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THE LEGISLATIVE ASSEMBLY DEBATES

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EIGHTH SESSION OF THE FIFTH LEGISLATIVE ASSEMBLY, 1938



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Legislative Assembly.

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

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LEGISLATIVE ASSEMBLY.

Wednesday, 17th August, 1938.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

INDIAN TRANS-CONTINENTAL AIRWAYS, LIMITED.

266. ***Mr. Govind V. Deshmukh** : (a) Will the Honourable Member for Communications please state if the Government of India expressed in 1929 a wish to have not less than 75 per cent. of the voting rights to give it the control desired over the Indian Trans-continental Airways, Limited, and if they have got them ? If not, why not ? How is this desired control to be secured now ?

(b) Is the control, direction and the management of the Indian Trans-Continental Airways, Limited, in the hands of Government ? If so, in what way ?

(c) What is the percentage of Indian share-holders in the Indian Trans-continental Airways and its components Imperial Airways and Indian National Airways, Limited ?

(d) Did Government enter into a new agreement with the Imperial Airways, Limited, before the old one expired ? If so, why ? What are the terms, if any, to secure control of Government over it ?

The Honourable Mr. A. G. Clow : (a) I would refer the Honourable Member to the reply I gave to part (b) of Mr. Satyamurti's question No. 32 on the 8th instant.

(b) No, Sir. Government are shareholders and are represented on the Board of Directors.

(c) I have no information as to the number of Indian shareholders in Imperial Airways, the shares of which are obtainable in the open market. 87.5 per cent. of the shares of Indian National Airways are at present held by Indians. The respective holdings of the two companies and of Government in the capital are 51 per cent., 25 per cent. and 24 per cent.

(d) I would refer the Honourable Member to the replies I gave to parts (a) to (f) of Seth Govind Das's starred question No. 151 on the 12th instant.

Mr. Govind V. Deshmukh : May I take it that the control, direction and management are not with the Government ?

The Honourable Mr. A. G. Clow : I would refer my Honourable friend to the answer I gave to part (b) of the question.

Mr. T. S. Avinashilingam Chettiar : May I know, Sir, what is the percentage of shares which Government hold in this company ?

The Honourable Mr. A. G. Clow : 24 per cent. I said that at the end of part (c) of my answer.

Mr. T. S. Avinashilingam Chettiar : Will the Honourable Member kindly read that portion, as I could not catch it ?

The Honourable Mr. A. G. Clow : The respective holdings of the two companies and of Government in the capital are 51 per cent., 25 per cent. and 24 per cent.

Mr. Govind V. Deshmukh : May I know, Sir, why this control was not secured when the Government wished to have it ?

The Honourable Mr. A. G. Clow : Because it was not a practical proposition.

Mr. M. Ananthasayanam Ayyangar : May I know, Sir, how many Directors represent the Government of India, and what is the total number of Directors ?

The Honourable Mr. A. G. Clow : There is at present one Government Director, the actual number of Directors, speaking from memory, is seven or nine.

Mr. M. Ananthasayanam Ayyangar : May I know, Sir, if there is no registered office of the Company in India ?

The Honourable Mr. A. G. Clow : I cannot answer that without notice.

Mr. M. Ananthasayanam Ayyangar : There ought to be a registered office. Is it very difficult for the Government to get this information as to how many shares are held by Indian shareholders ?

The Honourable Mr. A. G. Clow : I have given the number of Indian shareholders in the Indian National Airways ; but it is not easy to get it in the Imperial Airways, which is a company not registered in India.

Mr. Manu Subedar : May I know, Sir, if there is anything in the terms of the contract or licence given to these people by which Government can interfere or make suggestions when any activities of this company are not in accord with Government's ideas of public interests ?

The Honourable Mr. A. G. Clow : I am afraid that is far too general for me to answer.

Mr. Manu Subedar : Sir, I want to know whether there is anything in the terms of the licence or contract given to these people which will enable the Government to intervene any time during the pendency of these 15 years' contract if the company does something which Government feel is against public interest ?

The Honourable Mr. A. G. Clow : There is a Government Director on the Board. As I have stated in (b) Government are shareholders, but Government have not got direct control over the company.

Mr. Manu Subedar : Have they any indirect control over the company ?

The Honourable Mr. A. G. Clow : Government have no control over the company.

Mr. T. S. Avinashilingam Chettiar : In view of the fact that the Government hold a large number of shares, may I know if they have imposed any condition that they should employ as far as possible Indians only and also train them wherever they are available ?

The Honourable Mr. A. G. Clow : Not, so far as I am aware, but I cannot give particulars without notice.

Mr. K. Santhanam : What is the principal place of business of this Indian Trans-Continental Airways Co., Ltd., in India ?

The Honourable Mr. A. G. Clow : I think it is Delhi, but I am not certain.

Mr. N. M. Joshi : May I know, Sir, if the Government Director has any special powers or he is only an ordinary Director like others ?

The Honourable Mr. A. G. Clow : He is an ordinary Director.

EXTRA-DEPARTMENTAL OFFICERS APPOINTED BY THE POSTAL DEPARTMENT.

267. ***Mr. T. S. Avinashilingam Chettiar :** (a) Will the Honourable the Communications Member state the number of extra departmental officers appointed by the Postal Department throughout India ?

(b) How many of them are practically doing the work of full-time officers as judged by their hours of work ?

(c) What is their remuneration ?

(d) What is the maximum number of years of service they can put in ?

The Honourable Mr. A. G. Clow : (a) The total number of extra-departmental employees of all categories in the Posts and Telegraphs Department was about 28,200 in July last.

(b) Generally speaking, extra-departmental agents are employed when the amount of work involved does not justify the employment of a whole-time official. No information is available of the actual number of hours of work performed by them.

(c) The remuneration, which depends upon the amount and nature of the work done, varies from about Rs. 5 per mensem in the case of extra-departmental chowkidars and similar classes of employees, to Rs. 30, and in special cases Rs. 40 per mensem, in the case of extra-departmental sub-postmasters.

(d) There is no maximum prescribed.

Mr. T. S. Avinashilingam Chettiar : May I know, Sir, in what class of work are these extra-departmental officers employed ?

The Honourable Mr. A. G. Clow : In postal work.

Mr. T. S. Avinashilingam Chettiar : The Honourable Member mentioned two chowkidars as well as postmasters, are these extra-departmental officers used in any other capacity ?

The Honourable Mr. A. G. Clow : There are delivery agents as well.

Mr. T. S. Avinashilingam Chettiar : May I know, Sir, how their pay is governed or how their pay and promotions are fixed ?

The Honourable Mr. A. G. Clow : I would refer my Honourable friend to my answer to part (c) of the question.

Mr. N. M. Joshi : May I know, Sir, whether among these extra-departmental agents there are a large number of pensioners of the postal department causing unemployment among the younger generation ?

The Honourable Mr. A. G. Clow : I am willing to believe that there are a certain number of *ex-postal* employés.

Mr. N. M. Joshi : May I know whether the Government of India will reconsider their position and remove these pensioners from their posts so that younger men might get jobs ?

The Honourable Mr. A. G. Clow : No, Sir, I don't think it can be done ; in many cases they are very suitable for the work.

Mr. K. Ahmed : Are the Government of India aware that there are a large number of sub or branch post offices in rural areas where, when letters are posted with stamps on them are either stolen or the letters never reach their addressees and none of the postal officials or even the Director General of Post Offices here cares to look into this matter ? May I hope the Honourable Member in charge will look into this matter and appoint very soon some officers and peons, whether from extra departmental men or from somewhere else, to look into the matter, so that the poor village people in this country, who spend an anna over every letter, may have the satisfaction of knowing that the letter they have posted has reached the addressee ? It is really a shameful commercial business, Sir, that is going on in the department of my Honourable friend, and the poor people of this country are the worst sufferers ?

(No reply.)

Mr. T. S. Avinashilingam Chettiar : In answer to part (c) of the question, the Honourable Member stated that their remuneration varies from about Rs. 5 per mensem to about Rs. 30, may I know, Sir, how their pay is regulated, is it according to their seniority or according to the nature of the work ?

The Honourable Mr. A. G. Clow : If I used the word ' pay ', I was not speaking correctly,—it is an allowance for part time employment. It is regulated naturally according to the nature of the responsibility,—it is not a question of length of service.

Mr. K. Santhanam : Are any special facilities offered to these extra-departmental postmasters to enter the regular postal service ?

The Honourable Mr. A. G. Clow : No, Sir.

Mr. K. Santhanam : May I know, Sir, if the Government will consider the desirability of providing special facilities to those bright young men who work as extra-departmental postmasters ?

The Honourable Mr. A. G. Clow : These are not bright young men ; they are normally men who are beyond the ages of recruitment to the postal service.

Mr. K. Santhanam : Am I to understand that there are no young men at all in these extra-departmental offices ?

The Honourable Mr. A. G. Clow : I cannot say there are none, but they are normally people who have retired from the postal service, or people who undertake other work like school masters, station masters and jobs of that kind.

Mr. K. Santhanam : If there are such bright young men, will Government provide them special facilities ?

The Honourable Mr. A. G. Clow : I don't see why they should get special facilities over other young men who may be more capable.

Mr. T. S. Avinashilingam Chettiar : Considering the fact that the minimum pay offered to these extra-departmental men is too low, will Government consider the desirability of increasing the minimum salary ?

The Honourable Mr. A. G. Clow : No, Sir.

Mr. Lalchand Navalrai : May I know, Sir, if these extra-departmental officers....

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

WORK DONE BY THE MADRAS-BEZWADA RAILWAY, MAIL SERVICE SECTION.

268. ***Mr. T. S. Avinashilingam Chettiar** : Will the Honourable the Communications Member state :

- (a) whether they have received statistics of the work done by the Madras-Bezwada Railway, Mail Service Section ;
- (b) whether they are heavily worked ; and
- (c) whether they received representations that extra hands are necessary to do the extra work, and if so, with what effect ?

The Honourable Mr. A. G. Clow : (a) No.

(b) Government have no information.

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

**USE OF INDIAN MATERIALS FOR THE CONSTRUCTION AND REPAIRS OF
AEROPLANES IN INDIA.**

269. ***Mr. Lalchand Navalrai :** (a) With reference to the reply given to the supplementary question under starred question No. 1119, asked on the 31st March, 1938, will the Honourable Member for Communications be pleased to explain the reason for his statement that an investigation for finding out whether Indian materials can be used for constructing aeroplanes in India would be entirely useless ?

(b) Will the Honourable Member be pleased to state if there are materials available or likely to be available in India for construction and repairs of aeroplanes ?

(c) How many aeroplanes have actually been made in India and have any Indian materials been used for their construction or repair ?

(d) What steps do Government propose to take for construction and repair of aeroplanes in India and to find out Indian materials for their use ?

The Honourable Mr. A. G. Clow : (a) and (b). No general investigation into the possible use of Indian components in aircraft construction is likely to be of value because, although some of the raw materials from which the manufactured articles are made are found and produced in India, the very complicated processing required for practically all materials used in aircraft construction cannot at present be carried out in India. I might add that even so far as the basic raw materials are concerned, an inquiry into the suitability of Indian timbers for the purpose of aircraft construction and repairs which is in progress, is not giving promising results so far.

(c) No aeroplanes have been constructed in India, but a small number of aeroplanes has been assembled or rebuilt in India from imported manufactured parts. No Indian materials have been used because the processing of raw materials is not carried out in India, and no material may be used in the construction of an aeroplane unless it complies with approved specifications.

(d) The Honourable Member is referred to the reply given to part (c) of starred question No. 131 by Mr. Satyamurti on the 5th September, 1935.

Mr. Lalchand Navalrai : May I know if any such material as is available here is being used or is usable or not ?

The Honourable Mr. A. G. Clow : I have explained that there are materials which can be used. They are not being used at present.

Mr. Lalchand Navalrai : Why are they not being used ?

The Honourable Mr. A. G. Clow : Because it is a completely uneconomical proposition in a number of cases.

Mr. Lalchand Navalrai : That proposition will remain for ever. The point is why a beginning should not be made ?

The Honourable Mr. A. G. Clow : There would be no point in using a material that costs twice as much as an imported material merely to use the local material.

Mr. Lalchand Navalrai : May I know if any attempt has been made to train engineers for the purpose of doing repairs and for the purpose of making these aeroplanes ?

The Honourable Mr. A. G. Clow : I submit that hardly arises out of this question which relates to materials.

Mr. S. Satyamurti : With reference to the answer to clause (a) of the question, I think I heard my Honourable friend say that no investigation is likely to be of value.....

The Honourable Mr. A. G. Clow : I said, no general investigation.

Mr. S. Satyamurti : May I know how the Government have come to the conclusion that no general investigation with regard to the possibility of using Indian materials for constructing aeroplanes will be of any value, in view of the fact that India should be self-sufficient in a matter of this kind, if possible ?

The Honourable Mr. A. G. Clow : I am afraid I cannot accept the conclusion of the Honourable Member. Self-sufficiency irrespective of cost is not, I suggest, the ideal which we should aim at.

Mr. S. Satyamurti : May I ask the materials on which the Government have come to the conclusion that investigations will not show that, even from the point of view of my Honourable friend, namely, that it should be economic before we can become self-sufficient—that that should not be examined ?

The Honourable Mr. A. G. Clow : I did not say that no investigation of any kind was necessary : I said no general investigation. As a matter of fact, I have mentioned in my answer that an enquiry into the possible use of Indian timbers is in progress.

Mr. S. Satyamurti : Have Government come to a conclusion that no investigation into any other materials is likely to be of any value except timber ?

The Honourable Mr. A. G. Clow : I am not aware of any other promising line at present, and even that is not very promising.

Mr. S. Satyamurti : How have Government come to that conclusion ? Have they consulted any experts, or have they put on special duty anybody to collect materials, before they came to the conclusion that the investigation will not yield any value ?

The Honourable Mr. A. G. Clow : They have not put anybody on special duty to conduct an investigation of this kind. A general review of the situation leads them to this conclusion.

Mr. Manu Subedar : May I know if Government have looked into the question of the manufacture of aluminium in this country, which is a substantial raw material for aeroplanes ?

The Honourable Mr. A. G. Clow : No : I could not answer that without notice.

Mr. Manu Subedar : When the Honourable Member said that some of the Indian materials cost twice as much as the imported material, will he kindly let us know what those materials are which cost twice as much as the local material ?

The Honourable Mr. A. G. Clow : I said nothing of that kind. I said in reply to my Honourable friend, Mr. Lalchand Navalrai, that if a thing costs twice as much as an imported material there would not be sufficient ground for using it merely because it was an Indian material.

Mr. Manu Subedar : May I enquire from the Honourable Member whether the aluminium castings made in India are not much cheaper and very much better than the imported articles ?

The Honourable Mr. A. G. Clow : I am willing to take it from the Honourable Member. I have no information on the point.

Mr. M. Ananthasayanam Ayyangar : Will Government start an investigation into this matter to find out whether aluminium is not really cheaper and if the other materials are not available with a view to start an aeroplane industry as early as possible ?

The Honourable Mr. A. G. Clow : That is practically the same question which my Honourable friend, Mr. Lalchand Navalrai, put and I have given an answer.

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

APPOINTMENT OF AN ASSISTANT CONTROLLER FOR BROADCASTING.

270. ***Mr. Lalchand Navalrai :** (a) Will the Honourable Member for Communications state if an Assistant Controller for Broadcasting in India has been appointed ? If so, is he an Indian, and what are his qualifications ?

(b) Where is he posted, and do Government propose to place him in Bombay to be directly in touch with the functions of the Bombay Broadcasting ? If not, why not ?

The Honourable Mr. A. G. Clow : (a) No post of Assistant Controller has been created, but an Administrative Officer has been appointed. He is an Indian with Secretariat experience.

(b) He is posted at Delhi. His duties are to assist the Controller of Broadcasting in the administration of his Department, and as the headquarters of that Department are at Delhi, the question of posting him at Bombay does not arise.

Mr. Lalchand Navalrai : May I know the difference between a ministerial officer and an Assistant Controller ?

The Honourable Mr. A. G. Clow : There is no Assistant Controller.

Mr. Lalchand Navalrai : Is there any difference between the duties of an Assistant Controller and those of a ministerial officer ? Are the duties the same ?

The Honourable Mr. A. G. Clow : I cannot explain what the difference in duties is between a post which exists and a post which does not exist.

Mr. Lalchand Navalrai : May I know if this gentleman has been taken from the department or has he been recruited directly ?

The Honourable Mr. A. G. Clow : No. He has had long Secretariat experience.

Mr. Manu Subedar : Have Government considered the advisability of putting an I. C. S. man at some place in the control of this department ?

The Honourable Mr. A. G. Clow : This officer is not an I. C. S. officer.

Dr. Sir Ziauddin Ahmad : Why not a Member of the Legislative Assembly ?

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

CONTRACT OF THE NORTH WESTERN RAILWAY WITH MESSRS. WHEELER AND COMPANY.

271. ***Mr. Lalchand Navalrai :** (a) With reference to the supplementaries to starred question No. 1031, dated the 28th March, 1938, and starred question No. 522, asked on the 19th September, 1935, will the Honourable Member for Communications and Railways please state whether the contract given to Messrs. A. H. Wheeler and Company has terminated on the North Western Railway ? If not, when is it to end ?

(b) Has any fresh contract been given to the above company on the North Western Railway since the 19th September, 1935 ? If so, on what terms and for what period ?

(c) Have Government received any definite information from Agents of State-managed Railways, since the above date, that the aforesaid company does not charge more than is chargeable on books sold by companies dealing with similar business in large towns ?

(d) Did the Railway Administrations inform Government that they had made enquiries to satisfy themselves that the aforesaid company does not charge over and above the prices charged by similar firms in large cities ?

(e) Have the Railway Administrations, since 1935, at any time, asked the aforesaid company to reduce the price and sell books at market rates of the cities in which the aforesaid company is doing its business ?

The Honourable Mr. A. G. Clow : (a) and (b). The contract was given for a period of five years from the 1st July, 1930, and was renewable for a further period of five years. The contract was renewed for the second period from 1st July, 1935, on the same terms and conditions.

(c), (d) and (e). The question of the prices charged by Messrs. Wheeler and Co., was examined by Government in 1936 when it was found, after a reference to the General Managers of certain railways that, taken as a whole, the prices charged did not compare unfavourably with those charged by other important booksellers in large cities.

Government did not, however, consider that it would be reasonable to insist on Messrs. Wheeler's prices being in all cases the same as those of other booksellers, as :

- (i) the contractors have to maintain a number of unprofitable bookstalls at several stations ;
- (ii) the contractors have to depend on casual sales, and fluctuations in the number of passengers travelling affect such sales considerably, making it difficult to estimate the number of publications required at each bookstall. This results in their usually having an appreciable number left on their hands ;
- (iii) a large percentage of their books are damaged by exposure and handling on bookstalls.

The contractors, however, agreed to reduce the price of two Magazines from Re. 1-2-0 to Re. 1-0-0 and of shilling novels from Re. 1-0-0 to Re. 0-14-0.

Mr. Lalchand Navalrai : May I know since when Messrs. Wheeler and Co. had been getting this contract ? Is there no other contractor who can take their place ?

The Honourable Mr. A. G. Clow : I do not know how long they have been having this contract. I think they have had it for a considerable time.

Mr. Lalchand Navalrai : May I know if tenders were called or in what way the contract is being given ? Why should a monopoly be given to them ?

The Honourable Mr. A. G. Clow : I understand that they have been there for a considerable time and have given on the whole satisfactory service.

Mr. Lalchand Navalrai : Because they have given satisfaction, may I know if others will not give satisfaction, and they should not be called.....

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

Mr. Lalchand Navalrai : I should like to know why others are not being called.....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member has given an answer.

Mr. S. Satyamurti : May I know the business principles on which the railways are supposed to be run where they agree to give a contract of this kind to one firm on a monopolistic basis, and refuse to invite tenders for the selling of books at railway stations ?

The Honourable Mr. A. G. Clow : I think that is a question I should have had notice of.

Sardar Sant Singh : What is the value in annas charged per shilling price by Messrs. Wheelers ?

The Honourable Mr. A. G. Clow : There is a question on the Order Paper by Mr. Joshi which deals with the matter.

Prof. N. G. Ranga : Is the Honourable Member aware of the fact that whereas other important booksellers insist upon getting and obtain only 25 per cent. commission from the book publishers, Messrs. Wheeler and Co. insist upon getting and obtain 40 per cent. commission and, therefore, it is unreasonable for them to continue to charge higher rates than are charged by other accepted booksellers ?

The Honourable Mr. A. G. Clow : I am not prepared to accept the Honourable Member's premise. If he will direct me to the booksellers who sell exactly at the rupee equivalent of sterling prices I should be glad to patronise them.

Mr. M. Ananthasayanam Ayyangar : May we know if any amount of money is paid as consideration for letting this contract to Wheeler and Co. ?

The Honourable Mr. A. G. Clow : I cannot say.

APPLICATION OF HOURS OF WORK CONVENTION TO RAILWAYS.

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

- (a) to which Railways in India the hours of work convention (International Labour Office) is not yet made applicable ;
- (b) when it will be applied to these railways ; and
- (c) if they do not propose to apply the convention to all railways immediately, why ?

The Honourable Mr. A. G. Clow : (a) to (c). The Hours of Employment Regulations, which provide for the regulation of hours of work under the Washington (Hours of Work) Convention, have, so far, been given statutory effect on the North Western, East Indian, Eastern Bengal, Great Indian Peninsula, Bombay, Baroda and Central India, Madras and Southern Mahratta and Bengal and North Western Railways. The question of extending these Regulations to other principal railways is at present under consideration.

Dr. Sir Ziauddin Ahmad : Does this Convention apply to assistant station masters also ?

The Honourable Mr. A. G. Clow : I think it does, unless they are exempted under the provisions of the Convention itself.

Dr. Sir Ziauddin Ahmad : In a large number of stations, there are only two station masters and each of them works for 12 hours a day, 30 days in the month and 365 days in the year ?

The Honourable Mr. A. G. Clow : Unless the work is intermittent, there are generally three.

Prof. N. G. Ranga : What are the difficulties in extending this Convention to the other railways ?

The Honourable Mr. A. G. Clow : Financial difficulties.

Prof. N. G. Ranga : How long do the Government propose to take before they can extend this Convention to the other railways.

The Honourable Mr. A. G. Clow : It is being done gradually. I cannot mention a final period.

Qazi Muhammad Ahmad Kazmi : Has this been extended to the Shahdara-Saharanpur Railway ?

The Honourable Mr. A. G. Clow : I am not sure whether this question in relation to the light railways has been fully considered.

Qazi Muhammad Ahmad Kazmi : What is the reason for not extending this Convention to this railway ?

The Honourable Mr. A. G. Clow : I said I was not sure whether this matter has been considered or not. It certainly is a matter worth looking into.

RATES FOR BOOKS CHARGED BY MESSRS. WHEELER AND COMPANY AT RAILWAY BOOKSTALLS.

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

- (a) the rate of exchange in Indian currency per shilling charged by Messrs. Wheeler and Company for books sold at bookstalls on Indian Railways ;
- (b) whether the rate is higher than the ordinary rate of exchange between the British and Indian currencies ; and
- (c) if so, what steps Government are taking to compel Messrs. Wheeler and Company to charge reasonable rates ?

The Honourable Mr. A. G. Clow : (a) I presume that the Honourable Member wishes to know how the rupee price compares with the sterling price of books imported from England. If so, the answer is that the ratio varies with the price of the book. For some of the more expensive publications, it is only a little over 12 annas per shilling, whereas shilling novels are sold at 14 annas.

(b) Books are not normally sold at the rupee equivalent of the English price.

(c) I would refer the Honourable Member to the reply I have just given to Mr. Lalchand Navalrai's question No. 271.

Mr. N. M. Joshi : In view of the fact that the lowest price charged for a shilling by Wheeler and Co. is 14 annas and in view of the fact that many of us purchase our books in Bombay at 10 annas a shilling, will the Government of India appoint a committee of this House to consider this question instead of leaving it to their officers to say that the books cannot be available cheaper ?

The Honourable Mr. A. G. Clow : This is a request for action rather than a request for information.

Mr. Lalchand Navalrai : May I know from the Honourable Member, when the contract is given to Wheeler and Co. whether the exchange rate is fixed or it is left to them to do as they like ?

