

Monday, 15th February, 1943

# COUNCIL OF STATE DEBATES

(OFFICIAL REPORT)

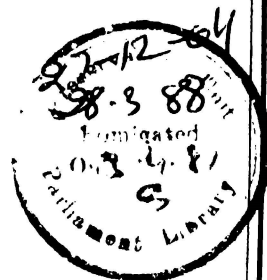
VOLUME I, 1943

*(15th February to 3rd April, 1943)*

## THIRTEENTH SESSION

OF THE

# FOURTH COUNCIL OF STATE, 1943



PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI  
PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, NEW DELHI  
1943

# INDEX

PAGE(No).	PAGE
<b>Monday, 15th February, 1943—</b>	
Members Sworn . . . . .	1
Questions and Answers . . . . .	1—9
Notices of Motions for Adjournment	9—13
Statements, etc., laid on the table	13—22
Messages from His Excellency the Governor General . . . . .	22
Committee on Petitions . . . . .	22—23
Congratulations to His Excellency the Commander-in-Chief on his promo- tion to Field Marshal . . . . .	23
Governor General's Assent to Bills . . . . .	23
Standing Committee for the Depart- ment of Information and Broad- casting . . . . .	23—25
Death of Sir Muhammad Yakub . . . . .	25—26
Presentation of the Railway Budget for 1943-44 . . . . .	26—31
Motion for Adjournment <i>re</i> Uncon- ditional release of Mr. Gandhi . . . . .	31—46
<b>Tuesday, 16th February, 1943—</b>	
Questions and Answers . . . . .	47—50
Notice of Motion for Adjournment . . . . .	50
Allotment of quarters to Members of the Council of State . . . . .	51—52
Resolution <i>re</i> Excess Profits Tax Act, 1940—Negatived . . . . .	52—59
Resolution <i>re</i> Co-ordinated policy in respect of wheat and other food- stuffs— <i>To be continued</i> . . . . .	59—76
Resolution <i>re</i> Ordinances promulgated since the outbreak of war—Moved . . . . .	76—77
Motion for Adjournment <i>re</i> Restric- tions imposed on the <i>Hindustan</i> <i>Times</i> —Negatived . . . . .	77—85
Appendix . . . . .	86
<b>Monday, 22nd February, 1943—</b>	
Protest by the Progressive Party against the policy of Government in connection with the fast of Mr. Gandhi . . . . .	87
Questions and Answers . . . . .	87—104
Information promised in reply to questions laid on the table . . . . .	104
Statements, etc., laid on the table . . . . .	115
Bills passed by the Legislative As- sembly . . . . .	115
Delhi Muslim Wakfs Bill—Presenta- tion of the Report of the Joint Committee . . . . .	116
Code of Criminal Procedure (Amend- ment) Bill—Petition laid on the table . . . . .	116
Statement <i>re</i> Quarters for members of the Council of State . . . . .	116
Standing Committee for the Depart- ment of Supply . . . . .	116
General Discussion of the Railway Budget, 1943-44 . . . . .	117—135
Standing Committee for the Depart- ment of Information and Broad- casting . . . . .	135
Death of Sir James Taylor . . . . .	135—136
<b>Wednesday, 24th February, 1943—</b>	
Members Sworn . . . . .	137
Questions and Answers . . . . .	137—141
Resolution <i>re</i> Co-ordinated policy in respect of wheat and other food- stuffs— <i>contd.</i> —Adopted . . . . .	141—143
Resolution <i>re</i> Number of Ordinances promulgated since the outbreak of war— <i>contd.</i> —Withdrawn . . . . .	148—159
<b>Wednesday, 24th February, 1943—contd.</b>	
Resolution <i>re</i> Foodstuffs—Moved . . . . .	159—1
Resolution <i>re</i> Vesting of control over Governors of Provinces in the Governor General in Council— Negatived . . . . .	160—1
<b>Saturday, 27th February, 1943—</b>	
Bills passed by the Legislative Assembly laid on the table . . . . .	1
Presentation of the General Budget for 1943-44 . . . . .	175—11
<b>Tuesday, 2nd March, 1943—</b>	
Member Sworn . . . . .	1
Questions and Answers . . . . .	193—2
Notice of Motion for Adjournment . . . . .	2
Resolution <i>re</i> Foodstuffs—Negatived . . . . .	204—2
Resolution <i>re</i> Sterling resources and expansion of currency—Adjourned . . . . .	231—2
Statement of Business . . . . .	24
<b>Saturday, 6th March, 1943—</b>	
Questions and Answers . . . . .	237—24
Statements, etc., laid on the table . . . . .	243—24
Bills passed by the Legislative Assem- bly laid on the table . . . . .	24
General Discussion of the General Budget for 1943—44 . . . . .	245—24
&	
261—27	
Standing Committee for the Depart- ment of Supply . . . . .	24
<b>Wednesday, 10th March, 1943—</b>	
Questions and Answers . . . . .	277—24
Resolution <i>re</i> Sterling resources and expansion of currency— <i>contd.</i> — Adopted . . . . .	286—34
Indian Income-tax (Amendment) Bill— Introduced . . . . .	34
Resolution <i>re</i> Rationing of paper— Withdrawn . . . . .	303—34
<b>Thursday, 11th March, 1943—</b>	
Statements, etc., laid on the table . . . . .	33
Standing Committee for Roads, 1943-44 . . . . .	3
Central Advisory Council for Railways . . . . .	3
Motor Vehicles (Amendment) Bill— Considered and passed . . . . .	316—3
Government Savings Banks (Amend- ment) Bill—Considered and passed . . . . .	3
Indian Railways (Amendment) Bill— Considered and passed . . . . .	316—3
Aligarh Muslim University (Amend- ment) Bill—Considered and passed . . . . .	3
Code of Civil Procedure (Amend- ment) Bill—Considered and passed . . . . .	3
Indian Penal Code (Amendment) Bill—Considered and passed . . . . .	320—3
Coffee Market Expansion (Amend- ment) Bill—Considered and passed . . . . .	3
Delhi Muslim Wakfs Bill—Considered and passed as amended . . . . .	325—35
Statement of Business . . . . .	31
<b>Saturday, 20th March, 1943—</b>	
Bills passed by the Legislative Assembly laid on the table . . . . .	32
Statement of Business . . . . .	32
<b>Wednesday, 24th March, 1943—</b>	
Members Sworn . . . . .	33
Questions and Answers . . . . .	331—34
Code of Criminal Procedure (Amend- ment) Bill—Presentation of the Report of the Committee on Petitions . . . . .	34

THE  
**COUNCIL OF STATE DEBATES**  
(OFFICIAL REPORT OF THE THIRTEENTH SESSION OF THE FOURTH  
COUNCIL OF STATE)

VOLUME I—1943

**COUNCIL OF STATE**

Mad  
the

*Monday, 15th February, 1943.*

The Council met in the Council Chamber of the Council House in New Delhi at Eleven of the Clock, being the First Day of the Thirteenth Session of the Fourth Council of State, pursuant to section 63 (D) (2) of the Government of India Act. The Honourable the President, (the Honourable Sir Maneckji Byramji Dadabhoy, I.C.S.I., K.C.I.E., Bar.-at-Law), was in the Chair.

**MEMBERS SWORN :**

- The Honourable Mr. K. V. K. Sundaram (Nominated Official).
- The Honourable Mr. E. Conran-Smith (Home Secretary).
- The Honourable Mr. G. S. Bozman (Indians Overseas Secretary).
- The Honourable Mr. N. R. Pillai (Commerce Secretary).
- The Honourable Sir Leonard Wilson (Chief Commissioner for Railways).
- The Honourable Mr. B. G. Holdsworth (Food Secretary).

**QUESTIONS AND ANSWERS.**

**EXPLOITS OF INDIAN TROOPS.**

1. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH: Will Government make a statement regarding the achievements of the Indian troops in the different theatres of war, subsequent to the statement made on the floor of this House in reply to a question of mine in the last session?

GENERAL THE HONOURABLE SIR ALAN HARTLEY: I do not propose to describe the revolutionary change in the war situation as a whole which has taken place since I answered the Honourable Member's last question on this subject on September 21st, 1942. Events have spoken for themselves; and Honourable Members are well aware of the operations which lifted us from the dark days of last autumn to the brightest New Year the United Nations have had since 1939.

The unsurpassed Russian victories from Leningrad in the North to Stalingrad and the Caucasus in the South, the final triumph of the 8th Army in its drive from El Alamein to Tunisia, a distance almost as great as the whole length of the Russian front, the successful landing of an Anglo-American Expeditionary Force in French North Africa and the successes achieved on land, sea and in the air by United States and Australian forces in the South West Pacific, have all contributed to the new and promising situation in which we now find ourselves. So also has the increasing air offensive maintained by the R.A.F. and the U.S.A.A.F. against the enemy in occupied Burma, Siam and China.

The meeting of the President of the United States and the British Prime Minister together with the sea, land and air Chiefs of Staff of the two countries at Casablanca, followed as it was by further conferences in Cairo, in Turkey, in India and in Chungking, is symptomatic of the firm intention of the United Nations, having seized the initiative, to maintain the impetus of attack.

India's fighting forces have not been so directly involved in these developments as in previous phases of the war, or as they will be in operations to come. In North Africa, where Indian units played so large a part in the destruction of Italian power and resistance to German efforts, the veteran Indian Divisions had throughout

*N. B.*—Questions against the Hon. Raja Yuveraj Dutta Singh were put by the Hon. P. N. Saprú and questions against the Hon. Rai Bahadur Lala Ram Saran Das by the Hon. Pandit Hirday Nath Kunzru.

almost two years of continuous fighting in Egypt, the Sudan, Eritrea, Abyssinia and again in the Western Desert and Cyrenaica, suffered a progressive although, until the defeat of last June, relatively small, number of casualties. Both the 4th and 5th Indian Divisions did have a certain amount of respite in the weeks previous to the attack launched by General Montgomery last October; but the 5th Indian Infantry Brigade for example, which as a unit has perhaps seen more fighting than any other of the Indian Divisions, remained on the Ruweisat Ridge which it had held so aggressively against all Rommel could do in June and July.

The famous 4th Indian Division held a section of the El Alamein front with the 5th and 7th Indian Brigades last October. Honourable Members will recollect that the other Brigade of this famous Division, *i.e.*, the 11th had unhappily been overwhelmed at Tobruk. The two remaining Brigades had received reliefs in the shape of one or two new battalions and many reinforcements which were naturally by no means as well trained or as experienced in desert warfare as their predecessors. Therefore too heavy a burden of the major initial onslaught was not imposed on them.

As Honourable Members are aware our attack at El Alamein was one more of steel and high explosive than of human material. An artillery barrage of proportions unprecedented in desert warfare, and supported by an aerial bombardment no less tremendous, preceded the advance of the infantry against Rommel's lines. In the result, when the Infantry of the 4th Indian Division advanced to support the 51st Highland Division in the main attack, to drive a wedge through the enemy's fortifications, they found German and Italian alike almost stunned by the weight of the bombardment. The 5th Indian Brigade, pushing forward on the night of November 3rd/4th actually went through to a depth of five miles and took a large number of prisoners but met with little serious opposition. The total Indian casualties in the Western Desert in the period between October 23rd and October 29th were 5 killed, 51 wounded and 21 missing.

Subsequently these Indian units spent a few weeks gathering in prisoners and immense quantities of booty left behind by Rommel's fleeing Armies, while General Montgomery's tanks and light mobile forces drove through in hot pursuit. Mention must, I think, be made here also of the part played by the R.I.A.S.C. and Transport Companies in the great bid to maintain the maximum of supplies forward to the forces driving towards Tripoli. It was gratifying to liberate at Mersa Matruh, Tobruk and Tripoli and other places several hundred Indian and Gurkha soldiers who had been retained there by the enemy as labourers, and many of whom incidentally had indulged in some highly successful sabotage of enemy supplies.

Whether or not enemy resistance in Tunisia is going to be such as to call for a further heavy concentration forward of Infantry by the 8th Army and therefore for a final participation of Indian units in the North African Campaign remains to be seen. But the record of the 4th and 5th Indian Divisions, the 3rd Indian Motor Brigade and others, in the war in Africa as a whole has been outstanding and one for which India, the Empire and the United Nations have reason to be grateful. Throughout nearly two and a half years of active service in the Middle East the 4th Indian Division has suffered some 15,000 casualties, but has captured over 100,000 Italian and German prisoners and has accounted for numerous enemy tanks and aircraft.

Before turning to our own immediate war front in the East, mention should I think also be made of the Indian units faithfully helping to garrison other parts of the Middle East from Eritrea to Cyprus and forming a large proportion of the forces under General Wilson in the Persia-Iraq Command. The assurance given our Russian Allies and our friend Turkey by the presence of the Indo-British Army to the North and West of the Persian Gulf has been at once an encouragement to the Soviet and a concern to our enemies. Moreover, Indian skill and labour has played a major part in building up the vital line of communications and supply to Russia from the Persian Gulf.

As regards the Burma front and our war against Japan we can, I think, claim to have learned our lesson and to appreciate that we cannot underestimate the Japanese or take unnecessary and quixotic risks in prosecuting the war against them. Our

troops, as Honourable Members know, have been active on the frontier from the Chhindwin Valley to the Arakan Coast. The problems of fighting and still more of supply in that wholly undeveloped and wild jungle country remain as formidable as ever and our enemy is finding it equally difficult, despite his advantage of being *in situ*. Nevertheless, along the whole line our Eastern Army has pushed forward into Burma, while our guerillas and patrols penetrate deeper into enemy occupied territory. In the minor actions in which we have so far been engaged our troops, British and Indian, have already shown that they have profited by the lessons of the Malayan and Burma Campaigns and by the consequent adjustments in training that have followed. The Indian soldier is today showing himself as astute a jungle fighter as the Japanese themselves and is harrying the enemy with considerable success.

To put it briefly, we are quietly feeling our way. We learnt by bitter experience Japanese offensive tactics in the peculiar terrain of Malaya and Burma; we are now appreciating the situation as to how best to deal with their suicide methods of defence.

It is unnecessary at this stage of the war to emphasise the importance of enabling the Merchant Service to carry on its work in safety. During the period under review the Royal Indian Navy has been constantly engaged in convoying merchant vessels, patrolling and mine-sweeping. The merchant tonnage that it has conducted in security between ports reaches a large total.

Although the escorting of merchantmen forms so important a part of the Navy's work, it does not, from its nature, often figure in the day's news. The gallant action fought by H.M.I.S. "Bengal" in company with the Dutch tanker "Ondina" three months ago served however as a reminder of the responsible role played by H.M.I. ships employed on these duties. Not only is convoy work carried out in the seas around India; H.M.I. vessels built in the United Kingdom have also, in the course of their first voyages to the East, assisted in escorting merchantmen from Europe. It was recently made public that during the whole of 1942 H.M.I. ships steamed 383,150 miles on escort duties and another 237,220 on anti-submarine patrols. The growth of the fleet enables the navy to perform these tasks on a constantly increasing scale.

An opportunity of co-operating again with our troops in Burma has been given to the Navy in consequence of the present operations in the Arakan area. H.M.I. vessels did good work last year off the Burma coast and are rendering assistance in this latest phase. There have already been encounters with the enemy. In one of these a Japanese coastal craft was rammed and sunk, at least 50 of the enemy perishing, while earlier the same night an enemy launch was driven ashore.

The Indian Air Force has not again been in action against the Japanese since the campaign in Burma because it is busily expanding and training with the most modern types of fighter and bomber aircraft. But, subject to the continued success of the present recruiting campaign, the weight of India's own growing Air Force will soon be felt together with the R.A.F. and the Americans on the Burma front.

#### INCREASE IN SLAUGHTER OF CATTLE.

2. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH: Have Government received any communication from the Southern India Chamber of Commerce to the effect that there has been a considerable increase in the slaughter of cattle in India in recent months, which acts as a great handicap to the campaign for increased food supply in the country, and to the propaganda for increased milk production, inaugurated by H. E. the Viceroy? What is the cause of the increase in the slaughter of cattle in recent months; and what steps have Government taken, or propose to take in this matter?

THE HONOURABLE SIR JOGENDRA SINGH: Government have received the communication referred to by the Honourable Member.

Outside the requirements of the Defence Services the Government of India are not aware of any increase in the slaughter of cattle. The increase for Defence requirements is due to the presence in the country of a large number of troops and prisoners of war who require beef.

As regards the requirements of the Defence Services, the Government of India have ordered that cows in milk and pregnant cows should not be accepted for slaughter and they have also issued instructions that in all future contracts for the supply of beef a clause should be inserted to the effect that working cattle used for transportation should not be accepted and should not be tendered for inspection. Persons who had the contracts at the time of the issue of these orders have been requested to comply with this restriction.

#### REGISTRATION IN BRITISH INDIA OF EVACUATED COMPANIES.

3. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH: Is it a fact that companies incorporated in any Dominion, British Burma, or in any Colony, British Protectorate, or mandated territory, have been authorized to be removed to British India, and treated for all purposes as if they were companies incorporated under the Indian Companies Act? How many of the companies have been incorporated in India since the outbreak of the war, and from what countries?

THE HONOURABLE MR. N. R. PILLAI: The attention of the Honourable Member is invited to the provisions of the Registration of Transferred Companies Ordinance, 1942, and the Rules made thereunder.

Power to register companies under the Ordinance has been delegated to Provincial Governments, and the Government of India have not yet received information as to the number of companies so registered.

THE HONOURABLE MR. HOSSAIN IMAM: Do the Government of India propose to get such information?

THE HONOURABLE MR. N. R. PILLAI: Yes, Sir.

#### INDIAN SEAMEN IN THE BRITISH MERCANTILE MARINE.

4. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH: Will Government state approximately the number of Indian seamen in the British mercantile marine before the outbreak of the war, and their number at present?

THE HONOURABLE MR. N. R. PILLAI: The number of Indian seamen in the British Mercantile Marine before the outbreak of war was approximately 45,000 and the number at present about 59,000.

#### NUMBER OF KAZAKS IN INDIA.

5. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH: Will Government make a statement relating to the number of Kazaks who are now in India, where they have been allowed to settle and the conditions of settlement, together with the amount of expenditure incurred by Government on them?

THE HONOURABLE MR. C. M. G. OGILVIE: The number of Kazaks in India is about 2,000. They are at present encamped near the village of Tarnawa in the Hazara district, about seven miles to the north east of Taxila railway station. They are maintained at Government expense and the cost of maintenance for the period 4th May, 1942 to the 3rd February, 1943 was estimated to be Rs. 2,37,886-3-3.

It is proposed to remove these Kazaks, as soon as possible to suitable areas, where they can settle down and work for their living.

THE HONOURABLE MR. HOSSAIN IMAM: Has any arrangement been made for their permanent settlement anywhere?

THE HONOURABLE MR. C. M. G. OGILVIE: Not yet.

THE HONOURABLE MR. HOSSAIN IMAM: Is it a fact that some Indian States have offered asylum to them?

THE HONOURABLE MR. C. M. G. OGILVIE: Yes, Sir. Two Indian States have made preliminary offers which are in process of being examined.

THE HONOURABLE MR. HOSSAIN IMAM: May we know the names of those States?

THE HONOURABLE MR. C. M. G. OGILVIE: Hyderabad and Bhopal.

#### INCOME-TAX LEVIED ON ARMY OFFICERS OF THE U. S. A., ETC.

6. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH: Will Government state the effect of the Indian rate of income-tax on army officers from abroad serving in this country? Are they subject to the same rate under the Indian Income-tax Act as others? If not, what is the difference?

**THE HONOURABLE MR. C. E. JONES :** British Indian income-tax is, in view of the smallness of the amount involved and on reciprocal grounds, not levied on army officers from the United States of America and the Dominions. All other army officers, however, serving in India, save those who are in transit or who are here for only very brief periods, pay tax at the full prescribed rates according as they are resident, ordinarily resident or non-resident in British India.

**THE HONOURABLE MR. HOSSAIN IMAM :** May we know, Sir, whether the Chinese army officers in India are taxed or not ?

**THE HONOURABLE MR. C. E. JONES :** I do not think that question has arisen, Sir.

**THE HONOURABLE MR. HOSSAIN IMAM :** There is a large number of Chinese army officers residing in Ranchi district.

**THE HONOURABLE MR. C. E. JONES :** I had not anticipated this supplementary question and I am not in a position to give a specific answer, but I will inform the Honourable Member privately if he so wishes.

**PUBLICITY GIVEN BY THE SUB-POSTMASTER, NASHIPUR RAJBATI, TO THE MUNICIPAL ELECTORAL ROLL OF THE MURSHIDABAD MUNICIPALITY.**

**7. THE HONOURABLE KUMAR NRIPENDRA NARAYAN SINHA :** (a) Will Government state whether it is a fact that the Sub-Postmaster, Nashipur Rajbati in Bengal had published the Municipal Electoral Roll of the Murshidabad Municipality; if so, was he authorised by the Postal authorities to do so ?

