to some of them. I have got specific instances in my possession; they had to sell their chattel, they had to sell their grain, which they had stored for a rainy day, to pay the fines.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): In what province?

Nawabzada Muhammad Liaquat Ali Khan: In the Central Provinces.

Sir Cowasji Jehangir: In any other province?

Nawabzada Muhammad Liaquat Ali Khan: I have not got any information as regards any other province. The Central Provinces Government have since passed an order that the Mussalmans shall be exempted; but what I do want to impress is that in matters such as these immediate action is needed and is more necessary than anything else.

Now, Sir, coming to the subject matter of the motion which has been placed before this House, the position of the Muslim League has been made abundantly clear in the resolution passed by the Working Committee of the All-India Muslim League last month. We deeply deplore the decision of the Congress in having launched upon this open rebellion, not for the purpose of achieving independence for the country, but for the purpose of getting their demand conceded by the British Government. The Congress Party have not declared war only against the British Government; they have, indeed, declared war against Mussalmans and all such other elements as do not agree with the demand of the Congress. If their objective was really to fight for the freedom of India, they would have made attempts to get the support of other parties in the country. Not only have they not done that, but they have thrown to the winds their oft-repeated declarations that there was no Swaraj without Hindu-Muslim unity. Today their position is that there is no Hindu-Muslim unity possible unless the British have withdrawn from India, and this, Mr. President, they did without consulting any one.

The object of the Congress since the declaration of the war has been to take power into their own hands. They have on different occasions cajoled and coerced the British Government into conceding their demand. And what is their demand? Let me tell this House quite frankly that the hundred million Mussalmans of this country believe it to be the establishment of a Hindu Congress Raj in this country.

Dr. P. N. Banerjee: Wholly wrong.

Nawabzada Muhammad Liaquat Ali Khan: Therefore, as far as the Muslim League is concerned, it can only condemn that the Congress should have resorted to such an action without taking into consideration the appeals that were made by the different parties in this country, and we believe that by this method the freedom of India cannot be achieved. Every one desires the freedom of India. I do not think there is any Indian who does not want to free or who does not desire the independence of his country. But, unfortunately, the conception of independence of the Congress and the conception of independence of the Muslim League differ very widely. Their conception of independence of India is domination of one community over others.

Mr. Jamnadas M. Mehta: That is not so.

Nawabzada Muhammad Liaquat Ali Khan: Our conception of an independent India is equal opportunity for both the major nationalities to develop themselves in accordance with their own ideals, their own culture and their own ideology. This is the vital difference between the Muslim League and the Congress, and not only the Congress but the other Hindu organisations like the Hindu Mahasabha, the Liberal Federation and the India League. I appeal to my Hindu friends. Believe me when I say that we thirst for independence perhaps much more than what you do, because our period of slavery is shorter than yours. We both want to be free. We want to be free, but let us not try to get what really does not belong to either of us. The only solution in my opinion which could achieve the freedom of India is the proposal we have placed before our countrymen. It is, as is commonly known, Pakistan. By Pakistan we are handing over three-fourths of India to our Hindu friends and we only want one-fourth of India. Is that an unreasonable proposition? Can anybody say that the proposal which the Muslim League has placed is such as is doing injustice to the Hindus? Whereas, on the other side, the proposal which the Congress has placed before the country, the proposal which the Hindu Mahasabha has placed before the country, is such which can only mean the rule of one community in India and the subjection of the hundred millions of Mussalmans and every other minority in this country.

Sir, I have tried to state briefly as to what is the position of the Muslim League regarding the civil disobedience movement started by the Congress. Let me say quite frankly that the Government cannot be absolved from responsibility for the present state of affairs in this country. It is the policy which the Government have been following during the last three years which has created the present situation. The central pivot of their policy since 1939 has been to placate and appease the Congress. In 1939 His Excellency the Viceroy invited Mr. Gandhi, Dr. Rajendra Prasad, the then President of the Congress, and Mr. Jinnah, President of the All-India Muslim League, to a joint meeting. He put certain proposals before these leaders. It was immediately after the war was declared in Europe. What was the reply of the Congress? The Congress rejected those proposals out of hand, unceremoniously, whereas Mr. Jinnah at that time stated that he was prepared to negotiate and try