The Honourable Mr. A. G. Clow : I have explained that the ratio varies with the price of the book but Government have on certain occasions made arrangements with Wheeler and Co. to reduce the price.

Mr. N. M. Joshi : In view of the fact that the conclusions arrived at by the Government are obviously shady, will the Government of India make an investigation into this question ?

The Honourable Mr. A. G. Clow : I must object to that insinuation.

Prof. N. G. Ranga : Are the Government aware that no bookshop in Simla and no bookshop in Delhi charges more than 12 annas whereas Wheeler and Co. charge 14 annas.

The Honourable Mr. A. G. Clow : I am not aware of the statement contained in the first part of the question. On some occasions I have been charged more than 12 annas.

IMPROVEMENTS IN THE RULES FOR ISSUING FREE PASSES FOR RAILWAY EMPLOYEES.

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

(a) whether he has come to some decision regarding improvements in the rules for issuing free passes for railway employees ; and

(b) if so, what the improvements are ?

The Honourable Mr. A. G. Clow : (a) No.

(b) Does not arise.

Mr. Lalchand Navalrai : This question of passes has been hanging fire for a long time and promises have been made that a decision will be arrived at. Does the Honourable Member know that subordinates in the Railway Department all over are very impatient over this question ? Will the Honourable Member give a decision soon or not ?

The Honourable Mr. A. G. Clow : I am aware that the question of the revision has been pending since about the last Session. I am not aware that it has been pending before that. It is a matter in which the rules have been revised from time to time. Naturally subordinates of the Railway Department take a very great interest in this subject.

Mr. Lalchand Navalrai : This question has been pending for more than two years and the Honourable Member's predecessors have told us that a decision will be reached very soon. Promises have been given in the Central Advisory Board also. Will the Honourable Member take up this question and decide once for all in any way the Government chooses ?

The Honourable Mr. A. G. Clow : I do not think it has been pending for over two years. The last revision of the rules was made in January, 1937, and I certainly cannot promise that any conclusion I may reach will be binding once and for all.

Dr. Sir Ziauddin Ahmad : A deputation of some Members waited on the Chief Commissioner and the Honourable Member for Railways last year in the Simla Session and requested that the conditions of the passes, as they existed in 1933, should be restored and we were given to understand that an announcement would be made in the Simla Session last year. Why was this announcement delayed ?

The Honourable Mr. A. G. Clow : I am quite willing to take it from the Honourable Member that there was a deputation. I had no part in the matter at all but the question is an extraordinarily involved one and it has been very difficult to reach decisions which will do justice both to the revenues and to the persons concerned.

Mr. Lalchand Navalrai : When will the Honourable Member take up this question ?

The Honourable Mr. A. G. Clow : It is actively under consideration at the moment.

Mr. K. Santhanam : What is the estimated value of the passes annually ?

The Honourable Mr. A. G. Clow : I could not give the figure without notice.

Mr. K. Santhanam : Although I have put several questions on this subject, Government have never taken care to calculate the amount of loss which the Railways incur in giving these passes.

The Honourable Mr. A. G. Clow : I am not aware of that.

Mr. P. R. Damzen : Will the Honourable Member state why the assurance given to Sir Henry Gidney on the 21st February this year has not resulted in the improvement in the issue of passes to railway employees ?

The Honourable Mr. A. G. Clow : I am not aware of the assurance.

Mr. P. R. Damzen : The assurance was given by the Honourable Member's predecessor, Sir Thomas Stewart, to Sir Henry Gidney who thereupon withdrew his motion. Will the Honourable Member explain why no action has been taken ?

The Honourable Mr. A. G. Clow : The question is being considered.

Mr. P. R. Damzen : No conclusions have been arrived at ?

The Honourable Mr. A. G. Clow : That is so.

Mr. S. Satyamurti : Will Government also consider that the railway revenues are not yet out of the wood, and the railways being a commercial concern, we are concerned with the revenues of the State also ?

The Honourable Mr. A. G. Clow : That is an important consideration.

STANDARDISATION OF CONDITIONS OF SERVICE ON RAILWAYS.

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

- (a) whether the Government of India have given consideration to the question of standardising conditions of service to the extent it is practicable on Indian Railways ; and
- (b) if they have not done so, whether they propose to take up the question for investigation, and action at an early date ?

The Honourable Mr. A. G. Clow : (a) and (b). As regards the State-managed Railways, I would refer the Honourable Member to the reply given to Pandit Krishna Kant Malaviya's starred question No. 973 asked in this House on the 9th October, 1936.

The staff employed on Company-managed Railways are not Government servants.

Mr. N. M. Joshi : May I ask whether the Government of India have not reconsidered that question since 1936 and whether they propose to consider this question.

The Honourable Mr. A. G. Clow : I think the conditions are to a certain extent stabilised. On the State-managed Railways I see no need for further consideration at the moment.

Mr. N. M. Joshi : I am asking for standardisation and not stabilisation.

The Honourable Mr. A. G. Clow : Well, standardisation then.

INTRODUCTION OF FAIR WAGES CLAUSE IN CONTRACTS ENTERED INTO BY RAILWAYS.

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

- (a) whether he has enquired that the fair wages clause is introduced in all contracts entered into by all State and Company-managed Railways in India ;
- (b) if not, whether he proposes to make such an enquiry ; and
- (c) if so, whether he is prepared to place before the Assembly the result of his enquiry ?

The Honourable Mr. A. G. Clow : (a) Orders have been issued to the State-managed Railways to the effect that contracts for works should stipulate that the contractor shall pay his labourers not less than the wages paid for similar work in the neighbourhood. Company-managed Railways were asked to consider favourably the adoption of this procedure.

(b) No enquiry appears to be necessary.

(c) Does not arise.

Prof. N. G. Ranga : May I know which of the Company-managed Railways have carried out this suggestion ?

The Honourable Mr. A. G. Clow : I have not yet got particulars here.

Mr. T. S. Avinashilingam Chettiar : May I ask why the Government have not specifically asked for the introduction of a fair wage clause in each contract ?

The Honourable Mr. A. G. Clow : A " fair wage " must necessarily take into consideration the conditions prevailing in the neighbourhood.

Mr. K. Ahmed : Will Government please define what a " fair wage " is ?

The Honourable Mr. A. G. Clow : I am quite unable to define it.

Mr. K. Ahmed : Does it not mean that it must provide for the maintenance of the labourer, his wife and two children at least ?

The Honourable Mr. A. G. Clow : No, Sir, that is more like a cost of living wage.

Mr. K. Ahmed : Is it above or below the cost of living wages ?

Mr. T. S. Avinashilingam Chettiar : Do Government expect, in the ordinary course of things, to get information from these Company-managed Railways in regard to the suggestion of the Government of India that they should try and introduce this fair-wage condition ? Will they call for that information ?

The Honourable Mr. A. G. Clow : If the Honourable Member will table a question, I shall try to get him an answer.

Mr. T. S. Avinashilingam Chettiar : In the absence of a definition as to what is a " fair wage " in each particular contract, which may differ according to the localities, may I ask if it is not the case that, unless that is defined in each contract, this condition may never come into effect ?

The Honourable Mr. A. G. Clow : A " fair wage " must differ not merely in space but in time, and to lay down a particular figure and to say that that is a fair wage at all times and in all places would be impossible.

Mr. T. S. Avinashilingam Chettiar : Are there any steps taken to define a " fair wage " for each place, in these contracts ?

The Honourable Mr. A. G. Clow : That depends on the character of the work also.

CONTRACT FOR " EXPORT SCRAP " ENTERED INTO WITH A JAPANESE FIRM BY THE NORTH WESTERN RAILWAY.

277. ***Dr. Sir Ziauddin Ahmad :** (a) Will the Honourable the Railway Member please state what is meant by ' export scrap ' ?

(b) Is it a fact that the term ' export scrap ' came into vogue when the Japanese started buying waste iron scrap of certain sizes a few years ago ?

(c) Is it a fact that the North Western Railway entered into a contract for a big quantity of this stuff direct with a Japanese firm in Karachi in 1933-34? If so, what was the rate obtained and was the contract *f. o. r.* Karachi? Were loading charges at ten annas per ton received from this firm?

(d) Is it a fact that items for which there was no local market, *i.e.*, which were for less than the rate obtained by the Railway for export scrap and were within the specification of export scrap, *i.e.* less than five feet and not less than a quarter of an inch thick, were included in this contract?

The Honourable Mr. A. G. Clow : (a) The term "export scrap" was originally applied on the North Western Railway to unserviceable material of all kinds which was not expected to find a market in India for local use. In this connection, the attention of the Honourable Member is invited to paragraph 3 (3) of the Press Communiqué, dated the 27th May, 1937, a copy of which was placed in the Library of the House as intimated in the information laid on the table of the House on the 23rd August, 1937, in reply to starred questions Nos. 1281, 1286 and 1287 asked on the 15th October, 1936.

(b) Yes, but all items were not described by dimensions.

(c) Yes. The rate was Rs. 20/6/0 per ton for light and Rs. 17/6/0 per ton for heavy material. The contract was *F. O. R.* Karachi and hence no loading charges were leviable.

(d) The Honourable Member's question is not clearly understood. The dimensions he quotes for the specification of export scrap are, so far as they go, approximately correct. It was the general policy to include in export scrap only items which were not expected to find a market in India for local use at a price not less favourable than that obtainable for export scrap, and at the time the contract referred to was entered into, there was no demand locally for this class of material.

Mr. Manu Subedar : Are Government satisfied, in connection with this contract, that sizes which were useful for sale in the internal market and which would presumably have fetched higher prices, were not mixed up with the export of the other stuff, and may I ask whether there was no departmental inquiry to that effect?

The Honourable Mr. A. G. Clow : There was a departmental inquiry but as far as I remember it established the fact that there were no substantial irregularities.

Mr. Manu Subedar : What were the irregularities complained of and what were the irregularities inquired into by the departmental inquiry? Will the report of that be made available?

The Honourable Mr. A. G. Clow : I would refer the Honourable Member to the communiqué to which I have already referred, which is a long one and which explains the position.

Mr. M. Ananthasayanam Ayyangar : What is the duration of this contract?

The Honourable Mr. A. G. Clow : I do not know, but I rather think that the period of this contract has expired.

Sardar Sant Singh : May I ask when the Honourable Member says that loading charges were not leviable, whether they were actually levied or not ?

The Honourable Mr. A. G. Clow : I presume not.

Sardar Sant Singh : Does the Honourable Member know that one firm actually made the payment ? Will the Honourable Member be prepared to refund it to that firm if that were levied ?

The Honourable Mr. A. G. Clow : No Sir, not unless there is a good claim established ?

Sardar Sant Singh : Will the Honourable Member see if the information that has been supplied to him is correct or not, and does the Honourable Member realise that under the term " leviable " the Department has taken shelter for supplying incorrect information to him ?

The Honourable Mr. A. G. Clow : The Honourable Member cannot have it both ways : he cannot say that I have not replied to his question and also that I have supplied incorrect information.

Sardar Sant Singh : Will the Honourable Member inquire whether this was actually levied from one firm while it was not from another, with the result of a loss of Rs. 20,000 to the North Western Railway ?

The Honourable Mr. A. G. Clow : Is the Honourable Member referring to a case now pending ?

Sardar Sant Singh : Probably.

The Honourable Mr. A. G. Clow : Then I am not prepared to assist him.

Sardar Sant Singh : Will the Honourable Member inquire whether this was actually levied or not ?

The Honourable Mr. A. G. Clow : The case is now pending and the matter must rest there.

LIABILITY INCURRED BY INDIA UNDER THE TREATY OF YEMEN.

278. ***Mr. Govind V. Deshmukh** : Will the Foreign Secretary please state :

- (a) if he is aware of the treaty of Yemen to which the United Kingdom and India are parties ;
- (b) if it is a fact that article 5 of this Treaty confers on the British Colonies the same benefits which are conferred on India under the treaty, though they are not parties to it ;
- (c) why India was made a party to this treaty along with the United Kingdom ;
- (d) the value of the import and export trade of South Africa, British Somaliland, Kenya, the United Kingdom and India from and to Yemen ; and
- (e) if India incurs any liability under the treaty ; if so, which and under what circumstances ; and whether British Colonies incur a similar liability ?

Sir Aubrey Metcalfe : (a) Yes ;

(b) British Colonies on whose behalf the Treaty has been signed by His Majesty's Government will enjoy the same benefits as are conferred on India ;

(c) India is not a Colony and arrangements were, therefore, made for her to be a separate signatory to the Treaty ;

(d) The information is not available. Trade with Yemen is not separately recorded in the Indian returns nor in those of the other countries mentioned ;

(e) India incurs no liability under the Treaty except that she must under Article V accord most-favoured-nation treatment in the matter of trade and navigation to subjects and vessels of Yemen in return for similar treatment accorded to India in the matter of trade and navigation by the Yemen Government. His Majesty's Colonies, on whose behalf the Treaty has been executed by His Majesty's Government, have incurred a similar liability in return for similar privileges.

Mr. Govind V. Deshmukh : Is there any liability contemplated under this treaty of rendering military help in case of need ?

Sir Aubrey Metcalfe : Absolutely none ; the treaty does not deal with that subject at all.

Mr. M. Ananthasayanam Ayyangar : Is the balance of trade in favour of India or of Yemen ?

Sir Aubrey Metcalfe : As I have just explained, there are no trade returns available and I cannot possibly answer that point.

Mr. K. Santhanam : May I know if the Dominions also are signatories to this treaty ?

Sir Aubrey Metcalfe : I think not, so far as I remember.

Mr. K. Santhanam : Were the Government of India consulted when this treaty was entered into ?

Sir Aubrey Metcalfe : Certainly.

Mr. K. Santhanam : May I know if the Government of India had any representative among the delegates ?

Sir Aubrey Metcalfe : There was only one representative.

AIR-CONDITIONED CARRIAGES ON RAILWAYS.

279. ***Mr. Brojendra Narayan Chaudhury :** Will the Honourable Member for Railways please state :

(a) the number of air conditioned carriages introduced, and where they are running and for how long ;

(b) the class of the air-conditioned carriages ; the extra fare charged ;

(c) the cost of air-conditioning a carriage ; the recurring and ventilating costs ;

(d) if the air-conditioned carriages are running full ; and

- (e) the time within which the original cost, with the recurring cost, are expected to be redeemed at the present rate of patronage of air-conditioned carriages ?

The Honourable Mr. A. G. Clow : (a) In December, 1937, a daily air-conditioned service employing five air-conditioned carriages was introduced between Bombay and Calcutta. An air-conditioned service twice a week between Bombay and Delhi employing a single air-conditioned carriage was introduced somewhat earlier in that year. The number of air-conditioned carriages employed on the latter service has since been gradually increased to five and the service extended first to a daily service between Bombay and Delhi and more recently to a daily service between Bombay and Kalka.

(b) Air-conditioned carriages or compartments have been provided for first class passengers only. The surcharge on the Bombay-Calcutta service is equivalent to one rupee per 50 miles. On the Bombay-Kalka service surcharges of Rs. 5, 10 and 12|8|0 are leviable for any portion of the journey between Bombay-Rutlam, Bombay-Delhi and Bombay-Kalka respectively. The higher rate of surcharge levied on the Bombay-Calcutta service is explained by facilities other than air-conditioning such as bedding, attendance, etc., having been provided on this service.

(c) The cost of air-conditioning is dependent upon the type of air-conditioning equipment adopted. On the Bombay Kalka service two four-berth compartments and one coupé in existing carriages have been air-conditioned with the aid of ice-activated equipment at a cost of approximately Rs. 9,000 per carriage. For the Bombay-Calcutta service new fully air-conditioned 14-berth carriages were constructed and equipped with electro-mechanical equipment at a cost of approximately Rs. 36,000 per carriage. It is not possible at this stage to give reliable figures of actual recurring costs.

(d) For the period from 1st December, 1937, to the 30th June, 1938, the air-conditioned accommodation available has been utilised on the average to the following extent :

			Per cent.
From Bombay to Howrah	..	..	30
From Howrah to Bombay	..	..	50
From Bombay to Delhi	..	..	53
From Delhi to Bombay	..	..	59

(e) Based on the surcharge earnings on the Bombay-Calcutta service during the six months following its introduction it is estimated that after meeting interest and maintenance charges the original cost of both air-conditioning equipment and additional facilities will be redeemed in five years. The period on the other route may be somewhat shorter.

Mr. Lalchand Navalrai : May I know from the Honourable Member if the policy of the railway authorities is to supply these air-conditioned carriages only in the parts of the country where there are extremes of temperature and it is too hot and too cold, to begin with, or anywhere they like ?

The Honourable Mr. A. G. Clow : The policy is to supply them where it is likely to be profitable.

Mr. Lalchand Navalrai : In view of the fact that there is too much of heat and also too much of cold in Sind, may I ask the Honourable Member whether the North Western Railway are using these air-conditioned carriages there or not ? Will they use them or not ?

The Honourable Mr. A. G. Clow : They are not using them in Sind at present. I presume they are not satisfied that the service will be profitable there.

Mr. K. Santhanam : With reference to part (d), may I know if the Railway Board are satisfied with the utilisation of the 30 per cent. of the air-conditioned accommodation from Bombay to Howrah ?

The Honourable Mr. A. G. Clow : Naturally, they would like to have a good deal more, but, as I have already answered, the indications are at present that even that accommodation will prove profitable.

Mr. Manu Subedar : May I ask whether it is not a fact that some of the users of the air-conditioned carriages are obliged to use them because berths are not available in the ordinary carriages ?

The Honourable Mr. A. G. Clow : If the Honourable Member is speaking from his own experience, I do not know why he asks me.

Mr. Manu Subedar : May I ask whether the Railway Board can regard this return as purely economical ?

(No answer.)

Shrimati K. Radha Bai Subbarayan : May I ask if it is a fact that any compartment in these air-conditioned carriages is reserved for women ?

The Honourable Mr. A. G. Clow : I do not know that it is a fact. But I know there have been compartments exclusively occupied by women when there were sufficient women passengers travelling by these trains.

Shrimati K. Radha Bai Subbarayan : Are the Government aware that there is no compartment reserved for women in the carriage from Bombay to Kalka ?

The Honourable Mr. A. G. Clow : I am not aware. But I know that compartments have been exclusively assigned to women going the other way.

Shrimati K. Radha Bai Subbarayan : Will the Government consider the advisability of reserving a compartment for women on all these coaches ?

The Honourable Mr. A. G. Clow : It depends on the bookings. These berths are normally booked ahead and there would be no point in reserving a compartment for women if no woman was travelling.

MAIL ROBBERY NEAR SHETABGANJ RAILWAY STATION.

280. ***Mr. Brojendra Narayan Chaudhury** : Will the Honourable Member for Railways please state :

- (a) if his attention has been drawn to the report from Dinajpore, dated the 28th May, published in the *Hindustan Standard*, regarding mail robbery near Shetabganj station ;
- (b) is it a fact, as stated in the report, that the guard on being threatened by robbers found the vacuum brake defective ;
- (c) if the Honourable Member aware that in the case of local and less important passenger trains the public complain that alarm chains do not work sometimes ; and
- (d) will the Honourable Member please state the steps taken to keep utmost vigilance over proper condition of alarm chains and brakes ?

The Honourable Mr. A. G. Clow : (a) No, but the General Manager, Eastern Bengal Railway, states that there was a mail robbery which is being investigated by the Police.

(b) The train concerned was a mixed train on the metre gauge section where all such trains run without the vacuum brake being in operation. The guard must have known this.

(There was noise in one part of the House.)

The Honourable Mr. A. G. Clow : Sir, how can I proceed with the answer when there is so much noise in the Chamber.

Mr. President (The Honourable Sir Abdur Rahim) : Honourable Members really must not make noise like that. The accoustics of this House are bad enough, and if the Honourable Members go on making noise by talking loudly amongst themselves, it will become impossible to hear any Honourable Member.

Pandit Lakshmi Kanta Maitra : Nobody can hear the Honourable Member from this side of the House.

Mr. President (The Honourable Sir Abdur Rahim) : That is all the more reason why the Honourable Members in that part of the House should not make noise and make it still worse.

The Honourable Mr. A. G. Clow : (c) I understand that complaints regarding defective alarm chains are very seldom received.

(d) The instructions laid down by the Administration provide for the maintenance and the periodic testing of all such apparatus.

Mr. Brojendra Narayan Chaudhury : Will the Honourable Member consider the desirability of having vacuum brakes in all trains ?

The Honourable Mr. A. G. Clow : No, Sir. It is impractical to have vacuum brakes in mixed trains. You may have goods wagons in front and the passenger carriages behind.

Mr. Brojendra Narayan Chaudhury : In that case, such trains run the risk of being robbed by robbers without there being vacuum brakes to catch the robbers there and then ?

The Honourable Mr. A. G. Clow : I suppose the risk is a little greater.

Mr. Brojendra Narayan Chaudhury : Is the Honourable Member aware that such cases are always happening throughout the year in some portion of the country or the other?

The Honourable Mr. A. G. Clow : Not always.

Mr. Brojendra Narayan Chaudhury : Will the Honourable Member accept it from me as a fact that there was a case recently?

The Honourable Mr. A. G. Clow : As I said, there was one case recently.

Mr. Brojendra Narayan Chaudhury : Is the Honourable Member ready to accept another case from me?

The Honourable Mr. A. G. Clow : If the Honourable Member will give me particulars, I will certainly accept it.

Prof. N. G. Ranga : Why do Government carry mails in these mixed trains?

The Honourable Mr. A. G. Clow : They may be carried.

INCOME AND EXPENDITURE BY PROVIDING FACILITIES FOR PILGRIMS AT HARDWAR DURING THE KUMBHA MELA.

281. ***Mr. Brojendra Narayan Chaudhury :** Will the Honourable Member for Railways please state :

- (a) the extra cost incurred by the Railway Administrations in providing extra accommodations for pilgrims of Hardwar Kumbha Mela; the extra gross income and extra net income earned;
- (b) the same figures for Posts and Telegraphs Department;
- (c) the contribution, if any, towards housing and sanitary arrangements at the mela, given by the Central Government or Railways;
- (d) the same figures of extra expenditure, extra earnings by Railways, Posts and Telegraphs for Rathajatra at Puri;
- (e) if the Honourable Member is aware that extra facilities in accommodation and cheaper fares draw extra crowds, throwing extra burdens on Provincial Governments to meet housing and sanitary conditions; and
- (f) if the Honourable Member is aware that, according to *Hindu Sastras*, pilgrims to earn *Punya* must travel on foot?

The Honourable Mr. A. G. Clow : (a) The approximate figures are :

Cost of additional temporary facilities ..	Rs. 1,60,000.
Gross earnings	Rs. 28 lakhs.

The figure relating to net income earned is not available. To ascertain this, account would have to be taken of expenditure incurred in several

other directions, such as for additional staff, publicity and the running of a large number of special trains. It would be difficult to ascertain with any reasonable approximation to accuracy the cost of the latter.

(b) The figures are :

				Rs.
Cost	..	..		12,700
Extra gross income	..	..	..	37,600
Extra net income	..	..	..	24,900

But I should add that the extra net income does not take account of correspondence which pilgrims would otherwise have sent from their homes.

(c) No contribution was made by the Central Government or Railways for any arrangements outside their premises.

(d) The figures are approximately :

Railways.—

				Rs.
Extra accommodation for the provision of temporary facilities at Puri	..	..	..	800
Extra earnings	..	..	..	1,46,000

Posts and Telegraphs.—

				Rs.
Extra expenditure	..	..	..	6
Extra income	..	..	..	47

(e) Yes, but I have no information as regards the latter part of the Honourable Member's question.

(f) I am prepared to accept this from the Honourable Member.

PLACING OF MAIL VANS AND FEMALE CARRIAGES IN THE CENTRE OF A TRAIN.

282. ***Mr. Brojendra Narayan Chaudhury** : Will the Honourable Member for Railways please state :

- (a) if his attention has been drawn to the public demand in the press that mail vans and female carriages should be placed in the centre of a train to minimise chances of injury from accidents to postal officers who travel every day, and to the weaker, sex ; and
- (b) what steps, if any, have been taken to give effect to this demand ?

The Honourable Mr. A. G. Clow : (a) No.

(b) Does not arise.

Mr. Brojendra Narayan Chaudhury : Has the Honourable Member considered the fact that the Postal Officers have to travel every day and therefore they run far more risk than the ordinary passengers ?

The Honourable Mr. A. G. Clow : In the aggregate they do, but not on a particular journey.