(b) Is it a fact that the Sub-Postmaster of Nashipur Rajbati had been instructed to do so in writing by the Vice Chairman of the Murshidabad Municipality; if so, will Government lay on the table a copy of such instruction ?

**THE HONOURABLE SIR MAHOMED USMAN :** (a) and (b). The Sub-Postmaster, Nashipur Rajbati, received a letter from the Vice-Chairman, Murshidabad Municipality, requesting that the copy of the Preliminary Electoral Roll of the Murshidabad Municipality be hung on the notice board or at some conspicuous place and to see, if possible, that it is not taken away by anybody. A copy of the letter is laid on the table. The Sub-Postmaster complied with the request of the Vice-Chairman without obtaining permission to do so from the higher authorities.

**THE HONOURABLE MR. HOSSAIN IMAM :** Is it necessary for the permission of the higher authorities to be received for this purpose ?

**THE HONOURABLE SIR MAHOMED USMAN :** Certainly.

*Copy of a communication No. 4-M., dated 11th October, 1942, from the Vice-Chairman, Murshidabad Municipality, to the Sub-Postmaster, Nashipur Rajbati P. O*

A copy of the Preliminary Electoral Roll of the Murshidabad Municipality for the General Election to be held on 16th March, 1943 being published at Nashipur Rajbati post office. Kindly have that list hung on the Notice Board or at some conspicuous place and see if possible it may not be taken away by anybody.

**EXPENDITURE ON THE BURMA CAMPAIGN.**

**8. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS :** Will Government state whether the Government of India, at the instance of the Secretary of State, is bearing all expenses in connection with the reconquest of Burma; if so, why ?

**THE HONOURABLE MR. C. E. JONES :** The Honourable Member's attention is invited to the reply given by the Honourable the Finance Member to Mr. Neogy's question No. 48 on the 21st September, 1942, in the Legislative Assembly.

**THE HONOURABLE MR. P. N. SAPRU :** This is a very unsatisfactory way of answering the question because we cannot put any supplementary question. We have not Mr. Neogy's question and the reply thereto before us.

**THE HONOURABLE THE PRESIDENT :** I may tell the Honourable Member that it is the usual practice in this House to refer to questions in the Legislative Assembly put in the past, and when you are putting a question, you are supposed to know that similar questions have been asked in this very House or in the other House in connection with that matter.

**THE HONOURABLE MR. HOSSAIN IMAM :** May I put a supplementary question, Sir. Are the expenses of the Arakan Army being borne by His Majesty's Government or by the Government of India ?

**THE HONOURABLE MR. C. E. JONES :** That, Sir, falls within the scope of this question and the same answer applies. If the Honourable the President has no objection, I will read the answer given to Mr. Neogy.

**THE HONOURABLE THE PRESIDENT :** Yes.

**THE HONOURABLE MR. C. E. JONES :** The answer, which has been given to an identical question, which covers this point is :—

“ No part of the expenditure on the employment of Indian troops in the Far East and Burma is debited to Indian revenues ”. I would remind the Honourable Member who has put this supplementary question that Arakan is a part of Burma.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** Does this also relate to the pay of the troops that are employed in the campaign in Burma at the present time ?

**THE HONOURABLE MR. C. E. JONES :** Mr. President, the principles of this financial settlement have been discussed threadbare on the floor of this House during the last three Budget sessions. They are well known to every Honourable Member of this House. As regards the application of the settlement in this particular case, certain specific questions have been asked to clear the position and specific answers have been given, and I see no point in repeating the same questions and repeating the same answers to make certain a point which Government have already made perfectly clear. The answer that I have already given says that no part of the expenditure on the employment of Indian troops in Burma is debited to Indian revenues. I do not know, Sir, how I can put the matter more clearly than that.

**THE HONOURABLE THE PRESIDENT :** I may mention that any Honourable Member is entitled at the next session to put a similar question and the Government Member in charge can refer him to the previous answers given by him.

#### PUBLIC DEBT OF INDIA.

9. **THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS :** Will Government state whether the public debt of the Government of India has been allocated among the various provinces; if so, what is the basis of the allocation and the share of each province ?

**THE HONOURABLE MR. C. E. JONES :** The answer to the first part of the question is in the negative; the second part of the question does not, therefore, arise.

#### WITHHOLDING OF CERTAIN TELEGRAMS FROM SIR VIJAYA OF VIZIANAGRAM TO PRESIDENT ROOSEVELT

10. **THE HONOURABLE MR. P. N. SAPRU :** Will Government state :—

(a) whether two pre-paid cablegrams were received from Maharaj Kumar Sir Vijaya of Vizianagram by the telegraph authorities for being despatched to President Roosevelt one bearing No. 1, dated 12th April, 1941, of the Benares Head Post Office and the other bearing No. NCRB30/19th August, 1942, of the Madras Central Telegraph Office;

(b) whether a sum of Rs. 240 was collected by the telegraph authorities in respect of the first cablegram and Rs. 115-10-0 in respect of the second cablegram;

(c) whether these cablegrams were ever despatched to President Roosevelt and if not, why not;

(d) whether these cablegrams related to the political deadlock in India and requested President Roosevelt to use his influence in seeing that it was settled in such a manner as to ensure the wholehearted co-operation of the country as a free partner of the United Nations to fight the Axis menace;

(e) whether the Maharaj Kumar was ever informed that the two reply-paid cables had never been sent to President Roosevelt and the amounts paid by him for the cablegrams refunded to him, if not, why not; and

(f) whether open letters were addressed by the Maharaj Kumar of Vizianagram to all the ten Indian Members of the Viceroy's Executive Council on the 19th of August, 1942, requesting their intervention to see that the second cablegram was duly sent to President Roosevelt? Whether replies have been sent by the members to the Maharaj Kumar and if so, what is the nature of the replies ?



**THE HONOURABLE MR. E. CONRAN-SMITH :** (a) to (e). I regret that no information can be given regarding telegrams stopped, delayed or otherwise dealt with in the course of censorship.

(f) The Government of India have seen in the Press an open letter from Sir Vijaya of Vizianagram on the subject but I am not aware what replies, if any, were sent to that letter.

**THE HONOURABLE MR. P. N. SAPRU :** Part (f) of the question asks whether open letters were addressed by the Maharaj Kumar of Vizianagram to ten Indian Members of the Viceroy's Executive Council on the 19th of August, 1942. May I ask, Sir, if these letters were received by the then Indian Members of the Executive Council? Have they any answer to give?

**THE HONOURABLE MR. E. CONRAN-SMITH :** If the Honourable Member is addressing that question to me, I regret I am not in a position to answer it.

**THE HONOURABLE MR. P. N. SAPRU :** Are the Honourable the Leader of the House and the Honourable Sir Jogendra Singh in a position to answer this question?

**THE HONOURABLE SIR MAHOMED USMAN :** I must have notice of the question, Sir.

**THE HONOURABLE MR. P. N. SAPRU :** What about the Honourable Sir Jogendra Singh? He would like to have greater notice, I suppose!

**THE HONOURABLE SIR JOGENDRA SINGH :** At the moment I have no clear recollection whether I received this letter or not.

**THE HONOURABLE MR. P. N. SAPRU :** May I ask a further question, Sir? Is it also the practice of censorship not to give any reply to the question whether the money paid for a telegram has been refunded or not?

**THE HONOURABLE THE PRESIDENT :** Does it refer to this very Department?

**THE HONOURABLE MR. P. N. SAPRU :** Yes, it arises out of this question. The point is that money was charged for sending the cable, Rs. 240, and the Maharaj Kumar has not been paid back that money. They can swallow the money and they can also refuse to send the telegram.

**THE HONOURABLE THE PRESIDENT :** It is not usual to argue when putting a question. I have noted your question. The Leader of the House says that he wants notice. If you give proper notice you will get the answer.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** Does the Honourable the Leader of the House want notice in order to answer a question whether he received an open letter from the Maharaj Kumar of Vizianagram?

**THE HONOURABLE SIR MAHOMED USMAN :** We cannot remember off-hand.

**THE HONOURABLE THE PRESIDENT :** Members of the Executive Council have a lot of duties. They cannot remember the facts about every question that may be asked.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** Not even about himself, Sir?

May I put another question to the Secretary of the Home Department? Why was not the money paid by the Maharaj Kumar of Vizianagram for the two cables handed in by him returned to him when the cables were not sent?

**THE HONOURABLE MR. E. CONRAN-SMITH :** The answer to that question is to be found in the *Posts and Telegraphs Guide*, a compendious publication to which I refer the Honourable Member. He will also find in that Guide Censorship Regulations and I can only refer him to those for the answer to his question.

**THE HONOURABLE MR. HOSSAIN IMAM :** Will the Honourable Member kindly read the relevant portions from the Guide?

**THE HONOURABLE MR. E. CONRAN-SMITH :** With your permission, Sir, I will. The two relevant portions are:—

“ The exchange of all foreign telegrams, including those with Afghanistan, Burma, Ceylon, Portuguese India, and Tibet, is permitted as an act of grace, provided that the telegrams are accepted at the sender's risk and subject to censorship; that is, they may be stopped, delayed or otherwise dealt with in all respects at the discretion of the censorship authorities and without information or notice to the senders or the addressees ”.

**THE HONOURABLE MR. P. N. SAPRU :** Another supplementary question, Sir. If telegrams are stopped, then I take it that the position is that the money paid for those telegrams by the sender is not refunded to him ?

**THE HONOURABLE MR. E. CONRAN-SMITH :** I think, Sir, I have already made it clear. There is no liability on the censors to let the sender of the telegram know ; and therefore it follows automatically that the sender is not in a position to claim a refund unless he does so on the supposition that the telegram has not been despatched.

**THE HONOURABLE MR. P. N. SAPRU :** You can swallow the money also !

**PROPOSAL TO ABOLISH THE LOWER GAZETTED SERVICE ON RAILWAYS.**

**11. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS :** (a) Will Government state whether it is proposed to abolish the Lower Gazetted Service on Railways and to promote certain percentage of the officers to superior service ?

(b) Is it a fact that the Lower Gazetted Service was especially introduced in 1931 as an incentive for deserving subordinates, *i.e.*, having good, energetic and loyal service ?

(c) If the reply to (a) and (b) above is in the affirmative, will Government state whether this abolition will adversely affect the subordinates and if so, to what extent ? Percentage of posts that will not be open to such staff may please be specified.

(d) Whether the subordinates would be promoted to superior service straight-away and if so, in what proportion ?

(e) How is it proposed to safeguard the interest of the subordinates and make up the deficiency that they would sustain by the abolition of Lower Gazetted Service, especially those who have off and on officiated in the appointments during the last 10 years ?

(f) What will be the additional expenditure involved by the proposed scheme ?

**THE HONOURABLE SIR LEONARD WILSON :** (a), (c), (d), (e) and (f). A proposal to abolish the Lower Gazetted Service, with consequential changes in the organization of the Superior Service, is being considered by the Standing Finance Committee for Railways ; the details of the proposal are given in the memorandum published at page 47 *et seq.* of the Proceedings of the Standing Finance Committee for Railways, Vol. XIX, No. 1, a copy of which is already in the Library of the House. What final form these proposals will take cannot be stated at present but I may say that the interests of all categories of staff concerned have been very fully considered.

(b) Yes.

**RE-EMPLOYMENT OF OFFICERS OF THE INDIAN CIVIL SERVICE AND OTHER SERVICES.**

**12. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS :** Will Government state the underlying principle on which retired officers of the I. C. S. and other Services are being re-employed during and for the period of war ?

**THE HONOURABLE MR. E. CONRAN-SMITH :** The principle laid down is that no retired officer shall be re-employed unless his re-employment is justified on public grounds and in the interest of good administration.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** Do Government also consider whether Indians of the requisite qualifications are available before re-employing a retired officer ?

**THE HONOURABLE MR. E. CONRAN-SMITH :** Government take into account all considerations before they sanction the re-employment of a retired officer. It is an exceptional thing to do, but in war-time when there is strain on the services it sometimes becomes definitely in the public interest to retain a man with experience so as to make that experience still available and also to relieve the strain on the services. There is no racial discrimination involved in the selection made.

**THE HONOURABLE MR. P. N. SAPRU :** May I ask a supplementary question ? Will Government state the number of Indian I.C.S. officers re-employed during the war and the number of Europeans also ?

**THE HONOURABLE MR. E. CONRAN-SMITH :** I am afraid I must ask for notice of that question.

## NOTICES OF MOTIONS FOR ADJOURNMENT.

**THE HONOURABLE THE PRESIDENT :** I have received three notices of Motions for Adjournment. I shall deal with them in the order of priority as regards the receipt of them in the office. The first is from Mr. Hossain Imam :—

“ I wish to move the adjournment of the House on 15th February to consider a matter of definite, urgent, public importance, namely :—

“ The failure of the Government of India to consult either the representatives of Parties or the Central Legislature on the framing of the basis for allocation of Defence expenditure between the Government of India and His Majesty's Government ”.

Mr. Hossain Imam, I would like you to satisfy me on three points. Firstly, whether this is a definite matter of urgent public importance ; secondly, whether it is of recent occurrence ; and thirdly, the allocation of any item of expenditure in the Budget is a matter of urgent public importance.

**THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) :** Sir, I am grateful to you for giving me this opportunity of explaining this Adjournment Motion. This matter was discussed in the two Houses, in the Assembly on the 22nd September on a Motion and in our House on the 25th September. The defence of the Honourable the Finance Member was that he had not had time to place all the matters which he had learnt in his trip to England before the Government of India and for them to reach any sort of decision on them.”

**THE HONOURABLE THE PRESIDENT :** He did not say he had no time, but he stated—I read the report, I was not present in September here—that that was not the opportune time.

**THE HONOURABLE MR. HOSSAIN IMAM :** May I read the relevant portion from his speech in the Assembly last session ?

**THE HONOURABLE THE PRESIDENT :** That does not affect the issue. What he said on that occasion does not matter. You have got to convince me that this matter is of urgent public importance today.

**THE HONOURABLE MR. HOSSAIN IMAM :** The point is, that it is believed that there is already a sort of arrangement between the Government of India and His Majesty's Government. When the Budget is framed, a basis is necessary for the allocation between His Majesty's Government and the Government of India ; otherwise our Budget figures would be fluid. We would not know definitely what is to be the Defence expenditure. In order to arrive at a definite figure of Defence expenditure of the Government it is necessary that there should be a basis of settlement and the former basis of settlement has been described by its author in the following words—

**THE HONOURABLE THE PRESIDENT :** Nobody disputes that it is a proper subject for discussion ; but you have to satisfy me that this is the time for discussion.

**THE HONOURABLE MR. HOSSAIN IMAM :** Unless we discuss it now, Sir, on the 27th February the Budget is to be presented and we will not get an opportunity between now and the 27th February to devise a basis for allocation. That is the urgency of the matter.

**THE HONOURABLE THE PRESIDENT :** Could you have moved a Resolution ?

**THE HONOURABLE MR. HOSSAIN IMAM :** No, Sir, I could not have moved a Resolution within 12 months of the discussion of the subject.

**THE HONOURABLE THE PRESIDENT :** Exactly, and therefore how is it relevant now, when you could not bring in a Resolution, for you to move an Adjournment Motion ?

**THE HONOURABLE MR. HOSSAIN IMAM :** In my opinion the Adjournment Motion differs from the Resolution in this respect that we can discuss the same matter even within the currency of the same year. This is the safeguard which the Legislative Rules have provided us : that we can discuss a matter on adjournment even during the year even if we have discussed it in the former session but I cannot move a Resolution on the subject.

**THE HONOURABLE THE PRESIDENT :** And therefore you cannot move an Adjournment Motion. If you will read the Standing Order it says that the Motion

[Mr. President]

must not deal with a matter on which a Resolution could not be moved save with the consent of the Governor General in his discretion.

(The Honourable Mr. P. N. Saprú rose.)

THE HONOURABLE THE PRESIDENT: Will you please sit down? When a Motion for Adjournment is moved it is only proper for the Member in charge of the Motion to speak. I concede that when a Motion has been signed by two or three Members the other Members are entitled to speak, otherwise the Member in charge of the Motion can only speak.

THE HONOURABLE MR. HOSSAIN IMAM: My submission, Sir, is that it is not a matter on which a Resolution could not be moved because the previous discussion in this House was not on an identical subject. The Resolution was that the Government should do certain things and the Adjournment Motion is that the Government has not done certain things; so they are not identical.

THE HONOURABLE THE PRESIDENT: I see with your usual astuteness and cleverness you wish to escape that, but I have carefully studied the whole thing and I find that there is no difference between the previous Resolution and the present Adjournment Motion.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern: Non-Muhammadan): Sir, with regard to the interpretation that the Chair has put on this and the rule that it has read out, may I inquire whether the language of the Standing Order excludes only those subjects on which Resolutions cannot be moved in this House? Does not the language of that Standing Order show that we cannot bring forward an Adjournment Motion in regard to a subject on which no Resolution can be moved? For instance, we cannot have an Adjournment Motion regarding any matter connected with the Department of the Crown Representative because no Resolution regarding it can be moved, but I doubt, Sir, if it excludes other subjects on which normally Resolutions can be brought forward in this House.

THE HONOURABLE THE PRESIDENT: This is to be read with Standing Order 69 which says that no Resolution on substantially the same question will be moved within one year. That read with clause 5 of rule 12 makes the position perfectly clear.

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern: Non-Muhammadan): But if a different situation arises; I mean a Resolution is moved and after that a different situation arises then is it not open to a Member to move the Adjournment of the House which is different from a Resolution to raise that question in another form?

THE HONOURABLE THE PRESIDENT: There were other points of view involved in it also and I shall give my ruling after hearing Mr. Hossain Imam.

THE HONOURABLE MR. HOSSAIN IMAM: The recent occurrence, Sir, is this. We discussed this matter on the 25th September and the Honourable Sir Jeremy Raisman then promised that if he came to some conclusions he will consult the House sufficiently before the presentation of the Budget. Now we are meeting today. This is the first opportunity we can get and therefore I move this Adjournment Motion that the Government has not fulfilled its promise of making a statement about the basis before the presentation of the Budget.

THE HONOURABLE THE PRESIDENT: Well, on the third point—the allocation of an item of finance in the Budget—is it a matter of urgent public importance?

THE HONOURABLE MR. HOSSAIN IMAM: Yes, Sir, it is a matter of urgent public importance because it will influence the Budget greatly. If the basis is a wrong basis we might be saddled with a heavy Defence expenditure.

THE HONOURABLE THE PRESIDENT: I could understand your bringing in a Motion after the Budget had been framed and discussed that the Government had acted wrongly but I cannot understand your bringing it in at this juncture. The framing of a Budget and its submission is a statutory right of the Government of India and in exercise of that right they frame their Budget, but for you to put in an Adjournment Motion at this stage I am very doubtful about it. Have you anything more to say on this point?

**THE HONOURABLE MR. HOSSAIN IMAM :** May I respectfully say, Sir, that the position is that when the Government have presented their Budget it will be impossible for this House, and for that matter for all the Legislatures of India combined, to influence them. Even now it is doubtful whether we could influence the valiant 11 but there is a possibility that if we discuss it now we might influence His Majesty's Government and therefore stay the hands of those people who are not really sailing under true colours.

**THE HONOURABLE THE PRESIDENT :** I am not concerned with His Majesty's Government in this House.

**THE HONOURABLE MR. HOSSAIN IMAM :** His Majesty's Government are the major partners.

**THE HONOURABLE THE PRESIDENT :** They may be, but I am not concerned with them in this House.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** Is there any manner by which a matter of this importance could be discussed before the introduction of the Budget so that the views expressed here might influence the course of action to be pursued by Government? Is there any other way in which that can be done?

**THE HONOURABLE THE PRESIDENT :** I will give my ruling on that presently.

**THE HONOURABLE MR. HOSSAIN IMAM :** May I draw your attention to the fact, Sir, that if the Honourable the Finance Secretary is able to give us a date for discussing the matter of the allocation of Defence expenditure between the Government of India and His Majesty's Government I shall be quite satisfied with that and will not move the Adjournment Motion.

**THE HONOURABLE THE PRESIDENT :** Your intention is to discuss preliminarily to the presentation of the Budget?

**THE HONOURABLE MR. HOSSAIN IMAM :** Yes, Sir, because even if they give me that right of *post mortem* examination I will be satisfied.

**THE HONOURABLE THE PRESIDENT :** Well, that is another matter.

**THE HONOURABLE MR. C. E. JONES (Finance Secretary) :** I have nothing to say, Sir, except that by his last statement the Honourable Mr. Hossain Imam has convicted himself out of his own mouth that the ground of urgency is entirely lacking in this case. Another point I would mention is that the Honourable Mr. Hossain Imam seems to think that questions of high policy have to adjust themselves to the Budget time table, and that as the Budget is now drawing near therefore questions of high policy must necessarily be decided before the Budget is framed. I would suggest to him that questions of high policy are not decided on lines like these but that the Budget has to adapt itself to the progress of discussion, and that nothing has occurred since this House was last in session to justify the Honourable Mr. Hossain Imam in assuming that this question has suddenly boiled up into such a question of public urgency as to justify a Motion of Adjournment of this House. I submit for your consideration that the pre-requisite of urgency is entirely lacking in this case, and, therefore, the Adjournment Motion, subject to your ruling, can hardly be in order.