to come to a settlement with the Congress. What did the Viceroy do after having made certain proposals? Nothing was done till August, 1940, and then the Viceroy made a declaration on behalf of His Majesty's Government which is known as the declaration of the 8th of August, 1940, offering certain powers in the Government to Indians. What was the position of the Congress? The Congress rejected those proposals out of hand, and in spite of the fact that no less a person than the Secretary of State for India had stated on the floor of the House of Commons that the Government would go on with the help of those such other elements as were prepared to help and would not give up this scheme of theirs because the Congress were not accepting, nothing was done.

They again waited on the pleasure of the Congress. Then, after that, the Congress started what is known as the individual civil disobedience and while the tools in the hands of the master mind were being imprisoned, the fountain of mischief was allowed to flow with full force from Wardha. Then, Sir, in 1942, again the British Government tried to please and placate the Congress. May I ask the Government here and through them the British Government which other party except the Congress had been demanding declarations regarding the future of India? Was it not the position of the Muslim League and others that the major issues may be decided after the war and let us get on with the job now within the framework of the present Constitution? It was only the Congress that was demanding these declarations and the British were going on making concession after concession and the declaration of 1942, and the proposals which Sir Stafford Cripps brought out to India, I make bold to say, were more to placate the Congress than to placate any other element in India. And what was the result of that. Now, we have it on the authority of the Leader of the House of Commons, Sir Stafford Cripps, that the proposals were not accepted by the Congress because Mr. Gandhi did not approve of them. So, really speaking, Mr. President, British Government have wasted these three precious years in trying to placate and please one individual in India. And what has been the result? I contend, Mr. President, that the present situation is a direct outcome of this policy of appeasement which the Government have been following during the last three years. If the Government had got on with the job, if they had taken courage in their hands and taken into their confidence those elements in India's life which have been crying hoarse for the mobilisation of war efforts in the country, the situation today would not have been what it is and, Sir, the Government cannot absolve themselves from the grave responsibility which, due to their action in the past, rests on their shoulders.

Some of my friends have made appeals to the Muslim League outside in the Press and in this House. Some of our Hindu friends have made appeals to us, that we should come forward and find a solution of the present deadlock. It is suggested that the Muslim League should take the initiative in getting the Congress out of the mire in which it has placed itself but before any party can do anything one must be sure if there is any basis for discussion, for negotiation, between the Muslim League and the Congress. The last resolution of the Congress is before the country. It is stated definitely by the Congress that there can be no question of Hindu-Muslim settlement—it is not possible—unless the British have withdrawn from India. What is the basis for discussion?

[Nawabzada Muhammad Liaquat Ali Khan.]

Either the Congress decisions are to be taken as their honest intentions or they are to be taken as their dishonest declarations. I for one am not prepared to accuse the Congress of dishonesty on this occasion. I believe that they mean what they say. I think they mean that there cannot be any unity in this country unless the British have withdrawn, and I believe, that they mean that there cannot be any independence in this country unless the Congress demand is conceded in full. On that basis, I ask the Honourable Members of this House and I ask our countrymen outside—is there any room for negotiations with the Congress? What can you do? A party has made a declaration after considering every aspect of the question and it says point blank that there is no room for negotiations for a Hindu-Muslim settlement unless the British have withdrawn from India. In view of that declaration of theirs, those of our countrymen who have been appealing to us should try to convert the Congress to the only sensible point of view that Hindu-Muslim settlement is necessary for achieving India's freedom.

My Honourable friend, Mr. Griffiths, said yesterday—to whom are we to hand over power—a very sensible question. I give a very sensible reply. Hand over Hindu India to the Hindus and Muslim India to the Mussalmans. What is the difficulty about it? What is the trouble about it? Why cannot you decide and say—which is a fair proposition—that instead of one community having control over the whole of India, both the communities should have equal opportunities of living their own life. What is the difficulty about it and apart from that, Mr. President, there is no question of handing over power today. We are in the midst of a terrible struggle. We know that a new constitution for India cannot be framed today. All that is needed is an honest intention on the part of the British Government and a frank declaration that Hindu India is of the Hindus and Muslim India is of the Muslims and we pledge ourselves to give effect to this declaration after the war. Let me tell you that this will create a profound impression throughout the country. . . .