DEVELOPMENT OF THE AIR STATION AT JIWANI.

283. ***Mr. Govind V. Deshmukh** (on behalf of Seth Govind Das) : Will the Honourable Member for Communications please state :

- (a) whether Government considered the question of developing Air Station, Jiwani, as an alternative Air base to Gwadur for land and sea planes ;
- (b) whether Government corresponded with the British Government's Air Ministry in the matter ;
- (c) the expenses estimated to be involved ;
- (d) whether the Imperial Government have agreed to meet the expenses thereof whether in full or in part ; and
- (e) the stage at which the matter stands now ?

The Honourable Mr. A. G. Clow : (a) Yes.

(b) Correspondence has taken place with the Air Ministry.

(c) Approximately Rs. 5 lakhs.

(d) His Majesty's Government will meet the whole cost of the seaplane station at Jiwani. The question of providing a new aerodrome near the seaplane station in place of the existing emergency landing ground, five miles away, and the incidence of the cost, is under consideration.

(e) The seaplane station has been transferred from Gwadur to Jiwani which has been used regularly since 13th May last. At present the arrangements are temporary. Estimates for the development of the station on a permanent basis are under the consideration of His Majesty's Government.

Prof. N. G. Ranga : May I ask who is to pay for the maintenance expenses ?

The Honourable Mr. A. G. Clow : I have explained that in my reply to part (d).

Mr. Manu Subedar : May I know what are the reasons for transferring the station from Gwadur to Jiwani ?

The Honourable Mr. A. G. Clow : Because the station of Gwadur was inconvenient for sea planes.

Prof. N. G. Ranga : In reply to part (b) we understood that the expenses for setting up this station ought to be met by His Majesty's Government. I want to know whether the maintenance expenses also are to be met by His Majesty's Government.

The Honourable Mr. A. G. Clow : I am not sure.

**GRANT OF CERTAIN PRIVILEGES AND CONCESSIONS ON RAILWAYS TO STUDENTS
OF ARABIC INSTITUTIONS.**

284. ***Qazi Muhammad Ahmad Kazmi :** (a) Will the Honourable Member for Railways be pleased to state if it is or it is not a fact that students studying in Arabic institutions, some of which even receive Government aid, are not considered eligible for all those privileges and concessions on Railways which are usually granted by Railways to students reading in schools in which English is taught and which are recognised by the Education Department of Government ?

(b) If the answer to part (a) be in the affirmative, have Government considered the advisability of granting the said privileges and concessions to students of Arabic institutions ?

The Honourable Mr. A. G. Clow : (a) Government have no particulars of such cases. According to the tariffs of Railways, concessions are being allowed for parties of not less than four in the case of :

- (i) children attending schools of all kinds which are recognised by the Education Department of the Province or State in which the schools are situated ;
- (ii) students of colleges affiliated to a recognised University ;
- (iii) students of medical schools, technical, commercial, industrial and agricultural institutions under Government or recognised by the Government of the Province or State in which the schools or institutions are situated.

(b) Does not arise.

Qazi Muhammad Ahmad Kazmi : Have the Government considered the advisability of extending this concession to colleges, whether they be Sanskrit or Arabic colleges, where oriental languages are taught and which are not recognised by the Government because they do not want to take any aid and where they have got their own courses of study which are not adaptable to the courses of studies in colleges which are recognised by Government ?

The Honourable Mr. A. G. Clow : I thought it was possible to get recognition from the Government whether aid was given by Government or not. In any case if we were to go outside those recognised by the Government, it would be very difficult to draw the line anywhere.

Qazi Muhammad Ahmad Kazmi : There are many private institutions which are as big as Government institutions and if necessary the Government should make enquiries about the matter and give recognition for the purposes of passes and concessions only to such institutions which are old and well established institutions irrespective of the fact whether they are recognised by the Education Department or not.

The Honourable Mr. A. G. Clow : We have to depend on the provincial Governments whether an institution is a suitable one for that or not.

DECLARATION OF *Id-uz-Zuha* AND LAST FRIDAY OF *Ramazan* AS HOLIDAYS
FOR MUSLIMS IN THE WORKSHOPS AT JAMALPUR.

285. ***Qazi Muhammad Ahmad Kazmi** : (a) Will the Honourable the Railway Member please state if Government are aware that *Id-uz-Zuha* and last Friday of *Ramazan* are important festivals for Muslims, on which they offer prayers in congregation ?

(b) Is it or is it not a fact that on both these occasions the Workshops at Jamalpur are not closed and a notice is served to the effect that such of the Muslim staff who want to avail themselves of this leave and can be spared are at liberty to do so on obtaining permission ?

(c) If the answer to part (b) be in the affirmative, have Government considered the advisability of making these two days 'full holidays' at least for the Muslim workers ?

The Honourable Mr. A. G. Clow : (a) Yes.

(b) Such of the Muslim staff in Jamalpur Workshops as can be spared and desire to avail themselves of leave on the day of *Id-uz-Zuha* are at liberty to do so on obtaining permission. As regards the last Friday of *Ramazan*, Government have no information, but presume that a similar practice is followed in this case also.

(c) Yes. Government considered this question last year, and came to the conclusion that there is insufficient justification for allowing payment for *Id-uz-Zuha* and the last Friday of *Ramazan* when these are taken as holidays.

Qazi Muhammad Ahmad Kazmi : Have the Government considered the advisability of giving the leave without the condition, if it is available or not available ?

The Honourable Mr. A. G. Clow : Yes, Sir. As I said in answer to part (b) such leave without the condition of payment is given on one of the holidays and I think on the other also.

Qazi Muhammad Ahmad Kazmi : May it not be extended to both cases, because both are important festivals ?

The Honourable Mr. A. G. Clow : I believe it is given on both, the concession of being able to take a holiday without pay if the staff can be spared.

PROVISION OF ADDITIONAL INTERMEDIATE CLASS COMPARTMENTS IN THE PUNJAB
EXPRESS BETWEEN HOWRAH AND LAHORE.

286. ***Qazi Muhammad Ahmad Kazmi** : (a) Will the Honourable the Railway Member please state if Government are aware that in the Punjab Express between Howrah and Lahore generally only one small intermediate class compartment for males—meant for 12 passengers—is run continuously, other intermediate compartments being attached and detached at roadside stations ?

(b) Are Government aware of the great inconvenience to the travelling public by this practice and have they considered the advisability of prevailing upon the authorities to remove this grievance of the passengers ?

The Honourable Mr. A. G. Clow : (a) I understand that, apart from a compartment with accommodation for fifteen which is reserved for ladies, there is a compartment providing accommodation for thirty passengers between Howrah and Lala Musa.

(b) Does not arise.

Qazi Muhammad Ahmad Kazmi : Is it continuously for 30 passengers ?

The Honourable Mr. A. G. Clow : So I am told.

Qazi Muhammad Ahmad Kazmi : From whom did the Honourable Member make enquiries ?

The Honourable Mr. A. G. Clow : From the General Manager of the East Indian Railway.

Prof. N. G. Ranga : Is the Honourable Member satisfied that there are no complaints made against congestion in these intermediate carriages between Calcutta and Delhi ?

The Honourable Mr. A. G. Clow : I am not.

Qazi Muhammad Ahmad Kazmi : Will the Honourable Member enquire if I give him definite dates when there were not compartments providing accommodation for thirty passengers ?

The Honourable Mr. A. G. Clow : It is certainly possible that on some days a carriage was asked for and it was not provided. If that has happened frequently, and if the Honourable Member will give me dates, I shall enquire.

ISSUE OF RETURN TICKETS AT CONCESSIONAL RATES TO HAJ PILGRIMS ON RAILWAYS.

267. ***Qazi Muhammad Ahmad Kazmi :** (a) Will the Honourable the Railway Member please state whether Government are aware that a large number of Indian Muslims go on pilgrimage to Arabia each year and generally embark at Calcutta, Bombay and Karachi ?

(b) Have Government considered the advisability of persuading the Railway authorities concerned to give Haj pilgrims return tickets at concessional rate as are often given to other pilgrims on most Railways ?

The Honourable Mr. A. G. Clow : (a) Yes.

(b) I would refer the Honourable Member to the reply given to Mr. Maswood Ahmad's question No. 1127 on the 25th March, 1931.

Dr. Sir Ziauddin Ahmad : It is seven years since the last question was answered. Will the Honourable Member consider this question afresh because there is so much demand.

The Honourable Mr. A. G. Clow : I do not think the conditions have changed. I have looked into the matter lately. I do not think that any reduction in fares would so stimulate traffic as to make the thing profitable. In fact it would certainly cause loss.

Dr. Sir Ziauddin Ahmad : A new line has come into existence, called the Scindia line because the number of passengers has increased.

The Honourable Mr. A. G. Clow : Yes, Sir. But I do not think it has greatly increased the number of persons performing the pilgrimage.

RESTRICTIONS AND CONDITIONS IMPOSED ON FOREIGN NATIONALS IN INDIA.

288. ***Mr. S. Satyamurti :** Will the Secretary for External Affairs please state :

- (a) the total number of foreign nationals of the leading countries such as the United States of America, France, Germany, Italy, Sweden, Czechoslovakia, in India ;
- (b) what was their number in 1922, 1927, 1932 and 1937 ;
- (c) whether a record of such foreign nationals entering and trading in India is kept together with the names of countries they come from ;
- (d) whether there are any restrictions and conditions imposed on the foreign nationals of the countries referred to above by His Britannic Majesty's representatives in the respective countries while issuing *visas*, just as the United States of America Consuls do in this country in the case of Indians proceeding to the United States of America ;
- (e) whether there are any restrictions and conditions imposed by the Government of India when foreigners land here and make a living in this country ; and
- (f) whether there are not restrictions and conditions imposed on foreigners, including Indians, while landing and securing employment in the countries referred to above ?

Sir Aubrey Metcalfe : (a) and (b). A statement giving the information according to the Census of 1921 and 1931 is laid on the table of the House. Similar information in regard to other years is not available.

(c) No.

(d) So far as Government are aware there are no restrictions. Precautions are, however, taken not to grant passport facilities for India in cases where there are reasons to believe that the persons concerned might become destitute in India or their presence there might be undesirable for any other cause.

(e) No restrictions and conditions are imposed.

(f) There are restrictions against all nationals of the barred zone in the United States of America and Indians are not singled out for this treatment. As far as Government are aware no such restrictions exist in the other countries referred to.

Statement showing the number of Foreign Nationals of Countries detailed below, who were in India at the time of the Census of 1921 and 1931.

	1921.	1931.
United States of America	750	1,451
France	1,466	1,498
Germany	247	1,048
Italy	683	902
Sweden	140	288
Czechoslovakia	—	17

Mr. S. Satyamurti : With reference to part (f), may I ask specifically whether any restrictions and conditions are not imposed on foreigners while landing and in securing employment in the countries referred to in part (a) of the question, but such restrictions and conditions are imposed only on Indians ?

Sir Aubrey Metcalfe : That is actually the question I have answered already in part (f). I took the revised question which the Honourable Member has now asked as a supplementary as the basis for my reply.

Mr. S. Satyamurti : Is it not so in America ?

Sir Aubrey Metcalfe : As I have said there are restrictions in America against all nationals of what is known in law as " the barred zone ".

Mr. S. Satyamurti : May I know why the Government of India should not impose restrictions and conditions, on the basis of reciprocity, against foreigners from countries which discriminate against our nationals ?

Sir Aubrey Metcalfe : That, Sir, is a large question of policy which I can hardly answer in reply to a supplementary question.

USE OF SPEEDOMETERS IN ENGINES.

289. ***Mr. S. Satyamurti :** Will the Honourable Member for Railways please state :

- whether the Railway Board are contemplating the use of speedometers in engines of mail and passenger trains to assist drivers of trains to check speed ;
- whether the railways propose to adopt a special device to check the tendency of engines to hunt ; and
- if so, what that device is ?

The Honourable Mr. A. G. Clow : (a) The attention of the Honourable Member is invited to the reply given in this House on the 12th August, 1938, to part (c) of starred question No. 143 asked by Mr. T. S. Avinashilingam Chettiar.

(b) and (c). The devices on which attention is being concentrated at present are the fitting of friction liners on the bogie and hind truck slides, and of spring loaded plungers with inclined faces between the engine and the tender.

Prof. N. G. Ranga : Is there any effort being made to introduce speedometers on the Grand Trunk Express ?

The Honourable Mr. A. G. Clow : I do not think the " X " class engines are being used on the Grand Trunk Express, as far as I know.

ALLEGED INSULT TO PRESS REPORTERS AND VISITORS AT THE CIVIL AERODROME AT DRIGHROAD.

290. ***Mr. S. Satyamurti :** Will the Honourable Member for Communications please state :

(a) whether his attention has been drawn to the following question in the Sind Legislative Assembly :

“ **Mr. R. K. Sidhwa :** Is it a fact that on the day of arrival of Srijut Subash Chandra Bose by Dutch plane at the civil aerodrome at Drighroad in the second week of November, 1937, some of the press reporters and visitors were insulted by the gate-keeper and a report to that effect was immediately made to the officer on the spot ? ”

(b) whether the Government of India have investigated this complaint ;

(c) what the results of this investigation are ;

(d) whether Government propose to take steps to prevent a recurrence of such incident ; and

(e) if not, why not ?

The Honourable Mr. A. G. Clow : (a) I have seen a statement in the press that this question was put.

(b) No, Sir. No such complaint was received.

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

Mr. S. Satyamurti : In view of the fact that this question and answer were part of the proceedings of the Sind Legislative Assembly, may I know why Government did not pursue the matter in view of the personality of the gentleman involved and the indignity obviously suggested in the question in the Sind Legislative Assembly ?

The Honourable Mr. A. G. Clow : This question was apparently put more than six months after the alleged incident.

(b) WRITTEN ANSWERS.

RESPONSIBILITY OF WARNING PASSENGERS AGAINST GETTING INTO TRAINS STOPPING ACCIDENTALLY AT WAYSIDE STATIONS.

291. ***Mr. S. Satyamurti** : Will the Honourable Member for Railways be pleased to state :

- (a) whether his attention has been drawn to the observations of the Special Railway Magistrate of Howrah in a recent case that the responsibility of warning passengers against getting into trains that stop accidentally at wayside stations lies on the Railway Administration ;
- (b) whether Government have accepted that decision ; and
- (c) whether Government propose to take necessary steps in this behalf ;

The Honourable Mr. A. G. Clow : (a) I have seen a newspaper report to this effect.

(b) and (c). The matter is being examined.

ARREST OF INDIANS IN MOSCOW AND LENINGRAD.

292. ***Seth Govind Das** : Will the Secretary for External Affairs please state :

- (a) whether it is a fact that almost all the Indians in Moscow and Leningrad were arrested by police there on the charge of being " Trotskyist Agents of Fascism " ;
- (b) whether Government have corresponded with the British Ambassador in Russia in the matter ;
- (c) whether Government are making proper and adequate arrangements for their defence and protection ;
- (d) whether Government have received a list of the names of the persons so arrested and awaiting trial, and
- (e) the results of Government's correspondence in the matter with authorities in Russia ?

Sir Aubrey Metcalfe : (a) Government have no information.

(b), (c), (d) and (e). Enquiries have been made by His Majesty's Government from the British Embassy, Moscow, but no information regarding the arrests of any such persons has been received so far. In the absence of such information it has not been possible to take any steps for the defence and protection of the persons referred to.

CHANGE IN THE DESIGNATION OF AGENTS OF STATE RAILWAYS.

293. ***Mr. Lalchand Navalrai** : (a) Will the Honourable Member for Railways be pleased to state if the designation of the Agents of the State Railways has been changed to General Managers ? If so, why has this been done ?

(b) What is the difference between the powers and functions of the General Managers ?

(c) Will the General Manager be directly responsible to the Railway Board, as before, for the work of the officers working under him, or shall he have only a general supervision over them ?

(d) What will be the position of the General Manager when the proposed Railway Federal Authority is adopted ?

The Honourable Mr. A. G. Clow : (a) Yes, in pursuance of the recommendation of the Indian Railway Enquiry Committee, 1937.

(b) None.

(c) The reply to the first part is in the affirmative ; the second part does not arise.

(d) It would be a matter for the Federal Railway Authority to decide when constituted.

GOVERNMENT'S CONTROL OVER THE FIXATION OF FREIGHTS ON
COMPANY MANAGED RAILWAYS.

294. ***Seth Govind Das :** Will the Honourable Member for Railways please state :

(a) whether there is any system of control by Government over the fixation of Railway freights on Company-managed Railways ;

(b) if so, what it is ;

(c) whether he is aware that some of the freight rates over the Company-managed Railways are higher for many commodities than over the State-managed Railways ;

(d) whether he is aware that over the Company-managed Railways, while for the same distance and commodity, the rate of freight is more in one section, it is less in another section ; and

(e) whether Government have the power of control and regulation of these freight rates ?

The Honourable Mr. A. G. Clow : (a) Yes.

(b) and (e). Government have certain powers under the contracts with the various railways. In practice, the Railway Board fix maximum and minimum rates per mile for each class of commodity.

(c) Yes, but there are other freight rates which are higher over the State-managed Railways than over Company-managed Railways.

(d) Yes, but this is not peculiar to Company-managed Railways. Such differences exist in the tariffs of every Railway in the world.

SETTLEMENT OF DISPUTES OF FREIGHT RATES BETWEEN COMPANY-MANAGED RAILWAYS AND THE MERCANTILE COMMUNITY.

295. *Seth Govind Das : Will the Honourable Member for Railways please state :

- (a) the authorities that are competent to entertain and decide appeals against the inequity or indiscriminate freight rates charged by Company-managed Railways ;
- (b) the procedure for moving the authorities concerned ; and
- (c) whether there is any clause in the contract, in the agreements entered into by the Companies with the Secretary of State in Council, giving Government the power to intervene and settle disputes of freight rates between a Company-managed Railway and the mercantile community ?

The Honourable Mr. A. G. Clow : (a) and (b). I would refer the Honourable Member to the Railway Department (Railway Board) Resolution No. 606-T., dated the 25th September, 1930, which was published in the Gazette of India, dated the 27th September, 1930.

(c) This point has been dealt with in the reply I have just given to the Honourable Member's previous question.

HOLDING OF A CONFERENCE IN KABUL TO SETTLE THE FRUIT TRADE DISPUTE BETWEEN INDIA AND AFGHANISTAN.

296. *Seth Govind Das : Will the Foreign Secretary please state :

- (a) whether it is a fact that Government agreed with the Afghan Government to hold a conference of traders in Kabul to settle the dispute over the fruit trade between the two countries ;
- (b) when the conference is likely to be held ;
- (c) who will represent the Government of India at the conference ; and
- (d) whether other subjects concerning trade relations are also contemplated for discussion and agreement ?

Sir Aubrey Metcalfe : (a) and (b). As the result of correspondence between His Majesty's Minister at Kabul and the Government of India, arrangements were made for a conference to take place at Kabul between representatives of the Afghan Government and representatives of the Indian fruit traders in order to find a basis of settlement for the dispute which had been going on between the Afghan Government Monopoly Company, and the Indian traders over the import and distribution of fruit in India. Before the deputation from India departed from Peshawar, the Afghan Government fruit monopoly was abolished and the proposed conference, therefore, became unnecessary.

ACTION ON PROBLEMS OF INCIVILITY ON RAILWAYS.

297. ***Mr. Badri Dutt Pande** : Will the Honourable Member for Railways be pleased to state what action the Railway Board have taken, or propose to take, in dealing with the problem of incivility on Railways ?

The Honourable Mr. A. G. Clow : The rules regulating discipline and rights of appeal of non-gazetted railway servants on State-managed Railways, a copy of which is in the Library of the House, have been amended so as to authorise officers, not below the rank of a Deputy Head of Department, to order removal from service of a railway servant who is found guilty of incivility to the public, after application of the procedure laid down in the rules irrespective of length of service. 'Incivility to the public' has been specifically included in Rule 8 of the Rules referred to above as an offence which renders a railway servant liable to removal from the service.

Further measures adopted or contemplated by Railway Administrations include the following :

- (i) the issue of a personal appeal to staff whose duties bring them in contact with the public ;
- (ii) the introduction of a ' Suggestion Book ' in public rooms at important stations ;
- (iii) the issue of a quarterly bulletin reproducing in general terms actual complaints ;
- (iv) issue of general and departmental circulars and strict orders to staff to pay prompt attention to the travelling public ;
- (v) a thorough analysis of complaints from the public ;
- (vi) organised lectures on civility with practical demonstration to staff ;
- (vii) issue of instructions to traffic officers to watch station staff with a view to weeding out any employee who is not capable of treating passengers with courtesy and consideration ;
- (viii) an extension of the existing system of complaint books at stations ; and
- (ix) the provision of larger notice boards at railway stations warning the staff in the vernacular to be courteous to third class passengers.

QUARTERS FOR DESTITUTE WIDOWS AND ORPHANS OF THE QUETTA EARTHQUAKE DISASTER.

298. ***Mr. Badri Dutt Pande** : (a) Will the Foreign Secretary be pleased to state how many quarters for destitute widows and orphans of the Quetta earthquake disaster of 1935 have been made by Government ?

(b) What is the total amount allotted for this relief ?

Sir Aubrey Metcalfe : (a) and (b). A sum of approximately Rs. 6.51 lakhs was allotted to Provincial and local authorities from the Viceroy's Quetta Earthquake Relief Fund for the relief of widows and aged and

infirm persons and, in addition, approximately Rs. 4 lakhs were allotted for the education of destitute children. Out of their allotment the Baluchistan Administration have so far sanctioned the construction of 247 quarters for destitutes, including widows and orphans; of these, 30 quarters have been completed and 75 are under construction. It is hoped to complete the full number by the end of October, 1938.

ACCIDENT TO PUNJAB MAIL NEAR MUTHROOPUR STATION ON THE EAST INDIAN RAILWAY.

299. ***Mr. Abdul Qaiyum :** Will the Honourable the Railway Member please state :

- (a) whether the Punjab Mail met with an accident near Muthroopur, East Indian Railway, on the 7th June, 1938 ;
- (b) the cause of this accident ;
- (c) how many were killed or wounded ;
- (d) whether any police enquiries have been held in the matter and, if so, with what result ;
- (e) whether any body has been challaned and, if so, with what result ; and
- (f) whether any compensation has been paid to the relatives of the dead and the wounded persons ; if not, the reasons therefor ?

The Honourable Mr. A. G. Clow : (a) to (c). I would refer the Honourable Member to the reply I gave on the 8th August, 1938, to Sardar Mangal Singh's starred question No. 1 and Mr. Amarendra Nath Chattopadhyaya's starred question No. 7.

(d) Yes : I believe the police investigation is continuing.

(e) No one has yet been challaned.

(f) I have no information beyond that already given in my reply to parts (c) and (d) of Mr. Amarendra Nath Chattopadhyaya's starred question No. 8 on the 8th August, 1938. As the accident was due to sabotage, the Railway Administration is not liable to pay compensation on account of casualties among passengers.

ISSUE OF RETURN TICKETS AT CONCESSIONAL RATES TO HAJ PILGRIMS ON RAILWAYS.

300. ***Mr. Abdul Qaiyum :** Will the Honourable Member for Railways please state :

- (a) whether a large number of pilgrims from India and Central Asia travel over the Indian Railways on their way to the holy land of the Hedjaz for Haj every year ;
- (b) whether the Railways ever issue or have issued concession return tickets to such pilgrims ;
- (c) whether return tickets are issued to pilgrims on Indian Railways when visiting inland places of pilgrimage ; and

- (d) why return concession tickets are being withheld from *Haj* pilgrims ; and whether Government propose to redress this wrong ?

The Honourable Mr. A. G. Clow : (a) Yes.

(b) No.

(c) Most of the railways give no special concessions but a few Railways are issuing short-period return tickets to some places of pilgrimage. The issue of these tickets is restricted to passengers travelling from certain specified stations.

(d) I would refer the Honourable Member to the reply I have just given to Qazi Muhammad Ahmad Kazmi's question No. 287.

OCTROI DUTY CHARGED BY NEPAL GOVERNMENT ON ARTICLES FROM INDIA.

301. ***Mr. Badri Dutt Pande :** Will the Foreign Secretary be pleased to state :

- (a) whether the Nepal Government charges octroi on all articles coming from and entering into the Nepal territory from the Indian territory ; and
- (b) whether there is any reciprocal duty on goods going into and coming from Nepal ? If not, why not ?