**THE HONOURABLE MR. HOSSAIN IMAM :** Sir, with your permission, may I ask one question of the Honourable the Secretary? Has the Government of India come to any decision on the subject during December and January?

**THE HONOURABLE MR. C. E. JONES :** I would say that the whole matter will be explained when the Budget is brought before this House—which is the normal procedure in respect of such matters—and that pending that there is no particular urgency about this matter.

**THE HONOURABLE MR. HOSSAIN IMAM :** The Honourable Member has evaded answering the direct question.

**THE HONOURABLE THE PRESIDENT :** Honourable Members, this Adjournment Motion of which notice has been given today was debated at considerable length in a full-dress debate in this House in September last, when I was unfortunately not present. This Motion has also been debated in the Legislative Assembly.

An Adjournment Motion must deal with a definite matter of urgent public importance according to rule 11 of the rules framed by the Government of India under the Act of 1935. Now, the Honourable Member in charge of the Motion

[Mr. President]

has failed to prove to me the urgency of this matter, because only a fortnight hence we shall have a full-dress debate on the Budget, when he and other Members will have the fullest opportunity of discussing this point in this House. In fact, the Honourable Member has admitted, in a way, that he wanted this discussion now in order to enable him to bring forward a Motion subsequently. One fact is quite clear, and that is, that the Government of India, in preparing and framing the Budget, is exercising its privilege under the Act. You cannot guide Government as regards particular matters before the presentation of the Budget. An Adjournment Motion is substantially a Motion of Censure. If you disagree with the action of Government, I can quite understand if a Motion is brought forward by any Member suggesting certain things to be done. But at this stage it is not a matter of urgent public importance.

On the second point also, under rule 12 such a Motion could not be moved. It is not a matter of recent occurrence.

As regards the Budget itself, I can only say that the matter was referred to in the debate in this House on September 25, 1942, when the Honourable Sir Jeremy Raisman made certain remarks; and as what he said supports the view that I take on this matter, I will read out the relevant passage to the House :—

“ Sir, I find myself in a position of some embarrassment in attempting to reply to this debate and to deal with this Motion, and that for two reasons. In the first place, as the House is aware, it is not usual or possible to present a complete financial picture at any stage other than the usual Budget session, because it is only at that time that the Finance Department is able to bring together all the relevant information and to survey the situation as a whole. Any discussion regarding the financial position of the country and regarding its financial capacity must to a large extent be either abstract or unrelated to the current situation if it takes place at a time other than the Budget session when complete figures are available and are presented to the House. That is my first difficulty. But my second difficulty is even more acute. As the House is aware from discussions which have been held in another place the whole subject of the Defence financial relations between the Government of India and His Majesty's Government is at present under consideration by the Government of India. In these circumstances it is virtually impossible for me to make any useful statement. The facts have all been presented to my Honourable colleagues and here let me say that I have no doubt whatever that my Indian colleagues are in full possession of the whole subject and that no one need have any apprehension as to whether they will fully exercise their influence on behalf of securing an arrangement which is satisfactory to this country. I am very grateful for the remarks which have been made about my own stewardship of India's finances up to this stage, but if there were any doubt of my own anxiety to protect India's interests to the utmost, I think I may say that the present constitution of the Government would make it impossible for any dereliction of duty of that kind to take place ”.

I entirely endorse these views. They support the view that I take on this Adjournment Motion, namely, that the privilege of framing the Budget has been given to the Government of India by statute, and that we have no right to interfere in this matter before the financial statement is presented to the House. I therefore hold that the Adjournment Motion is not in order, and I disallow it.

The second notice of an Adjournment Motion has been submitted to me by the Honourable Mr. Kalikar. The Motion reads as follows :—

“ I want to move for the Adjournment of the House to discuss a matter of urgent public importance, viz., the situation arising out of the refusal of the Government of India to release unconditionally Mahatma Gandhi who is fasting ”.

In my opinion this Motion is in order, and I am prepared to admit it, subject to what I hear from the Honourable the Home Secretary.

THE HONOURABLE MR. E. CONRAN-SMITH (Home Secretary) : Sir, Government do not wish to take objection.

THE HONOURABLE THE PRESIDENT : Then I shall place this Motion before the House, because under our rules I have to take the consent of the House. If 15 Honourable Members rise—

THE HONOURABLE MR. V. V. KALIKAR (Central Provinces : General) : Sir, that is not the procedure. Only if objection is taken is the consent of the House necessary; not otherwise.

THE HONOURABLE THE PRESIDENT : But it is always subject to the leave of the House. Leave of the House is always obtained.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** Government have not objected. There is therefore no reason why 15 Members should be asked to rise.

**THE HONOURABLE THE PRESIDENT :** I will ask the Honourable Members generally if they are all agreeable to this Motion being admitted.

**HONOURABLE MEMBERS :** Yes.

**THE HONOURABLE THE PRESIDENT :** Then I fix 4 P.M. this afternoon for the discussion of this Motion.

Now, there is a third Motion of which notice has been given. I refer to the notice of Motion submitted by the Honourable Mr. Sapru. But as the House cannot deal with more than one Motion on one day, I request the Honourable Member to agree to its being taken up on another day.

**THE HONOURABLE MR. P. N. SAPRU :** I agree, Sir.

**THE HONOURABLE THE PRESIDENT :** Then on that day I will decide whether permission should be given for the Motion to be moved.

**THE HONOURABLE SIR MAHOMED USMAN (Leader of the House) :** Sir, may I suggest that the Adjournment Motion may be taken up after the business on the agenda is over instead of at 4 P.M. ?

**THE HONOURABLE THE PRESIDENT :** It is already 12 Noon. I do not know how much time will be required for the presentation of the Railway Budget, but it has been my past experience that it takes about three-quarters of an hour. I am afraid it will not be possible to take up the Adjournment Motion before 4 P.M.

**THE HONOURABLE SIR MAHOMED USMAN :** The other day in the Assembly there was an Adjournment Motion which they took up for discussion just before lunch.

**THE HONOURABLE THE PRESIDENT :** I admit that ; it is allowed under the Standing Orders. If the Council rises earlier, the President can fix a time for the discussion of an Adjournment Motion earlier in the day. But in the present case I am afraid we shall not be able to finish our work much earlier than half-past one.

**THE HONOURABLE SIR MAHOMED USMAN :** Can we take it up after lunch ?

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** I personally think that the matter should be discussed at 4 P.M., and I ask the Honourable the Leader of the House to agree to this. Four o'clock will be convenient to the House. I hope therefore that he will agree to this arrangement.

**THE HONOURABLE SIR MAHOMED USMAN :** I have no objection if that is the wish of the House.

#### STATEMENTS, ETC., LAID ON THE TABLE.

**THE HONOURABLE SIR MAHOMED USMAN (Posts and Air Member) :** Sir, I re-lay on the table copies of—

- |  |   |  |
|--|---|--|
| (1) Notification No. A-1-3594/41, dated the 21st March, 1942.          | } | amending the Coorg Motor Vehicles Rules.         |
| (2) Notification No. A-3-4024/41, dated the 11th March, 1942.          |   |  |
| (3) Notification No. F. 12 (3)/42-General, dated the 11th March, 1942. | } | amending the Delhi Motor Vehicles Rules.         |
| (4) Notification No. F. 12 (31)/42-General, dated the 2nd April, 1942. |   |  |
| (5) Notification No. F. 12 (40)/42-General, dated the 21st May, 1942.  |   |  |
| (6) Notification No. F. 12 (36)/42-General, dated the 8th June, 1942.  |   |  |
| (7) Notification No. F. 14-6-III, dated the 25th May, 1942.            | } | amending the Ajmer-Merwara Motor Vehicles Rules. |
| (8) Notification No. F. 14-6-III, dated the 13th July, 1942.           |   |  |

## THE CHIEF COMMISSIONER OF COORG.

## NOTIFICATION.

*No. A.1-3594/41, dated Mercara, the 21st March, 1942.*

In exercise of the powers conferred by section 70 of the Motor Vehicles Act, 1939 (IV of 1939), and Notification of the Government of India, Department of Communications, No. R.-60, dated the 28th June, 1939, the Chief Commissioner is pleased to make the following amendment in the Coorg Motor Vehicles Rules, 1940, issued with his notification No. R. F. 43/121/39, dated the 26th March, 1940.

*Amendment.*

At the end of Chapter V after rule 148 of the said rules, the following heading and rules shall be inserted, namely :—

*Special rules applicable to motor vehicles using producer gas as a motor vehicle fuel.*

148-A. In these rules, unless otherwise expressly stated, "producer" means the whole of the generator, pipes, collars, filters and accessories necessary for the generation of gas and its supply to the engine.

148-B. On or after the 15th October, 1941, no producer shall be fitted to a motor vehicle unless the producer—

(a) has been made by a manufacturer approved in this behalf by the Madras or Mysore Government and further approved by the Coorg Provincial Transport Authority as to its fitting on the vehicle and other details ;

(b) is of a type or model approved by, and in accordance with specifications approved by, that authority for use on the type of vehicle concerned ;

(c) has affixed to the generator in such a manner as to be clearly visible, a metal plate having legibly displayed upon it the name of the manufacturer and the manufacturer's serial number :

Provided that in the case of stage carriages or goods vehicles plying inter-provincially between Coorg and Mysore or Coorg and Madras, when it is proved to the satisfaction of the Coorg Provincial Transport Authority that the producer gas fitted to such vehicles has been approved in all respects by competent authorities of those provinces, no further approval by the Coorg Provincial Transport Authority shall be necessary.

148-C. (1) Any person seeking the approval of the Provincial Transport Authority under 148-B shall make application in writing to the said authority accompanied by duplicate copies of the specifications, of clear drawings or prints of the producer and of the instructions for working it, and shall state the type or model of motor vehicle and the size and horse-power of the engine for which the producer is intended.

(2) If so required by the said authority, a person who has made an application under sub-rule (1) shall furnish at his own expense a vehicle fitted with the producer for such test on the road (including a road journey of not less than 50 miles continuous) as the authority may specify.

148-D. (1) Before according approval to any type or design of producer the Provincial Transport Authority shall satisfy itself that the design and construction proposed are in accordance with the provision of these rules and in particular that—

(a) the design is reasonably simple and suitable to the type of vehicle for which it is intended and is such that it can be fitted to the vehicle in such a way that the driver's vision and control of the vehicle are not impeded, the convenience and safety of passengers is not endangered, the weight of the producer can be reasonably distributed over the chassis, and the filters, coolers, pipes and other parts requiring frequent cleaning and attention can be fitted in readily accessible places ;

(b) the effective capacity of the generator, hopper and filters is sufficient to provide fuel to propel the vehicle for a distance of not less than 50 miles without recharging the hopper or cleaning the filters ;

(c) the producer is capable of providing gas to propel the vehicle by the gas alone along a level road with its full lawful load at a sustained rate of speed of not less than—

(i) in the case of a goods vehicle not being a heavy transport vehicle, 20 m.p.h.,

(ii) in the case of a goods vehicle being a heavy transport vehicle, 15 m.p.h.,

(iii) in any other case, 25 m.p.h.

(d) the materials and methods of construction specified by the applicant are, save as otherwise declared by the applicant, calculated to withstand fair wear and tear for a period of not less than two years under the normal conditions of working of the type of vehicle for which the producer is intended.

(2) The instructions for the working of the producer shall be subject to the approval of the Provincial Transport Authority which shall cause to be endorsed thereon a statement of materials and parts declared by the applicant not to be calculated to withstand two year's fair wear and tear.

148-E. Every producer shall be designed, manufactured, fitted and maintained with all reasonable care necessary to prevent danger from fire, gas poisoning, and burns, and in particular—

(a) all pipes, joints, valves and all covers to the hoppers, generators, cooling chambers, filters and other accessories shall be free from gas or air leaks ; and

(b) if an escape funnel is fitted to the generator for use during the blowing of air through the generator, the mouth of the funnel shall be placed above the level of the roof of the vehicle.

148-F. (1) No part of any producer shall be placed so as to reduce the field of vision of the driver by means of the mirror prescribed in rule 96 or otherwise, or so as to impede the driver in his control of the vehicle.



## (2) In a public service vehicle—

- (a) no part of the producer shall be placed within the passengers' compartment; and  
 (b) the generator shall be centrally placed in rear of the passengers' compartment, either completely outside it or recessed into the rear panel, and shall be insulated and have the clearance prescribed in rule 148-G:

Provided that notwithstanding the provisions of rule 88 (a) the generator and a reserve of fuel not exceeding one hundred and fifty pounds in weight may be carried on a trailer attached to a public service vehicle.

(3) No public service vehicle fitted with a producer shall have any opening or door in the rear end of the vehicle.

(4) In a transport vehicle other than a public service vehicle the generator shall not be placed forward of the rear of the driver's cab and shall be insulated and have the clearance prescribed in rule 148-G.

148-G. (1) On any motor vehicle, if any part of the generator is so placed as to be within a distance of six inches in a horizontal plane from any part of the vehicle, the vehicle shall be insulated from the generator by a sheet of asbestos one-eighth of an inch thick, or by such other insulating material as the Provincial Transport Authority may by general or special order in writing specify in this behalf, not less in height than the height of the generator (including the hopper) and of—

- (a) where the generator is recessed, to completely line the recess; and  
 (b) where the generator is not recessed, to project for a distance of not less than six inches on either side of the generator.

(2) No part of a generator shall have a clearance between it and the insulating material prescribed in sub-rule (1) of less than two inches.

148-H. (1) In the case of a goods vehicle the generator may be placed centrally at the rear of the vehicle as prescribed for a public service vehicle or, behind the driver's cab.

(2) When the generator is placed behind the driver's cab it shall be adequately enclosed in a separate compartment, and no goods shall be carried in that compartment.

148-I. No generator and no pipe connecting the generator to the gas filters shall be so placed that any part of the generator or pipe is within a distance of less than—

- (a) two feet from any part of the petrol tank; or  
 (b) four feet from the filling point or orifice of the petrol tank:

Provided that if the filling point or orifice is screened off from the generator by an adequate partition, clause (b) shall not apply in relation to the generator.

148-J. On any transport vehicle the filters and gas collars shall be so placed as to be readily accessible for cleaning at any time.

148-K. Every part of the producer shall be firmly and securely fixed in place, and all pipes, valves, joints and hopper lids or covers shall at all times be maintained in a gas-tight condition.

148-L. No driver or other person in charge of a motor vehicle to which a producer is fitted shall—

(a) at any time when there is fire in the generator, cause or allow the vehicle to stop or remain stationary at a distance of less than ten yards from any other motor vehicle or of less than 20 yards from any petrol pump or place where petrol is supplied in tins;

(b) at any time when there is fire in the generator, pour petrol or cause or allow petrol to be poured into the petrol tank;

(c) carry, or cause or allow to be carried, in the vehicle (save in the regular petrol tank thereof) any petrol or other inflammable or explosive substance;

(d) clean or rake out the generator at any appointed bus stand or stopping place or within a distance of less than 20 yards from any other motor vehicle, or cause or allow the same to be done by any person;

(e) where a park, bus stand, or halting place or a part of a park, bus stand or halting place is set apart for vehicles fitted with producers, allow the vehicle to stop or remain stationary in any other park, bus stand or halting place or other part thereof, as the case may be;

(f) place the vehicle, or cause or allow it to be placed, in any garage or shed unless the garage or shed is provided with a permanent opening or openings for sufficient ventilation other than doors and windows that may be closed.

148-M. (1) The projection of any part of a producer beyond the rear of the vehicle shall be deemed not to be a part of the vehicle for the purposes of rules 108 and 110 of the Coorg Motor Vehicle Rules, 1940.

(2) No producer shall be fitted to any motor vehicle in such a way that the vehicle thereby contravenes the provisions of rule 107 or rule 109 of the Coorg Motor Vehicle Rules, 1940.

NOTE.—Every driver or other person in charge of a motor vehicle to which a producer is fitted is informed that the fitting of a producer gas plant is in effect an alteration for purposes of section 32 of the Act, and is advised in his own interest to have the vehicle inspected and the fact noted on the certificate of fitness before putting it into use.

J. W. PRITCHARD,  
 Chief Commissioner.

## THE CHIEF COMMISSIONER OF COORG.

## NOTIFICATION.

No. A-3-40/41, dated Mercara, the 11th March 1942.

In exercise of the powers conferred by section 48 (d) of the Motor Vehicles Act, 1939, read with section 68 (z) and (za) and the notification of the Government of India, Department of

Communications, No. R. 60, dated the 28th June, 1939, the Chief Commissioner is pleased to make the following amendment to the Coorg Motor Vehicles Rules, 1940, issued with his notification No. R. F. 43/121-39, dated the 26th March, 1940.

*Amendment.*

After Rule 56 (b), add the following :

" 56 (c) The Provincial Transport Authority may stipulate, if necessary, specific conditions for the carriage of mails in any stage carriage on any route."

2. In Part A of Form P. St. S.

Add the following, as item 15 :—

" 15. The permit-holder shall, if required carry mails, at such rates, as may be fixed by the Provincial Transport Authority, in consultation with the Postal Authorities concerned."

J. W. PRITCHARD,  
*Chief Commissioner.*

OFFICE OF THE CHIEF COMMISSIONER, DELHI.

NOTIFICATION.

*Delhi, the 11th March, 1942.*

*No. F. 12 (3)/42-General.*—In exercise of the powers conferred by clause (d) of sub-section (2) of section 70, of the Motor Vehicles Act, 1939, read with the notification of the Government of India in the Department of Communications, No. R.-60, dated the 28th June, 1939, the Chief Commissioner is pleased to make the following amendment in the Delhi Motor Vehicles Rules, 1940, the same having been previously published with his notification No. F.-12 (3)/41-General, dated the 5th January, 1942.

*Amendment.*

In sub-rule (1) of rule 5·59 for the figures and words " 225 pounds in weight unladen " the figures and words " 1,100 pounds in weight laden " shall be substituted.

A. V. ASKWITH,  
*Chief Commissioner, Delhi.*

OFFICE OF THE CHIEF COMMISSIONER, DELHI.

NOTIFICATION.

*Delhi, the 2nd April, 1942.*

*No. F. 12 (31)/42-General.*—In exercise of the powers conferred by clause (za) in sub-section (2) of section 68 and clause (d) in section 48 of the Motor Vehicles Act, 1939, read with the Notification of the Government of India in the Department of Communications, No. R.-60, dated the 28th June, 1939, the Chief Commissioner is pleased to make the following amendment in the Delhi Motor Vehicles Rules, 1941, the same having been previously published with his notification No. F.-12 (3)/42-General, dated the 5th February, 1942.

*Amendment.*

After rule 4·18 the following shall be added, namely :

" 4·18-A. The Provincial Transport Authority may attach to any stage carriage permit a condition that the holder shall, if required carry mails at such rates as may be fixed by the Provincial Transport Authority in consultation with the postal authorities."

A. V. ASKWITH,  
*Chief Commissioner, Delhi.*

OFFICE OF THE CHIEF COMMISSIONER, DELHI.

NOTIFICATION.

*Delhi, the 21st May, 1942.*

*No. F. 12 (40)/42-General.*—In exercise of the powers conferred by section 70 of the Motor Vehicles Act, 1939, read with the notification of the Government of India in the Department of Communications, No. R.-60, dated the 28th June, 1939, the Chief Commissioner is pleased to make the following rules the same having been previously published with his notification No. F.-12 (40)/42-General, dated the 4th May, 1942.

2. The Chief Commissioner takes this opportunity of drawing attention to the provisions of section 32 of the Motor Vehicles Act, 1939, under which the owner of any motor vehicle who affixes a charcoal gas plant to it is required to report the fact to the Registering Authority within whose jurisdiction he resides.

**RULES.**

1. *Title.*—These rules may be cited as the Delhi Motor Vehicles (use of Charcoal Gas) Rules, 1942.

2. *Definition.*—In these rules, unless there is something repugnant in the subject or context.

(a) " Board " means the Board constituted by the Chief Commissioner under rule 3 of these rules ;

(b) " charcoal gas plant " means an apparatus for generating gas by the combustion of charcoal with a view to the use of the gas for the propulsion of a motor vehicle, and includes the whole of the generator, pipes, coolers, filters and accessories necessary for that purpose and for the supply of the gas to the engine of the motor vehicle.

3. *Constitution of the Board.*—(1) For the purpose of approving persons to serve as manufacturers of charcoal gas plants, and to perform the other functions which are to be discharged by the Board under these rules, the Chief Commissioner may appoint a Board, consisting of the Chairman of the Delhi Provincial Transport Authority and not less than two and not more than four other persons.