Pandit Lakshmi Kanta Maitra: Do you call India your homeland?

Nawabzada Muhammad Liaquat Ali Khan: My Honourable friend asks me whether I call India my homeland. Yes. And that is why I want a share in this homeland. As a foreigner my position would have been that of Mr. Griffiths who had told us that he won't be here when the time for achieving India's independence came. It is because I consider India my homeland that I desire my share and that is the proposition which the Muslim League has, in all earnestness and in all sincerity, placed before the country and before the Government.

Bhai Parma Nand (West Punjab: Non-Muhammadan): Would you define Muslim India and Hindu India?

Nawabzada Muhammad Liaquat Ali Khan: If my friend will come to my place, I shall be glad to enlighten him.

It has been stated, I think by Mr. Lawson, that they wanted the co-operation of all the Parties at this juncture. I do not believe that the British want the co-operation of any party at this juncture. I believe

that they are suffering from the disease of self-satisfaction. They seem to be under the impression that it is not necessary for them to have the co-operation of any party in this country. They tried their best to get the Congress co-operation but may I know what they did to get the co-operation of the Muslim League and such other parties in this land that have been willing to take their due share in the prosecution of the war effort? Our hand of friendship has been extended since 1939. The British Government have spurned that offer of co-operation. They want our co-operation not as allies, not as equals, but as camp followers, and I am afraid that type of co-operation no self-respecting nationality, no self-respecting party, could give. Only my Honourable friend, Mr. Jamnadas Mehta, could give that type of co-operation. After having given us the past history of the misdeeds of the British Government and after having painted them in the darkest colours possible, what was his appeal to his countrymen, Follow the British. This is not the time for this kind of co-operation and let me tell you quite frankly that that type of co-operation will not help you. Really speaking, unless you make up your mind to get the co-operation of any party in this country as your allies, it is much better not to talk about it. If you want co-operation, then you must have it as of allies and as of equal partners. It is only then that they will be able to face dangers on equal terms with you. You cannot expect any decent party to give you any co-operation on your own terms.

Sir, the Prime Minister of England has made a gracious reference to the Mussalmans of India. He told us that the 90 millions of Mussalmans were opposed to the Congress. It has been a self-evident truth since 1937. He told us that the Mussalmans were entitled to their rights of self-expression. Every individual is entitled to a right of self-expression. What is the concession that he has made to the Mussalmans? What is it really that he has given to the Mussalmans which could put heart into them and help this Government to win this war? The right of self-expression. What a phrase! And that shows, Mr. President, that even now when the Government declare that they are faced with an enemy inside and an enemy outside, the co-operation of Mussalmans is of no value to them. They do not want the co-operation of Mussalmans.

Sir, let me explain as to what is the position of the Muslim League Party regarding the amendments that have been moved by the different sections of this House. As I have just pointed out, we have no share, no authority, no voice in this Government and we are certainly not here to register their decrees and give our approval to the actions of the Government. Therefore, the Muslim League Party has decided not to vote for the Resolution of Mr. Dumasia. As regards the amendments that have been moved by Sardar Sant Singh and others, I have at great length explained our position which shortly is this. We stand for the independence of India; we stand for the freedom of India. We are prepared to form a provisional Government in co-operation with any party in this country for purposes of prosecuting the war successfully and defending our hearths and homes, provided we are given a guarantee by every party and by the British Government that the hundred millions of Mussalmans of India will have, not the right of self-expression but the right of self-determination, to determine their destiny, to establish completely independent States in those areas where they are in a majority and thus to achieve freedom for our own homelands.

[Nawabzada Muhammad Liaquat Ali Khan.]