Sir Aubrey Metcalfe : (a) Yes.

(b) There is a limited customs tariff schedule imposed by the Government of India on certain goods entering India from Nepal in accordance with the general practice prevailing on the land frontiers of India. This duty is not reciprocal in nature, since it is not the policy of the Government of India to follow a reciprocal principle in deciding what their import tariff schedule shall be.

AMALGAMATION OF SAM RANIZAI AND SWAT RANIZAI IN MALAKAND AGENCY WITH THE NORTH-WEST FRONTIER PROVINCE.

301A. ***Mr. Abdul Qaiyum :** Will the Foreign Secretary please state :

- (a) whether the people of Sam Ranizai and Swat Ranizai in Malakand Agency have been persistently demanding the amalgamation of these tracts with the North-West Frontier Province ;
- (b) whether public meetings in support of the above demand have been held at Warter, Haryan Kot, Hiro Shah, Kot and Skha Kot ;
- (c) the general policy of Government in such matters ; and
- (d) whether Government propose to accept the demand of Ranizai people ; if not, why not ?

Sir Aubrey Metcalfe : (a) No. Government understand that occasional resolutions to this effect have been passed.

(b) Yes. The meetings were unrepresentative and were organised from outside the Agency.

(c) The policy of Government is to observe the agreements on which their relations with the inhabitants of these tracts are based. These agreements will be found on pages 446-447 of Aitchison's Treaties, Volume XI.

(d) No. Government have no reason to believe that the demand represents the wishes of the inhabitants as a whole.

ARREST OF THE SHAMI PIR.

301B. ***Mr. Abdul Qaiyum :** Will the Foreign Secretary please state :

(a) who the Shami Pir is ;

(b) whether he was living for a number of years in Dera Ismail Khan, Tank and Jandola ; and

(c) whether he has been arrested, and if so, how and when ?

Sir Aubrey Metcalfe : (a) The name of the individual known as the Shami Pir is Mahomet Sadi al Keilani. He was born in Damascus in 1901 and in 1925 adopted Turkish nationality.

(b) No. He only arrived in the North-West Frontier Province in January, 1938.

(c) He was not arrested, but came in on safe conduct as the result of political pressure on his followers.

UNSTARRED QUESTIONS AND ANSWERS.

ATTEMPT TO DERAIL A TRAIN ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

10. **Dr. Sir Ziauddin Ahmad :** (a) Will the Honourable the Railway Member please state all the facts connected with the attempt to derail the railway train on the Bombay, Baroda and Central India meter gauge between Marehra and Agsauli ?

(b) Did Government make inquiries ? If so, through what agency ?

(c) Was it an attempt to damage life and property ?

The Honourable Mr. A. G. Clow : (a), (b) and (c). On the 19th June, 1938, at about midday, No. 38-Down Passenger ran over an obstruction between Agsauli and Marehra stations (on the Agra Fort-Kasganj section). The matter was reported to the police who found two iron pieces placed between rail joints. In their opinion, this was done by boys grazing cattle near the railway line, out of pure mischief. The matter is still under investigation.

MAIL DACOITY IN AZAMGARH.

11. **Dr. Sir Ziauddin Ahmad :** (a) Will the Honourable the Railway Member please state the circumstances about the mail dacoity in Azamgarh ?

(b) Did Government make any inquiry ? If so, what was the result ?

(c) What kind of persons were involved in this dacoity ?

The Honourable Mr. A. G. Clow : (a) The Honourable Member presumably refers to the dacoity committed in April, 1938, between Pipridih and Dulahpur on the Bengal and North-Western Railway. The facts are as follows :

On the night of the 9th|10th April, when the 73 Up (Gorakhpur-Benares) Bengal and North-Western Railway train was travelling through country covered with forest between Pipridih and Dulahpur, it came to a sudden standstill. When the guard got down to ascertain the cause of the halt, he was overpowered by five persons and asked, at the point of a revolver, to produce all the cash he had. The police constable on duty in the train, who came to his rescue, was stabbed in the back. The dacoits are then reported to have diverted their attention to the mail van, firing two shots into it and demanding the opening of the doors on pain of death. When the staff did not accede to their wishes, the dacoits smashed the expanded metal mesh over the window along side the door and, forcing an entry into the mail van, commenced to ransack the mails. They seized seven insured letters placed in the pigeon holes and afterwards opened the mail bags, taking out 14 more insured letters and also a sum of Rs. 250 from an account bag. The mail van peon received a stab in the hand. After a stay of about half an hour the dacoits decamped with the booty.

(b) The local Police authorities have investigated the crime. Sixteen persons have been arrested so far, of whom one has been released.

(c) It is not possible to say definitely at present who committed the crime.

**EXPENDITURE INCURRED BY RAILWAYS AND POSTS AND TELEGRAPHS, ETC.,
IN CONNECTION WITH THE CONGRESS SESSION AT HARIPURA.**

12. Mr. Brojendra Narayan Chaudhury : Will the Honourable Member for Railways and Communications please state :

(a) the amount of extra expenditure incurred by Railways and the Posts and Telegraphs in connection with the last session of the Indian National Congress and the extra income therefrom ; and

(b) if he is aware of any other expenditure by other Departments incurred from the Central Revenues ; if so. how much and for which purpose ?

The Honourable Mr. A. G. Clow : (a) With regard to Railways, I would refer the Honourable Member to the reply given by me on the 8th August, 1938, to parts (a) and (b) of Mr. T. S. Avinashilingam Chettiar's starred question No. 5 Extra expenditure incurred by the Posts and Telegraphs Department was Rs. 22,400 and their extra income was Rs. 22,500 approximately.

(b) Yes, a sum of Rs. 292 was spent by All-India Radio on arrangements for broadcasting.

PANEL OF CHAIRMEN.

Mr. President (The Honourable Sir Abdur Rahim) : I have to inform the House that under rule 3 (1) of the Indian Legislative Rules, I nominate Mr. S. Satyamurti, Dr. Sir Ziauddin Ahmad, Sir Homi Mody and Mr. A. Aikman on the Panel of Chairmen for the current Session.

COMMITTEE ON PETITIONS.

Mr. President (The Honourable Sir Abdur Rahim) : I have to announce that under Standing Order 80 (1) of the Legislative Assembly Standing Orders, the following Honourable Members will form the Committee on Petitions, namely :

1. Mr. A. Aikman.
2. Mr. M. S. Aney.
3. Syed Ghulam Bhik Nairang.
4. Mr. N. M. Joshi.

According to the provision of the same Standing Order, the Deputy President will be the Chairman of the Committee.

THE CRIMINAL LAW AMENDMENT BILL—*contd.*

Mr. President (The Honourable Sir Abdur Rahim) : The House will now resume discussion of the motion to consider the Criminal Law Amendment Bill.

Mr. Abdul Qaiyum (North-West Frontier Province : General) : Sir, yesterday, when the House rose for the day, I was discussing the fact that as far as this present Indian army is concerned, we have got absolutely no say in its affairs. Its policy is directed from Whitehall, and Indians are absolutely excluded from any positions of control. I was also talking yesterday of the fact that there are certain methods resorted to by the army which are highly objected to by the people of this country, and I was giving as an instance the fact that bombing was being resorted to in Waziristan against the wishes of the overwhelming majority of the people of this country. In this connection it would be of great interest to the House to learn what the Prime Minister of England said in the House of Commons on the 21st June, 1938, in connection with air bombing. He was talking of China and I will quote his words which will show how in India practice is utterly different to the theories which are expounded in England for the world at large. The Prime Minister remarked :

“ Indeed ” said the Prime Minister, Mr. Chamberlain, “ were it not that China is so far away and the scenes taking place there so remote from every day consciousness, I think the sentiments of pity, of horror and of indignation which would be aroused by a full perception of these events might drive this people to courses which they have never yet contemplated.”

This shows that all this talk of sympathy for the bombing of people in China has got absolutely no meaning. What has upset the British Government and British politicians is the fact that the dominant position which Great Britain enjoyed in the matter of trade in China was being challenged for the first time by an Asiatic power, namely, Japan, and Japan had started following the very tactics which Great Britain had been following in the Far East. Now what is the object of shedding all these crocodile tears for the poor Chinese by this very British Government which has an army in India controlled by the Prime Minister Chamberlain and his Cabinet, which is resorting to the bombing of innocent civilian population in Waziristan and is killing women and children and aged persons without any feelings of remorse or pity? Then, Sir, I will quote a few more lines from the speech of the Prime Minister of England which will again show how practice in India and in Waziristan differs from all this theory which is being broadcast to the world and which has got absolutely no meaning. He stated :

“ There were at any rate three rules or three principles of International Law which he thought they might say were applicable to aerial warfare as fully as they were to war on land or sea. The first was that it was against International Law to bomb civilians as such and to make deliberate attacks on civilian populations. That undoubtedly was a violation of International Law. Secondly, targets must be legitimate military objectives and be capable of identification. Thirdly, reasonable care must be taken in attacking these objectives. Those three general rules they could all accept and the Government did accept, but obviously when they came to be ignored emphatically he could not too strongly condemn the idea that it should be part of a deliberate policy to try to win a war by demoralising civilian population through the process of bombing from the air. That was absolutely contrary to International Law and he gave it as his opinion that it was in addition a mistaken policy. He did not believe that deliberate attacks on civilian populations would ever win a war for those who made them.”

Therefore, I warn the British authorities in India, and I challenge them to deny it, that it has been proved by practice which has been resorted to by them in this country that all these grand principles of International Law which were being enunciated by the British Prime Minister were being violated in the case of Waziristan where you are bombing the civilian population, killing innocent women and children and destroying their places of worship for which they have so much respect and affection. And it has been admitted by the Prime Minister of England that such tactics will not result in the success of the war. I assure this Government that the wrong use of the air force on the Indian frontier is not going to result in any victory for British arms in that part of the world. I assure them that it will not only result in their defeat in Waziristan but it will result in the loss of this great Empire of India on which they have been banking for the last 150 years.

Then, Sir, talking of this army, I ask the Defence Secretary, of what earthly use is this army to us? You have been following this forward policy on the Frontier, you have been bombing tribal people, you have been carrying raids into their territory. I cannot describe their expeditions in the tribal areas by any other words but that they are aggressive raids and that you have got absolutely no moral right to be there. Similarly, a similar counter-raid was made by the tribesmen on the 23rd July on the town of Bannu. The Defence Secretary has admitted it many times that they have sent additional troops to Waziristan because the situation there demands the use of additional forces. But he cannot

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deny the fact that just near the walled town of Bannu and within a stone's throw thousands of your troops are quartered. Your tanks, your airships, your cavalry, your artillery and your infantry is all quartered close to the walls of Bannu. They cannot deny the fact that on the 23rd of July at 8-30 P.M. a lashkar of 300 persons entered the town of Bannu quite close to where their military is stationed, that at least for a period of three hours they were in possession of Bannu, and they were shooting down innocent persons and setting fire to property. What did your army do while Bannu was burning? What were you doing there? You were fiddling idly. Your Deputy Commissioner did not even stir out of his house while all these three hours the town was being burnt and people were being shot down. This shows what you have come to. You are afraid to stir out of your bungalows while you claim to defend us. The Additional Superintendent of Police, a British officer, who was in the town, when he saw the raiders shooting people and burning shops, did not come to the place where the raiders were but took a circuitous route round the city walls and came to the scene after the raiders had left after killing about a dozen people and setting fire to about 28 shops and burning property worth lakhs of rupees.

Sir Aubrey Metcalfe (Secretary, External Affairs Department) : Sir, on a point of order, is the Honourable Member permitted to make personal attacks on officers and to state what he describes as facts which are entirely contradicted by the reports we received from the Provincial Government?

Mr. Abdul Qaiyum : I will reply to this point of order. Can the Honourable the Secretary of the External Affairs Department deny that the Deputy Commissioner of Bannu was present in his bungalow which is half a mile from the town, that he did not come out of the bungalow in spite of the fact that he was rung up three times and he did not stir out of it? I am making that statement of fact. The Honourable Member can contradict me if I am wrong but if what I am stating is true, there can be no point of order in it. I challenge him to prove that I am wrong.

Sir Aubrey Metcalfe : I have no knowledge of the Deputy Commissioner and I was not speaking about him. What I was speaking of is the Assistant Superintendent of Police who, as the Provincial Government has reported, was on the spot at the earliest possible moment.

Mr. President (The Honourable Sir Abdur Rahim) : I think the Honourable Member had better leave out those two officers. The Honourable Member must remember that while he is perfectly entitled to allude to a case like this he is not entitled to discuss any particular incident. He is quite entitled to say that in a particular case the Indian army did not in his opinion do their duty as they ought to have done, but to go further and discuss every incident like that will be impossible.

Mr. Abdul Qaiyum : All right, Sir. I will not refer to individual officers, because it upsets the Honourable the Foreign Secretary.....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member cannot discuss particular cases like that.

Mr. Abdul Qaiyum : But I will discuss one thing, the Frontier Constabulary of which he is in charge, and I can assure the House....

Mr. President (The Honourable Sir Abdur Rahim) : I cannot allow that. If I allow that, there is hardly any limit to this discussion. The Honourable Member may say that the Constabulary or any other force which is part of the Indian Army is not discharging its duties in the manner which the Honourable Member thinks they ought to do. But it is another matter to go on discussing particular officers or cases in any detail : it is not relevant.

Mr. Abdul Qaiyum : The Frontier Constabulary, I contend, is part of the army.

Sir Aubrey Metcalfe : It is not.

Mr. President (The Honourable Sir Abdur Rahim) : Even if it is I cannot allow it. On an appropriate occasion when there is a vote on it, it can be discussed, not now.

Mr. Abdul Qaiyum : I think I have upset the Honourable Members on the other side too much : but I can state that these raiders passed very near the constabulary forces with banners flying, they were marching as if they had no fear of anything in the world ; and this constabulary did not lift its little finger to stop their onward march to Bannu. This proves that whenever occasion has arisen all this army of yours is of absolutely no use whatever to the Indian taxpayer. On the frontier when some years ago a young Englishwoman, Miss Ellis, was kidnapped by Ajab Khan, this army moved heaven and earth and they led an expedition and burnt many houses and did all sorts of awful things that they could to tribesmen who had absolutely nothing to do with the kidnapping of this girl : but in this case Indian lives and property were affected ; and it proves clearly the fact that this army is being kept for imperial purposes and for looking after the safety of Britishers in India : it is not there to look after the safety of the people who pay for this army, and who pay for the Honourable the Defence Secretary and the Honourable the Foreign Secretary. You are here to harass the Indian people. The primary duty of the army is to look after the lives, the liberties and the property of the Indian people ; but whenever occasion has arisen, whenever your British interests have been attacked you have been only too ready to use this army ; but when Indians have been shot in cold blood, when Indian property has been burnt mercilessly, this army of yours has not moved a single finger to protect our people. So, I appeal to this House that this is not an army of which any Indian can be proud or for which he can have any feelings of affection.

Now, I will come to one other thing. As I remarked yesterday, in this army there is terrible discrimination against Indian officers. In this connection I will give some very interesting instances to show why Indian officers are leaving this army in greater numbers, and why they are being forced to leave the army. There is absolutely unfair discrimination against Indian officers, and when these people are consequently forced to leave the army, the military high command come forward and say : " Oh, the Indians are unfit for military careers : the right type of person is not available : even though we are anxious to Indianise the army completely, we cannot get the right type of person." Sir, I will

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give you some of the grievances from which the Indian officers are suffering. I want to ask the Honourable the Defence Secretary firstly, what happened to all those Indian officers who gave evidence before the Skeen Committee and were opposed to the Indianisation of the Eight Unit Scheme. Just compare those names before the Skeen Committee with the current Army List. Secondly, I want to ask from the Honourable the Defence Secretary whether in British military hospitals nurses before they come out to India have to sign an agreement whereby they agree to nurse and tend the British troops only ; and that being so, on a good many occasions such nurses have refused to serve Indians who are admitted into British military hospitals. Then again, will the Honourable the Defence Secretary call for statistics and show to the House how many wives of Indian officers in confinement, needing maternity help, have been treated in the female wards of British military hospitals or for any other diseases. Will the Honourable the Defence Secretary say how many clubs there are in India which do not allow Indians with King's Commission to become members of those clubs ? Do you think it is conducive to good feeling and comradeship that such inferior treatment should be offered to Indian officers by their own brother British officers ? I also want to know how many commissioned officers have trained or prepared, as laid down by the King's Regulations, and Regulations for the Army in India, Indian officers to pass their promotion examinations. Lastly, Sir, I have one more grievance, the disparity of pay between the Indian Commissioned officers and those from Sandhurst. The work which they have to do is practically of the same nature ; but the difference in pay is almost twice : the Indian officer has to keep up equal position, pay the same mess bills and club bills ; and yet he is expected to make both ends meet. Why is it also, Sir, that the worst stations are allotted to Indianised battalions, like Kamptee, Multan and others on the Frontier ? I want also to know why is it that all those senior officers who are due to command battalions in India were got rid of on one excuse or another and were thus induced to leave the army and the result is that a lot of them have left and there are no Indians who are considered fit by the Honourable the Defence Secretary to hold positions of command. There is also a difference in the allowances given to Indian officers and to British officers. As my Honourable friend, Mr. Asaf Ali, tells me, it is ten annas a month for the Indian while it is six annas a day for the Britisher.

Now, Sir, there is one more thing of which I wish to remind the Honourable Members of the Government sitting on the Benches opposite. As a Muslim I tell you that we have got a number of grievances against you and against the policy which you have been pursuing in the Jazirat-ul-Arab. We strongly object to the regime of repression which you have launched in Palestine ; we strongly object to the deliberate attempts made by you to bring about the utter extinction of the Arab race in Palestine. We take the strongest possible exception to your enslavement of Iraq which, according to the Muslims, forms part of the Jazirat-ul-Arab ; and as long as this policy is adhered to by you, I assure you that no self-respecting Muslim will be willing to enter your army or induce other people to join your army. I would in this connection remind the Government of the resolution which was passed at the

Khilafat Conference on July 30th, 1921. I will read the relevant words of the resolution :

“ This meeting of the All-India Khilafat Conference declares that so long as the demands of Indian Muslims regarding the integrity of the Khilafat and the preservation of the sanctity of the Jazirat-ul-Arab and other holy places.... ”

Mr. President (The Honourable Sir Abdur Rahim) : What has all this got to do with this Bill ? There will be no limit to the discussion if I were to allow all this.

Mr. Abdul Qaiyum : All right, Sir : I will come to the really relevant resolution :

“ In addition this meeting clearly proclaims that it is in every way religiously unlawful for a Mussalman at the present moment to continue in the British Army or to induce others to join the army and it is the duty of all the Mussalmans in general and the Ulemas in particular to see that these religious commandments are brought home to every Mussalman in the Army. ”

Mr. President (The Honourable Sir Abdur Rahim) : That is not relevant.

Mr. Abdul Qaiyum : What I am submitting for the consideration of this Honourable House is that the conditions which then existed still hold good, that we have got the same grievances against you and we are bound to carry out the dictates of our religion which demand that we should have nothing to do with your army and that we have a right to induce people not to join in any army which is being used for the enslavement of India and for the destruction of the liberty of Mussalmans. We will not be parties to it. If you want to bring this law, you may be able to carry this measure ; there may be some people who may be willing to give their vote to you. But I assure you that this measure is not going to succeed in the end ; the object of the measure will be defeated : it will in fact defeat its own object.

Now, Sir, I will tell you one thing in the end. How long are you going to bank upon the Punjabi Mussalmans ? The Sikhs are already wide awake ; they are not going to join your army. They are conscious of your policy ; they are also conscious of the fact that your policy is directed against the Indian nation and Indian nationalism. How long are you going to trade on the credulity of the Punjabi Mussalmans ? Sir, it has been remarked that it was the Premier of the Punjab Government who brought to the notice of the Government of India the fact that recruits were not forthcoming in sufficient numbers. May I remind the Honourable the Defence Secretary that I had occasion to attend a conference in the Punjab at which a nephew of the present Premier of the Punjab sponsored a resolution to the effect that we shall not take part in any future war in which Britain might be engaged, and that we should reserve to ourselves the right to decide whether we should participate in that war or not, and the people from the Punjab would not be forthcoming to give recruits to the Government as they did in the last war ? That resolution was moved by no other person than Nawabzada Mahmud Ali Khan who is a nephew of the present Premier of the Punjab.....

The Honourable Sir Muhammad Zafarullah Khan (Member for Commerce and Labour) : He is not a nephew of the Premier.

Mr. Abdul Qaiyum : Yes, he is.

Mr. President (The Honourable Sir Abdur Rahim) : I think the Honourable Member should leave out the relationship. Supposing he is the nephew of somebody, he cannot introduce such relationship when speaking on the Resolution.

The Honourable Sir Muhammad Zafrullah Khan : He is neither a sister's son nor a brother's son of the Premier. That is the definition of a nephew.

Mr. Abdul Qaiyum : I understand he is the son of Nawab Muzaffar Khan, who is the first cousin, of the Punjab Premier.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member is casting aspersions on everybody ; he must not do it.

Mr. Abdul Qaiyum : Sir, I must state my point of view, but if the Chair thinks I am casting aspersions, then I shall not say anything.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member cannot bring in the relationship of other people who have nothing to do with the Resolution before the House.

Mr. Abdul Qaiyum : Well, Sir, Nawabzada Mahmud Ali Khan belongs to Waha from which place the Premier of the Punjab comes.....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member is not in order. He must withdraw his remarks.

Mr. Abdul Qaiyum : All right, Sir, I will withdraw my remarks, but that does not matter. Anyway, I will say this that a resolution was moved by a Punjabi Mussalman called Nawabzada Mahmud Ali Khan to the effect that the Government of India need not bank on the credulity and the simplicity of the Punjabi Mussalmans for a very very long time, and that if and when Great Britain engages herself in a war, in the future, we should reserve to ourselves the right to decide whether it is a righteous war, and that if we consider that that war is not a righteous war, we should also reserve to ourselves the liberty of action for not joining it. I may also add for the satisfaction of the Honourable the Defence Secretary that if we consider that the war which may be waged by Great Britain is for aggressive purposes, for purposes of land grabbing and aggrandisement, we will reserve to ourselves the right to tell our people not to join the army and play the mercenaries for British Imperialists.

Sir, I will now sum up what I have stated before. We have the strongest possible objection to this very mischievous and dangerous Bill.....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member need not repeat what he has said already. I will not allow him to repeat himself. He has already placed his arguments in full before the House.

Mr. Abdul Qaiyum : I think many speakers who preceded me did sum up in the end.

Mr. President (The Honourable Sir Abdur Rahim) : I have given my ruling, and the Honourable Member must not repeat what he has already said.

Mr. Abdul Qaiyum : All right, I will not sum up, but I will say this, that we take the strongest possible objection to this most mischievous and dangerous Bill which the Honourable the Defence Secretary has brought before this House, and we should try our best to throw out this measure. I appeal to all elected Indian Members of this House,—because it is no use appealing to Nominated Members as they have to follow the behests of the Government,—I appeal to all elected Indian Members of this House in general, and to the Mussalman Members in particular, because the Indian army has always been used to crush the liberties of the moslem nations,—to help us in throwing out this most obnoxious measure and in defeating the purpose for which it is intended.

Sir Aubrey Metcalfe : Sir, I have listened to a great many arguments put forward by my friends on the other side against this Bill. I must confess that most of those arguments strike me as either completely irrelevant to the point at issue or to be based on a complete disregard of the facts of the situation which confront us.

I do not propose to enter into any arguments with my friend, Mr. Satyamurti, as to the merits or demerits of the British Empire, but I would like to say that I should regard it as an insult to his intelligence to imagine that he really believes that the disappearance and conquest of one Empire by another power would lead to the disappearance of all spirit of aggression from world politics. That I cannot believe.....

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : I rise to make a personal explanation, Sir. When I talked of Imperialism, I meant all kinds of Imperialism, whether British or otherwise.

Sir Aubrey Metcalfe : That leads me, Sir, to the next point, and it is a very convenient interruption.