(2) In the event of a disagreement between the members of the Board the opinion of the majority shall prevail.

4. *Grant of certificates to approved manufacturers.*—(1) Any person desiring to be approved as a manufacturer of charcoal gas plants shall make an application to the Board accompanied by specifications and drawings in duplicate of the plant or plants which he proposes to manufacture, an explanation of the type or model of motor vehicle to which each plant is designed to be fitted and a copy of the instructions which he proposes to issue for the guidance of the person using the plant.

(2) If so required by the Board, a person who has made an application under sub-rule (1) of this rule shall—

(a) submit a model of the charcoal gas plant to such tests in such laboratory or workshop and by such person as the Board may specify, and

(b) provide at his own expense a vehicle fitted with the charcoal gas plant for such tests on the road as the Board may specify.

(3) After considering the papers submitted and subjecting the model charcoal gas plant to such tests as the Board deems suitable the Board may at its discretion grant or refuse the application, and if it decides to grant the application shall issue a certificate to the applicant showing that he has been approved as a manufacturer of charcoal gas plants of a type or types to be specified in the certificate.

(4) Before according approval to any type or design of charcoal gas plant the Board shall satisfy itself that the design and construction proposed are in accordance with the provision of these rules and in particular that—

(a) the design is reasonably simple and suitable to the type of vehicle for which it is intended and is such that it can be fitted to the vehicle in such a way that the driver's vision and control of the vehicle are not impeded, the convenience and safety of passengers is not endangered, the weight of the charcoal gas plant can be reasonably distributed over the chassis, and the filters, coolers, pipes and other parts requiring frequent cleaning and attention can be fitted in readily accessible places;

(b) the effective capacity of the generator, hopper and filters is sufficient to provide fuel to propel the vehicle for a distance of not less than fifty miles without recharging the hopper or cleaning the filters;

(c) the charcoal gas plant is capable of providing gas to propel the vehicle by the gas alone along a level road with its full lawful load at a sustained rate of speed not less than—

(i) in the case of goods vehicle not being a heavy transport vehicle, twenty miles an hour;

(ii) in the case of goods vehicle being a heavy transport vehicle, fifteen miles an hour;

(iii) in any other case, twenty-five miles an hour;

(d) the materials and methods of construction specified by the applicant are save as otherwise declared by the applicant, calculated to withstand fair wear and tear for a period of not less than two years under the normal conditions of working;

(e) the plant is so designed as to cause no undue wear to the engine.

(5) It shall be a condition of every certificate issued under sub-rule (3) of this rule that the holder of the certificate shall in respect of every charcoal gas plant issued from his factory supply to the prospective user a set of instructions in terms approved by the Board for the working of the charcoal gas plant.

(6) Notwithstanding anything in this rule the Board may direct that any person who has been approved as a manufacturer of charcoal gas plants in any other Province or State in India shall be deemed to be an approved manufacturer for the Delhi Province subject to the conditions a force in the Province or State in which the person was first approved as a manufacturer and to such further conditions as the Board may think fit to impose.

5. *Prohibition on the use of charcoal gas plants not made by an approved manufacturer.*—On or after the first day of June 1942 no person shall drive a motor vehicle, and no holder of a permit shall allow the vehicle to which the permit relates to be driven, with a charcoal gas plant affixed thereto unless the charcoal gas plant has been made by a manufacturer approved by the Board under rule 4 of these rules; and has been specified by the manufacturer as being of a type suitable for use on the motor vehicle to which it is fitted:

Provided that the Board may by general or special order give permission for any charcoal gas plant which was in use on a motor vehicle before the first day of June 1942, to continue to be used on that vehicle even though it was not manufactured by a person approved by the Board under rule 4 of these rules.

6. *Conditions under which charcoal gas plants may be used.*—(1) No person shall drive any motor vehicle and no holder of a permit shall allow the motor vehicle to which the permit relates to be driven with a charcoal gas plant affixed thereto unless the requirements set forth in the Schedule to these rules are fulfilled in respect of the said plant and the vehicle to which it is fitted.

(2) The driver or other person in charge of a motor vehicle to which a charcoal gas plant is fitted shall not—

(a) at any time when there is fire in the generator, cause or allow the vehicle to stop or remain stationary at a distance of less than ten yards from any other motor vehicle or less than twenty yards from any petrol pump or place where petrol is supplied in tins;

(b) at any time when there is fire in the generator, pour petrol or cause or allow petrol to be poured into the petrol tank;

(c) carry or cause or allow to be carried in the vehicle (save in the regular petrol tank thereof) any petrol or other inflammable or explosive substance;

(d) clean or rake out the generator at any appointed bus stand or stopping place or within a distance of less than twenty yards from any other motor vehicles or cause or allow the same to be done by any person;

(e) where a park, bus stand, or halting place or a part of a park, bus stand or halting place is set apart for vehicles fitted with charcoal gas plants, allow the vehicle to stop or remain stationary in any other park, bus stand or halting place or other part thereof, as the case may be.

(f) place the vehicle or cause or allow it to be placed in any garage or shed unless the garage or shed is provided with a permanent opening or openings for sufficient ventilation other than doors and windows that may be closed.

7. *Reciprocity with other Province or States.*—Nothing in these rules shall prohibit the use in the Delhi Province of a charcoal gas plant on a motor vehicle which is registered in the Punjab or the United Provinces or any other Province or State to which the Chief Commissioner may extend the applicability of this rule, provided that the requirements of the rules in force in the Province or State where the motor vehicle is registered in respect of the use of charcoal gas plants are fulfilled.

#### SCHEDULE.

I. Every charcoal gas plant must conform to the following general specifications:—

(a) All pipes, joints, valves, and all covers to the hoppers, generators, cooling chambers filters and other accessories shall be free from gas or airleaks.

(b) If an escape funnel is fitted to the generator for use during the blowing of air through the generator, the mouth of the funnel shall be placed above the level of the roof of the vehicle.

(c) The materials for the construction of generators including hoppers and outer shells if any, shall be of mild steel sheet and shall not be less than No. 16 B. W. G. (0·065 in. thick) with the exception that in the case of any updraft generators in which no refractory lining is used, the fire-box shall be constructed of mild steel sheet not less than 11 B. W. G. (0·120 in. thick) for a distance of twelve inches above the grate or to the top of the gas offtake, whichever is less. In the case of cross-draft generators, where no refractory lining is used, the distance from the mouth of the tuyere to any part of the shell shall not be less than five inches. All generator cover and generator flange joints shall be made of heat-resisting material.

(d) The material from which coolers are made shall be mild steel, copper or brass sheet not less than 18 B. W. G. (0·049 in. thick). All coolers must be made so that they can be readily cleaned.

(e) The gas filtering system shall be in not less than three stages, of which the last stage shall be felt or other approved fabric, provided that the Chief Commissioner may by notification approve any filtering system. The materials from which filter casings and all gas piping upto the mixing chamber or carburettor are made shall not be less than No. 18 B. W. G. (0·049 in. thick). All filters shall be so placed as to be accessible to cleaning at all times.

(f) Flanges fitted to piping shall be made of material not less than No. 11 B. W. G. (0·120 in. thick). Each flange shall be secured by not less than four bolts.

II. (1) No part of any charcoal gas plant shall be so placed as to reduce the field of vision of the driver by means of the mirror prescribed in rule 5·7 of the Delhi Motor Vehicles Rules 1940, or otherwise, or so as to impede the driver in his control of the vehicle.

(2) In a public service vehicle—

(a) no part of the charcoal gas plant shall be placed within the passengers compartment, and

(b) the generator shall be centrally placed in rear of the passengers compartment, either completely outside it or recessed into the rear panel, and shall be insulated and have the clearance prescribed in paragraph III of this Schedule:

Provided that the generator and a reserve of fuel not exceeding one hundred and fifty pounds in weight may be carried on a trailer attached to a public service vehicle.

(3) No public service vehicle fitted with a charcoal gas plant shall have any opening or door at the rear of the vehicle.

(4) In a transport vehicle other than a public service vehicle the generator shall not be placed forward of the rear of the driver's cab and shall be insulated and have the clearance prescribed in paragraph III.

III. (1) On any motor vehicle, if any part of the generator is so placed as to be within a distance of six inches in a horizontal plane from any part of the vehicle, the vehicle shall be insulated from the generator by a sheet of asbestos one-eighth of an inch thick, or by such other insulating material as the Board may by general or special order in writing specify in this

behalf, not being less in height than the height of the generator (including the hopper) and of such a width as—

- (a) where the generator is recessed, to line completely the recess ; and  
 (b) where the generator is not recessed, to project for a distance of not less than six inches on either side of the generator.

(2) No part of a generator shall have a clearance between it and the insulating material prescribed in sub-paragraph (1) of this paragraph of less than two inches.

IV. (1) In the case of a goods vehicle the generator may be placed centrally at the rear of the vehicle as prescribed for a public service vehicle or behind the driver's cab.

(2) When the generator is placed behind the driver's cab it shall be adequately enclosed in a separate compartment, and no goods shall be carried in that compartment.

V. No generator and no pipe connecting the generator to the gas filters shall be so placed that any part of the generator or pipe is within a distance of less than—

- (a) two feet from any part of the petrol tank, or  
 (b) two feet from the filling point or orifice of the petrol tank :

Provided that if the filling point or orifice is screened from the generator by an adequate partition, clause (b) shall not apply in relation to the generator.

VI. Every part of the charcoal gas plant shall be firmly and securely fixed in place, and all pipes, valves, joints, hopper lids or covers shall at all times be maintained in a gas-tight condition.

VII. Where water is used, either for injection, or for cooling tuyeres, it shall be provided from a source other than the engine cooling system, and shall not be in circuit therewith.

A. V. ASKWITH,  
 Chief Commissioner, Delhi.

#### OFFICE OF THE CHIEF COMMISSIONER, DELHI.

##### NOTIFICATION.

Delhi, the 8th June, 1942.

No. F.-12 (36)/42-General.—In exercise of the power conferred by sections 21 and 41 of the Motor Vehicles Act, 1939, read with the Notification of the Government of India in the Department of Communications No. R-60, dated the 28th June 1939, the Chief Commissioner is pleased to make the following rules, the same having been previously published with his Notification No. F. 12 (36)/42-General, dated the 10th April 1942.

##### Rules.

1. Notwithstanding anything contained in the Delhi Motor Vehicles Rules, 1940, no fee shall be charged for the issue or alteration of certificates of registration relating to motor vehicles which are the property of the Personal Representative in India of the President of the United States of America and his staff.

2. If the Personal Representative in India of the President of the United States of America or any member of his staff has paid or shall hereafter pay a fee for the issue or renewal of a licence to drive a motor vehicle or for undergoing a test of competency to drive the fee shall on his application be refunded to him.

A. V. ASKWITH,  
 Chief Commissioner, Delhi,

#### ORDERS BY THE CHIEF COMMISSIONER, AJMER-MERWARA.

##### NOTIFICATION.

Abu, the 25th May, 1942.

No. F./14-6-III.—The Chief Commissioner is pleased to make the following amendment in the Ajmer-Merwara Motor Vehicles Rules, 1940, published with his Notification No. 1141/34-W/38-III, dated the 12th June 1940, the amendment having been previously published in this Administration's Notification No. F./14-6-III, dated the 4th April 1942.

In rule 5-56 (a) of Chapter V—Construction, Equipment and Maintenance of Motor Vehicles—for the figure and words "225 pounds in weight unladen" substitute the figure and words "1100 pounds in weight laden".

By Order,  
 M. WORTH,  
 Secretary to the Chief Commissioner, Ajmer-Merwara.

#### ORDERS BY THE CHIEF COMMISSIONER, AJMER-MERWARA.

##### NOTIFICATION.

Abu, the 13th July, 1942.

No. F./14-6/III.—The Chief Commissioner is pleased to make the following addendum to the Ajmer-Merwara Motor Vehicles Rules, 1940, published with his Notification No. 1141/34-W/38-III, dated the 12th June 1940, the addendum having been previously published in this Administration's Notification No. F./14-6-III, dated the 28th May 1942.

Chapter IV—Control of Transport Vehicles. After clause (b) of rule 4-18 insert the following new clause—

"(c) that the holder of a permit of a stage carriage shall if required, carry mails at such rates as may be fixed by the Provincial Transport Authority in consultation with the Postal authorities concerned."

By Order,  
 M. WORTH,  
 Secretary to the Chief Commissioner, Ajmer-Merwara.

THE HONOURABLE SIR MAHOMED USMAN (Posts and Air Member) : Sir, I lay on the table copies of—

- (1) Notification No. F. 12 (39)/42-General, dated the 4th July, 1942, amending the Delhi Motor Vehicles Rules, 1940.
- (2) Notification No. A-3-2606/42, dated the 10th September, 1942, amending the Coorg Motor Vehicles Rules, 1940.
- (3) Notification No. A-3-3276/42, dated the 8th December, 1942, amending the Coorg Motor Vehicles Rules, 1940.

OFFICE OF THE CHIEF COMMISSIONER, DELHI.

NOTIFICATION.

*Delhi, the 4th July, 1942.*

*No. F. 12 (39)/42-General.*—In exercise of the power conferred by sections 21 and 41 of the Motor Vehicles Act, 1939, read with the Notification of the Government of India in the Department of Communications, No. R.-60, dated the 28th June 1939, the Chief Commissioner is pleased to make the following rules, the same having been previously published with his Notification No. F. 12 (39)/42-General, dated the 29th April 1942.

*Rules.*

1. Notwithstanding anything contained in the Delhi Motor Vehicles Rules, 1940, no fee shall be charged for the issue or alteration of certificates of registration relating to motor vehicles which are the property of the Commissioner of China to India and his staff.

2. If the Commissioner of China to India or any member of his staff has paid or shall hereafter pay a fee for the issue or renewal of a licence to drive a motor vehicle or for undergoing a test of competency to drive, the fee shall on his application be refunded to him.

A. V. ASKWITH,  
*Chief Commissioner, Delhi.*

THE CHIEF COMMISSIONER OF COORG.

NOTIFICATION.

*No. A-3-2606/42, dated Mercara, the 10th September, 1942.*

In exercise of the powers conferred by section 70 of the Motor Vehicles Act, 1939 (IV of 1939) and the notification of the Government of India, Department of Communications, No. R.-60, dated the 28th June 1939, the Chief Commissioner is pleased to make the following amendment to the Coorg Motor Vehicles Rules, 1940, issued with his notification No. R. F. 43/121-39, dated the 26th March, 1940.

*Amendment.*

After rule 157 (b) of the said rules, the following rule shall be inserted, namely :—

“157. (c) The driver of every motor vehicle which is fitted with a producer shall extinguish any live cinders removed from such producer in any public place.”

*Explanation.*—In the rule the term “producer” shall have the meaning assigned to it in rule 148-A.

J. W. PRITCHARD,  
*Chief Commissioner.*

THE CHIEF COMMISSIONER OF COORG.

NOTIFICATION.

*No. A-3-3276/42, dated, Mercara, the 8th December, 1942.*

In exercise of the powers conferred by sections 21, 48 (d) read with section 68 (z) and (za) and 70 of the Motor Vehicles Act, 1939 (IV of 1939), and the notification of the Government of India, Department of Communications, No. R. 60, dated the 28th June 1939, the Chief Commissioner is pleased to make the following amendments to the Coorg Motor Vehicles Rules, 1940, issued with his notification No. R. F. 43/121-39, dated the 26th March 1940 :—

*Amendments.*

I. For Rule 20 of the said rules, the following rule shall be substituted :

“20 (a) The holder of a licence entitling him to drive as a paid employee or to drive public service vehicle shall, except in the case of a temporary absence not involving a change of residence for a period exceeding three months, report any change of his temporary or permanent address, as notified on the licence at any Police Station and produce the licence at the Police Station in order that the new address may be entered therein.

“(b) The officer in charge of the Police Station at which the licence is produced shall enter therein the new address and communicate the new address to the licensing authority by which the licence was issued and to the licensing authority by which it was last renewed.”

II. For Rule 56 (c) of the said rules, the following rule shall be substituted :—

“56 (c) The Provincial Transport Authority may attach to a stage carriage permit the condition that the carriage or service of carriages in respect of which the permit is granted shall carry mails at such rates as that authority may in consultation with the Postal Authorities, fix in that behalf from time to time.”

III. For Rule 119 (a) (v) of the said rules, the following rule shall be substituted :

" 119 (a) (v). Subject to the exceptions mentioned below every stage carriage shall have a body of the saloon type :—

*Exceptions.*—This rule shall not apply to any stage carriage registered in the Province of Coorg on or before the first day of October 1942, or to any stage carriage registered on or before that date outside the said Province which has subsequently been acquired by a dealer in the said Province in part exchange for a new vehicle, or has been seized by a dealer in the said Province for default in payment of hire purchase dues."

IV. Rules 148A to 148M.—

(1) In the heading to rules 148A to 148M of the said rules for the words " Mptor Vehicles " the words " Motor vehicles other than motor cars " shall be substituted.

(2) In rule 148B of the said rules for the words " motor vehicle " the words " motor vehicle other than motor car " shall be substituted.

J. W. PRITCHARD,  
*Chief Commissioner.*

THE HONOURABLE MR. N. R. PILLAI (Commerce Secretary) : Sir, I lay on the table a copy of the notification of the Government of India in the Commerce Department No. 597-I (1)/42, dated the 26th September, 1942, making certain further amendments in the Insurance Rules, 1939.

DEPARTMENT OF COMMERCE.  
NOTIFICATION.

*New Delhi, the 26th September, 1942.*

No. 597-I (1)/42.—In exercise of the powers conferred<sup>a</sup> by sub-sections (1) and (2) of section 114 of the Insurance Act, 1938 (IV of 1938), the Central Government is pleased to direct that the following further amendments shall be made in the Insurance Rules, 1939, the same having been previously published as required by sub-section (1) of the said section, namely :—

I. In the said Rules—

(a) in rule 5—

(i) for sub-rules (1) to (3), the following sub-rules shall be substituted, namely :—

"(1) Deposits made in pursuance of the Act shall be held by that office of the Bank (hereinafter referred to as the appropriate Indian office) in whose area of administration the principal office in British India of the depositor is situated :

Provided that deposits in sterling securities shall be held by the London office of the Bank on behalf of the appropriate Indian office.

(2) Deposits in sterling securities shall be sent by the depositor with a covering letter to the Manager of the London office of the Bank, and shall not be brought on the books of the appropriate Indian office until the receipt of an intimation in Form I from the London office.

(3) Deposits, other than deposits in sterling securities, shall be sent by the depositor with a covering letter to the Manager of the appropriate Indian office of the Bank."

(ii) in sub-rule (5), for the words " Calcutta office " the words " appropriate Indian office " shall be substituted ;

(b) in sub-rules (2) and (3) of rule 8, for the words " Calcutta office " the words " appropriate Indian office " shall be substituted.

II. In the Forms appended to the said Rules,—

(a) In Forms I, II and III, for the word " Calcutta " dots " . . . " shall be substituted ;

(b) in Form II, columns 3 and 6 shall be omitted and the columns, 4, 5 and 7, shall be re-numbered as 3, 4 and 5 respectively ;

(c) in Form IV, for the sub-heading " Name of the insurer " the sub-heading " Name of the depositor " shall be substituted.

S. N. RAY,  
*Addl. Joint Secy. to the Govt. of India.*

THE HONOURABLE MR. G. S. BOZMAN (Indians Overseas Secretary) : Sir, I lay on the table a copy of (i) telegram No. 00016, dated the 8th December, 1942, from the Governor of Ceylon, Colombo, to the Governor General of India, New Delhi, and (ii) the statement by the Government of India, which has also been laid on the table of the Ceylon State Council on the subject of special recruitment of labour for Ceylon.

I.—Copy of telegram No. 00016, dated the 8th December, 1942, from Governor Ceylon, Colombo, to Governor General, New Delhi.

Adequate supply of estate labour is under urgent consideration by Board of Minister(s) with special reference to production of rubber and Ceylon's basic quota represents 85 per cent. of production left in the control of the allied nations. In these circumstances Ceylon must resort to most intensive tapping possible including slaughter tapping in order to increase production to at least 30 per cent. above basic quota. This will entail the employment of additional labour during the war and less than normal amount of labour after the war when areas have been exhausted.