Sir, this is the position of the Muslim League, and I once again appeal to my Hindu friends to consider over this matter. The whole world is crying for freedom. Every country in Europe which is under the heel of Nazi Germany is longing for independence. Can not we, the Hindus and the Mussalmans of India, give to each other what is their due? Is it better for us to live in a united India as slaves, or is it better for us to live as free-men in a divided India. I appeal to my country-men in this House, to my countrymen outside, let us join hands; let us defend our hearths and homes; let us push the enemy away from our borders and let us give to the other what is his due. I can assure you that if we would agree to recognise the right of each other, there is no power that can stop India from achieving independence. Here is a proposal from the Muslim League—a fair proposal and a just proposal to our countrymen. Take three-fourths of India and give us one-fourth. Let us both join together and take the whole of India from the British Government.

The Honourable Mr. M. S. Aney (Leader of the House): Sir, the debate for the motion which was placed before this House by my Honourable colleague, Sir Reginald Maxwell, has gone for four days and during these four days expression of opinion has been given by a large number of Members. I find that those opinions disclose a good deal of diversity which it is not easy to reconcile even by a person endowed with much greater ingenuity than I myself can claim to have.

One of the reasons why I have got up to speak today is that the Honourable the Home Member, who should have properly been the person to wind up this debate, is unfortunately lying ill and is unable to attend. So, I have to perform that work for him. The second thing was that my Honourable friend, Sardar Sant Singh, in his speech on the amendment that he moved made a remark at the very outset that he was shocked that the Resolution was not moved by the Leader of the House. I want to minimise the effect of that shock, if possible, even at this late stage.

Sir, what I wish to mainly bear in mind in winding up this debate is to pick out a few points which require a reply, apart from the broad issues that have been raised in the debate by some of the important speakers in the House. The debate has naturally centred upon two points,—the advisability of the step taken by the Government in arresting the Congress members and Mahatma Gandhi after they passed the resolution of the All-India Congress Committee. Secondly the manner in which the policy has been carried out. That was one part of the criticism. The second part of the criticism is the very broad issue relating to the constitutional problem of India. This is a problem which for the last four years has puzzled and baffled the statesmanship of the most veteran politicians in India.

Now, Sir, in the first part to which I have made reference, I shall take the latter portion of that part, namely, the manner in which the policy of the Government of India has been executed at present. A number of points have been made by certain speakers to show how in executing the present policy and making an effort to put down the disturbance, excesses have been committed in many places and some instances have also been given by certain Members. Now, it is not claimed by anybody that in

the big efforts which the Government of India have to make through the Provincial Governments to put down the disturbances scattered over the whole country, there would be no place where somebody did not commit some indiscretion. It is difficult to make a sweeping statement like that. All we have been claiming is this, that the authorities who are entrusted with this work have to meet a very uncommon situation. It is not easy to put down riotous assemblies and rebellious people. In meeting a situation of that kind, necessarily recourse is to be had to force and in the use of that force, certain latitude is to be given to those persons who are on the spot. If there are excesses of any kind, it has been stated very clearly in the speech of the Honourable the Home Member that it is in the interest of the Provincial Governments and Officers of those Forces concerned who are responsible for the discipline of their Forces to take note of those facts and make an enquiry into the matter. So far as the law on that point is concerned, I may say once for all that no soldier and no police officer is above the provisions of the law if serious charges are made to the effect that the officer concerned made wanton use of force against innocent persons who cannot be supposed to have been involved in any way in the troubles and so on. These are matters for enquiry in the case of individuals. If there are cases of that kind, the proper authorities to investigate into these matters will be Local Governments. I believe, as my Honourable friend, the Law Member, said in the course of his speech, if these matters were brought to the notice of the Local Governments, then I have no reason to suppose that those complaints will not be considered and the matters gone into.

Pandit Lakshmi Kanta Maitra: What about the Province of Delhi?

The Honourable Mr. M. S. Aney: What has been stated as a general proposition will apply to every province in this country. It is a question of fact to be gone into in such cases. What holds good for Madras holds good for the Punjab and other places.

Now, I come to certain specific cases which have been brought to the notice of this House by my Honourable friend, Mr. K. C. Neogy. There is one important case to which he made a reference and it sent a thrill of horror through the whole House. Reference was made to the case of my friend, Sir Madhava Rao Deshpande, of Nagpur. Yesterday, my Honourable friend, Mr. Neogy, stated in the course of his speech, I do not know on whose information

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : I will tell the Honourable Member the source of my information.