I do not know what Mr. Satyamurti and his friends mean by Imperialism, but I can only imagine that they mean the desire of stronger nations to exploit weaker nations for their own benefit. Well, Sir, if Mr. Satyamurti and his friends consider that that desire is the exclusive privilege of the British Empire of the present day, then I can only say that they are labouring under a complete misapprehension. I will not, however, attempt to dwell on the larger international problems. It does not seem to me that is for the moment the problem before us. Our immediate problem is what is necessary for India's own safety. Now, we have been told by my friend, the Honourable the Home Member, that this propaganda, if it is allowed to continue unchecked, will produce a position in which recruits will not be forthcoming, and the position will eventually arise in which India will have no army at all with which to defend herself. What would be the position if India had no army? I am in some doubt as to what answer my friends opposite would give to this question. Mr. Satyamurti and other speakers have suggested that they would like a truly Indian army containing no foreign element. They have also suggested that they would like a position in which any army that India had could be used exclusively in accordance with the wishes of India. Exactly what he means by India, I am not sure, but I imagine that he means the predominant political party.....

Mr. S. Satyamurti : By the wishes of the people of India, I mean naturally, those of the party which governs India.

Mr. M. Asaf Ali (Delhi : General) : That is so everywhere.

Sir Aubrey Metcalfe : Lastly, Mr. Satyamurti has suggested that he would like to rely on the gospel of pacifism preached by Mahatma Gandhi. There are these three propositions, and with the first two, I entirely agree with my friend, the Honourable the Home Member, that everybody here must have great sympathy. But on the third, I do feel that I must join issue with him. What I wish to make clear is that India must have an army for its own defence quite apart from anything which may be called imperial purposes. The defence of India's frontier alone is a job which must be carried out, to my mind, by force. We cannot rely on the ideals of pacifism to defeat the potential enemies on India's land frontiers. It has extensive land frontiers. Some of them, I quite admit, are protected by geographical conditions and are comparatively invulnerable.....

Mr. Abdul Qaiyum : May I know who are the enemies on the land frontier ?

Sir Aubrey Metcalfe : I said potential enemies, but I will answer my Honourable friend's question a little later. Although those geographical barriers protect certain parts of the frontier, there are other parts which are definitely vulnerable. The one which I shall deal with most, since it is the one which excites the most interest especially in the mind of my friend, the Member for the North-West Frontier Province—I am doubtful whether I can refer to my "friend", after some of the remarks which he made last night, perhaps I should say my enemy. However.....

Mr. President (The Honourable Sir Abdur Rahim) : It is only a parliamentary convention.

Sir Aubrey Metcalfe : I am afraid from his side it has become completely conventional.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhamadan Rural) : There is no liability attached.

Sir Aubrey Metcalfe : There are other parts of the frontier where India certainly could not depend entirely on soul force for her protection from disaster, but even so, I will deal principally at the moment with the North-West Frontier as it is at present. I am quite aware that my Honourable friend and others who think like him are accustomed, day in and day out, to attribute all our difficulties on the North-West Frontier to the aggressive policy of the Government of India. Well, it is very easy to say that, but any student of the facts, who will look at the history of the last 50 or 60 years, will find a very different picture indeed. He will find a Government constantly striving to protect, with varying success, the peaceful population of the administered districts from the attacks of predatory and hungry tribes. It was tried for many years to remain inside the administrative border and to deal with these tribesmen mainly by defensive measures and by occasional punitive expeditions into their territory. That policy was eventually found to be completely unsuccessful and anybody who takes the trouble to read the debates in this House of some 18 or 19 years ago will find that constant

complaints were being made, desperate speeches were delivered here as to the state of affairs in the Settled Districts while we remained inside the administrative border. It was, therefore, tried as an experiment to deal with the matter in a more comprehensive way and what my Honourable friends call a forward policy was started. I maintain, and I know that facts will bear me out if anybody chooses to study them, that for several years, for perhaps 13 or 14 years that forward policy was, at any rate, a modified success. The districts were free from raiding, there were practically no raids or kidnapping. The tribal areas began to settle down and it really looked as if the tribesmen might be prepared to change the arts of war for the arts of peace. What happened then? When the present regrettable disturbances started which, unfortunately, still continue, who was responsible? I know my Honourable friend will say, the Government, but the facts are absolutely different. There was no aggression from Government, no further extension of the forward movement.

(At this stage, Mr. Abdul Qaiyum rose in his place.)

I have listened for half an hour and more yesterday to my Honourable friend without interruption and I think I can now rely on him not to interrupt me.

Mr. Abdul Qaiyum : You were waiting for a question, and so I stood. Otherwise I will not interrupt.

Sir Aubrey Metcalfe : What I was saying was that the present disturbances were in no way caused by any forward movement or aggression by Government. They were entirely due to a movement started among the tribes themselves who made an attempt to interfere by violence with a judicial decree which had been passed by the ordinary courts of British India. A demand was made by the tribesmen under a certain leader whom we all know, that this judicial decree should be reversed. As far as I know, that is still the demand which underlies the Faqir of Ipi's hostility to the Government and his refusal to make peace, and any negotiations which were undertaken by Government in the matter would have to have as one of their conditions the reversal of this judicial decree and permission to the tribesmen to interfere with our internal administration. I submit that is not a condition, not a demand which could be conceded by any Government which is responsible for the maintenance of justice in British India. I need not say more than that.

What I really wished to point out to the House was that forcible and fanatical interference with British India can only be prevented by the use of force and of military force, and that, therefore, an army is necessary. It is no good saying that you can deal with it by any other means. The fighting qualities of the enemy in that particular place alone are too well-known, I am sure, to most of the Members of this House, to make them think that anything but a well trained, well equipped and permanent army is necessary to defend the Indian frontier. It may appear possible to some of my Honourable friends who are a very long way from the frontier—I hope that I am not doing them injustice—it may appear to them that the threat or danger is so remote that that they are not very closely concerned with it. To them I would say that there have been cases when the internal peace, even,

[Sir Aubrey Metcalfe.]

I may say, of the Madras Presidency, has been disturbed within recent years to an extent that required a considerable military campaign to restore law and order. Let them remember that, when they think that the frontiers are so remote that they are not concerned with this danger.

What I wish to do is to ask the House to consider very carefully the external dangers which threaten India before they reject this measure. The rejection will mean not only, we are told, the condonation but even the encouragement of propaganda which may, if it is permitted, leave India without any force to protect itself.

There is one point which I desire to make before I conclude, which is, to protest against some of the remarks which my Honourable friend, Mr. Abdul Qaiyum, thought fit to make last evening. There were one or two things he said this morning against which I protested at the time, but about them I would merely say that the reports which we have received from the Provincial Government regarding the Bannu raid do not indicate any lack of proper work on the part of the Indian army or of the local officials. Those reports do indicate, on the other hand, that the raid was largely carried out, not by trans-border men at all, but by local people who entered the city in the wake of the outlaw Mehr Dil. I do not, however, wish to dwell on that point because the information is still incomplete, but I think it would be unjust to allow Mr. Abdul Qaiyum's strictures of the local forces and local officials to remain completely unanswered.

Mr. Abdul Qaiyum : On a point of order, Sir. Will the Honourable the Foreign Secretary publish those despatches which he has received from the Local Governments—whether they were from the Agent to the Governor General or whether they were from the Provincial Government?

Mr. President (The Honourable Sir Abdur Rahim) : It is not a point of order.

Mr. Abdul Qaiyum : Yesterday you were pleased to rule that the Defence Secretary could not refer to certain documents without producing them and you were pleased to stop him from referring to certain documents when he was speaking.

Mr. President (The Honourable Sir Abdur Rahim) : Sir Aubrey Metcalfe was not referring to any documents at all.

Mr. Abdul Qaiyum : He was referring to despatches.

Sir Aubrey Metcalfe : The other point that I do wish to make with some reluctance but which I feel must be made is this. I have sat in this House now for over six years and it has never been my misfortune to listen before to such virulent abuse of my country and my countrymen as I listened to last evening from Mr. Abdul Qaiyum.

Mr. Abdul Qaiyum : You will hear more.

Sir Aubrey Metcalfe : There is a limit even to my endurance at this kind of speech and I could not help feeling some indignation at the expressions of violent and illogical racial hatred which Mr. Abdul Qaiyum indulged in.

Mr. Abdul Qaiyum : I strongly object to these remarks.

Mr. President (The Honourable Sir Abdur Rahim) : I think the Honourable Member's speech did give that impression. The Honourable Member for Government is quite justified in his remarks.

Sir Aubrey Metcalfe : That his speech was violent I do not think that anybody can deny for one moment. He almost went to the length of inciting people round him to make a violent attack on the occupants of these Benches at the moment.

Mr. S. Satyamurti : That is very unfair.

Sir Aubrey Metcalfe : I also maintain that his arguments were illogical and inconsistent. At one moment our friend posed as the apostle of pacifism and at the next moment he announced his intention of declaring war on Great Britain. I quote his actual words. Again at one moment he declared that Great Britain had made cowards of all Indians. At another, he said that Indians were still so brave that even unarmed and untrained they would fight in defence of their country. Therefore, they require no army.

Mr. Abdul Qaiyum : I was talking of the frontier tribes.

Sir Aubrey Metcalfe : Soon after that, he complained that Britain was responsible for destroying all liberty in the world and almost in the same breath he indulged in a license and liberty of speech which I think was almost unparalleled in this House.

I should like to make it clear that in making this protest I am not in the least actuated by a desire to introduce any element of heat into this debate. I merely wish to express a natural indignation which I am quite sure that no Indian friend of mine would have failed to feel if his country had been attacked in the words which Mr. Abdul Qaiyum used last evening.

My second point and my last is this—that I should like to point out to the House that any case which rests purely on violent invective and not on reasoned argument must be an extremely weak one. I hope that the House will bear this in mind when they vote on this Bill.

Syed Ghulam Bhik Nairang (East Punjab : Muhammadan) : Mr. President, the motion for circulation moved by my Honourable friend, Mr. Satyamurti, has been supported by several speakers in this House on various grounds. The grounds which have been urged in favour of the motion when analysed and epitomised will fall under four main heads, firstly, that the proposed legislation if passed will be an undue interference with the civil liberties of the people of India, secondly, that it will stifle and penalise pacifist activities and stand in the way of the development of non-violence as a cult and a faith, thirdly, that it will tend to promote the imperialistic designs of Britain by providing her with an army which will be used for the imperialist aggrandizement of Britain in which India is not interested and to which India

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is opposed and fourthly, that it would be particularly opposed to Islamic interests because the entire history of British imperialism proves that it has been all along engaged in the destruction and dismemberment of Islamic Empires and Kingdoms and even at the present moment is engaged in carrying on a most brutal, savage and sanguinary campaign in Palestine and nearer home in Waziristan. These are the four heads under which the arguments can, I think, be analysed. With your permission I will offer a few observations under these four heads in the reverse order.

With regard to the Muslim interests, a good deal has been said from the side of the Congress Party, with the object, I am afraid, of provoking Muslims in this House to vote against the Bill. Without appealing to their reason, an appeal has been made to their sentiments. The fact is that all that has been said about the anti-Islamic activities of Britain is, unfortunately, only too true. There is no concealing or disguising that fact and we must clearly declare that we do not challenge the assertions of fact, as far as facts are concerned, but we only want to consider the relevancy of those assertions and those facts to the issue before this House. No indictment, as Maulana Zafar Ali Khan also showed, can be strong enough to sufficiently and deservedly impeach her for all she has been doing to destroy Muslim Empires and subject Muslim nations to slavery in order to promote her own imperialistic designs and satisfy her own earth hunger. That is only too true. But the question is—are those things really relevant to the issue before this House, which to my mind is a very simple one? As the Defence Secretary in putting his motion before the House for the consideration of this Bill put it, there is war danger ahead. That cannot be denied; and in view of the war danger ahead, I think all reasonable people must admit that India has to keep herself militarily strong enough to meet eventualities; and if, in the event of war breaking out, she is not found equal to the task, the country will surely suffer. Neither Hindus nor Muslims nor any other communities inhabiting India will escape the consequences. There will be no question in those circumstances, whether it is the Muslims who should be shot down and trampled upon or the Hindus or the Sikhs or the Parsis or the Jains or any other community. Now if war breaks out, then I think my Honourable friend, Mr. Satyamurti, does not expect Britain to tell India, “I am attacked by such and such an enemy on such and such a front outside yourself and very far away from you. I take my white troops there and defend myself and leave you to defend yourself when necessary with the help of the Indian troops and Indian officers. God help you, I am off”.

An Honourable Member : Welcome !

Syed Ghulam Bhik Nairang : If Britain adopts that attitude and that line of action, I certainly think India will be exposed to the greatest danger. It is not owing to lack of valour or courage in myself or want of faith in the courage and valour and patriotism and resourcefulness of my countrymen that I entertain that apprehension. It is as a practical man of the world, as a realist keeping his sentiments, desires and feelings under the guiding control of his intellect, that

I feel constrained to take that eventuality into consideration. I picture it like this to myself. A world war breaks out. Mother India says to Dame Britannia, "you faithless, heartless, conscienceless old hag ! Do what you can. I am not going to help you with either men or money. I am fed up with you." My worthy children Messrs. Satyamurti and Abdul Qaiyum have been wistfully waiting for this auspicious day when you will go to wreck and ruin and I congratulate myself that I have lived to see this day dawn on my worthy children. Avaunt !" Dame Britannia, with tearful eyes and a throat choked with emotion, says, "All right, dear sister, I consign you to the care of God and go". Exit Britannia, enter Russia *via* the Khyber Pass Japan *via* the Bay of Bengal by sea, or from the north-east by land, and some other would-be unselfish friend, protector and guardian of the Indian people by some other route. Messrs. Satyamurti and Abdul Qaiyum proclaim a red-letter day in the calendar of India, because the hated Britain is off. They mobilise all the violent and non-violent armies of India and fight the invaders on the various fronts,—the violent battalions acting on the orthodox military code inherited by them from the Satanic Government which has just walked out, and the non-violent regiments carrying on a relentless bombardment of the enemy with pacifist lectures, leaflets and pamphlets and dropping on the invaders bombs of peace and fraternity, and love from aeroplanes.

An Honourable Member : And also the "sermon on the mount".

Syed Ghulam Bhik Nairang : And also the "sermon on the mount". The result can be easily imagined and need not be described. It is, therefore, clear that an army is a necessity, howsoever unpleasant, disagreeable or intolerable its existence may be. We consider ourselves most unfortunate in being under the yoke of an unsympathetic, callous, selfish, rapacious foreign nation, but, Sir, situated as we are, we cannot ignore the stern and inexorable reality that the safety of India and that of the British Empire are bound together. (Interruption.) But that is a reality. We must, therefore, maintain and further strengthen our army in the interests of India. If and when an attempt is made to use the army for anti-Islamic purposes or purposes in which India has no interest, we can then take all necessary steps to see that the army is not so used.

An Honourable Member : How will you do that ?

Syed Ghulam Bhik Nairang : You will see. I am not expected to disclose my cards today.

An Honourable Member : Are there any cards ?

Syed Ghulam Bhik Nairang : There are. The third point was the very sure and certain connection that there is alleged to be between strengthening the Indian army and the Imperialistic interests of Great Britain. There again it is not necessary to prevent the attempts which may be made, in view of certain apprehended dangers, to strengthen the army and to develop it. We should rather be glad and make our armies stronger, more developed and more mechanised and all that, and when the occasion comes we should then determine how to use the army.

Mr. S. Satyamurti : Is it in your hands ?

Syed Ghulam Bhik Nairang : I listened to a most enlightening and illuminating speech of the Honourable Mr. Satyamurti for three-quarters of an hour and he can also listen to me for five minutes without interrupting me. It is then that the question will arise how to use the army. But if you have got no army, if propaganda is allowed to be carried on against enlistment in the army, and no army can come into existence at all, then, as my Honourable friend, Khan Bahadur Nur Muhammad, said, "what will you Indianize when the army is not there ?" My Honourable friend, Mr. Satyamurti, said that he wanted a national army. Well, where will that army come from if the present army gradually dwindles away and disappears from existence ? On the other hand, if our nationals enlist in the army, and we succeed also in the plan to Indianize the army for which we have been shouting for nearly half a century, then there will be a real army for India to boast of. And then, at the moment when the question of the use of the army crops up, we can assert ourselves and say that for such and such purposes our army can be used and for such and such purposes the army shall not be used. (Interruptions and Laughter.)

Maulana Zafar Ali Khan (East Central Punjab : Muhammadan) : He laughs best who laughs the longest.

[At this stage, there was laughter, and the Honourable Member also indulged in a loud laughter.]

Mr. President (The Honourable Sir Abdur Rahim) : Order, order. The Honourable Member must not make noise in that way.

Mr. Sri Prakasa : The Honourable Member must withdraw his laughter.

Syed Ghulam Bhik Nairang : Sir, all these gentlemen on this side of the House are my friends and I do not mind or resent their interruptions. I only tell them to listen to me. Only the other day we censured the Government for saddling India with an expenditure of about two crores of rupees a year in connection with the British army quartered in India which, we said, would eventually mount up to four crores of rupees a year. We put in a strong protest and we passed a censure motion against the Government. Incidentally, we also urged that Indianization is being impeded and it is proceeding at a pace at which it is not expected to be completed within any reasonable period of time. It will take about a hundred or more years to completely Indianise the army at the present pace. Our policy, on the one hand, is to Indianise the army and, on the other hand, we stand in the way of recruitment and make every effort to see that nobody joins the army. We say all the time that this army is being recruited and trained and maintained only for Imperialistic purposes forgetting that India is also a very important pawn in the Imperial game. India has got to be defended ; India has got to be kept safe and immune from foreign invasion. So, if we do not have an army, we shall be acting against our own interests. Suppose England finds that our pacifists and patriots go about and tell the people not to join the army, then naturally the Indian part of the army will be reduced in number. They will say that India is not safe and, therefore, they will send more British troops to India and thus increase the army expenditure

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by another two crores. That will be a very unbearable economic drain on India. In such an eventuality, my Honourable friends will give Britain an excuse for increasing the number of British troops in India. Therefore, I say, that instead of opposing the Bill tooth and nail and instead of making an attempt to see that the Bill is nipped in the bud, we should really make an effort to so amend and modify the provisions of the Bill by making amendments as to make it least harmful to genuine public interests and useful to the real requirements of the military administration of India.

Now, as to the point of non-violence and all that, I think that will be a delicate ground for me to tread upon. It may perhaps offend some of my Honourable friends in this House if I were to underrate in any way the cult of non-violence. (*Voices* : " You go on.") I will rather not discuss it. It may be taken that I am a great religious fanatic or bigot, but, anyhow, it is well-known that non-violence is not believed in universally. Howsoever desirable it may be under certain circumstances to be non-violent, we cannot always afford to be non-violent. In fact, I cannot imagine how, if we all become universal votaries of non-violence, we shall withstand an invasion of India by any foreigner, or how we can, in the event of a struggle ensuing between us and our present rulers, manage to expel them from India ? So, really speaking, it is not in the interests of India to have that cult of non-violence universally adopted and adhered to. Constituted as we are at the present moment, we have got both violent and non-violent people among us, and we must continue to be so constituted. As to interference with the civil liberties of the people, there is no doubt that everyone of us would like to stand by the civil liberties of the people, but really we do not know under what circumstances some of us would like to support the cause of civil liberties and under what other circumstances they would act in the other way. I was surprised yesterday to see two items of news in the *Hindustan Times*. In Madras, a certain gentleman, Mr. T. T. Krishnamachari, has introduced a Bill in the Assembly for the repeal of the repressive laws, and the Congress Party in the Assembly, under the presidency of Mr. C. Rajagopalachari, the Premier, has passed a Resolution to oppose that Bill. Now, evidently this is part of the same Congress policy which is now being maintained all over India, at least in those provinces which are governed by Congress Premiers and Congress Ministries. If in a province where they have got an autonomous Government, they do not like to repeal the repressive laws and decide firmly and solemnly to oppose a Bill introduced by an Honourable Member of the Madras Assembly for the repeal of the repressive laws, then with what justification can the Congress Party in this House say that this Bill will be an encroachment on the civil liberties of the people of India ? Not only that, I find that there is a speech of Mr. C. Rajagopalachari reported in the *Hindustan Times* of the 16th August, 1938, at page 9. We all know that an anti-Hindi agitation is going on in Madras, where the Government have made it compulsory to introduce Hindi in the education of the Madras people. This is how Mr. C. Rajagopalachari's speech is reported :

" " Both the Houses of the Madras Legislature had after a full consideration decided in favour of introducing Hindustani, and, if we shirk our duty to translate the verdict, we do not deserve our place in the Government ", declared Mr. C. Raja-

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gopalachari, Premier, addressing a huge gathering this evening at the Tilak Ghat, organised in support of the Madras Government's decision to introduce Hindi in secondary schools. The Premier said that the agitation would have stopped fifteen days ago, had not some people begun discussing the feasibility, or otherwise, of using the Criminal Law Amendment Act in putting down this anti-Hindi agitation. Having accepted Provincial Autonomy and governance of the province with all its limitations, the Premier affirmed, they had every liberty to make use of all the weapons in their power."

Then, further down the report says :

" Mr. Rajagopalachari, justifying the use of certain sections of the Criminal Law Amendment Act...."

And, mind you, this is that Act which in 1935 all of us combined to throw out at the consideration stage. We refused to consider it. The analysis of voting in the printed debates will show that our Party was at one with the Congress Party in the attitude taken up with respect to the Criminal Law Amendment Act and it is about that Act that Mr. Rajagopalachari says this.

Sardar Sant Singh (West Punjab : Sikh) : Was that attitude wrong ?

Syed Ghulam Bhik Nairang : Listen to what he said.

The Premier of Madras justified the use of certain sections of the Criminal Law Amendment Act and said that his Government was second to none in their condemnation of the Act. They say in Urdu :

" *Meetha meetha hap : karwa karwa thu.*"

All the sweet swallowed : all the bitter spat out.

But the Madras Premier goes a step further. He spits out and swallows the same thing at the same time. He further says that in the absence of a ready made alternative Swadeshi Act (I may call it a Khadar Act) to check unlawful activities of a handful of disgruntled agitators, the Government if it was to rule and function properly was bound to use such sections of the Act which they would ordinarily use even when there was not the present Criminal Law Amendment Act.

Now, Sir, I find in today's issue of the *Hindustan Times* the heading "Blowing hot and cold". This is how the speech of my Honourable friend, Maulana Zafar Ali Khan, was dealt with in the *Hindustan Times*. He was described as blowing hot and cold, because he agreed with the Congress Party and at the same time disagreed with the Congress Party. He condemned the British and yet upheld them. That was the gist of the heading : 'Blowing hot and cold'. I do not know whether the attitude of the Premier of Madras is not blowing hot and cold. I will not comment any further on what Mr. Rajagopalachariar thought fit to say. He may be justified in what he says. I am not commenting on that. But I will certainly comment on the attitude of the Congress Party. Here, in this House, they tell us to join them in opposing this Bill because it curtails the civil liberties of the people ; but in Madras the Congress Party oppose a Bill which seeks to restore the civil liberties of the people. We do not know with whom to chum, with the Congress Party or with the Government. We are, therefore, taking up an independent attitude. We do not care for the Government, nor for the Congress

Party. That attitude is typified in the amendment tabled by Khan Bahadur Shaikh Fazl-i-Haq Piracha. And, I may say, we shall certainly be willing to consider and support some other amendments which may be necessary to make the measure less disagreeable, less drastic, and less harmful and yet to make it sufficiently useful for the purpose for which it is intended. With these few remarks, I am constrained to oppose the motion of Mr. Satyamurti for circulation of the Bill.

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

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

Sardar Mangal Singh (East Punjab : Sikh) : Sir, I come from a constituency which is overwhelmingly military and I come from a province which is responsible for the main composition of the Indian army. I would, therefore, be failing in my duty if I did not express the views of my constituents. I submit, Sir, that the issues raised by this Bill have been side-tracked during the course of the debate. No Honourable Member seriously contends that there should be no army in this country. The Honourable the Mover of the amendment, the Deputy Leader of my Party, made it clear in his speech that we do want a strong army to defend this country, that we want the best of our men to join the army....

Mr. S. Satyamurti : Sir, on a point of order, where is the Defence Secretary ? Has he withdrawn the Bill ?

Mr. Deputy President (Mr. Akhil Chandra Datta) : Probably he will be turning up in a moment.

Mr. N. M. Joshi (Nominated Non-Official) : Wait a minute.

Mr. S. Satyamurti : We cannot wait ; he must be in his place.

Mr. Deputy President (Mr. Akhil Chandra Datta) : We have only just started and there may be something which has detained him for a minute.