Estates are also required by law for period of war to produce foodstuffs in addition to plantation commodity and this also requires abnormal *ad hoc* increase in labour force. Demands on local labour for military units, defence works, essential services and rural food production have been and are very heavy and consequently there is no surplus available for diversion to estates. Production of tea must not be allowed to decrease below present necessary level. It will be realised that now that Indian ban on emigration has been relaxed in respect of labourers now in this Island there is likely to be usual exodus on holidays to India during early months of next year. In these circumstances Board of Ministers has asked me to ascertain whether Government of India notwithstanding their ban on emigration to Ceylon of un-skilled labour other than labourers already in the Island would consider special recruitment of labour to meet present war emergency on the following points: (a) Pay and conditions of employment identical with those of other Indian labour; (b) repatriation to India at the end of the war or other period stipulated by agreement. Board of Ministers consider arrangement on these lines to be right one to meet position with which they are confronted which is that (a) demand for extra estate labour is abnormal and only temporary although essential to prosecution of the war and (b) status of Indians in Ceylon is one of the questions which at the request of the Indian Government has been postponed for consideration at a future undetermined date. Grateful for earliest possible reply to this telegram in order that if your Government approve principle of recruitment on the lines proposed, details of method and machinery may be immediately worked out in consultation between our two administrations through Ceylon's newly appointed representative in India. Paramount essentiality of maximum production of our plantation crops especially rubber to supply position of Allied Nations has caused me to head this telegram "Most Immediate".

#### II.—Statement.

The Government of India have communicated to the representative of the Ceylon Government certain proposals which are still under consideration.

#### MESSAGES FROM HIS EXCELLENCY THE GOVERNOR GENERAL.

THE HONOURABLE THE PRESIDENT: Honourable Members, I have to deliver to you four messages from His Excellency the Governor General. The messages are as follows:—

##### RAILWAY BUDGET.

"For the purposes of sub-section (1) of section 67A of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, and in pursuance of rule 43 of the Indian Legislative Rules and of Standing Order 70 of the Council of State Standing Orders, I, Victor Alexander John, Marquess of Linlithgow, hereby appoint Monday, the 15th February, 1943, for the presentation to the Council of State, and Monday, the 22nd February, 1943, for the General Discussion in the Council of State, of the statement of the estimated annual expenditure and revenue of the Governor General in Council in respect of Railways.

NEW DELHI;  
The 25th January, 1943.

LINLITHGOW,  
Viceroy and Governor General."

##### GENERAL BUDGET.

"For the purposes of sub-section (1) of section 67A of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, and in pursuance of rule 43 of the Indian Legislative Rules and of Standing Order 70 of the Council of State Standing Orders, I, Victor Alexander John, Marquess of Linlithgow, hereby appoint Saturday, the 27th February 1943, at 5-30 P.M., for the presentation to the Council of State, and Saturday, the 6th March, 1943 for the General Discussion in the Council of State of the statement of the estimated annual expenditure and revenue of the Governor General in Council in respect of subjects other than Railways.

NEW DELHI;  
The 25th January, 1943.

LINLITHGOW,  
Viceroy and Governor General."

"In pursuance of the provisions of sub-section (3) of section 67A as set out in the Ninth Schedule to the Government of India Act, 1935, I hereby direct that the heads of expenditure specified in that sub-section, other than those specified in clause (v) thereof, shall be open to discussion by the Council of State when the Budget for the year 1943-44 is under consideration.

LINLITHGOW,  
Viceroy and Governor General."

##### PANEL OF CHAIRMEN.

"In pursuance of the provisions of sub-section (2) of section 63A of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, I, Victor Alexander John, Marquess of Linlithgow, hereby nominate the following Members of the Council of State to be on the Panel of Chairmen of the said Council of State:—

In the first place, the Honourable Sir David Devadoss; in the second place, the Honourable Mr. M. N. Dalal; in the third place, the Honourable Sir Rahimtoola Chinooy; and lastly the Honourable Mr. V. V. Kalikar.

NEW DELHI;  
The 6th February, 1943.

LINLITHGOW,  
Viceroy and Governor General."

##### COMMITTEE ON PETITIONS.

THE HONOURABLE THE PRESIDENT: Under Standing Order 76 of the Council of State Standing Orders, I am required at the commencement of each



session to constitute a Committee on Petitions consisting of the Chairman and four members. The following Members at my request kindly consented to preside over and serve on the Committee. I accordingly have much pleasure in nominating as Chairman of the Committee the Honourable Raja Charanjit Singh and a members, the Honourable Pandit Hirday Nath Kunzru, the Honourable Sir Ramunni Menon, the Honourable Haji Syed Muhammad Husain, and the Honourable Mr. M. N. Dalal.

### CONGRATULATIONS TO HIS EXCELLENCY THE COMMANDER-IN-CHIEF ON HIS PROMOTION TO FIELD MARSHAL.

**THE HONOURABLE THE PRESIDENT:** Honourable Members, on your behalf I have to perform a very pleasant duty now. You are aware that in the *London Gazette*, our popular Commander-in-Chief has recently been made a Field Marshal. I rise to offer on my behalf, and on behalf of all the Members of the Council of State, our congratulations on the exalted distinction which has been conferred on him. (*Hear, hear.*) He is not present here today as his very arduous duties have called him elsewhere, but I know he will be very glad to hear of the unanimous opinion of this Council and he will fully appreciate the kindness of this House. As regards his services, I am not competent to deal with them because they are so numerous and so varied, and particularly I am not conversant with the military aspect of the question. But it is well known to all of you that His Excellency, when he was Commander-in-Chief in the Middle East, rendered most excellent and valuable services not only to the British Government but also to all the fighting nations all over the world. He is a most zealous, hard-working and consummate Commander-in-Chief and he is at present engaged in most difficult duties in connection with the reconquest of Burma and also supervising over the affairs of China. I therefore hope that you will all approve of my action in referring to his work and expressing our great gratification on the conferment of this high distinction on him.

**THE HONOURABLE SIR MAHOMED USMAN (Leader of the House):** Sir, I have very great pleasure in associating myself with what you have said in offering our congratulations to our very popular Commander-in-Chief. I request you, Sir, to convey to His Excellency the Commander-in-Chief our congratulations.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern: Non-Muhammadan):** Sir, I join you in offering our congratulations to His Excellency the Commander-in-Chief on the well earned distinction that has been conferred on him. I am sure there will be no dissent from what you have said in any quarter of the House.

**THE HONOURABLE THE PRESIDENT:** I will, with great pleasure, convey to him.

### GOVERNOR GENERAL'S ASSENT TO BILLS.

**SECRETARY OF THE COUNCIL:** Sir, information has been received that His Excellency the Governor General has been pleased to grant his assent to the following Bills which were passed by the two Chambers of the Indian Legislature during the Autumn Session, 1942, namely:—

1. The Indian Companies (Second Amendment) Act, 1942.
2. The Indian Rubber Control (Temporary Amendment) Act, 1942.
3. The Code of Civil Procedure (Amendment) Act, 1942.
4. The Code of Civil Procedure (Second Amendment) Act, 1942.
5. The Repealing and Amending Act, 1942.
6. The Federal Court (Supplemental Powers) Act, 1942.

### STANDING COMMITTEE FOR THE DEPARTMENT OF INFORMATION AND BROADCASTING.

**THE HONOURABLE SIR MAHOMED USMAN (Leader of the House):** Sir I move:—

“That this Council proceed to elect, in such manner as the Honourable the President may direct, two non-official Members to serve on the Standing Committee to advise on subjects in the Department of Information and Broadcasting.”

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU** (United Provinces Northern : Non-Muhammadan) : May I inquire, Sir, in this connection whether the Members who were elected when Sir Akbar Hydari was living and who have not had the opportunity of attending any committee meeting are to be displaced now by other Members ?

**THE HONOURABLE SIR MAHOMED USMAN** : Sir Akbar Hydari wanted to appoint an advisory committee for the Department of Information and Broadcasting consisting not merely of Members of the Legislature but also outsiders. Before the Committee was formed, Sir Akbar died and this idea was given up and there is now no standing committee at all. For this reason and for the first time I make this Motion now. There was no occasion at all for any meeting, because there was no committee.

**THE HONOURABLE MR. HOSSAIN IMAM** (Bihar and Orissa : Muhammadan) : Sir, I should like to have some assurance from the Government of India that this Committee will not be an ornamental Committee which will be appointed but will remain inoperative. For the last one year there has been no Member in charge of Information and Broadcasting. In spite of having 10 Indian Members, no Indian Member has time enough to look into this Department and no new Member is being appointed. It is more than a year since Sir Akbar Hydari died and except for a brief space of a fortnight no Member has been in charge of this Department. The Government neither gives this portfolio to one of the existing Members nor has it the courage to appoint a new Member. If Government has no intention of dealing with his matter in either of the two possible ways, I think it is a farce to form this Committee. If the Government is anxious to have this Committee we should have an assurance that this Committee will function under a Member and not remain in suspense under a Secretary.

**THE HONOURABLE MR. P. N. SAPRU** (United Provinces Southern : Non-Muhammadan) : I should like, Sir, to reinforce what the Honourable Mr. Hossain Imam has said so far as these Committees are concerned. The Standing Committee connected with the Department of Supply and that connected with the Department of Civil Defence have been meeting regularly, but so far as the Committee in regard to Broadcasting is concerned, it never met ; as a matter of fact it was never formed and before we agree to associate ourselves with this Committee we should like to have a definite assurance that this Committee will meet and will work as other committees are meeting and working. It should not be looked upon as a paper committee only. We should like also the position to be cleared in regard to the Information Department. Who is in charge of the Information Department ? Has the Information Department been allotted to any particular Member ? Is it in charge of the Governor General, or is this Department in charge of some special Secretary ? These points should be made clear to us before we can agree to associate ourselves in any shape or form with this Committee. The Department of Broadcasting is from our point of view a very important Department, because it deals with questions like that of propaganda in which we are interested. But before we give our blessing to this Committee we must have a more definite assurance than we have had so far from the Leader of the House.

**THE HONOURABLE SIR MAHOMED USMAN** : As far as this House is concerned, I represent the Department. Therefore, any information that Honourable Members want to have I am prepared to give. As for the meetings of the Committee I will convey to the Secretary the desire of the House that the Committee should meet as often as possible.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU** : The Honourable Member conveyed this desire last year too, but it had no effect on the Secretary.

**THE HONOURABLE SIR MAHOMED USMAN** : As I have already told you, Sir Akbar Hydari wanted to have a large committee. He took the names of members from various groups, but the Committee was not formed. I shall speak to the Secretary and see that meetings are held.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU** : May I ask whether the Leader of the House will see that the Committee meets ?

**THE HONOURABLE SIR MAHOMED USMAN :** I will mention it to the Secretary. I shall convey to the Secretary of the Department the desire of the House for the meetings.

**THE HONOURABLE MR. P. N. SAPRU :** May I ask a question, Sir? Am I to understand whether the Secretary of the Broadcasting Department decides or whether the Home Member decides this question. He said he would convey the desire of the House to the Secretary. I resent any desire of the House being conveyed to a permanent official. I should have thought that the Honourable Member would have more sense than he has displayed.

**THE HONOURABLE SIR MAHOMED USMAN :** What I meant was that there is no Member for this Department. At the present time it is in charge of the Secretary. I shall tell him that it is the desire of the House that the Committee should meet and he will call the meeting.

**THE HONOURABLE MR. HOSSAIN IMAM :** It would be more appropriate if the desire of the House is conveyed to His Excellency the Governor General that we are anxious to have a Member, either a new man or one of the Executive Councillors. We do not like this suspense to continue.

**THE HONOURABLE SIR MAHOMED USMAN :** I do not intend to do any such thing.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** The Honourable Member ought to have made quite sure that the Committee would meet before asking us to elect this committee.

**THE HONOURABLE SIR MAHOMED USMAN :** I have already said that I will convey to the Secretary the desire of the House.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** You should have decided before coming here and not convey our desire to the Secretary of the Department.

**THE HONOURABLE THE PRESIDENT :** Motion moved :—

“That this Council do proceed to elect in such manner as the Honourable the President may direct two non-official Members to serve on the Standing Committee to advise on subjects in the Department of Information and Broadcasting.”

Question put and Motion adopted.

**THE HONOURABLE THE PRESIDENT :** With reference to the Motion which has just been adopted by the Council, I have to announce that nominations to the Committee will be received by the Secretary up to 11 A.M. on Monday, the 22nd February, 1943, and the date of election, if necessary, will be announced later.

#### DEATH OF SIR MUHAMMAD YAKUB.

**THE HONOURABLE THE PRESIDENT :** Honourable Members, with much sorrow I have to officially announce to this Council the sad and untimely demise of one of our colleagues, Sir Muhammad Yakub. Sir Muhammad was a member of the Legislative Assembly for many years. He distinguished himself in that body as a great debater and a very zealous and hard-working Member. Later on, he became for a short period the President of that House and during that period too he performed distinguished service to the Assembly. Later on, he was nominated by the Governor General to this Council where he was very well known and though he spoke very rarely when he spoke he spoke with great clearness and force and his influence was felt in this House. He was a distinguished Member of the Assembly as well as of this House. Later on, with the permission of His Excellency the Governor General he was nominated by the Nizam's Government as a Reform Adviser to that premier State in which also he rendered very distinguished service. We all regret his untimely and sudden death and I am sure all Honourable Members will adopt my suggestion and allow me to convey to his family our sorrow which this House has felt at his great loss.

**THE HONOURABLE SIR MAHOMED USMAN (Leader of the House) :** Sir, I beg to associate myself with what you have said about the late Sir Muhammad Yakub and support your suggestion that the regret of this House be conveyed to the members of the bereaved family.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU** (United Provinces Northern : Non-Muhammadan) : Sir, I am in agreement with what you have said regarding the regret of this House at the death of Sir Muhammad Yakub. I was one of those Members of the Assembly who had been acquainted with him for many years and his sudden death has come as a shock to many of his old friends. I hope, Sir, that you will be good enough to convey to his relatives an expression of our sympathy and condolence.

**THE HONOURABLE MR. HOSSAIN IMAM** (Bihar and Orissa : Muhammadan) : I also wish to associate myself, Sir, with the expression of sorrow at the death of Sir Muhammad Yakub. We all mourn his death and regret his untimely demise.

**THE HONOURABLE MR. M. N. DALAL** (Bombay : Non-Muhammadan) : The death of Sir Muhammad Yakub is genuinely regretted by this House. The views which he held and gave public expression to with such vigour were not always shared by his friends but he was none the less much respected by them. He was genial and courteous and a true representative of real Muslim culture. His loss today is genuinely felt and deeply mourned by even those of his friends who disagreed with him on political questions.

**THE HONOURABLE MR. R. H. PARKER** (Bombay Chamber of Commerce) : I would like to associate myself with what you have said about the late Sir Muhammad Yakub.

**THE HONOURABLE LT.-COL. SIR HISSAMUDDIN BAHADUR** (Nominated Non-Official) : I would also like to associate myself with what has fallen from you, Sir.

#### PRESENTATION OF THE RAILWAY BUDGET FOR 1943-44.

**THE HONOURABLE SIR LEONARD WILSON** (Chief Commissioner for Railways) : SIR, I have the honour to present the statement of estimated revenue and expenditure in respect of Indian railways for the coming year.

##### *Accounts for 1941-42.*

2. Last year at this time I estimated that 1941-42 would close with a surplus of 26·20 crores. Actually our traffic receipts were about 2½ crores above our estimates, while our expenditure was only about half a crore more. Our interest charges were also 17 lakhs less and the year closed with a surplus of 28·08 crores, out of which 20·17 crores were paid to general revenues and 7·91 crores to the depreciation fund in repayment of the loans from it.

##### *Revised estimate for 1942-43.*

3. When presenting the budget for 1942-43, I explained that in view of the difficulties of estimating in war time, we could only relate our estimates of earnings to the previous year's receipts and make an allowance for certain known factors, which I then mentioned. Events have once more served to emphasise the uncertainty of expectations in war time and we now anticipate that in this year our gross traffic receipts will set up a new record of 149·25 crores, of which earnings from State-owned lines will be 144·06 crores and those from worked lines 5·19. We also expect an increase of 15 lakhs in net miscellaneous receipts which we now put at 1·71 crores.

4. On the expenditure side we expect an increase over the budget of 10·84 crores in ordinary working expenses and of 20 lakhs in payments to worked lines and a decrease of 5 lakhs in the appropriation to the depreciation fund. Our revised estimate of working expenses, including depreciation and payments to worked lines, is thus 86·52 crores against the original budget of 75·53 crores. Heavier expenditure on fuel accounts for an increase of 1½ crores, on repairs for about 2½ crores and on additional staff, including those employed for prevention of sabotage, for over a crore. Enhancement of dearness allowance from the 15th June accounts for 2½ crores, loss on grain shops for ½ a crore, air-raid precautions for over 2 crores and militarisation of the Bengal and Assam and certain sections of the East Indian, Bengal Nagpur, Madras and Southern Mahratta and South Indian Railways for less than a crore which sum represents only half the cost of militarisation, the other half being borne by the War Department. The heavier expenditure under repairs is partly for normal repairs and partly for repairs of damage caused by sabotage, floods and cyclones. Against this increase in working expenses, we expect a reduction of

19 lakhs in interest charges. Our estimate of the surplus is 36.28 crores which is 8.33 crores more than was expected at the time the budget was prepared.

5. The contribution from revenue to depreciation fund will be 12.58 crores, and there will be an accretion of 40 lakhs by the transfer of the balance in the renewals suspense account of the Bengal and North Western and Rohilkund and Kumaon Railways which accrues to Government on the purchase of these lines. Expenditure from the fund, with which I shall deal later, will be 5.01 crores.

*Explanatory remarks.*

6. Viewed as a commercial undertaking, the results of the current year's working are remarkably good, especially when we compare the increases in the charges levied for transportation, with the increases in the market prices of most commodities. It may be of interest to the House if I recount the existing increases in the charges for transportation over those in force before the outbreak of war. These are, for goods, 2.2 per cent. on coal for 7 months of the year and 6.7 per cent. for the remaining 5 months, 12½ per cent. on food grains in small consignments, 12½ per cent. on other commodities except food grains in wagon loads, fodder, manures and railway and military traffic, on which no increases in the charge have been imposed. For coaching traffic, the increases are 25 per cent. on parcels and 6½ per cent. on passenger fares exceeding one rupee. The basic passenger fares on the East Indian and North Western Railways have been increased to bring them more nearly into line with those of the other State Railways. Many passenger concession fares formerly introduced to combat road motor competition have been withdrawn and some special rates on goods traffic have been suspended where necessary to encourage traffic to move by routes most economical in rail transport. On commercial considerations alone the present high level of prices generally justifies enhancement of the charges for transportation but on existing charges the railways are able to pay their way and produce a handsome surplus and as it is the policy of Government to do everything possible to check inflation it is not proposed to make any general increase in the coming year in rates and fares.

7. During this year, the railways over the main traffic routes have been working available engines and wagons to full capacity when these were not interrupted by floods and cyclones and by sabotage, yet the number of wagons loaded up to date this year is less by about 15 per cent. on the broad gauge and about 17 per cent. on the metre gauge than in last year. This is due to the hold up of wagons in ports and military depots and to dislocation of goods traffic by the movement of a larger number of military special trains. The average distance over which goods have been carried, has increased which also reduces the number of wagons available daily for loading. Another factor affecting the number of wagons loaded is the priority given to essential traffic, this frequently results in wagons, after unloading, being unable to pick up traffic waiting at the unloading station as they are required for more important traffic at a station some miles away. Against these handicaps, a considerable increase in the average wagon load has been achieved with the result that the freight ton mileage up to date is only about 2 per cent. less than in last year. But the goods earnings are up on last year and one naturally enquires why the earnings have increased when the work done, measured in freight ton miles, has decreased. The reason for this is that railways are not now able to carry all the traffic offering and that priority is given to essential traffic which is on the whole higher rated than the less essential traffic which has been squeezed out.

8. I would here pay tribute to the Central and Regional Priority Authorities which have so ably helped transportation and consequently the war effort, by the prevention of unnecessary movements of traffic, by distributing traffic between available means of transport and by giving priority to the movement of commodities most necessary for the life of the country and for war purposes.

9. The shortage of visible supplies of food is one of the major difficulties with which the country is faced today. The House is aware of the steps taken to overcome this and as distribution plays so vital a part in the solution of this problem the highest priority has been given to the movement by rail of foodstuffs. Up to date it can be said that an adequate supply of wagons has been made available for this purpose but food grains have not been offered for transport to the extent required

[Sir Leonard Wilson.]

to meet the demands in the deficient areas. The importation from overseas of large quantities of wheat, which has been arranged, will help to solve the food problem and railways will assist in the distribution of this vital commodity though this will further tax the already heavily loaded system.

10. The public are much concerned by the reduction in the passenger train services which, measured in train miles, are about 37 per cent. less than before the war. This reduction has been necessary to free engines and line capacity for military traffic and to provide engines for shunting in the many military depots throughout the country. It has also been necessary in order to reduce the consumption of coal, the carriage of which takes up so large a part of the railways' capacity ; in fact 46 per cent. of the ton mileage of last year on broad gauge railways was taken up by coal.