The Honourable Mr. M. S. Aney: I will just tell what I know of the matter. In the first place, I am sorry reference was made to this thing. In the second place, I want to say that what my Honourable friend, Mr. Neogy, said, was that Sir Madhava Rao Deshpande was ordered to remove the litter from the street, at the instance of some officer who was there whether he was a police officer or a military officer—he did not specify. In this connection, I may inform the house, that Sir Madhava Rao Deshpande had been here a few days ago in connection with some work and as an old friend of mine, he did not like to go away without calling on me. He told me many things, but he never referred to this personal

[Mr. M. S. Aney.]

incident to which reference was made by Mr. Neogy now. After this disclosure was made in this House, I made an attempt yesterday to get into touch with Sir Madhava Rao Deshpande on the telephone to get the facts ascertained. Unfortunately the telephonic line last night was not clear and whether it would be clear today or not, I do not know. But I am glad to find that efforts were made in other directions also and I am in a position to make the statement which, I am sure, Mr. Neogy will accept and it is this :

"Enquiries made by the Chief Secretary of the Central Provinces Government indicate that the allegations made about Sir Madhava Rao Deshpande were entirely without foundation and Sir Madhava Rao Deshpande himself denied it entirely and vehemently."

That is the information I have got.

Mr. K. O. Neogy: On a point of personal explanation, Sir. The Honourable the Leader of the House wanted to know the source of my information on this point. I hold in my hand a slip of paper on which I wrote down the thing at the dictation of Dr. Moonje whom I met a few days ago in Delhi. Having heard this story from some other source, I was anxious to have it verified. I asked Dr. Moonje "Is this true". I did not unfortunately know the full name of the gentleman, nor had I any occasion to meet him. I said to Dr. Moonje: "Is it a fact that a distinguished gentleman—Sir Madhava Rao Deshpande of Nagpur—had been asked or rather was made to remove the litter from the street". Dr. Moonje said, "yes, he was actually made to remove the litter". I put it to him: "Was he only asked or was he actually made to do it". He said "Oh! yes, he was actually made to remove", and then he added, "he went and complained to the police authorities, and they said, unfortunately, he could not be recognised". Then I asked Dr. Moonje: "Would you dictate to me the name of this gentleman, so that I could take down the name properly and also the purport of the story". This is what I took down then, "Sir Madhava Rao Deshpande had to remove obstruction from the road near his house."

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is making a speech and not giving a personal explanation.

Mr. K. O. Neogy: This conversation took place in the presence of Mr. Shyam Prasad Mukherjee, the Finance Minister of Bengal.

Dr. P. N. Banerjee: I also saw Dr. Moonje and he gave me also the same information.

Mr. K. O. Neogy: You may also ask my Honourable friend, Mr. Govind V. Deshmukh, for confirmation of this story. I am glad the existence of this gentleman is not denied. It is a great mercy.

The Honourable Mr. M. S. Aney: I am not at all suggesting that there is no source from which my Honourable friend could have got this information. I am not suggesting that my Honourable friend made the statement without getting it from any source which he considers reliable. I am afraid, Dr. Moonje might have been misinformed about this matter and *bona fide* he might have mentioned the story. Now, Sir, we have got here

a categorical statement made by Sir Madhava Rao Deshpande himself to the Chief Secretary who has communicated it to us, that he denied this episode entirely and vehemently.

Then, there is another point to which I should like to make a reply and it has some relation to the portfolio which is in my charge. My Honourable friend referred to certain allegations about Indian evacuees recently circulated in a leaflet by Mr. Siddiquee. I have only to say this that those Indian evacuees who have come from Burma at present and are in Chittagong, are being given the same treatment which Indian evacuees from Burma in other parts of India are given. What Mr. Siddiquee wants is something which he has not made clear in that letter, but he also addressed a communication to me and I have sent him a long reply on the point. I only want to say that the number of those persons is somewhere between 20,000 and 30,000 and twelve officers are working under the Collector of the District of Chittagong for the sake of investigating their cases and granting them the allowances they are entitled to under the rules which have been published recently and which are known to the Members of this House. They will be getting subsistence allowance to which they are entitled. I do not see that there is any reason for making any complaint about that matter. The number of evacuees being very large, it may be that some cases have remained undecided. It will take time. We have given them twelve officers and we have recently informed them that if that number is inadequate to cope with the work, they are entitled to add to their staff and the Government of India will bear the expenses. I only want to assure this House that the Government of India are not at all negligent about the interests of those unfortunate Indians who had to leave Burma and come across to Chittagong on account of the conditions that have ensued after the war. That was the second point which had some relation to my Department.