Sardar Mangal Singh : I submit, Sir, that the issue before the House is not whether there should be an army or not. Again, the issue is not whether we should defend our country by non-violent or other means ; The real issue before the House is whether the Indian army should be used for the protection of this country and to further the interests of this country or whether, as in the past, it should be used to subdue and crush the liberty of other nations, whether with our men and money they should send this army to Mesopotamia, Palestine and Arabia to shoot down the people there, and to further the interests of the British Empire. The Statement of Objects and Reasons says clearly that the Indian army should take part in a war in which the British Empire may be involved. We seriously contend that. I hold that we should have a strong army and our best men should go to the army and every Britisher, whether a private or an officer, should leave this country. Our army should be

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wholly and entirely manned by Indians and it should not be under the Defence Secretary who is not responsible to this House, but under a responsible Minister. At present the Defence Secretary is only responsible to Hore-Belisha, the Jew, who dictates the policy from England and is not responsible to us. But a responsible defence minister would be responsible to the legislature.

Then, Sir, during the last war we were told that they were fighting to make the world safe for democracy, but we all know now that it was made safe not for democracy, but for hypocrisy as has been proved by the proceedings of the League of Nations. Last time England took up arms they said to defend Belgium which was all hypocrisy and nonsense. Where was England when Abyssinia was raped and when China was attacked ? A future war may be waged not in the interest of this country but to find markets for Lancashire goods, and are we to sacrifice our men and money for that purpose and for crushing the liberties of small nations ? I am sorry my Honourable friends, Maulana Zafar Ali Khan, Maulana Shaukat Ali and Syed Ghulam Bhik Nairang have taken a different view. But I predict that the first victims of this Bill would be my Honourable friends there.

An Honourable Member : We are prepared.

Sardar Mangal Singh : I do not say you are not ready. But you are ready to oppose this Bill now. Then, Sir, the object of this Bill is to get more recruits. Although the Defence Secretary in his opening speech did not admit that the rate of recruitment has fallen, still the object of this Bill is, surely, to get more recruits for the army. Is this the best and only method to get recruits ? Is there no other method except coercion and repression ? I will remind the Defence Secretary as to how the British Government have proceeded in such matter. What Mr. Hore-Belisha did was to come before Parliament with proposals for improving the conditions of army service. That is the way to attract more recruits and have suitable men. But, by passing repressive laws, the Defence Secretary will surely fail in his object. What are the conditions in the Indian army now ? They say that some people are dissuading other people from joining the army. But what are the attractions there ? They have abolished the colour service and they have introduced the reserve system by which one who enlists in the army is made to retire compulsorily after seven years on a small pension. He is further required to go and take part in the parade one month every year.

Now, what is the position ? A man gets a small pension, he cannot engage in any other profession and he is stuck up there for the whole of his life. So, when the people see that these men from the army have to be content with a small pittance there is no attraction in it. Sir, I come from amongst the people who feel the difficulties of the army people. Now, before this hoax of Indianisation began every villager who joined the army hoped that one day he would retire, as a jamadar or subadar. But under the new scheme of Indianisation the Government of India has abolished the Viceroy's Commissioned Officers.....

Mr. C. M. G. Ogilvie (Defence Secretary) : No.

Sardar Mangal Singh : I maintain that in the Indianised units you have abolished the Viceroy's Commissioned Officers, although the Honourable the Defence Secretary says 'no'....

Mr. C. M. G. Ogilvie : There are plenty of others.

Sardar Mangal Singh : If your scheme is to extend to other units, then gradually the Viceroy's commissioned officers will be abolished. This order will go, and I submit what is the inducement for an ordinary man to go into the army? This fact of the abolition of the order of Viceroy's commissioned officers has acted very unfavourably on men in the recruiting areas of the Army Department. Again, Sir, what is the condition of the pay and allowances and living conditions of Indian soldiers in barracks? Compare those conditions with those of the British soldiers. How much more pay do the British soldiers get than the Indian sepoy? I contend that the Indian soldier is capable of doing more work than the British soldier. Now, just see the disposition of the Indian army at this time at this hot season. Most of the British soldiers are now making picnics in the hills, while the Indian sepoys are rotting in barracks in the hot plains. I am reminded again, although the Honourable the Finance Member is very much enamoured of his 1/6 ratio—I would remind him that every British soldier and officer in this country gets his pay in £ s. d. and they are converted into rupees at the rate of 1/4. But, if after converting them into rupees at the rate of 1/4 they have to remit their money to their relations in England, then they do so at the rate of 1/6. So they stand to gain both ways. I wonder how much the Indian exchequer has to spend only on this account on the British army; and what a plethora of allowances is granted to the British soldiers? Only last year about Rs. 12 lakhs expenditure was added to the army budget for a fifth meal for the British soldier. There are people in this country who cannot get two meals a day, but here is a fifth meal added to the menu of the British soldier. The Indian soldier is, after all, a human being and when he sees the conditions of the British soldier and compares the conditions prevailing in his own barracks, it is only natural that there is dissatisfaction. There is resentment and there is a dislike on the part of the Indian people to join the army.

I, therefore, submit, if the Honourable the Defence Secretary is really keen to get good recruits—not the type of men who were mentioned by my Honourable friend, Sheikh Nur Muhammad,—that he should remove this racial discrimination. If the British soldier cannot live on the pay of an ordinary soldier in this country, then it is our right and our duty to demand from the Government of India that these British soldiers should be removed from this country. I will not say bag and baggage, because the bag and baggage is ours—they should be removed empty-handed from this country. Whenever there is talk of racial discrimination, my Honourable friend, the Foreign Secretary, gets up at once and complains: I honestly put it to you and through you to the Government of India: "What are you doing in the Indian Army? How much racial discrimination there is in the Army? Can you point out a single instance where the Indian is treated as equal of the Britisher?" It is a very serious charge which I bring against the Government of India. There was a time for a few years—through some mistake—the Government of India granted King's Commission to a limited number of Indians. When the number had gone up to 155 or 154, the British Government realised their mistake. There

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was agitation in the army that the British soldier would not serve under an Indian officer,—the British officer would not serve under the Indian officer. There was an agitation in the army that they are not prepared to salute a *kala man* an Indian officer. What was the position at that time? About 155 officers were admitted to the army on King's Commission. They held equal rank with the British officers, and in the course of ten years more these officers would have been promoted to higher ranks. They would have been put in charge of battalions; they would have commanded battalions and would have under them some British officers. So, in order to avoid that, in their hatred of Indianisation they abolished the King's Commission. I would be glad if the Honourable the Defence Secretary would contradict me. They devised a new method: they created an Indian Sandhurst at Dehra Dun and granted, not the King's Commission mind you, but an Indian Commission. This Indian Commission and the old King's Commission are entirely different things. Their pay is less, their status is less, their precedence is lower and they will not be allowed to command British soldiers and officers; and, therefore, what do we find? In 1932, in the beginning of the Indian Sandhurst, when it was very much boosted, the number of Indians who came forward for competition before the Indian Public Service Commission was, I understand, more than 250. I will stand corrected if I am wrong. What do we find now: What is the number of young men who come forward to join your Indian Sandhurst? Last time I am told the number was only 60. Why is this downfall? Why this decrease? Have the military department of the Government of India ever seriously looked into this? Why is there this decrease? About two years ago there was a military conference, a sort of dummy military conference: I had the honour of sitting in that conference. We suggested several proposals to His Excellency the Commander-in-Chief. But I regret to say that none of our proposals was accepted; and what is the result? We told His Excellency the Commander-in-Chief at that time that if you continue at this rate, if you continue to treat Indian commissioned officers like this, the number of candidates that would offer themselves before the Indian Public Services Commission is bound to fall. The result is that from 300 we have come down to about 60. Wait till October next, and you will see that the number will go down further. What are you going to do except to sit in an office room, draft a Bill and come forward with it in this House? Do you think if this Bill is passed the number of those candidates will increase? Sir, I make special reference to this fact, because the future of the Indian army very greatly depends upon the success or failure of the Indianisation that is now being carried on. We have enough men, we have enough soldiers, but during the past century we have lost the military traditions, we have lost the military initiative, and military leadership because of the foreign occupation of this country. Sir, unless we develop military initiative, unless we create military leaders, military senior officers, the Indian army cannot be Indianised, and from this it will follow that unless the Indian army is completely Indianised and it is put under a responsible Indian Defence Minister, you cannot introduce self-Government in this country. Sir, this issue is very important. I submit that the Government of India, instead of bothering their heads with Bills of this nature, should have seriously taken up this matter, they should have taken into

their confidence Leaders of Parties in this House and devised a well thought out scheme by which the Indian army could be made more efficient. Sir, nobody in this House or outside it would seriously believe that we can do without an efficient army. I want a strong army to repel any invasion from outside from whatever quarter it may come, but I do not want that my countrymen should be sacrificed for the sake of others. That is the issue which is involved in this Bill.

Again, Sir, what is the condition of the Indian commissioned officers who go into the units ? Ask the parents whose sons have secured Commissions as to how they are being treated in the army. Although I do not stand for higher salaries,—yet we have to take into account the conditions under which our young officers have to live in the barracks,—they have to live side by side with a King's Commissioned officer whose salary is very much higher and which has been further increased by this new deal of Hore-Belisha. Our young commissioned officers have to live and eat in the same messes, they have to join the same clubs, they have to lead the same social life which is expected of the officers of the British army. Therefore, naturally since they get less pay, in course of time they are bound to get an inferiority complex. I contend, Sir, this is a very serious point. Either decrease the pay and allowances of all the officers,—I will not mind it, and put our young commissioned officers on the same footing and give them the same privileges, but we cannot afford to give more salaries to one class of officers and less salaries to another class of officers and expect them to maintain the same social and other standards. I would, therefore, submit, Sir, that the Government of India should go into these things, and instead of sponsoring a Bill like this, they should have invited responsible leaders of the country and asked them to co-operate with the Government to devise a scheme by which the Indian army could be made more efficient and stronger, so as to repel any invasion from outside. I can clearly perceive that there is panic behind this Bill ; there is some nervousness behind this Bill. Probably the Government of India feel that in case of a war they will not get a sufficient number of recruits. That is the fear, that is the doubt in their mind, because they are not sincere, because they have a guilty conscience. If they come forward like honest men and take the leaders of the country into their confidence, they will not need any legislation of this kind at all.

Then, Sir, another important point is to satisfy the people of this country. Why is this demand, why is this agitation carried on, why were there 280 meetings held in my province in which people have said,—I do not know, but the Honourable the Defence Secretary said it,—do not join the army. Sir, this is the first time when such a voice was raised, but why is this voice raised ? The Government of India, as responsible people, should have considered this point, but instead of that they have brought this Bill forward. Now, I ask, Sir, would this Bill help them in getting more recruits ? I submit, Sir, it will defeat its own purpose. This issue has been raised now by the Government of India. It would be taken up in all the provinces. And do you think that by providing two years' imprisonment in this Bill you will be able to terrify people ? Do you think you would be able to silence them ? No, Sir. What is the experience of the previous repressive laws ? They failed in their object, and similarly this Bill also would fail in its object.

[Sardar Mangal Singh.]

Then, Sir, if you really want to get recruits, do not come forward with Bills of this character, but go to the leaders, go to Mahatma Gandhi and tell him that you are in difficulties, that you want the assistance of this country and come to terms with the Congress, introduce responsible Government in this country, put the Army Department under a responsible Indian Minister. Then you will see that India will be your trusted ally. But, in this case, if you want to get recruits at the point of the bayonet, if you want to get recruits by passing this sort of repressive legislation, I say you will not succeed in your object. I submit, Sir, this is a wrong policy on the part of the Government of India, and they will not succeed in getting the right type of recruits.

Then, Sir, what would be the position if you pass this Bill? Even in this House several adjournment motions were disallowed by His Excellency the Governor General, several Resolutions were disallowed by His Excellency the Governor General on the ground that the discussion of certain subjects would be prejudicial to the peace, law and order of the country. Now, what has been the result of bringing forward this Bill in this House? Those very subjects have been raised and have been discussed. The Government of India by moving the machinery of the Governor General tried to silence this House and did not allow us to raise the question of the frontier tribal areas, Indian defence, conquest of Abyssinia or Palestine. But what has been the result? Here these very subjects have been discussed, speeches have been made on these very subjects, and the Government of India were helpless. Now, what would be the other result if you pass this Bill. Just imagine what would be the result in provinces like the United Provinces, the Central Provinces, Bombay or elsewhere where there are congress ministries? Do you think those ministries would sanction prosecutions under this Bill?

Mr. C. M. G. Ogilvie : Then, why worry about it?

Sardar Mangal Singh : You wait and see. I want to prove that your Bill would be entirely ineffective to get any recruit.

Mr. C. M. G. Ogilvie : Don't worry about it. Let it alone.

Sardar Mangal Singh : Yes, the Government of India probably have their eyes on my province. They probably don't care whether there is any recruiting in the United Provinces, the Central Provinces, or Bombay.....

Sir Muhammad Yamin Khan (Agra Division : Muhammadan Rural) : They want men from the United Provinces also.

Sardar Mangal Singh : My friend perhaps knows more than my Honourable friend, the Defence Secretary. But the point I want to make is this. Supposing this Bill is passed, and in the provinces where there are congress ministries they don't take any action on this Bill, what would be the result? Why create such a condition in which the position of the Government of India and of the Provincial Governments may become.....

Mr. C. M. G. Ogilvie : We can do without your sympathy; don't worry about us.

Sardar Mangal Singh : I submit that the Government of India, instead of strengthening the army, would weaken it. I may be told that this measure would be used only against offenders who really prevent people from joining the army. But we have

the past history of similar measures in this country, the past history of the Criminal Law Amendment Act, the past history of section 124A and similar other repressive sections of the Indian Penal Code,—how they have been used, how the press legislation has been used to crush the liberties of the people. Similarly, this Bill penalises not only public speech but even a private whisper in the room. You can very well imagine, at least I can imagine in my province with the sort of police that we have, what a terror this Bill would create in the public mind. This Bill would be worse than the Rowlatt Act and the Martial Law. If you can catch hold of a man who would depose in the court that so and so said this and that, and dissuaded him from joining the army, he is sure to get two years. The magistracy and the police in my province are such that they have only to wait for a signal from the executive. So, I submit that the Government of India should not proceed with this mad policy. I would not deal at length with the speech of my Honourable friend, Mr. Nairang, but I would only remind him of one thing. He said that when the time comes he would use his cards. I wish to tell him he may use his cards but the trump card is with Hore-Belisha and his own card will do nothing either for his community or for his country.

Mr. M. S. Aney (Berar : Non-Muhammadan) : Blank card !

Sardar Mangal Singh : Yes, a blank card, a useless card. If they have to oppose the Bill at that time, I would most humbly beg of them to oppose the Bill at this time so that it may not be put on the Statute-book. With these words, I oppose this Bill.

Sir Muhammad Yamin Khan : One heard two very remarkable speeches on the opening day of this debate. One was the speech of my Honourable friend, Mr. Satyamurti, and the other was that of Mr. Nur Muhammad. The speech of Mr. Satyamurti disclosed a vast knowledge of world politics ; it was eloquent and full of facts. He gave a great treat to this House by enlightening it on many points and his speech will remain on the records of this House as a great historical speech. His speech will go down in the records for many generations and will enlighten them. Although I do not subscribe to all the views that have been expressed by Mr. Satyamurti, I may differ from him here and there, but I think that his speech was a marvellous and remarkable one. If I were not led to act differently on account of certain phrases used by him, I might have supported him whole-heartedly.

Mr. S. Satyamurti : For phrases' sake do not support the Bill. .

Sir Muhammad Yamin Khan : There was another speech, a remarkable one, by Mr. Nur Muhammad.

An Honourable Member : Khan Bahadur Nur Muhammad.

Sir Muhammad Yamin Khan : Yes, he is a Khan Bahadur, but he is a Mr. also. I was really disappointed with his speech. He said that he had experience of the country and what he found was that all kinds of bad characters in the villages were longing for a world war. He said that people who could not get their bread wanted to sell their crops, wheat, cotton, etc., at a higher price and therefore they wanted a war. I do not know how arguments such as this could have been advanced by a spokesman of the Government Benches. We have got in this Bill that people should not be stopped from enlisting if they so desired, that there should

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not be dissuasion of people who are willing to join the army. We have nothing to do with the question whether the people want a war or do not want one, or whether people are anxious to sell their crops at a higher price, or whether in certain Sikh villages there are such bad characters that they take generally to robbery and they should be provided for in the military as soldiers. Such arguments are novel and I have never heard of such arguments before nor shall I hear them again from the Government Benches. I want the army to be composed of those people who wish to join the army for the sake of an army career, for a military career. I do not want that the British Government should provide a few pennies to those people who are longing for a war in the villages which have been visited or have been under the care of Khan Bahadur Nur Muhammad. The British Government should not involve India in a war simply to satisfy the mercenary instincts of a few individuals living in certain villages, certain remote villages in the Punjab. If this is the kind of argument advanced in favour of this Bill, I think there can be no dissuasion in the cases which have been quoted by Khan Bahadur Nur Muhammad. A man who wants war in order to benefit out of it can certainly never be dissuaded by any mercenary employed by the Congress to go and dissuade him from joining the army. That is a very fallacious argument and should not have been used in this House.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : It was a maiden speech. What is the use of taking notice of it ?

Sir Muhammad Yamin Khan : When he was making his maiden speech, I did not like to interrupt him, but he was put up by the Government in order to convince those who are not willing to be convinced, and he came out with an assertion that he had a vast knowledge and that his knowledge was greater than all the knowledge combined of all the other Members here. He is wrong. Every Member of this House has got far greater experience and has visited more villages in his election tour than Khan Bahadur Nur Muhammad has done in his whole life-time. That argument he may have advanced against the Congress but he referred to all the Members and as I am one of the Members and have been included in his remarks, I wanted to reply to him. In my election tours I have done about 200 miles per day. So, that is no argument at all on the Government side.

Mr. Satyamurti advanced the argument whether by supporting this Bill the Muslims can save the Muslim countries. I can give an answer to that, that by opposing this Bill we cannot save the Muslim countries either. Whether we support this Bill or we oppose it, that does not affect the Muslim countries at all. We have to judge this matter not from the viewpoint whether this Bill will provide for a few recruits who may be used against certain countries or not but we have to judge it on only one question and that question is this. Should we stop recruitment of Indians altogether. If we want to disband our armies at present, this motion would be all right but I suppose that this is not the policy advocated by my friend, **Mr. Satyamurti**. He wants the present army to remain. If so, we must provide for the gaps in the army caused by the retirement of soldiers on pensions. There must be recruits coming up to fill up those gaps. In

the last Session in Delhi, this House gave expression to the great dangers to the country from invasions if we are not fully strengthened. Our whole policy has been to advocate on the floor of this House for more opportunities for Indians in the army service, both as officers and soldiers. We have been advocating that the strength of the British troops should be reduced in order to save this country from the heavy expenditure involved by keeping them. We have been advocating that a larger number should be recruited from amongst Indians. Such being the case, our policy cannot be to stop recruitment altogether while we are advocating that we should have a larger proportion of Indian soldiers and if that is so, then we cannot stop recruitment. We cannot have the two things simultaneously. This is contradictory. As far as the Muslim policy is concerned, that has been dealt with ably by several Honourable Members.

There is one thing which I want to mention on the floor of this House and that is that no Mussalman can really support the foreign policy of the British Empire. That policy has been condemned every time by the Mussalman public. There is not a single Mussalman, if he truly expresses his feelings, who can support this policy. If he supports this policy, then I can only say that he is cheating other persons and not giving expression to his real feelings. But to condemn this aggressive policy is one thing and to be carried away by hatred is another. I do not think that the Mussalmans of India can subscribe to many of the words said by Mr. Abdul Qaiyum. He says that as far as he is concerned he has got hatred towards the British. That may be his own view, created by his association with those with whom he is sitting, but we Mussalmans, sitting here, want to express this opinion that while we condemn this policy of the British Government we are not carried away by any hatred of the British. We do not want to have such strong feelings. We do not want to make ourselves blind by hatred because when the feeling of hatred takes hold of a man, that man has no common sense at all. If we condemn anything, we must do so after cool-headed deliberation and not out of hatred. But at the same time I want to make it clear that we Mussalmans do not want the recruits got from here to be used outside India for any purposes of aggression whatsoever. It may be against Palestine, Arabia or it may be against China or Japan. That does not matter. The Indian army should never be used outside India without the full concurrence of this House. That is the policy of the Mussalmans in this matter. It is no use for some gentlemen coming here and telling us that we must hate the British because Richard I fought Saladdin. That matter is past and gone. We have to look to the present. We are not to be led by historical incidents in judging this matter. We know that only 20 years ago the Turkish Empire was at war with Britain. Now the Turkish Empire under Mustapha Kemal Pasha is very friendly to the British Empire. People who were allies in the last war may be enemies at the next war. Wars will go on and continue. Mussalmans must not be judged by any kind of individual opinion expressed that they will be carrying hatred even when a gesture of friendship can be made. Therefore, this is the expression of the view of the Mussalman public whom I have had the honour to come across. We are not going to be led by anything which has become past history, but we want to see what they do in future and, at present, what is going to be their policy, and that will guide our policy and that will dictate our attitude.

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Sir, I must also make it clear that we are fully alive to the danger to which our country is exposed. Japan's invasion of China has opened the eyes of India and it will not be right and proper at this time, when every country in the world is preparing for war, that we should be saying that our man power should not be mobilised. We must have it, though, as I have said, the Indian man power should not be used outside India but for the defence of India, and that is essential. Of course we do not know how matters will be arranged and how policies will be guided and how the parties will be divided and what will be the fate of the Indian Empire when the next world war begins. We know that during 1914 or 1915—I am not positive that these figures are right but as it was given out at that time—only about four thousand British soldiers were left in the whole of India and there were a few thousand Indian soldiers left during the first war. Well, that was the time when there was danger only in Europe, when the parties were fighting only in Europe, but anybody who has studied the matter knows, and even my friend, Mr. Satya-murti, who has placed before the House the facts, knows, that the next war will bring the whole world into conflagration and it will not be confined to Europe alone, and if there is going to be a world-war, then India will not escape from the consequences. Sir, it had been very rightly pointed out by an Honourable friend here that supposing the war comes on and the British navy is entirely wanted in the Mediterranean or in the English Channel and they cannot spare anything from the Pacific Ocean, then the Indian Ocean is left entirely unguarded, and one cruiser can bomb the whole of Calcutta, Madras and Bombay. We have seen that a small German cruiser, the "Emden", bombarded Madras with great impunity; and the next war will not be confined only to the navy or army but the air force also will have a great share in that. We have known when the last war was going on between Abyssinia and Italy, Aden which formed part of India at that time was greatly threatened because a small fleet from a port in Africa could have come in two hours' time and bombarded not only the whole of Aden, but might have crossed over to Bombay and destroyed the whole of that city. (Voices: "Oh, oh." "How is that?") They could have destroyed the cities of Bombay and Karachi if they could get hold of a proper place to make their centre for coming over there from that place.

An Honourable Member : How could it cross the Indian Ocean ?

Sir Muhammad Yamin Khan : Our ports are not altogether safe. Sir, it is all loose talk to say that we want the British to get out, that we are not going to give them any recruits. My Honourable friend, Syed Ghulam Bhik Nairang, put it very nicely before the House that we must take note of the practical proposition and you have got that before you, that you cannot do without the army. That is a hard fact, and at the present moment, to think of training another army, which may be our ideal army, is like having a Paradise which was not even dreamt of by Plato, and to train it by some magical touch, well, that is an utter impossibility. You cannot have that. You must exist in the present world and you must go on with the present forces, and the present requirements are that we must have the present army, we must keep it in full strength, and we must have it properly trained in order that we

may have in particular to defend our shores either from the North-West or from the East or the West against any kind of invasion, so that that army may be utilised to repel that invasion in the least required time. Now, my friend, Mr. Joshi, said, that Government can employ 1,500 people if the Congress can employ seven hundred people to go and make another propaganda. Well, their recruiting officers do make a propaganda....

Mr. N. M. Joshi : But that does not succeed.

Sir Muhammad Yamin Khan : But if my Honourable friend, Mr. Joshi, wants that other people may come in who may be employed just to propagate all kinds of rumours and give out all kinds of false stories in the other way, as has been alleged to have been given by the emissaries of certain forces which are being used against recruitment, then I think if the Indian penny is to be used for that purpose that will be a waste of money.