11. Steps have been taken to provide, as far as possible, accommodation for those who must travel. A publicity campaign has been undertaken with the aid of the Press and the principal travel agencies to persuade people to travel only when they must. Additional coaches have been attached to each train, which has necessitated the prohibition of the carriage of motor cars by passenger trains and the withdrawal of dining cars on many of the main routes and also the reduction of the train speeds as with the heavier loads trains cannot be run to the former time-tables. Punctuality even to the slower timings is often lacking which is largely due to the running of military special trains, allowance for which cannot be made when the time-tables are drawn up. Despite the curtailed public services and the publicity campaign, the passenger miles have increased and there has been an increase in the proportion of upper class travel. Coaching earnings have therefore benefited and they have also benefited by the withdrawal of concession fares and by the earnings from an increased number of troop trains. Parcel traffic has increased despite the raising last year of the increased charges from 12½ to 25 per cent. which was done to prevent small consignments normally carried by goods trains being transferred to the parcels service. The outstanding feature of the gross earnings expected this year is that of an increase of 14 crores from goods and coaching traffic, about 10½ crores comes from coaching traffic. Railways during this year have been unremitting in their efforts to meet the ever increasing demand for the transport of goods but it now appears that this year the freight ton miles will not exceed those of last year and may even be somewhat less. The efforts to make the best possible use of existing engines and wagons will continue but substantial improvement in carrying capacity of the railways can be obtained only by adding to the stock. We have placed orders this year for the manufacture in India of a large number of wagons which with the arrears on previous orders will give us 9,708 broad gauge and 736 metre gauge wagons (excluding brake-vans) but compliance with other urgent war orders restricts the availability of steel and manufacturing capacity for wagons and it will therefore not be possible to obtain delivery of all these before the end of 1943-44.

12. As regards engines, we attempted to obtain from abroad 185 goods engines for the broad gauge and 92 for the metre gauge railways for delivery in 1943-44 and we expect delivery of the metre gauge engines in that year but we may not be able to obtain more than 140 for the broad gauge and we cannot be sure that even this number will be delivered. We have not overlooked the necessity to manufacture engines in India as soon as possible and at present our Consulting Engineers are planning for the conversion for locomotive building of one of our repair shops at present employed on war work and are basing their proposals on up to date practice in England and America. It is our intention to start work on the conversion as soon as all the circumstances permit. Despite all our efforts to proceed with the building of metre gauge and light broad gauge engines at our Ajmer Shops, progress this year has been negligible because materials on order could not be obtained.

13. The disturbances to railway working due to unforeseen occurrences have been more than usual this year. The Hurs caused some dislocation to the traffic in Sind in the early part of the year, there were serious breaches of the lines in Sind, Bihar and Assam due to floods during the monsoon and in November a cyclone was the cause of a breach of the line in Orissa. In August a campaign of destruction of the railways was started by misguided people and their attempts to interrupt

communications adversely affected traffic especially in August and September. The list of disturbances would be incomplete without reference to enemy bombing though this has not been severe. I do not intend here to assess the relative effect on railway working of these occurrences but all told they have added to our burdens and have to some extent restricted our services. Our expenditure has been increased by the employment of many additional men for the prevention of accidents due to sabotage and whilst in most cases their efforts have proved successful there have been regrettable accidents to running trains some with loss of life. Our resources in men, materials and money have been heavily taxed for repairing the damages by sabotage and floods. I would here mention that outstanding work was accomplished by our engineers in the bridging of the breaches.

14. The cost of living has risen throughout the year and the staff have experienced difficulty in obtaining the necessaries of life such as foodstuffs, clothing and fuel. To help those most in need a dearness allowance has been given which has been raised when necessary and in addition a large number of grain shops has been opened by Railway Administrations for the benefit of the staff. But it has not been possible to obtain the grain required for all these shops and adequate quantities have therefore not always been available for the staff served by them. Supplies are expected to improve and food grains will be sold at fair prices, the difference between purchase and sale prices is being borne by the railways and provision for the loss on this account has been made in the revised estimate and in the budget. Railways will also endeavour to stock these shops with other necessaries but the organisation of this will take some time.

15. In May last a scheme for militarisation of railway staff in south, east and north-east India was organised as it was considered that the men enrolled in Defence of India Units would be better able to stand up to war conditions. This scheme provides for the voluntary enrolment of all the railway staff in those areas. Those who enrol draw railway pay *plus* a compensatory allowance and in addition a ration allowance. They perform their normal railway duties under their own railway officers who are granted commissions. So far over 1,26,000 men have voluntarily enrolled in these Defence of India Units.

#### *Revenue in 1943-44.*

16. In view of the ever-increasing demand for rail transport we may assume that during 1943-44 the railways will as in this year be worked to full capacity. The dislocation to traffic caused by sabotage and by floods and cyclones has to some extent adversely affected this year's earnings and though it would be unwise to assume that there will be no dislocations next year we do assume that any which may result from unforeseen occurrences will have less effect than those of this year. We, therefore, expect that the gross traffic receipts in 1943-44 will exceed the estimate for the current year by  $\frac{1}{4}$  of a crore and will reach the record figure of 150 crores. In addition we expect a net revenue of 2.17 crores from miscellaneous transactions.

#### *Expenditure from revenue in 1943-44.*

17. Our estimate of ordinary working expenses in 1943-44 is 2.58 crores more than the revised estimate for the current year. Heavier expenditure on dearness allowance accounts for  $\frac{1}{2}$  a crore, the enhanced rates in the current year being for only 9 $\frac{1}{2}$  months, loss on supply of food grains to the staff accounts for 2 $\frac{1}{2}$  crores, militarisation for  $\frac{1}{2}$  a crore, ordinary repairs for  $\frac{2}{3}$  of a crore, staff for  $\frac{1}{3}$  of a crore and fuel for 1 $\frac{1}{2}$  crores. We however expect about 1 $\frac{3}{4}$  crores less expenditure on protective measures and air raid precautions,  $\frac{1}{4}$  of a crore less on repairs to damages by floods, cyclones and sabotage, and a decrease of about one crore in suspense. The acquisition by Government of the Bengal and North Western and Rohilkund and Kumaon Railways from 1st January 1943 will result next year in a saving of 122 lakhs under payment to worked lines and in an additional appropriation of 26 lakhs to depreciation fund. Our interest charges will also be 17 lakhs less because of a reduction in rate. We therefore expect the year's surplus will be 24 lakhs less than in the current year and will be 36.04 crores. The appropriation to the depreciation fund will be 12.84 crores and the withdrawals are estimated to be 11 crores. The net accretion to the fund will therefore be 1.84 crores.

[Sir Leonard Wilson.]

*Disposal of surplus.*

18. I would remind the House that we started the year 1940-41 with liabilities of 35·71 crores to General Revenues being the arrears of the 1 per cent. contribution, and 30·29 crores to the depreciation fund. Owing to the increase in traffic brought about by the war and the consequent increase in earnings we had by the end of 1941-42 reduced our debt to the General Revenues to 12·63 crores and our debt to the depreciation fund to 22·38 crores and transferred 6·30 crores to railway reserve. We now consider that this amount of 6·30 crores should have been utilised towards the repayment of the debt to the depreciation fund and we propose to do so in the current year, reducing the debt to 16·08 crores.

19. In the current year we expect a surplus of 36·28 crores. To General Revenues we have to pay 5·14 crores as 1 per cent. contribution for the year and 12·63 crores to wipe out the contribution arrears and in addition we propose to pay 2·36 crores in order to bring up the total payment to General Revenues to the budget figure of 20·13 crores. We shall pay to the depreciation fund the 16·08 crores required to wipe out the debt and transfer the balance, which we estimate at 7 lakhs, to railway reserve.

20. In 1943-44 we estimate a surplus of 36·04 crores, 35·75 crores from commercial lines and 29 lakhs from strategic lines. We propose to pay to General Revenues  $\frac{2}{3}$  of the surplus of commercial lines and the surplus from strategic lines, the total of these amounts being 27·10 crores, the balance of 8·94 crores will be transferred to railway reserve which will stand at 9·50 crores.

21. To enable the proposed allocation of the surpluses in this year and the next to be made, Government propose to ask for the approval of the Legislature to the payment to General Revenues for the year 1942-43 of the sum of 2·36 crores over and above the current and arrear contribution due under the Convention of 1924 and to the abandonment from the 1st April 1943 of those clauses of the Convention which concern the contribution and allocation of surpluses to General Revenues. The approval of the Legislature will also be sought to the division of the 1943-44 surplus on commercial lines in the proportion 75 per cent. to General Revenues and 25 per cent. to the railway reserve; the loss, if any, on strategic lines being borne by General Revenues, and for subsequent years and until a new Convention is adopted the allocation of the surplus on commercial lines between the railway reserve and General Revenues to be decided each year on consideration of the needs of the railways and General Revenues, the loss on strategic lines being recovered from General Revenues.

22. When the Convention was adopted in 1924 it was expected that railways would be able to pay the interest on the capital at charge of commercial lines and in addition make to General Revenues a contribution of 1 per cent. on that capital. This the railways were able to do for five years and in the same period to build up a reserve of 18½ crores. But in the following years railway revenues were inadequate to meet these charges and by April 1940 about 18 crores had to be withdrawn from the reserve fund, contributions were in arrears to the extent of 35·71 crores and 30·29 crores had been borrowed from the depreciation fund to meet interest charges. Therefore in peace time the Convention was too hard on railways and in war its application would result in the payment to General Revenues of a share of the surplus less than that which Government considers necessary for the relief of the taxpayer. The abandonment of the relevant clauses of the Convention is therefore considered necessary. The proposed allocation of surpluses between railway reserve and General Revenues is a compromise between the needs of prudent railway finance and the immediate pressing needs of the tax-payer.

*Capital and Depreciation.*

23. I now turn to our expenditure under capital and from the depreciation fund. Our revised estimate allows for an expenditure of 15½ crores under capital and 5 crores from the depreciation fund. In the capital expenditure is included a sum of 13 crores on account of part of the purchase price of the Bengal and North Western and Rohilkund and Kumaon Railways. There are also substantial reductions in capital, 160 lakhs as a result of rolling stock sent overseas, 42 lakhs as a result of lifting of 42 miles of branch lines and 43 lakhs from transfer to the Baroda



Government of the 25 per cent. financial interest in the Tapti Valley Railway which interest they had when the railway was the property of the Tapti Valley Railway Company. The Baroda Government also pay 23½ lakhs for the sale to them of the Broach Jambusar Railway with branches to Kavi and Dahe.

24. For the year 1943-44, we have made provision of 4½ crores for the balance of the purchase price of the Bengal and North Western and Rohilkund and Kumaon Railways. For open line works the programme provides 5½ crores for track renewals, 1 crore for bridges, 2½ crores for other structural works, 12½ crores for rolling stock and 1½ crores for increase in stores balances. The large provision for rolling stock is to cover the purchase of the 140 broad gauge and 92 metre gauge locomotives and the programme of wagon construction to both of which I have already referred.

Though the total programme including the balance of the purchase price of the Bengal and North Western and Rohilkund and Kumaon Railways comes up to 26½ crores we have, after making allowance for the probability that railways will be unable to spend the full amount for works, made provision for only 24 crores, of which 11 crores will be charged to the depreciation fund.

*Conclusion.*

25. In conclusion I would commend to the House the railwaymen who have done so well during a year in which the pressure on them has been greater than ever before. Their ordinary work has been extremely heavy, but the greatest trial with which they have had to contend was that imposed by those who set out to destroy the track and other railway property, and in this trial they displayed the courage necessary to restore the damage and to keep the traffic moving. On each of the many occasions of sabotage to the track, a derailment with loss of life might have occurred, had it not been for the vigilance of the staff. Despite this vigilance there have been some derailments and loss of life. Yet the train staff continued to work their trains in the face of this danger. There have been several panic evacuations due to bombing or the fear of it, yet those who left the danger area expected railwaymen to continue at work and this they did with few exceptions, though there is nothing more infectious than panic. I said in this House last year that the country expects railwaymen to carry on despite the fear or consequences of enemy attack. I said then that I believed they would do so and I still hold that belief. (*Applause.*)

Budget papers were then distributed to Honourable Members.

The Council then adjourned till Four of the Clock.

The Council re-assembled at Four of the Clock, the Honourable the President in the Chair.

**MOTION FOR ADJOURNMENT *RE* UNCONDITIONAL RELEASE OF MR. GANDHI.**

**THE HONOURABLE THE PRESIDENT:** We will now proceed with the Adjournment Motion. No speech will exceed in duration 15 minutes.

**THE HONOURABLE MR. V. V. KALIKAR (Central Provinces : General):** Sir I beg to move:—

“That the House now do adjourn to discuss a definite matter of urgent public importance, viz., the situation arising out of the refusal of the Government of India to release unconditionally Mahatma Gandhi, who is fasting.”

As the House knows, Mahatma Gandhi started his fast on Wednesday last after completing his correspondence with His Excellency the Viceroy. The Government of India issued a communique on the 10th February deploring the action proposed to be taken by Mahatma Gandhi and allowing him certain concessions. In that communique they have stated that he would be allowed free liberty for the purpose of the fast and during the period of the fast, that he would be allowed to take his medical assistants with him who are in jail and that he would be allowed perfect liberty to receive visitors. Mahatma Gandhi, Sir, declined to agree to the conditions laid down by the Government. He wants that he should be a free man to see things for himself and if he thinks that certain wrongs have been done about which he has no knowledge he is ready to make amends for them. One thing has come out of this correspondence between His Excellency the Viceroy and Mahatma Gandhi. Mahatma Gandhi, Sir, has in unequivocal terms condemned acts of

[Mr. V. V. Kalikar]

sabotage and violence. He has also asked in his personal letter to the Viceroy that if His Excellency the Viceroy convinces him he is prepared to make the necessary amends. I do not hold any brief for Mahatma Gandhi. He is an all-powerful man. In fact, I disagreed with his programme and I have been disagreeing with him for the last 20 years. I am putting up the case from a humanitarian point of view. I do not want to enter into the controversy as to who is responsible for sabotage and acts of violence which occurred after the arrest of Mahatma Gandhi and Congress leaders because, Sir, it is admitted that there is evidence for connecting Mahatma Gandhi and the acts of sabotage and violence but as the time is not ripe—these are the exact words in the correspondence—the Government are not ready to place that evidence before the public. I therefore, Sir, want to suspend my judgment as to who is responsible for the acts of sabotage and violence but two issues arise from this correspondence and that is that Government wants Mahatma Gandhi to plead guilty to the charge though the evidence is not disclosed and wants the public to be convinced about it. Mahatma Gandhi says that he is innocent. He wants to review the whole situation, make amends if there is necessity for it and he says, in his last letter to the Viceroy, that as he has not been convinced by His Excellency or by the Press communique issued by the Government, he wants to make an appeal to the highest seat of justice as he thinks that he is not able to get justice from the authorities concerned.

Sir, the House knows that Mahatma Gandhi is respected in spite of his political views throughout the whole world. The news of his fast has caused deep concern not only to people in India but to those outside India who think him as a real servant of his country and who wish that he may live long to serve his country loyally.

Sir, the question before the House is whether the Government policy of not allowing him to go out of the prison walls is correct or not. Admittedly, the Government want to set him at liberty for a particular period. If really they can take the risk of letting him out for a particular period I do not understand, Sir, why he should not be let out unconditionally. Government should take that risk. If after his release he is found taking an active part in violent activities—which nobody believes he would do—the arm of the law is long enough, and he can be dealt with accordingly.

But, Sir, the Government communique reveals an attitude of frightfulness. I do not want to weary the House by reading the whole communique, as it has already been published in the papers. But I attach importance to one fact mentioned in the communique; in fact the whole trend of the communique is to the effect that Mahatma Gandhi and his associates are responsible for the acts of violence and sabotage. His creed does not allow him to review things from behind the prison walls. He has specifically mentioned in his correspondence that he does not want to coerce Government by observing the fast, but that he is observing it as a *satyagrahi*. So far as India is concerned, nobody can challenge the sincerity of his purpose.

Then, Sir, the next question that is to be decided by Government is as to the situation that is likely to be faced not only by the Government but by the whole country if anything untoward happens—if the fast is continued, and if both the parties are adamant. We have precedents of heart-to-heart talks with the head of the executive by Mahatma Gandhi in the past. Some years ago, when Mahatma Gandhi started his movement, the head of the executive had a heart-to-heart talk with him, and the matter was settled peacefully. Sir, prestige should not come in the way of saving the life of a very great man. If the Government pursue their present policy and do not reconsider their decision in time, nobody can tell what may happen. If Mahatma Gandhi loses his life, nobody can foretell what may happen. It is not a risk worth taking. From the country's point of view, from the point of view of accelerating the war effort, from the point of view of gaining national goodwill, I think the Government, if they have any statesmanship in them, should take courage in both hands and seize this golden opportunity of gaining national goodwill by setting him at liberty.

Sir, I know that my time is limited. Moreover, I do not want to enter into controversial questions. I appeal to the whole House to agree to my Motion and

bring pressure to bear on Government to reconsider their policy. It is the desire of all people in India—some of them do not agree with his political programme and views—that he should not lose his life, and that he should be set at liberty. Readers of newspapers have seen that various important institutions in India have appealed to the Government of India and to His Excellency the Viceroy to release Mahatma Gandhi unconditionally and to solve the deadlock in the country. I humbly submit that if he is released he will help the Government in solving the deadlock. Mahatma Gandhi is regarded, not only by his followers and friends, but by his political opponents also, as a great friend of Britain. It is no use following a rigid policy—the policy which has been followed by the Government of India since August last. If you follow the policy of conciliation, the feeling of bitterness and resentment that exists in the country will certainly disappear. Therefore, I submit, Sir, that the Government ought to seize this opportunity and allow Mahatma Gandhi to come out of the prison walls.

With these words, I move my Motion for the acceptance of the House.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern : Non-Muhammadan) : Mr. President, I shall try to deal with the important question that my Honourable friend Mr. Kalikar has raised today in such a way as to steer clear of controversial matters as far as possible. It is not my purpose to apportion blame between the Government of India and Mahatma Gandhi ; I want to concentrate my attention on larger matters, matters that concern not the unhappy past but the future of this great country.\* When I read the correspondence that took place between Mahatma Gandhi and the Viceroy, it was in order to find out whether it gave any hope of the question at issue between the Government and the nationalists being approached in a new spirit. It seems to me that the second letter written by Mahatma Gandhi to the Viceroy, which is dated the 19th January, does create the hope that a new approach to the problem, which constantly engages the attention of all of us, is possible in spite of all that has happened during the last six months. Towards the end of his letter Mahatma Gandhi says two things to the Viceroy :—

“ To sum up ”, he says, “ Firstly, if you want me to act singly, convince me that I was wrong and I will make ample amends. Secondly, if you want me to make any proposal on behalf of the Congress, you should put me among the Congress Working Committee members. I do plead with you to make up your mind to end this impasse ”.

Sir, the two requests made by Mahatma Gandhi to the Viceroy seem to me to be the essence, the most important part, of the Gandhi-Linlithgow correspondence. I do not think that it can be disputed that the position taken up here by Mahatma Gandhi is a perfectly reasonable one. Whatever the Viceroy may think of Mahatma Gandhi's refusal to regard the official version as reliable, there can be, at the very least, no harm done if an attempt is made to convince Mahatma Gandhi of the truth of the reports that reached the Government. In any case, I should have thought that when this letter was received, some effort would be made to get into touch with Mahatma Gandhi, particularly as he had said in his first letter :—

“ You can send for me or send some one who knows your mind and can carry conviction. There are many other ways if you have the will ”.

It is clear, therefore, that before the correspondence ended in this crisis, it was possible for the Viceroy to make a genuine effort to convince Mahatma Gandhi that the reports that had been published in the newspapers were genuine and were not an attempt on the part of the Government to make out a strong case against their political opponents. Even though Lord Linlithgow might have failed to convince Mahatma Gandhi, nothing would have been lost if the course suggested by Mahatma Gandhi had been adopted. The second suggestion of Mahatma Gandhi is far more important even than this. The Viceroy had written to him in his first letter that if he had any suggestion to make, His Excellency would give it his best consideration. Mahatma Gandhi, taking this to mean that it was expected of him that he should put forward new suggestions which might make it possible for Government to arrive at a settlement with the Indian leaders, suggested the only way in which he could put forward new suggestions. He asked that he should be put into touch with the members of the Congress Working Committee. This was no extravagant request to make. Indeed, it seems to me to be an eminently

[Pandit Hirday Nath Kunzru.]

reasonable one. No harm would have resulted had this suggestion been accepted and had he been brought into contact with the members of the Working Committee so that they might thrash out afresh the problems with which we are all concerned. Yet, Sir, to our great disappointment, the only reply that was given by Lord Linlithgow to this suggestion was :—

“ If, therefore, you are anxious to inform me that you repudiate or dissociate yourself from the resolution of August 8, and the policy which that resolution represents, and if you can give me appropriate assurances as regards the future, I shall, I need not say, be very ready to consider the matter further ”.