There are many other small points to which he made a reference. I believe so far as the question of commandeering boats and the condition of the fishermen in Bengal is concerned, the Government have already issued a communicac and there was a good deal of correspondence between the Defence Department and my Honourable friend, Mr. Neogy, and I do not think it can be legitimately stated that their complaints have not been and are not being sympathetically considered by the Government of India.

He also referred to the case of boys who fired shots in connection with the affray. Those boys who are alleged to have fired shots are standing their trial on a charge of murder under section 302 I.P.C., before a Magistrate. The case is *sub-judice* and, therefore, I am not prepared to say anything further on this point. These were some of the points which were specifically referred to by my Honourable friend, Mr. Neogy, and, I believe, I have specifically replied them. I will only say that, if there are any matters which are really causing serious trouble and if those matters are brought to the notice of the Government of India, Honourable Members can rest assured that the Members of the Government of India will do what they can to find out the real facts and will see that justice is done.

Now, I would come to the main question. At the very beginning I want to say that the Members should not go under the impression that the Government of India have no regard for this House. It would be an entirely wrong impression if anybody thought that the Government of India treats this House with contempt. I believe you do not require to be told

An Honourable Member: Your own colleague has said that?

The Honourable Mr. M. S. Aney: I am sure the interpretation that has been put on certain observations of my Honourable Colleague is far-fetched. He did not mean that the Government of India is treating this House with contempt. He had something else in his mind but I am not going to enter into that discussion now. He could not mean that. I am sure, and I have his authority to say, that he did not mean that.

Dr. P. N. Banerjee: He did not mean what he said?

The Honourable Mr. M. S. Aney: The Government of India would really not have thought fit to associate the Members of this House on several committees which deal with matters of great importance. My Honourable friends know that there are Members of this House on the Defence Consultative Committee—a Committee before which matters of confidential nature are discussed. If there had been no respect for the Members of this House, the Government of India would not have given them an opportunity to travel all over India to see all the positions of strategy and the nature of defences there. The Government of India are conscious that one of the great factors on which they can rely for the successful prosecution of the war is the support of this House and, therefore, they make every possible effort to keep them informed and get the support that they need. The very fact that this House was sanctioned much earlier than usual shows the attitude of Government towards this House

Mr. K. C. Neogy: What about Ordinances which are being enacted by the Government of India?

The Honourable Mr. M. S. Aney: That is a different point.

This is a proof of the regard which the Government of India have for the House as a whole.

Mr. K. C. Neogy: What about the other proof which I gave?

The Honourable Mr. M. S. Aney: Ordinances? Well, my Honourable friend will realize that emergency arises from moment to moment and things have to be done in the form of Ordinances. The Government certainly cannot wait for Session to meet and there are matters which if they are taken through the procedure of the Legislature would take a good deal of time. Sometimes the action that is demanded requires promptness and immediate attention and no time can be wasted by the Government. These are the considerations that come in the way and Ordinances have to be promulgated to meet various emergencies as they arise.

Sardar Sant Singh: Why not get the sanction of this House afterwards? You never place those Ordinances before us.

The Honourable Mr. M. S. Aney: Now I come to the first point—the step which the Government of India have taken in arresting Mahatma Gandhi and members of the Congress Working Committee—a drastic step

as some of the Members have characterised it—immediately after the resolution of the Working Committee was adopted by the All India Congress Committee. This question has been debated in such a way that the Government of India can afford to remain silent and not make any reply. The arguments on both sides have been elaborated with great ability and force. My Honourable friend, Mr. Jamnadas Mehta, has emphatically stated that that is the only proper thing to do. My Honourable friend, Nawabzada Liaquat Ali Khan, who spoke for the Muslim League Party, has given his reason that the Government could not have done better than this

Nawabzada Muhammad Liaquat Ali Khan: I never said that.