Mr. N. M. Joshi : It is known all over the world that it is the recruiters who tell false stories. It is not the others. Recruiters are known to tell false stories.

Sir Muhammad Yamin Khan : Whatever may be your views I am not willing to subscribe to them, that young men should be used for making a propaganda in order to meet the propaganda of the Congress in the manner suggested by Mr. Joshi. I would much rather stop one propaganda than use two propagandas. Sir, one thing which my friend, Mr. Joshi, said was very right and I agree with that. He said—why do you require to make any propaganda ? It is a common well-known fact that the surplus population in the villages is dying of hunger, it has got no employment, no bread to live on and it can hardly have one meal to eat and so the surplus population in the villages will be too glad if you offer them any employment in the shape of recruiting them as soldiers and if you give them proper money. If you want a strong body of young, robust people to come forward and join your army, then certainly you must make that army attractive. Sir, we know full well that those people amongst Indians who join the army are not very educated people and do not understand anything like patriotism or whether they are fighting for their Government or for their King or to save their country ; they do not understand these things, and if they join your army, they join for the sake of money and that is quite true. If a soldier joins the army, he joins because he wants to make his living, and because that has been his profession from ages and hundreds of generations and, therefore, he comes forward to join you. Now, you tell the Indian soldier that he should come forward and lay down his life, for what ? Not to defend his country, not to defend his own home but to fight for you outside India, then certainly you must make an offer to him which would be at least more attractive than what is being offered to the British soldiers who are to come here because in any case they are patriots and they come to this country in order to keep their Empire intact and they are expected to be more patriotic than what they are said to be, the British soldiers cannot say that they will not join without getting proper salaries. When you recognise that it is a necessity in the case of the British soldier that his salary and allowances should be increased, although he is a patriot, then certainly you

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ought to make it much more attractive to an Indian soldier and give him much better salary because he gives his life not for anything which is attractive to him. I do not really subscribe to the views of my friend, Mr. Satyamurti. My friend says that he would that the British Empire should go to pieces now and it will be a good thing for the whole world. Sir, I am not a blind admirer of the British Empire or their doings both in India and outside India. I think they have got their misdeeds written in bold letters everywhere. But the question is whether for my own safety's sake I should like the British Empire to go to pieces.

Mr. S. Satyamurti : Is that the only consideration that you should live for ever ?

Sir Muhammad Yamin Khan : I would not like my country to be subordinate to the British Empire for ever. But now-a-days the world forces are gathering themselves behind the shelter of one Power or the other. There are Treaties, aggressive and defensive. We find that the nations are joining and making cliques against the other nations. But India today is helpless. It may be on account of the bad policy carried on for the last 100 years by the British Government, but situated as we are today, we cannot fight and we cannot defend ourselves even against a very small nation.

Honourable Members : Question. Give an example.

Sir Muhammad Yamin Khan : As an example, I may mention Japan. It is a small island that can run over you in 24 hours. If my friends say that they can have the army to defend themselves, then I will mention the story of a certain potentate in India who had been keeping a lot of eunuchs. When the war broke out, he had no army. He said what is the use of feeding these people so well, let them go and fight. So, these people were sent as an army to fight the brave soldiers who were going to invade his country. When they saw the soldiers, they began to sing and clap their hands. The brave soldiers, when they were advancing, said : " Oh, we are not going to fight these people because they are not soldiers. We will fight against the army of soldiers. We will not degrade ourselves by raising our swords against these people. As these people cannot produce a big army, we are not going to take part in the army and therefore let us retire." Do the Honourable Members desire to follow this tactic ? Then, Sir, I remember the couplet of one of the poets of Lucknow, who said :

" Zeppelin jo urraya hay tu ne aray o German

Kunkuwe main uljha ke maidan main giradaingay."

It means that if the Geaman Zeppelin will come to invade India, we will fly our kites and catch hold of it in the string of our kite and drop it on land. If my friends think that they can fight an army by non-violent means, then they will never gain their object. They will show you no mercy as the old brave warriors did. Even the armies of the other nations are mercenary and they are looking forward to make money out of you. They want to catch hold of any nation they can. They are not the brave people who will fight only the brave and nobody else. That chivalry is gone. The army now is composed of the

merchant classes and they want to make the best use of their opportunities. So, I am not a believer in this cult of non-violence and I do not think it will be a good day for India if the British Empire is shattered to pieces now. That is my feeling so far as India's present position is concerned. My feelings may be quite different so far as countries other than India are concerned. I am not talking at present about them. But for our own protection and safety it is necessary that our frontiers and our coasts must be defended by a big navy and we must have a sufficiently strong army to maintain the peace and prosperity of the country.

My friend, Mr. Sham Lal, made certain remarks yesterday to which I took an exception there and then and I must say something about them now. He said that the sons of a big titleholder were given the Commissions but they were found to be unfit and he gave the example of the sons of two Captains. That is an allegation which is absolutely untrue. I have great respect for those people who have earned their titles by their chivalrous deeds. I am not talking of those titleholders who have earned their titles by putting up an asylum or a Dharamsala or a statue here and there. I am talking of those people who have earned their titles in the war on account of their chivalry. Their sons are full of spirits and they can challenge anybody. They can challenge 20 persons of the class whom Mr. Sham Lal represents. These brave persons can undergo any amount of hardship, they can shoot from morning till evening without taking any food. They can wander about in the burning sun and ride the whole day on horses. I will leave it to Captain Sir Sher Muhammad Khan to narrate the story which he wants to mention. But I cannot help saying this that these people are proud of the glory of their ancestors.

My friend, Mr. Abdul Qaiyum, yesterday said that the Indian army is not fit to protect the Indian lives and I think he mentioned a certain incident about the elopement of a girl. That aspersion on the Indian army is wrong. Every soldier in the Indian army is ready to shed his blood if he is asked to do so. It may be the folly of the people who use them that they are not used for proper purpose. They may be employed wrongly. But it is not the fault of the rank and file of the Indian army. Every Indian soldier is ready to defend the honour of any lady from the attacks of tribesmen, no matter to what nationality the lady belongs. For God's sake do not turn round and say that the Indian army is unfit. They carry out whatever orders are issued by the commanding officer. I say, the Indian army is composed of the finest men in the world and they can stand comparison with the best army in the world in chivalry or bravery. I strongly protest against the remarks of Mr. Abdul Qaiyum about the Indian army. If his remarks were to stand on record without being challenged, then it would create a very bad impression in the minds of readers outside India. In the first reformed Assembly in 1923, I moved a Resolution for the Indianisation of the army.

Mr. S. Satyamurti : With what result ?

Sir Muhammad Yamin Khan : The result was that the Commander-in-Chief came to the House, it was then Lord Rawlinson, and announced the eight units scheme which I did not accept then. To my great

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shame, I must confess that I had the backing of 63 Members in the morning when I moved my Resolution, but after the announcement of the Commander-in-Chief, my supporters dwindled into 16. It was not the fault of the British, but it was the fault of the Indian Members whom I also warned at that time. I put up a fight in the Assembly. I knew it was a losing battle. I also challenged a division on my Resolution so that the names of my supporters might be on record. I want an Indian army to be really and properly trained and to be kept up in proper strength. I want the Indian army to be a real asset to India.

I can understand the speech of my Honourable friend, Mr. Satyamurti. He did not say that he did not want any army. His was a political speech. He thinks that by coercing the Government he could get more concessions for the Indian army, he thinks there will be better amenities and equipment for the Indian army. That is the policy underlying his speech. I agree with all the remarks made by him except a few phrases here and there with which I do not agree. He only laid great stress on the benefits which should accrue to India from the Indian army. If he agitates for more and more concessions for the Indian army, if he fights for greater Indianisation, he will always find me a whole-hearted supporter. But with the kind of speech made by my Honourable friend, Mr. Abdul Qaiyum, I cannot agree. If his fight is with the Muslim League and if he wants to use the arena of the Assembly for the fight, let him by all means do it. But his arguments against the Indian army will never be acceptable to me.

Now, I wish to refer briefly to the Statement of Objects and Reasons. It says :

“ The object of the speakers is clearly not the spread of pacifism but to dissuade would-be recruits from taking part in any war in which the British Empire may become engaged.”

I submit this statement is really unconvincing. The object of this Bill should not have been this, namely, that the people may be dissuaded from joining or engaging in a war in which the British Empire may be engaged. The British Empire may be engaged in a war which may not be supported by public opinion in India. In order to counteract this object, there should be an amendment saying that the Indian soldiers are bound to serve whenever India is involved in war, wherever the defence of India is involved whether in or out of India, if it is an integral part of the war which safeguards the interests of India. If the interest of India is jeopardised, then the Indian army should be used for its defence whether in or outside India. I submit such a condition should be included in the conditions of army service. If that objection had been taken by Mr. Satyamurti to the provisions of the Bill and if he had insisted on a condition such as the one I have proposed, I would have readily supported him.

Mr. S. Satyamurti : On a point of personal explanation. I specifically spoke on this subject for five minutes, that the main object of the Bill is to coerce our Indian soldiers to fight the wars of the British Empire. Therefore, my Honourable friend, Sir Muhammad Yamin Khan, ought to support my motion.

Sir Muhammad Yamin Khan : The real object of the Bill ought to have been to stop the preaching of non-enlistment in the Indian army. That would have been quite sufficient. In that case, this would have been a non-controversial measure. But at present it is not a non-controversial Bill. I hope that the Defence Department will take note of my suggestion that they should insert a clause in the conditions of service that every Indian soldier is liable, on pain of death penalty, to serve wherever a war is fought, in or out of India, for the protection and safety of India. But if it is a war which has no concern with the safety of India, then the Indian soldiers should not be used without their consent. At the present moment the safety of India depends on the safety of the British Empire, and if the British Empire falls to pieces India will fall a prey to some other force which may be even very much worse. Sir, I understand some Honourable Members are wavering and thinking that they will not take part in any future discussion on this Bill if this motion is passed. I think they should not do so but they should move their amendments and try to improve the Bill. They should not only fight winning battles but losing battles also. They should be brave people and go on fighting. I did not lose heart in 1923 when I got only 16 votes but I stand justified in 1938. So, if my friends lose now they will find themselves justified in the future. If a temporary Bill is wanted, they can move that amendment.

Sir, one thing more and I have done. I have nothing to do with the Punjab Government except that that I have got a small house in Simla. That is my only connection with the Punjab.

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

It has been the tradition of this House not to cast aspersions on the Provincial Governments because the men who run those Governments are as good representatives of the people as we are. I was sorry to see them attacked here which I submit is not desirable. Sir, I support the motion for consideration.

Rao Sahib N. Sivaraj (Nominated Non-Official) : Sir, it has been rightly pointed out by speakers on this side that many of the speeches that were made by Honourable Members of the Opposition were far wide of the mark and practically ranged over very wild fields. The reason for that, as I see it, is that those Members of the Opposition who spoke wide of the mark did not want to face squarely what is a very simple and a very straight issue raised by the Defence Secretary in the introduction of this Bill, namely, whether or not the Honourable Members of this House will give support to a measure which is intended to take one of the many steps which are necessary to strengthen the defence organisation of India and to make it more efficient and more effective than what it is at the present day. If they had taken that view, then the Honourable Members of the Opposition would have had but only one answer to give, namely, to support the Bill. But because they were not willing to do this they went away from the real point under consideration and imported into the consideration of this question very many extraneous subjects which will not avail us in the ultimate decision of this question. I think the arch-offender in this respect is my Honourable friend, Mr. Satyamurti, who, knowing him as I do and also his capacity for eloquence and his

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ability for marshalling facts, has not merely himself strayed away but took along with him many of his supporters from the region of practical politics into the realm of fancy. And in a way the discussion which was straying away from the real point was brought back to the right direction by the speeches of the Honourable Members of the Government, the Home Member and the Law Member.

Sir, I shall try, if I may, also to bring back the discussion to the real point that we have got to consider. In doing so I cannot do better than to recall to the minds of the Honourable Members of this House and also to remind my Honourable friend, Mr. Griffiths, of his own observation which he made sometime ago on the floor of this House, probably on the discussion of an army subject. He said on that occasion that the army in India exists for definite purposes and does not exist for the purpose of vindicating any political theory, much less does it exist for the purpose of vindicating the theory of non-violence or *ahimsa*. Sir, what are the purposes of the army in India? There is bound to be difference of opinion,—as indeed such opinions were expressed before,—as to the purposes and functions of the army in India. But whatever its functions are, no Honourable Member of this House can deny that one of its functions certainly is to defend India against external aggression and to keep internal security. As a matter of fact in one of the answers that was given yesterday or the day before to some questions asked on the floor of the House as to how many times the army was used for the purpose of internal security, the Defence Secretary cited four or five instances in which the army was used, specially after the Congress Governments have come into power.

Dr. G. V. Deshmukh (Bombay City : Non-Muhammadan Urban) : Where is it in this Bill, that it is for the defence of India?

Rao Sahib N. Sivaraj : That is exactly what I say. It is unnecessary. I think it is a fallacy to assume that the defence

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of the British Empire or the defence policy of the British Empire can be separated into so many different parts as if one part can exist for the sake of Britain alone and another part for the sake of India. As a matter of fact the system of defence of the British Empire is a linked affair and no part of the British Empire can be attacked without danger to all other parts; and the arrangement, as I think it is, is so made that if one portion of the British Empire is threatened with attack, all the other sections can move at a convenient time and to a convenient place. It is from that point of view that I say it is a fallacy to separate the defence of India from the defence of the British Empire. The whole thing is one homogeneous and linked system. If friends on the Opposition agree with me that it is essential that India must have this defence, what objection can they have to any measure, as this measure is, which will take steps to strengthen the defence organisation? Nobody can deny that it is not possible, in the daily routine of the Army Department, to recruit men if there is a consistent and persistent campaign carried on against the recruitment by certain interested people. Even under normal circumstances it would be the duty of the Defence Department to recruit men to the army. No doubt in the present circumstances of world conditions, it is essential to have greater

recruitment, and it is necessary, therefore, that all steps which are necessary for recruitment not being stopped should be taken. After all most Members have trotted out this theory, namely, that this measure is a coercive measure. I do not see anything of coercion in it. It does not force people to go and join the army : it only prevents people from making speeches dissuading those who are willing and ready to join the army ; and I know that there are many in my own part of the country who are ready and willing to join the army. It is to help such people that this Bill is brought forward and not to punish those who are interested in upsetting the.....

An Honourable Member : You belong to the martial classes ?

Rao Sahib N. Sivaraj : Some of us are. As a matter of fact, the first army I think which the Britishers formed in India came from Madras. As I was saying, I see nothing coercive here : it is merely a case of prevention of certain offences and prevention of certain coercive measures on the part of those who are interested in stopping recruitment to the army.....

Dr. G. V. Deshmukh : Is there any law like this in other parts of the Empire ?

Rao Sahib N. Sivaraj : Peculiar conditions require peculiar remedies.

Mr. N. M. Joshi : In England they make the conditions better !

Rao Sahib N. Sivaraj : It does not matter what the form of Government is. It is very rarely that any person, living in any country, ever opposes the strengthening of the defence organisation of that country. But it is in this country that we find that, whatever may be the reason, there is a certain section of people who are willing to destroy the defence organisation whatever its strength or efficiency.

There is another point on which I desire to draw the attention of Honourable Members of this House, that is, on the point that the British army is an army of occupation and is here only for the purposes of keeping Indians under slavery. It is difficult for any one to say at what exact point of time the British army can be said to be an army of occupation. Every army must necessarily happen to be an army of occupation, for certain purposes, as it must be an army for the purposes of defence in certain circumstances, and also as an organisation for the purpose of internal security. So that, the argument that it is only an army of British occupation does not appeal to me. In any case it is not just and fair to the authorities concerned for any Member of this House to throw any obstacle in the way of their attempts to make the defence organisation in this country better than what it is.

There have been many speeches made both on the facts of the case and on the law relating thereto : Honourable Members of the Government have already given convincing replies and I do not think I shall be able to add to them or make them better. I shall, however, make reference to just one or two remarks of my Honourable friend, the Deputy Leader of the Opposition. In the speech he made in support of his motion, he stated four points as far as I can remember : firstly, that the present criminal law of India is enough to cover all offences that are contemplated in the present Bill.....

Mr. S. Satyamurti : I did not say that.

Rao Sahib N. Sivaraj : I beg your pardon. At any rate, the Honourable the Law Member, in his speech, gave me the impression that the present law is not sufficient to cover a case of this kind and so it is necessary that a Bill like this should be introduced. The next point he made was that this will be a measure which will help the strengthening of the British Empire which, according to him, ought not to exist on the face of the earth.....

Mr. S. Satyamurti : British Imperialism.

Rao Sahib N. Sivaraj : because it supports British imperialism—quite right—and according to him the British Commonwealth of Nations stands for British Imperialism which again, according to him, means the economic exploitation of the world.....

Dr. G. V. Deshmukh : Not Commonwealth ; Empire.

Rao Sahib N. Sivaraj : Names do not matter as long as the institution is there and will continue to be there. He stated that it will be a happy day not only for India but for the rest of the world if the British Empire goes to pieces. Sir, I wonder how he imagines that either in the near future or later the British Empire can ever go to pieces.....

Seth Govind Das (Central Provinces Hindi Divisions : Non-Muhamadan) : We have the imagination, while you have none.

Rao Sahib N. Shivaraj : Sir, I know the British foreign policy.....

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot : Non-Muhamadan Rural) : Why do you bother about it ?

Rao Sahib N. Shivaraj : I know the British foreign policy that was adopted for some years has really undermined the strength of the British Empire. They were sincerely thinking of strengthening the League of Nations as an instrument of peace for the world, at any rate for the European countries, and so they did not re-arm themselves like other nations. In fact, they allowed other nations to re-arm themselves, I mean nations like Germany and Italy, so that they constituted a source of menace and danger to the whole world.....

Mr. S. Satyamurti : Did they allow Germany to re-arm herself ?
No.

Rao Sahib N. Shivaraj : Yes.

Mr. S. Satyamurti : Germany revolted !

Rao Sahib N. Shivaraj : While the British Government were honestly and sincerely thinking that they were strengthening the League of Nations, they were really allowing Germany and Italy to re-arm themselves quietly and without the knowledge of Britain. Then what happened ? We all know that when Italy one fine morning pounced upon Abyssinia, England was not honestly prepared to stop the Italian invasion of Abyssinia, because England was not prepared or ready to undertake the campaign. England allowed other nations to go too far and then the Britishers started on a vigorous campaign of defence and re-armament and they strengthened their naval and air forces, with the result that you find where Germany and Italy stand today.....

Mr. S. Satyamurti : A million men are being mobilised in Germany now.

Dr. G. V. Deshmukh : Germany has gone to Austria.

An Honourable Member : Why do you bother about these countries ?

Rao Sahib N. Shivaraj : We now quite clearly see that there is a definite change both on the part of Germany and Italy with regard to their general attitude towards the British Empire. As a matter of fact, in a fight between Germany and Czechoslovakia, we find that Lord Runciman goes there as an arbitrator. Nothing could be a greater tribute to the recovery of the.....

Mr. S. Satyamurti : What is he doing there ?

Dr. G. V. Deshmukh : He is not trusted either by the Czechs or the Germans.

Rao Sahib N. Shivaraj : Nothing could be a greater tribute to the strength of the British Empire and to the strength of character of the British people as these incidents show.

Then, Sir, the last point that my friend, Mr. Satyamurti, made in support of his amendment is that this Bill is a curtailment of civil liberties. I had never known that my friend, Mr. Satyamurti, at any time, could be a man with a double face. Indeed he happens to be so today. Here in Simla and in Delhi my friend talks of civil liberties of individuals, of the freedom of his country, of the freedom of speech and freedom of action for the individuals. Out there in Madras, Sir, my friend would punish the most harmless actions on the part of individuals when they think they are acting in the interests of their own liberty. Did not the Deputy Leader of the Opposition use that most contradictory phrase 'treason against democracy' when he said that it was treason against democracy for people to picket or to offer Satyagraha against a Government which has been elected, which consists of the representatives of the people ? And he would not be satisfied with the punishment that is provided for in the Criminal Law Amendment Act of 1932 and 1935, but he would go further and want that those people who commit the offence of picketing to stop the introduction of compulsory Hindi in Madras should be hanged practically.

Mr. S. Satyamurti : I never said that ; you are misrepresenting me.

Rao Sahib N. Shivaraj : This is what the papers said ; all the papers in Madras are yours, not mine. Can such a gentleman come here and tell this House that this Bill has got as its object the repression of people or the curtailment of liberties ? On the other hand, this Bill merely facilitates the easy recruitment of people for the army, but my friend says it is a repressive law. Sir, I am surprised at the way that people sometimes behave in one way in Madras and in another way in Simla. Moreover, my friend, Mr. Nairang, has given a very graphic, and indeed a very interesting story of what happens down in Madras. Sir, I am only talking of my province, I do not know anything of other provinces.....

An Honourable Member : For yourself ?

Rao Sahib N. Shivaraj : And for myself.....

Mr. Abdul Qaiyum : Sir, when I touched on the Punjab Government when I was speaking, I was stopped by the Chair with the remark that the Punjab Government ought not to be discussed. Can the Honourable Member now cast aspersions on the Madras Government ?

Rao Sahib Shivaraj : I am merely mentioning this to question the sincerity.....

Mr. S. Satyamurti : That is wholly out of order. I do not think the Honourable Member is entitled to do it. You must withdraw it.

Mr. S. Satyamurti and several Members of the Opposition : Withdraw, withdraw.

Rao Sahib N. Shivaraj : If I used the word 'sincerity' I withdraw it.

Mr. President (The Honourable Sir Abdur Rahim) : You cannot question the sincerity of others.

Mr. S. Satyamurti : Has he withdrawn that expression, Sir ?

Mr. C. M. G. Ogilvie : He has withdrawn it.

An Honourable Member : Yes, it is a conditional withdrawal.

Mr. S. Satyamurti : I want him to withdraw it, and not Mr. Ogilvie.

Rao Sahib N. Shivaraj : I have withdrawn it. I want to raise this question because I want to understand the strength or the force of the argument when my friends say that this law is a repressive law, while they say that the Criminal Law Amendment Act in Madras must be used and used very effectively and if possible graver punishment should be awarded.

The other point I would like to refer to in this connection is this. My friend said that it is a curtailment of civil liberties. I merely wish to ask him which of the seven or eight provinces, in which he constantly boasts of having congressmen in power and of having congressmen as Prime Ministers, have discarded those weapons in the armoury of the British administrator, against which my friend was carrying on such a terrific campaign before the Congress got into power ? Have they discarded section 144 ? Have they not used it in the Central Provinces ? Have they discarded the C. I. D. ? Don't they now prosecute people on the reports of the C. I. D. ? Have they dropped the Criminal Law Amendment Act ? No, Sir. On the other hand, they employ these measures more effectively and with less mercy, with less of justice and fairplay. That is the real position with regard to my friend's idea of civil liberty.

Sir, then the last ground on which he said he would oppose the introduction of this measure was that this measure was designed or calculated to punish people who really are interested in pacifism and who, as a result of their belief in their own philosophy, would naturally have to preach against recruitment to the army, and my friend imported into this consideration the theory of non-violence. As a matter of fact, I wish Mahatma Gandhi will succeed in his experiment of non-violence that he is carrying on. I would say that, if he succeeds, it will be one of the greatest boons that will have been conferred upon the world. But that experiment is possible and that experiment is being done under the cover of the British gun. It is the defence of the British army that has secured for Mahatma Gandhi the peace of mind and personal safety..... (*Cries of "Oh!" from Congress Benches*)...and for those of his followers to practice this principle of non-violence. I wish they will succeed and I should be very glad if they do, but if they do not and I expect they will not, what will be the position ? We shall be mercilessly exposed to people who are believers in violence. What does it matter to the tiger if the cow is non-violent ?

It makes the work easier for the tiger and my Honourable friends, the Members of the Muslim League, generally claim themselves to be tigers.

Mr. T. S. Avinashilingam Chettiar : I am content to be a cow.

Rao Sahib N. Shivaraj : My Honourable friend, Mr. Chettiar, from Coimbatore, says that he is content to be a cow. I will only ask him "Why change your sex?" Not on any of the points which my Honourable friend used in support of his amendment can he be said to have been on sure ground, but as a matter of fact, as I started by saying, he merely created a smokescreen with his battery of words and slogans to cloud the issue, the simple issue that has been brought forward in this House by a straightforward man in a straightforward manner. Sir, I oppose the amendment.