It is rather surprising that the Head of a Government, which instead of entangling itself for ever in the past but should think about the future, should return an answer which made negotiation impossible. Whatever the responsibility in official eyes of Mahatma Gandhi for the disturbances that took place in August last might be, yet the Government could afford to show a magnanimous spirit and take this opportunity of ending the deadlock and opening a new and happier chapter in the history of Indo-British relations. The appeal of Mahatma Gandhi to the Viceroy to end the impasse is, I think, the deadliest charge that could be brought by any Indian against the British Government. While I can understand the Viceroy's concern for the maintenance of law and order, one cannot humanly expect that when men like Mahatma Gandhi and the Viceroy differ about certain fundamental matters, it would be possible for either party to come forward in sackcloth and ashes to express repentance for the past. That is not the way, Sir, in which an amicable settlement can be arrived at, and that is not the way that the British Government themselves have followed in the past. In the case of Ireland, Sir, which was much worse than that of India, His Majesty's Government adopted a different and far more statesmanlike course and the policy which they had the wisdom to follow led to the happiest results. Now, whatever the views of the officials regarding Mahatma Gandhi's responsibility for the August disturbances might be, the charge of violence cannot be brought against him in the same way as it could be brought against the leaders of the Irish Party. All of them had taken part in the campaign of murder and terrorism which the British Government had in vain used its utmost power to crush. And yet, while the British Government negotiated with the Irish leaders, it refuses to allow Mahatma Gandhi to put forward new suggestions unless he withdraws from the position that he took up in August last and humbly confesses to His Excellency the Viceroy that he was entirely in the wrong.

Sir, if Government still desire, that a new atmosphere should prevail in the country, I feel certain that on the basis of the suggestions contained in Mahatma Gandhi's second letter to which I have already drawn the attention of the House they can still give the country a new opportunity of considering all those problems that are at issue between it and the Government. The slightest chance of arriving at a friendly settlement should not be ignored by the authorities.

Apart from this, the authorities were willing to release Mahatma Gandhi for the purpose and duration of the fast. I would ask the House to consider why Government made this offer. I think they made it because they did not want to incur the odium of having been responsible for the death of Mahatma Gandhi. If that is their feeling, then I think they ought at the present time when his health is deteriorating be prepared to release him unconditionally. Whether if he dies now or if he is released when his recovery is impossible they will have to incur the very odium which they wanted to escape from. I think, therefore, that it is desirable both in their own interests and in that of the country that the Viceroy instead of asking Mahatma Gandhi to confess his sins and to repent of them, should in a statesmanlike way set him at liberty and tell him that if he follows the path of peace and puts forward suggestions, which while giving the country the constitutional freedom that it ardently desires and indeed insists on will at the same time ensure the fullest prosecution of the war, those suggestions would receive not merely the earnest but the favourable consideration of His Majesty's Government.

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern : Non-Muhammadan) : Mr. President, never before in its history has I believe this House had to consider a more solemn Motion than the one which it is considering this afternoon. The news that Gandhiji has undertaken a fast of three weeks according to capacity has spread consternation throughout the entire country. The Mahatma is 73. He suffers from high blood pressure and a three weeks' fast is no joke in the case of a man of 73, even though that man has been accustomed to fasting all his life. It is true he is used to fasting. But it must be remembered that he is not young, and though he is a man of strong will, one cannot be sure of what the effect of this fast will be on his life and health. It may be that some of us have not always been able to agree with everything that Gandhiji has said or done. Perfection is not given to man. We are all liable to errors of judgment. Not one of us is divine. "To err is human : to forgive divine." But there is no denying the fact that Gandhiji is one of the greatest men that this country has produced probably since the days of Buddha and Sankaracharya. We are too near him to pass an accurate verdict on his worth, on his work, on his achievements, on his contributions. I do not wish to anticipate the verdict of the future historian who will write with fuller knowledge and with much greater detachment than we with our little prejudices can claim to possess, than we with our selfish interests can claim to have. Certain it is that he is one of the creative forces of mankind. He is one of those men who change the course of a nation's history. To have supplied his countrymen with the vision of a new freedom, to have given to them a new philosophy and a new technique based upon the principles of *Ahimsa*, to have experimented with it in the life of a people, to have emancipated women, to have roused the Hindu conscience to the injustices of the Hindu social system, to the injustices of the system of untouchability, to have raised the Indian issue to the status of an international issue ; these are great achievements for any living man. And what man is there who can claim to be greater than Gandhiji? His countrymen prize his life ; they prize it more than they prize any other life in this country. Gandhiji embodies in his unique personality the highest aspirations, the highest yearnings of the Hindu race and, therefore, whatever our differences with Gandhiji might be, we cannot even for a moment contemplate with equanimity anything that may occur should Gandhiji's life be lost by the obstinacy of Government. Remember the repercussions of any attitude of "We cannot do anything, we are not responsible, let him die" will be terrible so far as Hindu India is concerned. I do not want the breach between India and Britain to be final. I want Britain and India to come together and I would like to say this, that the consequences of anything which happens to Mahatma Gandhi will be terrible, terrible, terrible beyond words. You have machine-guns, you have armies, you have navies, you have air fleets ; but there is also the life of the spirit and the spirit of the Indian will revolt against you if you should because of considerations of prestige allow Gandhiji to die. Do not, therefore, look upon it as a mere administrative problem, look upon it as a problem of statesmanship, approach it in the spirit of men who wish to usher in a new era of goodwill and co-operation in this time of disaster in this country. I would make this appeal to my Muhammadan friends also. I was very glad to read this morning that a respected leader of the Muslim League like Sir Nazimuddin in Bengal supported the Motion for the unconditional release of the Mahatma. I am glad, Sir, to find that the Muslim community has on the whole taken a reasonable view. Don't forget that little sentence in Gandhiji's letter to the Viceroy. "You did not allow Rajaji to see me". That shows that Gandhiji has no desire to impose his own will upon the Muslim League. He has no desire to impose his own solution upon the Muslim League.

Then, Sir, I shall say a few words about the correspondence between the Viceroy and Gandhiji. That correspondence reveals that Gandhiji is completely wedded to non-violence and that he has not the slightest sympathy with violence in any shape or form whatever. How can he, whose greatest contribution to human history has been this doctrine of non-violence, sympathize with or connive at the activities of saboteurs, murderers and dacoits and terrorists? How can he sympathize with them? The Viceroy has not merely accused him of an error of judgment. He

[Mr. P. N. Sapru.]

does not say you did not foresee these acts of sabotage or violence; he wants to accuse him of direct responsibility for these acts. He says you connived at these things; you knew these things; these acts were done with your knowledge, with your connivance. This is the argument—there is a lady who is a member of the Working Committee and we know her to be a terrorist. Now there is a Mr. Leopold Amery and there is a Mr. John Amery and Mr. John Amery broadcasts from the German radio and I have heard him broadcast from the German radio. As a Hindu I would say Mr. Amery had committed past sins and he was reaping the fruits of those sins inasmuch as he had produced a disgraceful son. He asks the British people to make friends with Germany. Would you hold Mr. Leopold Amery, Secretary of State for India, responsible for what Mr. John Amery says? Well, I think the husband cannot be responsible in a society constituted like ours for what the wife says or does and I do not know, Sir that those allegations against the wife, whoever she may be, are true. That is the sort of evidence upon which the Government relies for tracing a connection between the Congress movement and violence. We have our own explanation of those disorders. That explanation will not suit you. I do not say that there has been no disorder. I very strongly condemn these acts of terrorism but it is your evacuation policy, the general feeling of frustration that you have created in this country, the speeches of Mr. Churchill and the speech of Mr. Amery, in which he gave to the public the supposed programme of the Congress as that of sabotage and acts of violence after which disturbances took place that are partly responsible for them. Now, Sir, these speeches too have to be taken into consideration in apportioning responsibility. Let us not go too closely into the question of responsibility. Your argument is that you cannot yield to coercion. Well, you yield to coercion every day. You have yielded to coercion on so many occasions in the history of your Empire. My Honourable friend Dr. Kunzru instanced the case of DeValera. You negotiated with Cosgrave; Mr. DeValera was also present there. You negotiated with Griffiths and you thought it was all right. You negotiated with General Smuts after you had fought the war and defeated him and you did not say, "General Smuts, you must tell us before we negotiate with you, General Botha, before we negotiate with you, you must tell us that you were absolutely in the wrong in fighting against us; otherwise we won't negotiate with you". In that way you will never get peace in this country and you want peace in this country because you say you want a New Order. We want and I am sure I am hopeful of a New Order, because whatsoever I might think of Mr. Churchill—and I may tell you that I look upon him as a great tragedy—whatever we may think of Mr. Churchill, we know that the Associated Powers are nations with such clean records as China, the United States, which did not get anything out of the last war, and the Soviet Union. With the ideals of the Soviet people some of us sympathize. Well, therefore, let us not talk of responsibility. Many things have been done in the name of the Christian religion. Would you hold the founder of Christianity, one of the greatest figures in the history of the human race, responsible for these things?

THE HONOURABLE THE PRESIDENT: I would advise you not to bring in religion.

THE HONOURABLE MR. P. N. SAPRU: I would be the last person to say any thing against the founder of Christianity or the founder of Islam, two of the greatest figures that human history has known or produced; almost divine, almost perfect. I would be the last person to say one word against them. I am only saying that you cannot hold them responsible for what their followers have done. Sir, let us not, therefore, go into this question of responsibility too much. Let us concentrate on the immediate present and I cannot help feeling that the fast was in way forced upon the Mahatma by the correspondence and by the letters of Lord Linli hgow. The Mahatma made a suggestion "If you want me to make any concrete suggestions then put me at all events into touch with the members of the Working Committee".

THE HONOURABLE THE PRESIDENT: Your time is up.

THE HONOURABLE MR. P. N. SAPRU: He said, "Put me into touch with members of the Working Committee", but the Viceroy did not even care to reply to that.

part of the letter and then he refers to this act of fast as a sort of political blackmail. What other thing can a man do except say that "Since you say this I shall appeal to the highest tribunal where I shall get the justice which you have denied to me"? On these grounds I do hope most strongly that the House will recognize the solemnity of this occasion, will recognize that there is a responsibility for the vote which we cast this day and that it will ask for an unconditional release of the greatest Indian of this generation.

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN (United Provinces West: Muhammadan): Sir, I am supporting this Motion for various reasons. I must say that I am not very much enamoured of fastings of this kind. But this is the way of Mr. Gandhi. It is not for me here to criticise his methods, or to approve of them. I have had the opportunity of working with Mr. Gandhi for a couple of years. Then came a time when I revolted against the Congress, for good reasons. And the Congress knows, headed as it is by Mr. Gandhi, that I am one of the strongest opponents of the Congress policy.

But today I am supporting the Motion for the unconditional release of Mr. Gandhi for the reason that it will be beneficial, not only to this country but to other countries as well, because I believe that very likely his release may solve the deadlock, for which every one feels anxious. As has been said by the Mover himself and the members of his party, that although they do not agree with the policy sometimes enunciated by Mahatma Gandhi, they will support his release at the present juncture without entering into controversy as to responsibility between Mr. Gandhi and the Government. I say the same thing and that the question of analysing and putting the responsibility on the shoulders of one or the other is absolutely inopportune for the purpose of supporting this Motion. I appeal to the Members on the other side of the House that they should show their individuality, their courage, and that they can be independent, by voting for this Motion. There may be some one who may have it in his mind, but I would like to see any one openly saying that he does not wish to remove the political deadlock in the country. I have been hearing from everywhere, from England, from America, and from all parts of India, that every one is anxious to remove the deadlock. I do not know whether they mean it or not. But today's voting will certainly show whether the Government is keen on, or indifferent to, the removal of the political deadlock.

The Secretary of State, in a speech supporting and approving the refusal of permission to Mr. Rajagopalachari to see Mahatma Gandhi, also said that it is for the Indians to make up their differences, and that once they did it, the British would be willing to part with power. Now, Sir, how is it possible for Indians to make up their differences, how is it possible for Indians even to sit down to talk about their differences, when one party is in jail and the other party has no access to that party? The mere fact that the release of Mahatma Gandhi at least gives us a good chance of bringing about a settlement and thereby removing the deadlock, is one of the strongest possible grounds for any one who professes to be anxious to see the deadlock ended to support the Motion.

I am quite certain that the Government also, owing to this deadlock, are not in a comfortable position even in the prosecution of the war, in spite of the fact that they have at their disposal the resources, both in men and in materials, of this country. Think of the day and the time when a united India stands behind the war effort and wholeheartedly supports every phase of it. The position then will not be what it is today; the whole of India will be at the back of the Allies, and it will be much easier to walk into Germany than it is today. It is for this reason, in their own interests, that I ask Honourable Members on the other side to support this Motion, if for nothing else.

It may be said, "Oh, we cannot support the unconditional release of a person against whom there is the allegation of connection with sabotage and other subversive activities". The words of the allegation are very vague. The connection may be far-fetched; it may be indirect, or it may be direct: we do not know. They refuse to place the evidence before the public. The connection may be, as some people believe, the same as between a human being and a monkey: there

[Haji Syed Muhammad Husain.]

may be no direct connection at all. Therefore, that will not be a ground for not voting for the release of Mr. Gandhi. One thing is certain. If you want any condition, that condition is already fulfilled by his unequivocal denouncement of violence and his reiteration of non-violence being his article of faith. What else is wanted now? What more can he say? If it is expected that he would say, "Oh, yes; I advocated violence, sabotage, murders, arson. But now I repent". I am afraid that would mean that the deadlock is deliberately maintained. Therefore, I request Government, if not for any other reason, at least for this reason, to release the man even if they believe him to have been responsible for all this misery arising out of the August disturbances, if that very man can come forward and give be you relief, courage, support and everything that you now need. Statesmanship demands that opportunity should be allowed to him to do this. The peace will restored in the country and your position in the war will be much safer than it is today.

THE HONOURABLE SIR A. P. PATRO (Nominated Non-Official): Sir, there is no doubt that it is the earnest desire of every Indian that the present impasse should be put an end to as early as possible and peace should be restored in the country, especially at a time when we are facing the danger of war and when there is the threat to India herself from a treacherous enemy. But then the question is: How is this to be ended? Would the unconditional release of Mr. Gandhi contribute towards this end? Honourable Members, who have spoken before me, have made a special pleading. They said that Government should unconditionally release Mr. Gandhi whatever may be the past, and he will solve the problem. In his letter he said, "Place me along with my colleagues and we will consult and work out a programme". The whole point is this. He has had for the solution of the Indian constitutional problems the last two or three years. Ever since the declaration of the Viceroy in Bombay in August, 1940 there was the problem before the country. Gandhiji and his colleagues in the Working Committee have had ample opportunities of helping the solution of this problem, of bringing about union in the country between the Mussalmans and the Hindus, and thereby solving the problem. Has any attempt been made to do this? What is the use of advancing that argument, "You release him now and he will solve the problem". That is no argument at all. To the man in the street it appears as if it were a special pleading without an understanding of the position. Then, Sir, in the volume of correspondence between the Viceroy and Mr. Gandhi which has been released I am not able to discover any valid reason which he has advanced in his letter for taking up this deplorable step of fasting. As some Honourable Member has remarked, fasting becomes not a fashion but a sort of rule of *satyagraha* law with him. Mr. Gandhi himself, after his Rajkot fast, said there was no use in these fasts any longer. He felt it and declared so. He has now again taken to this fast. Why? I am unable to discover any reason for taking this step again. In the correspondence he says he wants a sort of solace, a sort of comfort, for the pain which he has been suffering from, and that as a *satyagrahi* he must undergo this kind of suffering. Then, again, he makes an appeal to a higher power for justice having failed now. What is the justice that he demands or who is to judge the standard of justice? The test for such justice as he claims is not at all disclosed in the correspondence. Therefore, it seems to me that this deplorable undertaking to fast is not supported by any reason which will convince the man in the street that he is justified in taking to this. Even then, friends have appealed and said that whatever may be the past, he is a great man,—there is no doubt about that,—and therefore he must be released. Instead of these honest patriots appealing to this Government which is condemned as being inefficient, hard-hearted, anti-Indian, etc., why should an appeal be made to this hard-hearted Government instead of all the patriots joining together and appealing to Mr. Gandhi to give up the fast and stop violence and thus arrange things for the purpose of solving the problem? That would be a positive act, a constructive act, which is expected of our countrymen and the patriots for the purpose of helping a solution of the problem, instead of asking the Government only. The Government ought to help in the matter and it is bound to help. But it is up to the people to appeal to Mr. Gandhi and tell him that it is not at all proper or fair that he should fast and die,



but on the other hand he should help them in the solution of the problem. That would appeal to every reasonable person. He calls all these people "reputed to be Congressmen". He does not say that it is the Congressmen who are perpetrating these cruel, dastardly acts of murder, sabotage and incendiarism. No, not the Congressmen, but those people "reputed to be Congressmen". That is how he puts it in his subtle language. Those persons who are reputed to be Congressmen are doing these acts of violence. Therefore, even from the jail he could say he dissociates himself from any of these acts of violence and he can tell these people even from the jail itself, "Do not carry on these acts of violence". It is possible for him to do that. An appeal should be made to Mr. Gandhi that he should take constructive steps so that violence may come to an end. There is no use asking this hard-hearted Government. We have said, "Let us unite and knock at the door of the Government so that our requests may be granted". Why should we, on this occasion only, say, "Let Mr. Gandhi be unconditionally released?" In his correspondence, Mr. Gandhi says that he is not at all aware of this violence and that he is not responsible for it. The correspondence shows that now he admits that after the Congress leaders were arrested, violent acts have followed and that he was aware of them. It was time for him to warn them against any such acts of violence. He did nothing of the kind. Then how can you say that anything reasonable and peaceful can be expected. His last message was, "Do or die". He spoke of "open rebellion". The "Do or die" mentality is there. As you all know, his chief lieutenant, Sardar Patel, in Gujerat has been preaching that the British Government would be finished in a week. He has said that the present struggle, the present *satyagraha*, would not be a long struggle, but will be of only a short duration and then the whole work will be finished and that a revolution would be effected. These statements would not be unknown to a great person and therefore it seems to me that the "apostle of non-violence" could have acted in quite a different manner to the one which we noticed. He cannot altogether be a stranger to these acts of violence which we find in the country.

The next question is, what is the guarantee that the people have against repetition. It may be that the lawyers, merchants and the few capitalists may have confidence. But then what about the people, the masses? What guarantee do you give them for freedom from violence and subversive methods. That is the real question that you have to ask yourselves in considering whether it is reasonable and expedient that he should be unconditionally released without any security for the safety of the people. I should be indeed very glad and happy personally if Mr. Gandhi is released. But the real difficulty seems to me to be about the security to the people, the agriculturists, the cultivators, the labourers, knowing as we do what has been done during the few months from July till now. An account of all the atrocities that took place was given by the Honourable Home Member in the Assembly in reply to a question. Therefore how could we prevent these acts in the future? It would appear that it is not reasonable, politically expedient, that there should be unconditional release. It may be coercion or forcing the hands of the Government. Government may surrender. This Government may change, changes may take place, but the people remain there. The safety of the people should be considered first and therefore whether there should be unconditional release is a matter that one should consider from larger issues. It is not only Mr. Gandhi but the whole lot of the Congressmen that should be released. What is the use of releasing one individual, however great he may be? You have to release all the Congressmen and all those that have been kept in detention and all those that have been convicted of crimes. Therefore it is a very great problem, very large indeed. We cannot very easily say that unconditional release would be very helpful. *It may be an unconditional surrender of the Government.* I do not care whether the Government surrender or not. But if it is reasonable and politically expedient and secure and safe in future, it might be done taking the risk.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : Mr. President, the Adjournment Motion which has been moved before the House is an important one. No one can deny that the question of Mr. Gandhi's life is one in which millions, hundreds of millions, of Indians are deeply interested. It will

[Mr. Hossain Imam.]

not be possible for any Government, be it English or Indian, to come to a decision about his life with a light heart. But we have to look at it from a detached point of view. The Muslim League is accused ; if it refuses to be the cat's-paw when it is required to play that part. A prospect had been dangled before us by my colleague the Honourable Mr. Muhammad Husain that his release might bring the millenium and a solution of the Hindu-Muslim question. I will have to examine and see if there is, even a shadow of coming events in it. I have also to examine how far the Government has coerced Mr. Gandhi into this action. I have also to see whether Mr. Gandhi has embarked on this as a measure of forcing the Government or as a measure of salvation for all the ills. The time is very short and therefore I will have to be very brief. I would invite the attention of the House to the fact that correspondence has been going on between the Viceroy and Mr. Gandhi from four days after his arrest. The first letter was addressed on the 14th August and in that letter Mr. Gandhi said :—

“ That you have the approval of your Indian ' colleagues ' can have no significance, except this, that in India you can always commend such services ”.

This is the present to the ten valiant gentlemen. Then again he says :—

“ Anyway the summary rejection of the demand has plunged the nation and the Government into confusion ”.

This is the first charge on the 14th August. Then, Sir, I come to a portion with which I join issue :—

“ The Government of India have not condescended to consider the Congress offer that if simultaneously with the declaration of the independence of India they could not trust the Congress to form a stable provisional government, they should ask the Muslim League to do so ”.