The Honourable Mr. M. S. Aney: I am glad that I stand corrected. But I am sure my friend, Syed Ghulam Bhik Nairang, the Deputy Leader of his Party, has definitely said the same thing—I have taken down his words.

In a matter of this kind I must say what I feel on the point. When I got the information—I am going to say something and I hope my Honourable Colleagues will not be unnecessarily frightened—when I got this information on the 9th—I did not get it on the 8th, because the decision was taken here in my absence—I first thought that it was a mistake which the Government of India had committed. I felt like that. In fact, I was even prepared to communicate my views to the Government of India, but as I left the place where I got the information and was proceeding on my journey and was gathering information and meeting friends and saw students and others, and met mobs, and saw railway stations burnt and Government and public property damaged and destroyed, I thought that I would have committed a great mistake of my life if I had communicated my views to the Government at my first impulse. These things I may not have anticipated then. Then I realized that behind the step was the collective wisdom of the Council, and they were right.

Mr. Hoosainbhoy A. Lalljee: Are we to understand that the Honourable Member did not know this position till the 8th?

The Honourable Mr. M. S. Aney: I did not know what they were going to do. If the Honourable Member was in possession of information as to what was going to take place then he as a loyal citizen of the country should have supplied the information to the proper authorities and I am sure they would have made use of it.

Mr. Hoosainbhoy A. Lalljee: I am not to take action. Did the Honourable Member take action on the 8th?

The Honourable Mr. M. S. Aney: Any action taken by the Government of India would have had results on the whole of India and, therefore, in view of the consequences that were likely to follow, it is the duty of every one of us to keep the Government of India properly informed.

There is one more point. Many friends think that the mistake of the Government was this: that the time asked for by Mahatma
 2 P.M. Gandhi should have been given and the country would not have lost anything by it. I could have understood that if the resolution of the All India Congress Committee really left some scope for negotiation. If

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my reading of the resolution is right—and I do not want to take the interpretation of anybody else—my knowledge of English though not very deep is sufficient to enable me to understand the language of the resolution for myself

Dr. P. N. Banerjee: May I ask one question? What were the Government doing between the meeting of the Working Committee and the meeting of the All India Congress Committee—these three weeks?

The Honourable Mr. M. S. Aney: I have made a note of the point of my friend, the Leader of the Nationalist Party, and I am answering that point. In the first place I want to say that the resolution leaves no room for negotiation because it states in categorical terms: "This is our demand: if it is not satisfied, we have our own way of proceeding in the matter". It leaves absolutely no room whatever for any kind of any other interpretation. Therefore, I do not see what advantage there would have been in having an interview between Mahatma Gandhi and the Viceroy. Probably Mahatma Gandhi—so far as I can venture to make a guess—would have said: "Well, Lord Linlithgow, my good friend, here is the resolution that I have brought on behalf of the Working Committee. This is what it means. I tell you it is in the interests of England. In the name of God I tell you, if you want your future to be safeguarded and your reputation to be maintained, please do this. If you do not do that, be d—d. Let God take care of you". I claim to know Mahatma Gandhi; and with whatever little knowledge I have of the workings of his mind I say this is the only thing that he would have placed before him. He makes no difference between a Mr. Aney and a Lord Linlithgow. To him Lord Linlithgow and Mr. Aney or any others are persons of the same level; he makes no distinction between man and man in dealing with them.

Now, there is a very pertinent point raised by my friend, Dr. Banerjee, the Leader of the Nationalist Party. As a colleague with whom I have had the privilege of working for a number of years and as a Member of the same Party, I have great respect for the view he holds, and I know he weighs his words very carefully and takes a good deal of time before he formulates his own ideas upon any question; therefore, his views expressed on the floor of the House are entitled to our serious consideration and I have tried to understand them in the same way. I find his main point is this: what did the Government of India do in the period between the passing of the resolution by the Working Committee and the meeting of the All India Congress Committee held in Bombay? Now, I want to know what is the meaning of the resolution of the Working Committee. What is the constitutional position of that resolution of the Working Committee? It is only a recommendation made by that body to a bigger body whose sanction is necessary before it can be treated as a resolution at all. It is one of the stages in the process of arriving at certain conclusions. If you take up the decision arrived at at a certain stage, it might be that in view of the criticism on that resolution in the country and in view of the various suggestions that were made, the All India Congress Committee might have taken an entirely different view. In fact, I expected that the efforts made by well-meaning friends

Mr. Muhammad Ashar Ali (Lucknow and Fyzabad Divisions; Muhammadan Rural): Why then this hasty action on the part of the Government if it was to be placed before that bigger body?