Mr. M. Thirumala Rao (East Godavari and West Godavari *cum* Kistna : Non-Muhammadan Rural) : Mr. President, I do not presume to stand up and reply to my friend Mr. Sivaraj's criticism, because he has discharged his duty most faithfully as his master's voice, and even if his convictions were otherwise, there is the discipline of a Nominated Member which he has got to obey. As regards this measure, in 1935, when Sir Henry Craik, the present Governor of the Punjab, was the Home Member, he moved for the amendment of the Criminal Law Amendment Act which had been passed in 1932 in the teeth of the opposition of this House. The Act was then about to expire and, in his speech, he specifically said that he had provided for the deletion of these two clauses which are now being sought to be re-imposed in the shape of this Bill. He said that since there was no civil disobedience then and since there was no fear of the army being tampered with, he had come with a liberal measure and asked for the support of the House only to meet any possible contingency of spreading disaffection among the people by Congress and other extreme journals. I do not know what new situation has arisen since 1935 to bring in this Bill, except that the British Empire is now faced with a crisis.

I do not believe that the fate of this country is indissolubly linked up with that of the British Empire. We have been hearing the speeches of the Defence Secretary whose manner substitutes more the matter of his speech. He collapsed in the middle of his argument on a point of order when he was challenged to produce the speeches on which he relied for his support of the Bill. I can understand the very provocative, cynical and patronising speech of the Honourable the Home Member who has been maintaining the traditions of the several Home Members in telling us to our face that the very thought of defending our country by ourselves is an abstract imaginary thing. After 150 years of British rule in this country he has got the cheek to say to this House that we are unfit to defend ourselves, after having reduced us to this impotence. I can very well reciprocate the feeling of patriotism of my Honourable friend, Sir Aubrey Metcalfe, when he deemed my friend, Mr. Abdul Qaiyum, as his enemy this morning. Hard words break no bones and everybody knows it. Merely because my friend, Mr. Abdul Qaiyum, expressed a few sentiments of patriotism yesterday my Honourable friend, the Foreign Secretary, deems him as an enemy. For 150 years these friends of ours have been emasculating our nation. For 150 years you have been exploiting us day in and day out, making us merely slaves in this country, and what

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should be our feelings towards you? The mere use of words of patriotism, words of hatred for British imperialism, has evoked so much anger that his face became red with indignation and he protested that he loved his Empire. We are here to tell him that we and the people behind us whom we represent—we love India first, we love India second and we love India last. We care a hang as to what happens to the British Empire. The Leader of the European Group is anxious to rehabilitate the dilapidated prestige of the British Empire, but what I cannot understand is this. The British Empire has come to such a pass now that it has to be propped up by four estimable gentlemen from the Government Benches opposite.

I cannot understand why in the evening of his life the Honourable the Law Member, who made a reputation at the Bar and the Bench, has come to support with his drooping shoulders this falling Empire. When he was giving us an exposition of his legal acumen, I was only sorry that his talents were being misused and might have been used for a better purpose and for a better cause. Now, my Honourable friend, Mr. Satyamurti, told us that the British Empire was like an old woman. Perhaps Mrs. Subbarayan was angry that her sex was being insulted. She was looking at him. But I take the odium on ourselves, men, and I say that this British Empire is like an old man who has joined the house of a widow with a large number of children as a managing agent of the estate and family. The old man has got grown up sons of his own. They have set up their separate families, they do not want to look at him, they have passed the Statute of Westminster and asked him to get out of their house. Then this old man comes to this house of an old widow who has been widowed of her freedom during the last 150 years and more and poses as the guardian angel of this family. I can understand the chagrin, the anger of this old man when the children of this family have also become majors and are questioning the authority of the old man to remain in the house any longer. They ask him to look to his own people, his own kith and kin who have been sent far and wide into this world to establish colonies and states and dominions. I can visualise an old man whose vision is lost—he sits in the house and goes on calling somebody or other and sending them on some petty errands. And the children in the house do not respond to him, he then gets angry and shouts. “I brought up these fellows. Now they are ungrateful. They do not listen to me.” That is the attitude of the British Empire today. There is no use of our Clive Street friends getting excited over the lost prestige of the British Empire. We do not want to be parties in rehabilitating the prestige of the British Empire. Take for instance Ireland. When the Irish treaty was finally wrung out of unwilling hands of the British statesmen, Mr. O’Kealy, an Irish member, said, “We gave a kick on the British buttocks.” Then, a very self-respecting Member of the Parliament raised this question in the House of Commons and said that a prominent member of the Irish Parliament had insulted England by saying this. The Prime Minister said, “Do not care for these things. We know how to manage.” There are a certain class of people who, the more you abuse them, will say, they are taking it in joke. It is like that. Again, Sir, with regard to Canada, you know we also have exported some brave Knights to the famous Ottawa delegation which was headed by Mr. Baldwin.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member must address himself to the Bill before the House.

Mr. M. Thirumala Rao : What I want to say is that the British Empire is practically dismembered in Canada, Africa, Australia and New Zealand and in all those parts which have got real cultural and racial ties with the homeland and what have we got in India ? What interest have we got in resuscitating the loss of prestige of this Empire ? That is the point I want to make. They call India the diadem of the Empire as the remaining vestige of British power. You want to recruit the army in this country for your own designs. That is the point I am making and I submit that I am not straying far from the Bill. It has been definitely said that the object of the Bill is to raise recruits who will take part in any war in which the British Empire may be engaged. I say that India has become the last prop of the British Empire for exploitation purposes. That is the point I want to make.

Mr. President (The Honourable Sir Abdur Rahim) : That is not the point before the House. The motion before the House is that the Bill be circulated.

Mr. M. Thirumala Rao : When my friends of the European Group want to convince the House that British prestige is as high as before, and, therefore, that we should be as loyal as ever, I want to convince the House that it is the other way about. Therefore, I request you to allow me to make this point.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member must speak to the Bill.

Mr. M. Thirumala Rao : I am opposing the consideration of this Bill and, therefore, I ask you to allow me to meet points that have been raised in the course of the debate.

Mr. President (The Honourable Sir Abdur Rahim) : The Bill is intended to penalise the activities of those who try to dissuade persons from enlisting.

Mr. S. Satyamurti : I submit that my friend's remarks are relevant in this way. You will find in the Statement of Objects and Reasons it is stated that the object of the Bill is to punish those who try to dissuade would-be recruits from taking part in any war in which the British Empire may become engaged, and any Member of the House is entitled to say that the House shall not allow recruits to enlist in the army for that purpose.

Mr. President (The Honourable Sir Abdur Rahim) : You cannot have a general discourse on the British Empire. So far as the British Empire comes in in connection with the recruitment to the Indian army, that is relevant and no further.

Mr. M. Thirumala Rao : Reference was made yesterday to the great part that has been played by Lord Halifax, the Foreign Secretary, as proof of the fact that the conduct of diplomacy by British statesmen is above reproach. Read the literature on Spain and you will find what game is being played and how the good name enjoyed by Lord Halifax as Lord Irwin has been shattered to pieces. There was a secret understanding between Italy and Spain and that understanding or treaty has

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not so far been published. They have hit upon a plan of non-intervention to close the Pyrenees to the Spanish Government and they are encouraging General Franco to make headway into the Spanish country and this only proves that the British Prime Minister and the British Foreign Minister have been playing a double game in telling the world that they are going to be absolutely just and do not want to interfere in the affairs of Spain, while they have been openly encouraging Franco to defeat the Spanish Republican Government. This amply proves that all is not well with British diplomacy. They are simply truckling to the bullying attitude of Mussolinis and Hitlers. They are not able to hold their own in Europe and when danger is threatening, they come to India for recruitment for the army and to gather thousands of people as cannon fodder on the fields of France, Italy and Germany as was done in the previous war.

Coming to the arguments of the Honourable Mr. Maxwell, I may tell him that we are not enamoured of the army as it is now constituted and manned and controlled. You have got an imperial purpose which you have not disguised in the Statute which you want this House to enact. The Congress wants a trained militia for this country. He himself has said that the United Provinces, Bihar and the Central Provinces Governments want to impart military drill to the students in the colleges and that Dr. Moonje has started a military college for imparting military training to the boys. All this amply proves that the Congress is not a made-up which does not understand the A. B. C. of defence of this country. Much has been said about violence and non-violence. I should like to deal with this a little later but I want to tell him that Congress has once and for all dissociated itself from all imperialistic designs. Yesterday my Honourable friend, Mr. Akhil Chandra Datta, referred to the Resolution of the Congress. I would like this House to understand the attitude of the Congress which is also the attitude of the people and still if you want to coerce people you will be playing a wrong game. This is the Resolution of the Congress :

“ The Congress has drawn repeated attention in the past to the danger of imperialist war and has declared that India can be no party to it. Since the last Session of the Congress the crisis has deepened and fascist aggression has increased, the fascist powers forming alliances and grouping themselves together for war with the intention of dominating Europe and the world and crushing political and social freedom. The Congress is fully conscious of the necessity of facing this world menace in co-operation with the progressive nations and peoples of the world, and especially with those peoples who are dominated over and exploited by imperialism and fascism. In the event of such a world war taking place, there is grave danger of Indian man-power and resources being utilised for the purposes of British imperialism, and it is therefore necessary for the Congress to warn the country again against this and prepare it to resist such exploitation of India and her people. No credits must be voted for such a war and voluntary subscriptions and war loans must not be supported and all other war preparations resisted.”

Government must have been well aware of this Resolution and anybody who preaches this Resolution and advises in terms of that Resolution will come within the clutches of this Bill. What I want to say is that if you want to have the co-operation of the people this is not the way. Your Penal Code was there and your Criminal Law Amendment Act was there but of what avail were they when the civil disobedience movement was started when lakhs of people were sent to jail ? You are going about the business in a wrong way. You well know what influence the Congress

carries with the people. Whose word will be listened to in the country—the word of the Government or the word of the Congress ?

As regards the creed of non-violence, the Congress is wedded in the peculiar circumstances of this country to the principle of non-violence. We are not ashamed of the creed of non-violence, simply because some friends have derided it. What I say is that the little modicum of power that has been achieved in seven provinces is a result of the practice of non-violence. I want to tell you how the British people have got a bitter experience of the Irish freedom movement. Well, if India were not non-violent, I may tell you at once that this non-violent non-co-operation would have taken a different shape and blood would have flown far more than it has done in Ireland. You may be very complacent that you have got your military forces, your aeroplanes and bombs to suppress the people. Well, you were within a stone's throw from Ireland, but what have you done, what could you do ? Sir, In the present development of modern warfare and modern communications India would not have been so helpless as you imagine her to be, but, Sir, India has deliberately chosen non-violence to fight its oppressors and it has achieved partial success. If you go and ask your cousins in the seven provinces who have been accustomed to enjoy power and position like you, your Civilian friends who are under the ministers of the provinces will tell you what the power of non-violence is, and, very shortly, God willing, by the very same power of non-violence the haughty Civilians in the Government of India will be shown their position. Then they will understand the power of non-violence and will never again talk in derision of non-violence. Sir, I do not want to take up the time of the House much. What I say is that we want an army of our own which is to be manned and trained by us. Sir, if Soviet Russia could develop an army after the revolution in 1917 within the last twenty years, which is the dread of all the world, I do not see any reason why India could not have an army of its own, trained, manned and developed on its own lines within the next fifteen years. Therefore, whatever you may think of the Congress and its non-violence, the Congress has never said either in its resolutions or its other proceedings that the defence of the country should be entirely eliminated and made to depend entirely on non-violence alone. With these words I want to tell the Government that they cannot force this lawless law upon us, they cannot coerce us. Sir, this is more or less like a restitution of conjugal rights. You cannot instil goodwill and mutual regard by legal processes. By the mere passing of this law, you cannot compel subordination and discipline in the army. People will take to underground propaganda and you will simply drive feeling in the country underground but you cannot control it by the force of arms and by your criminal legislation. Sir, one word and I have done. The outlook of the people is now completely changed. To illustrate what the attitude of the people today is I just want to read a small sentence from the manifesto published by the Irish Sinn Fein and I merely substitute the word "India" for "Ireland". It is as follows :

"India is faced with the question whether this generation wills it that she is to march out into the full sunlight of freedom, or is to remain in the shadow of a base imperialism that has brought and ever will bring in its train naught but evil for our race."

Sir, with these words, I support the motion for circulation and oppose the consideration of the Bill.

Maulvi Muhammad Abdul Ghani (Tirhut Division : Muhammadan) : Sir,* the summary of the speeches so far made, for and against the motion for circulation of the Criminal Law Amendment Bill, is that the occupants of the Congress Benches, who are accustomed to call themselves patriots, have appealed to the Members of the Muslim League Party in the name of Islamic countries of Palestine, Arabia, Mesopotamia, Egypt and Turkey, and said that if the army, when recruited, would be utilized for the destruction and dismemberment of these Islamic countries in the next war. On the other hand, Government Benches are appealing to us to realize that the present is a unique opportunity for the Indianisation of the Army. Representatives of the public too have been clamouring for the Indianization of the army. I think, therefore, that the passing of this Bill is necessary as it will prevent any activities that may be launched against recruitment and will be of benefit to the country.

Now, Sir, we have to see how far these appeals are justified. So far as the Congress Party is concerned, I shall put before the House a few matters which had happened after an interval of every seven years. These will prove how far the claim of the Congress Party that they are the real patriots of the country is correct and the world would be in a better position to judge whether the Congress or the Muslim League deserves that honour in the true sense of the word. This will also prove how far the decision of the Muslim League on the motion now before the House is correct.

Sir, when the last Great War broke out in 1914, it was this very **Gandhiji**, who, in spite of the fact that the late **Maulana Muhammad Ali** advised him otherwise, was busily engaged in helping the British Government with men and money and was touring the country-side, persuading people to enlist in the army. It was the result of those very activities of his that Indian forces were sent to Islamic countries and served to destroy or weaken them. This is how the Turkish Empire was shattered to pieces. Today, all of a sudden the Congress Members are appealing and warning us against that danger. They should rather be ashamed of this. I know which way the wind blows and what the result will eventually be of the negotiations that are being carried on at present with the British Government. The same move which had been made before by this votary of freedom, **Gandhiji**, is going to be taken recourse to again.

In 1921, when the country was fully prepared for civil disobedience and there was no question of reserving or safeguarding the rights of any community or class—for that was a time when the only question was that of bidding for freedom and liberating the country from the clutches of the British people,—did not this very **Gandhiji**, the holder aloft of the banner of freedom, stop it ? Can such a moment come again in the history of India for centuries to come ? Never.

Then, Sir, in 1928, this very leader of the Congress got the whole prestige of the country seriously compromised by means of the **Nehru Report** which raised the question of the distribution of rights of the various communities inhabiting India. Again, was it not **Gandhiji** who,

*The Honourable Member spoke in the vernacular.

under the pretence of wrecking that poisonous Act of 1935, which rightly deserved to be sunk deep in the British Channel and was forcibly injected into the veins of the people of this country, accepted it so soon to work it ? Did not this lover of freedom accept the late Mr. Ramsay MacDonald, the then Premier of England, as arbitrator on the issue of Communal Award and did he not give an undertaking in writing to abide by his decision on the 14th November, 1931 ? Did not the Muslims refuse to give such an undertaking ? I wonder what sort of patriotism all this could be which had taught him to depend upon the very British people who had paid for kindness with kicks on so many occasions and who, for the service done to them in 1914, had repaid the country in the shape of the Rowlatt Act.

Now, Sir, has not this very lover of freedom already decided to accept the " Federation " part of the Government of India Act with a few so-called amendments as a result of his last visit to His Excellency Lord Linlithgow at the Viceregal Lodge ? I have stated this a number of times before and repeat it again today on the floor of this House that the result of the talk in that Lodge will be out in 1942, and the slavery of the country shall have to be strengthened for centuries together. Was it not pure diplomacy that from 1921 to 1927 Gandhiji could not define " Swaraj " ? Sometimes he would define Swaraj as ruling the country with the co-operation of the Britishers, at others, as ruling the country by turning them out of India. At long last, in 1927, the Congress and Gandhiji, the be-all and the end-all of the Congress, sat in Madras and laid down a few superficial principles by which the Muslims seemed to retain the right of sacrificing cows everywhere excepting the vicinity of a temple, and the Hindus the right of playing music.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member must speak on the Bill.

Maulvi Muhammad Abdul Ghani : Sir, as some of the Honourable Members, while speaking on the Bill, appealed to us in the name of patriotism, I must ask the Members of the Muslim League Party not to be carried away by it. I shall express my views on the Bill presently.

Sir, is all what is going on in the Congress-governed Provinces of the United Provinces, Central Provinces, Madras, Orissa and Bihar, patriotism ? There the honour, life and property, religion and culture, education and social structure of the Muslims are in danger, and various devices are afoot to efface them. The Wardha Scheme of Education is just one such device, and every possible effort is being made to enforce it only to see that Muslims may not continue to be Muslims in the present sense of the word.

Mr. M. S. Aney : I am afraid, Sir, all this discussion is entirely beside the point.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member has been allowed to speak in Urdu and he must not take advantage of that and speak about matters which have nothing to do with the matter before the House. I know the Honourable Member understands enough English to understand these remarks.

Maulvi Muhammad Abdul Ghani : Sir, excuse me, but such observations have been made in this House which might lead one to think that Members of the Muslim League Party are opposed to the freedom of the country. The main object of the Opposition was only to blame the Muslim League Party, and, therefore, I had no other alternative but to refute them by giving certain instances of their so-called patriotism. I would here quote a few lines from an article by Gandhiji in the *Indian Nation* of Patna, dated the 5th March, 1937, as an illustration of whether he desires the freedom of the country or wishes to force the Hindu culture and civilization on all the communities of the country. This is from his own article :

“ This is being written on Bakr-id day—a day for rejoicing of Muslims and a day for the grief of Hindus—because their Mussalman brethren slaughter the cow for sacrifice though they know that the cow is an object of veneration and worship for Hindus.”

Mr. Abdul Qaiyum : On a point of order, Sir. So far, the Honourable speaker has not referred to the Bill at all.

Mr. President (The Honourable Sir Abdur Rahim) : If the Honourable Member has nothing to say on the Bill, he must resume his seat. He must address himself to the Bill.

Maulvi Muhammad Abdul Ghani : Sir, I am just coming to the Bill. These were just a few instances of the patriotism of one who is the leading standard bearer of the country's freedom. My Honourable friend, Mr. Abdul Qaiyum, need not feel upset by these examples.

Sir, the Government view in regard to this Bill is that it offers the best opportunity for the Indianization of the army. They have thought of the Indianization of the army just when the war clouds are gathering thick on the horizon. It never occurred to them before. Believe me, that between the two diplomats, the Congress and the Government, the position of us Muslims is indeed very distressing :

*“ Ek taraf hai sham'a raushan ek taraf hai mahru,
Is do taraf ag men kaise bachegi abru.”*

i.e., on one side is the candle burning ; on the other is the moon-faced. In this double blaze how will one's honour remain safe ?

Neither of the two, in the true sense of the word, wishes the country to be free. It is in today's news that Lord Lothian on landing at Bombay made a statement to the representatives of the Press to the effect that he would not disclose the talk on Federation between Lord Linlithgow and Pandit Jawahar Lal Nehru. Look at these secret parleys ; think of this unholy alliance with the British and all that all talk of patriotism on top of this.

They say that this Bill is detrimental to public interests. Then, the Bill should be treated only in two ways. It should either be rejected or so amended as to be devoid of all poisonous effect. This object will not be achieved by circulating the Bill for public opinion. Hence, when amendments are moved, care should be taken to ensure that the Bill is made as harmless as possible.

Sir, there is no doubt about the fact that the Bill is a novel one. In the case of the Bills hitherto moved, the principle generally has been to throw the onus of proof on to the plaintiff ; but, in the case of this Bill,

the onus is thrown on the defendant. The word "dissuade" is very elastic, and every utterance can be stretched to mean it. The wording of the *Explanation* too is anything but satisfactory, and no definition has been made of the term "good faith". No remedy has been prescribed for the defendant to prove his innocence. The Honourable Mr. Ogilvie has, it seems, drawn on military strength even in the matter of pure legislation; all these doubts require to be removed. There are provisos which empower Provincial Governments to declare the enforcement of this Bill whenever they like. If they think otherwise, the law would not be enforced. Today, as many as seven provinces are stated to be governed by the Congress. The Congress, therefore, need not fear that they would suffer if the Bill is enforced. It is the provinces of the North-West Frontier, the United Provinces, the Punjab, Madras and Bihar from where recruits come. Of these provinces, that of the Punjab is the only province which is not under the influence of the Congress, but in the remaining Congress provinces the Members in the Assemblies are in a majority and have been returned by the Congress and are answerable to them.

A certain Honourable friend has hinted that we had better take care of Muslims. May I ask him to desist from making such insinuations? The Muslims here are wide-awake. Our friends should bid good-bye to the idea that as Muslims were wiped out from Spain, they would also be wiped out here in India. The Congress are doomed to be disappointed if they harbour any such idea. In Spain, the Muslims themselves were the cause of their extinction. Today the Congress have created a few Mir Jafars in India, but Muslims know them thoroughly well. We are not afraid of that movement of Muslim mass-contact. All that would be to our good. The Muslims are fully aware of the mentality of their Hindu brethren. They know how Hindus have treated the untouchables and the depressed classes who professed to belong to the Hindu fold. The Muslims can never fall into the snare set by the Congress. The way is clear. Come with an open heart and you will find us with you. I might as well warn the British that negotiating secretly with the Hindus will not do. The Muslims in India are a separate and distinct community and cannot be ignored. An Honourable friend of mine says: "Let the Bill be circulated for public opinion. It will do good." But I say that if in the opinion of the Congress Party there are real defects in the Bill, then why not try to remove them here? Let the Bill be rejected; but I am not in favour of the Bill being circulated for public opinion as I feel that in that event Congress would have greater chances of interfering with the Bill. I know:

*"Chin ba khalwat mi rawand,
An kare digar mi kunand."*

i.e., when they get into the secret parlour, they do something else.

Sir, my Honourable friend, Syed Ghulam Bhik Nairang, has just told us that when a similar motion was made by a Member of the Madras Assembly, the Premier there opposed it and made every effort to let the law stand untouched. What are these tactics? What kind of patriotism is this? One particular principle which is acceptable in one place is considered worthy of being rejected in another. I have noticed at times that when His Excellency the Viceroy pays a visit to this House, the Congress Party stage a walk-out to indicate their displeasure; but when Governors

[Maulvi Muhammad Abdul Ghani.]

pay their visits to Provincial Assemblies, the Members offer almost to touch their feet. Is this consistency? God save the Muslims from adopting such policy.

Ours, Sir, is a vast country. One can just imagine how large an army is required to defend this country, especially when Japan on the one hand, and Russia on the other, are waiting for an opportunity to pounce upon India. Let my Congress friends allow a further recruitment of the Indian army. There is nothing in this Bill to show that this army is to be recruited for service outside India. It will be open to them to decide that issue when such a contingency arises and save their country. If then one is liable to be punished for uttering anything against the Bill, it won't matter. How many voices will the British Government be able to suppress by inflicting punishment? We want genuine patriotism. What happened during 1920-21? The country as a whole raised its head as much as Government tried to suppress it. The Muslims too took their proper share in the struggle. They were not behind any one in serving the cause of their country and will not be found wanting in any way even now. With these views, Sir, I now close my speech.

Mr. President (The Honourable Sir Abdur Rahim) : It has been
5 P.M. represented to me by the Leader of the Congress Party as well as by the Leader of the Nationalist Party that tomorrow is the real *Janmashtami* day which is an important Hindu festival, in connection with which I understand many Hindu Members may have to fast. The official calendar, however, shows that *Janmashtami* was to be on Friday, and I understand that there is some difference among the astronomers on this point. At any rate there are Members who are going to observe *Janmashtami* tomorrow, and I also understand that the Honourable the Leader of the House has no objection to there being no sitting of the Assembly tomorrow. I further understand that it will not suit many Honourable Members, including Government Members, to sit on Friday. The result is that there is, I understand, a general agreement that the House should be adjourned till next Monday.

The Assembly then adjourned till Eleven of the Clock on Monday, the 22nd August, 1938.