And that passage is again repeated in his letter of the 29th January in which he says :—

“ As you should be aware, the Congress was willing and prepared for the Government inviting Qaid-i-Azam Jinnah to form a national Government subject to such agreed adjustments as may be necessary for the duration of the war, such Government being responsible to a duly elected assembly ”.

Here I join issue. He concludes this letter by saying :—

“ But the Working Committee is not likely to have changed its mind ”.

Even after all these years, Gandhiji has not realized that we Muslims are no longer children to be duped. To form a Government and make that Government responsible to a Legislative Assembly in which we will be in a hopeless minority is the negation of independence or responsibility. We have seen how the Labour Prime Minister, Mr. Ramsay Macdonald, with his Conservative backing, behaved. Was that ever a Labour Government in any true sense of the word ? Now, Sir, I do not wish to bring in political issues here. I simply brought in this thing to show to my Honourable friend that the prospect of any Hindu-Muslim settlement due to Gandhiji's liberation are not at all bright. Nevertheless, as I said in the beginning, I will have to examine how these two people have fared, Government as well as Gandhiji. Now the Government have charged the Congress with the responsibility for all the troubles that has happened in August-September, and I would like to read Lord Linlithgow's charge-sheet.

THE HONOURABLE THE PRESIDENT : If you read it too often you will miss the opportunity to speak.

THE HONOURABLE MR. HOSSAIN IMAM : Well, Sir, I take your advice and won't read the extract. I want to know, if somebody will point out to me, how did it happen that a Party, an organized Party like the Congress, should take the thing lying down, while others would take up the cudgel on its behalf and would resent the arrest of the leaders of another Party (Congress) so much so as to indulge in sabotage and all the other violent acts ? The Congressmen, according to the Mahatma, were not responsible for all that happened. Then there must have been other people who did do sabotage, etc., because no one but Gandhiji can deny that anything happened. Things did happen in India. The Congressmen were not responsible. We make a note of this. Then we come to the Hindu Mahasabha. Here we find Savarkar saying they were not responsible for all this. Let us acquit them also of the charge. There is no evidence against the Muslims ; they were not responsible for the sabotage.

Now, will some C.I.D. officer, some bright C.I.D. officer, find out the Party which is so extensive throughout India that it can at one moment stop and try to paralyze all transport and every other thing and yet remain so dormant and so leaderless and so disorganised as to have no Apex party of its own ?

THE HONOURABLE MR. P. N. SAPRU : Fifth Columnists.

THE HONOURABLE MR. HOSSAIN IMAM : They would have been confined to Bengal if they were of Subas Bose party, but Bengal has fared best and the worst Provinces were my own and that of my Honourable colleague Mr. Sapru.

THE HONOURABLE MR. P. N. SAPRU : The evacuees from Burma.

THE HONOURABLE MR. HOSSAIN IMAM : The evacuees from Burma had more trouble than you could realize. They were not in a position to organize this thing. It is a thing which one must ponder.

Now, Sir, there is no doubt some weight in the charge which Pandit Kunzru brought forward against the Government. He gave you two options : either convince him or place him in his Working Committee. There is no defence put up by the Government against these charges and I would like the Home Department or the Leader of the House to reply to this charge of Pandit Kunzru. It is a very pertinent charge which he has made.

If the Government is not willing to be blackmailed, as he calls it himself, then the one demand which can be met by them is that they should not blackmail others. It is only when Government deals with the question of the Congress that the League and other Parties are dangled as the people who count, whose consent is necessary for denying power to the Congress. But when the question of devolution of powers comes then there is nobody in the eye of the Government but the Congress. Whenever there is any prospect of making a Hindu-Muslim settlement even the highest in the land has not the decency to keep out, and not to queer the pitch as he did in December last year. He dangled before us the geographically-one formula of India, as if it was a new theory or a new discovery that has been made and as if even a schoolboy did not know that geographically not only India is one, but Asia is one and the whole world is one. Man for man Hitler and Roosevelt are one.

Now, Sir, the question at the present time is : Is it wise for Government to take on itself the odium of the eventuality that might happen ? I sincerely feel, Sir, that my Hindu friends should not only confine their attention to the British Government but should approach their Mahatma as well. Gandhiji should be persuaded, as he was persuaded when he took the fast on the Harijan issue. At that time, too, the direct tussle was between the Government and the Congress. Mr. Gandhi did not like the Communal Award ; he wanted it to be amended. The Secretary of State did not amend it but the people of India did go over to him and brought about a sort of settlement. I think it is possible to persuade Mr. Gandhi even now, because it is a fast to capacity ; it is not a *murn burth* fast, so it is not so hopeless as it appears.

We, Sir, I mean as Leaguers, do not come into the picture. We are neither responsible for his being sent to the jail, nor are we responsible for keeping him in the jail. It is a quarrel between the Government consisting of a majority of Hindu members and Mr. Gandhi and they should settle it between themselves. The Viceroy and Gandhiji are friends. It is a friendly quarrel, or it might be a deadly quarrel. No one knows, but the issue is weighty and I can assure my friends that the Government is too wise to embark on an issue, the result of which it knows would be odium throughout India.

THE HONOURABLE SIR MAHOMED USMAN (Leader of the House) : Mr. President, Sir, I have not much to say on the Motion moved by my Honourable friend because the Press communique has answered all the questions raised in the debate today. The Government were very anxious when they heard that Mr. Gandhi had resolved to fast and therefore I think they adopted a very reasonable solution when they told him that they were prepared to release him for the purpose and for the duration of the fast. We thought, Sir, that this was a very fair offer : otherwise our administration could be brought to a standstill by anybody who could say that he was going to fast simply because he disagreed with the Government. They felt that the highest standards of administration should be maintained. But Mr. Gandhi was not willing to accept our offer. The offer stands

[Sir Mahomed Usman.]

even today. The next best thing we could do was to permit him to have his own medical advisers and friends. Our object in all this was that his friends should go and induce Mr. Gandhi to give up his fast. That is the course now suggested by two of my Honourable friends who have just spoken—I mean the Honourable Sir A. P. Patro and the Honourable Mr. Hossain Imam. Instead of asking the Government, I think the friends who are very anxious that Mr. Gandhi should live should approach him and ask him to respect the opinion of the Indian leaders and to give up the fast which he has undertaken and thus save his life.

Coming to the question of unconditional release, I should like to say that unconditional release will not be the right thing to do, as it will plunge the whole country into trouble again. We know that Mr. Gandhi will not fast when he is released unconditionally. But he is not going to be quiet. He will certainly start once again his revolutionary activities, to which he stands committed, for capturing the Government of the country for the Congress. This is not going to bring communal harmony: on the other hand, it will increase communal bitterness, because Mr. Gandhi is not at all just and fair to those parties that do not acknowledge him as their leader. One hundred million Muslims refuse to submit themselves to the rule of the Congress; so do the Scheduled Castes, the non-Brahmins of Southern India and the Princes. The Honourable Sir A. P. Patro has spoken in the same strain as the Honourable Mr. Hossain Imam. Government have to consider not only the claims of the Congress Party alone, but also those of the other parties as well. Mr. Gandhi, in his letter of January 29th, says in the postscript:—

“The Government have evidently ignored or overlooked the very material fact that the Congress by its August resolution asked nothing for itself. All its demands were for the whole people. As you should be aware, the Congress was willing and prepared for the Government inviting Qaid-i-Azam Jinnah to form a national government subject to such agreed adjustments as may be necessary for the duration of the war, such Government being responsible to a duly elected assembly”.

This, he says, was in the mind of the Congress on the 9th of August. The object of the postscript was to draw the attention of His Excellency the Viceroy to the fact that he was thinking of a national Government and inviting Mr. Jinnah to form a national Government on the 9th of August. But what does he say on the 14th of August? He says:—

“Let me examine the Government offer. ‘It is that as soon as hostilities cease, India shall devise for herself, with full freedom of decision and on a basis embracing all and not only a single party, the form of government which she regards as most suited to her conditions’. Has this offer any reality about it? All parties have not agreed now. Will it be any more possible after the war? And if the parties have to act before independence is in their hands? Parties grow up like mushrooms, for without proving their representative character, the Government will welcome them as they have done in the past, and if they, the parties, oppose the Congress and its activities, though they may do lip homage to independence, frustration is inherent in the Government offer. Hence the logical cry of withdrawal first. Only after the end of British power and a fundamental change in the political status of India from bondage to freedom, will the formation of a truly representative government, whether provisional or permanent, be possible”.

Here he does not think of the Muslim League at all. Sir, Mr. Gandhi is the leader of only one party, the Congress Party. Government have to consider the claims of all other parties as well—the Muslim League, the Justice Party, the Scheduled Castes, the European interests, the Indian Princes, and so on. Therefore, we cannot act as if the Government exists only for Mr. Gandhi and the Congress. If Mr. Gandhi succeeds in making the Congress Party dominate over others, there is bound to be anarchy in India, which will greatly facilitate the Japanese invasion of this country. (*Interruption.*) Mr. Shankar Rao Deo, a member of the Congress Working Committee, who has been arrested and is now detained, speaking at Marol and Ghatkopar in the Bombay Suburban District on the 26th and 29th of July, said that he thought the entry of Japan into the war should be an encouragement to Indians, who should, and did, derive pleasure from the successes of the Germans. He went on to suggest that the mass civil disobedience movement would take the form of a general strike in all factories, mills, and transport undertakings, which would cripple the war machinery. This is clearly the object of the movement started on the 9th of August.

**THE HONOURABLE MR. V. V. KALIKAR :** Who said this ?

**THE HONOURABLE SIR MAHOMED USMAN :** Mr. Shankar Rao Deo.

Sir, while the Government of India deplore the use of the weapon of fasting to achieve political ends—which Mr. Gandhi and the Congress themselves have condemned before as containing an element of coercion—they do not want that anything should happen to the life of Mr. Gandhi. They have therefore allowed his friends to visit him. His friends, I am sure, can persuade him to give up his fast as it is a fast not unto death but to capacity. I entirely agree with my Honourable friends Sir A. P. Patro and Mr. Hossain Imam that instead of appealing to Government the leaders should appeal to Mr. Gandhi to give up his fast.

It is now three and a half years since the war began. I should like to ask what the Congress has done to encourage the war effort. The responsibility for all the troubles in India today is theirs. As soon as the war broke out they raised the political issue. They thought more of their own Party than the safety of the country. The only positive thing they did was to make speeches at the end of 1940 and the beginning of 1941 to discourage the war effort, for which they went to jail. It is this attitude and activity of the Congress that encouraged Japan to attack this country. Coming out of jail, they again thought of how best to capture the Government for their Party. Finding that the British Government would not yield to them and were for justice and fair play to all, the Congress started the slogans "Quit India" and "Do or die". I should like to ask: Are these the people that are going to assist the British Government and their Allies in the prosecution of the war if they succeed in acquiring the supreme control of the Government of India ?

Sir, as I have said, the solution is in Mr. Gandhi's hands. If he wants it he can certainly end his fast. It will give us great pleasure.

**THE HONOURABLE SIR RAMUNNI MENON (Nominated Non-Official) :** Sir, however deplorable the fast may be, there can be no doubt that the action which was commenced a few days ago and has since been proceeding on its distressful course has created considerable alarm and anxiety among all sections of the Indian public.

**THE HONOURABLE THE PRESIDENT :** A little louder, please.

**THE HONOURABLE SIR RAMUNNI MENON :** But I think it will be a mistake to consider the situation that has arisen as being a very simple situation, capable of a simple and direct solution. We all know—those who have been in touch with public affairs in this country during the last six months cannot but know—that the present political situation in the country is extremely complicated; and it must be a source of the greatest embarrassment to the Government as well as others to deal with that situation in the midst of a world war. Therefore, let us not make the mistake of assuming that it is a very easy matter to extricate a very important personage from a difficulty into which he has got of his own deliberate accord and against the earnest advice of some of his best well-wishers. What is the position ? Mr. Gandhi has gone on fast and the country is suggesting to the Government of India that he should be released unconditionally. For the facts relating to the situation, fortunately we need not travel very far. The correspondence, which has been published recently, between His Excellency the Viceroy and Mr. Gandhi gives all the relevant circumstances, which will be sufficient for anybody to come to a balanced judgment on the main issues involved. Anybody who reads that correspondence dispassionately and with a full and a fair understanding of the facts of the situation cannot but come to the conclusion that the Government of India have shown the utmost toleration and the most conciliatory spirit in dealing with a personality who is noted for his dogged determination and individuality. If, after all their efforts, the person concerned decides to act of his own accord, of his own deliberate choice, what can anybody else do ? You must leave him to take the action that he chooses to take and to face the consequences of his action. Will anybody approve of the method of fasting as a legitimate method of achieving a secular object if it is undertaken by any ordinary person ? I am sure that everybody will treat the affair, if not with—what shall I say ?—contumely, certainly with derision. I can well understand that there might be a difference of opinion in regard to fasting as a part of religious practice. But such difference of opinion

[Sir Ramunni Menon.]

does not exist in regard to its adoption in secular affairs. If, under these circumstances, a person decides to go on fasting, we can only leave him to do so. The Government of India have shown that they were prepared to make every provision for his undergoing the fast in the most comfortable and congenial surroundings. Their offer, however, was refused. Now, it is suggested that he should be released unconditionally. What are the implications of that suggestion? Mr. Gandhi is under detention for reasons which are well-known to the world. The Government of India have taken action along certain lines and that action has been approved and strongly supported by all sections in this country other than the Congress. What will a sudden reversal of that policy—and it is a sudden reversal which this unconditional release will amount to—mean? It will mean that the Government are prepared to throw overboard all those elements in the country which have stood by the Government, which have given them their full support not only in regard to this action but in regard to the entire war effort. It will mean something more. It will mean that we are prepared to bring about a political solution without any reference to the elements other than the Congress in this country—a solution which, the Government have solemnly declared on several occasions, can only be achieved and will only be permitted to be achieved on certain definite conditions. I consider that when all these very important considerations are borne in mind, a suggestion that Mr. Gandhi should be released unconditionally is devoid of all practical significance. The Government of India offered to release him on certain conditions, namely, that he must disclaim all responsibility for the mischievous resolution of the Congress Working Committee which plunged the country into the subsequent deplorable state of affairs—chaos, murder, looting, arson, and sabotage of various kinds. Secondly, the Government of India want to be assured that with regard to the future his conduct and the conduct of his friends will be favourable to the Government. What is there unreasonable in asking for these conditions? Can any recognized Government of a country refrain from insisting on such conditions in regard to people whom they have deliberately kept under detention for well known reasons, reasons which might not be accepted by the persons concerned but which are considered as sound and valid by all other people? I cannot see that any Government could have adopted any other attitude in this matter. We should all certainly like, on grounds of humanity and for reasons of expediency, that Mr. Gandhi should be released from his present position. But that is a matter which lies almost entirely in his own hands. He has only to give certain assurances and out he comes. He is not prepared to do that. Are the Government of a country going to conduct their large State affairs in accordance with the wishes and judgment of one individual in the community, however great he may be? I do not think that any Government can accept such a position. I therefore consider that all this debate, however interesting it may be, and however reasonable our respective approaches may be, can lead to nothing unless Mr. Gandhi himself changes his own mind and his outlook on life. I, therefore, think that the action taken by the Government of India deserves the fullest support from all thinking sections of the public.

THE HONOURABLE MR. R. H. PARKER (Bombay Chamber of Commerce) : Sir, if I may very briefly emphasise one point which seems to me rather to have escaped our notice this afternoon I should like to do so. Honourable Members have, quite rightly and naturally, drawn attention to the very serious risk that Mr. Gandhi is running. It has also been said that he is running that risk himself. With both these points of view I am in agreement. But I would also ask Honourable Members—and when I do so I ask the Government also—to take into consideration not only the risk that Mr. Gandhi is running but the risk that might be run by thousands of others were a certain decision taken. We have had experience in the last six months which has taught us a lesson. During that time we have had a Government who have conducted our affairs for us very, very soundly. I am not going to ask them to do this or to do that. But I would ask them to bear in mind those thousands who have suffered and those thousands who might suffer again if certain things were done.

THE HONOURABLE MR. N. K. DAS (Orissa : Non-Muhammadan) : Sir, I rise to support whole-heartedly the Adjournment Motion moved by my Honourable friend Mr. Kalikar. In doing so, I wish to invite the attention of the House to what happened before Mahatma Gandhi took up the fast. It was, I am sure, not necessary for him to enter into correspondence with the Viceroy unless he had, as I presume, a mind to change his way of action. In fact in his first letter to the Viceroy he said :—

“ This is the way to avoid it, convince me of my error or errors and I shall make ample amends. You can send for me or send someone who knows your mind and can carry conviction. There are many other ways if you have the will. May I expect an early reply ? ”

This is ample evidence that Mahatma Gandhi has the intention of changing his way or at least his mode of action in conducting the *satyagraha* movement that was envisaged in the resolution of August last. Then, again, Sir, in his second letter to the Viceroy he said :—

“ To sum up—

(1) If you want me to act singly convince me that I was wrong and I will make ample amends.  
 (2) If you want me to make any proposal on behalf of the Congress you should put me among the Congress Working Committee members. I do plead with you to make up your mind to end the impasse ”.

It is very clear from this that Mahatma Gandhi was no less anxious than the Viceroy himself to end the impasse, and to give a new lead to the *satyagraha* movement that he contemplated. But unfortunately the Viceroy understood him otherwise and in his letter the Viceroy said in the last sentence of the second paragraph of the second letter :—

“ And if in the meanwhile you yourself, by any action such as you now appear to be contemplating, attempt to find an easy way out, the judgment will go against you by default ”.

That is what the Viceroy said and Mahatma Gandhi took very strong exception to these words. To my mind this was too much for a man of great truth and of great character and a man of very great sacrifice. I should think that the Government of India are very ill advised if they are not taking him at his word. When he has come out himself without any communication from the Viceroy or from anybody, when he has come out himself voluntarily and said that he is ready to reform his movement or at least to amend it, it is very uncharitable to say, as the Honourable the Leader of the House has said, that as soon as Mahatma Gandhi is released the whole country would be plunged into chaos and confusion. I ask him, Sir, supposing, God forbid, Mahatma Gandhi dies because of his fast, are the Government of India prepared to withstand all that would come after him ? I do not agree with the Government nor with the Leader's views that Mahatma Gandhi or the Congress are responsible for all that has happened since August 9th. It is idle to place all the blame at the doors of the Congress. I believe, Sir, that the murder, sabotage, etc., that took place are due to many factors and one of the factors is that the Government of India thoughtlessly put all the Congress leaders into prison, all those who outside the prison would have been able to restore tranquillity and peace in the country much more quickly than the Government of India can do. I think that the Viceroy would be well advised to release Mahatma Gandhi unconditionally, for he is the only accredited leader and mass leader in this country who would be able to restore peace and good order and stop all sabotage and disorder ; and he will be able to solve the political deadlock that exists today ; otherwise I am afraid it will never be solved.

THE HONOURABLE MR. M. N. DALAL (Bombay : Non-Muhammadan) : Mr. President, this House will be failing in its duty if it does not come forward to express its own sense of anxiety and appeal to the authorities to take a wise and humane course in the best interests of the country. I do not desire to go into the question whether Mr. Gandhi is right in undertaking the fast. I have my own views on the subject, but I am convinced that when it is possible for Government to save the situation and prevent any serious risk to Mr. Gandhi's life they should not hesitate to do so.

There is every reason to think that if Mr. Gandhi is released unconditionally, he will set himself against violence in every form and use his great influence to carry public opinion against civil disturbances. We are all tired of the political deadlock which has resulted in harm to both the Government and the public. Instead of following the present barren course and looking at the question from the policeman's

[Mr. M. N. Dalal.]

point of view, I am sure Government will show statesmanship at this juncture. I do not see why the release of Mr. Gandhi should not be the first step to bring about new political conditions in the country, for it may help to bring all parties together and make one last effort to reach an agreement. I venture to suggest that Government stand to gain a good deal if they can lay aside considerations of prestige and release Mr. Gandhi as a gesture of goodwill to the people. Such goodwill will not only have great effect on world opinion but is bound to be reciprocated in this country itself.

With these words, Sir, I support the Motion.

**THE HONOURABLE KUMAR NRIPENDRA NARAYAN SINHA** (West Bengal: Non-Muhammadan): Sir, I rise to support whole-heartedly the Adjournment Motion moved by my Honourable friend Mr. Kalikar. Sir, I appeal to the Government to release Mahatma Gandhi unconditionally. Mahatmaji is undoubtedly the greatest son of India and his release will be widely appreciated by the people in this country, rich and poor alike. I think after his release Mahatma Gandhi will try his level best to solve the political deadlock and also to stop the civil commotion movement in the country. I earnestly request the Government to give Mahatmaji an opportunity—

**THE HONOURABLE THE PRESIDENT:** Order, order. The debate has been talked out and automatically now terminates.

The Council then adjourned till Eleven of the Clock on Tuesday, the 16th]February, 1943.

---