The Honourable Mr. M. S. Aney: I am afraid I have not been able to follow my Honourable friend. I believe what I am going to say will serve as a reply to any doubts he may have on the point. I say that that resolution of the Working Committee was only a kind of recommendation and it had no force as a resolution of the All India Congress Committee at all. It could not be acted upon. Were we going to prevent them from considering it? Certain sections of that body were thinking in a particular way and were asking the main body to consider that resolution

Mr. N. M. Joshi: Dr. Banerjea did not suggest that.

The Honourable Mr. M. S. Aney: I say there were persons—and Government could only take note of a proposition that went authoritatively under the name of that body—and we expected that there were a large number of public men belonging to various schools of thought and various communities and representing various views who would be making efforts to see that the recommendation of the Congress Working Committee would not be carried out by the All India Congress Committee.

Mr. President (The Honourable Sir Abdur Rahim): It is ten minutes past two.

The Honourable Mr. M. S. Aney: I shall stop any moment you suggest, Sir. I will finish very soon what I want to say. I would like to put a counter question, without meaning any disrespect to anybody and least of all to my Honourable friend, Dr. Banerjea. What efforts were made actually by any one of these representatives to prevail upon or to persuade the members of the All India Congress Committee to bring to their notice the dangers inherent in the passing of a resolution like that, the consequences of which the country would be called upon to face? What efforts were made to bring these matters to the notice of those gentlemen? And having made those efforts is there any record to show that they failed in their efforts

Mr. Jamnadas M. Mehta: Yes, of course.

The Honourable Mr. M. S. Aney: Mention them, please.

Mr. Jamnadas M. Mehta: That is all. I say that attempts were made most seriously from different platforms in the presence of hundreds of delegates warning Mahatma Gandhi against this step.

The Honourable Mr. M. S. Aney: I know that; but I believe that Dr. Banerjea had something more than that in his mind. He wanted the representatives to meet together and come to a decision. I am afraid the Government of India could not have taken notice of a resolution like that unless it was a proposition which came authoritatively in the name of the Congress; and when they found that all the efforts, which my Honourable friend, Mr. Jamnadas Mehta, said had been made, were found to have been futile, the Government of India were probably justified in thinking that their efforts would not have met with any better fate at all; and therefore, I say that viewed from any point of view you cannot accuse the Government of India of having taken any step to precipitating the matter by the arrest of Mahatma Gandhi and the members of the Working Committee. That is all I have to say.

Dr. P. N. Banerjee: What about the immediate future?

The Honourable Mr. M. S. Aney: The Government have given an opportunity to this House to express their opinions on the present situation, and I will appeal to those gentlemen in whose names the amendments stand that according to approved parliamentary procedure a motion like this is merely debated and no vote of the House is demanded.

Mr. President (The Honourable Sir Abdur Rahim): I do not know if Honourable Members who have moved their amendments want the Chair to put them to the vote.

Mr. N. M. Dumasia (Nominated Non-Official): Sir, I beg leave of the House to withdraw the amendment that was moved by me.

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

Sardar Sant Singh: Sir, I beg leave of the House to withdraw the amendment that was moved by me.

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

Qazi Muhammad Ahmad Kasmi (Meerut Division: Muhammadan Rural): Sir, I also beg leave of the House to withdraw my amendment.

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

Mr. President (The Honourable Sir Abdur Rahim): There is no need to put the main motion to vote. The House stands adjourned till 11 o'clock on Monday next.

The Assembly then adjourned till Eleven of the Clock on Monday, the 21st September, 1942.