

Friday, 5th April, 1940

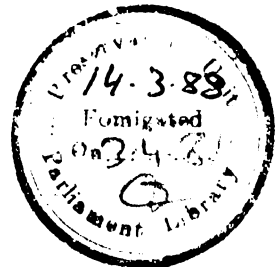
# THE COUNCIL OF STATE DEBATES

VOLUME I, 1940

*(16th February to 10th April, 1940)*

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## SEVENTH SESSION OF THE FOURTH COUNCIL OF STATE, 1940



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# COUNCIL OF STATE.

*Friday, 5th April, 1940.*

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The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable the President in the Chair.

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## BILLS PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

SECRETARY OF THE COUNCIL : Sir, in pursuance of rule 25 of the Indian Legislative Rules, I lay on the table copies of the following Bills which were passed by the Legislative Assembly at its meeting held on the 4th April, 1940, namely :—

1. A Bill further to amend the Indian Tariff Act, 1934.
  2. A Bill further to amend the Indian Tariff Act, 1934 (Second Amendment).
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## MESSAGES FROM THE LEGISLATIVE ASSEMBLY.

SECRETARY OF THE COUNCIL : Sir, the following messages have been received from the Secretary of the Legislative Assembly :—

“ In accordance with rule 36 (1) of the Indian Legislative Rules the amendments made by the Council of State in the Bill to impose a tax on excess profits arising out of certain businesses were taken into consideration by the Legislative Assembly at its meeting held on Tuesday, the 2nd April, 1940, and that the Assembly has agreed to the amendments.”

“ In accordance with rule 36 (1) of the Indian Legislative Rules the amendments made by the Council of State in the Bill further to amend the Factories Act, 1934, for a certain purpose, were taken into consideration by the Legislative Assembly at its meeting held on Thursday, the 4th April, 1940, and that the Assembly has agreed to the amendments.”

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## STANDING COMMITTEE FOR THE DEPARTMENT OF COMMERCE.

THE HONOURABLE THE PRESIDENT : Honourable Members, with reference to the announcement made by me on the 26th March, regarding nominations for election to the Standing Committee to advise on subjects in the Department of Commerce, I have to inform the House that the Honourable Mr. Abdul Razak Hajee Abdul Sattar has since withdrawn his candidature. As there now remain the following two candidates for two seats I declare them duly elected :—

1. The Honourable Mr. Chidambaram Chettiyar.
2. The Honourable Mr. Shantidas Askuran.

## CENTRAL ADVISORY COUNCIL FOR RAILWAYS.

**THE HONOURABLE THE PRESIDENT :** The Council will now proceed to elect six non-official Members from the Council who shall be required to serve on the Central Advisory Council for Railways. The election will be according to the principle of proportional representation by means of the single transferable vote and the ballot papers will now be placed in Members' hands and I ask the Honourable Members to vote in accordance with the instructions noted thereon.

(Ballot papers were distributed and Honourable Members recorded their votes.)

**THE HONOURABLE THE PRESIDENT :** The result of the election will be communicated to Honourable Members later.

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## NATIONAL SERVICE (EUROPEAN BRITISH SUBJECTS) BILL.

**THE HONOURABLE MR. A. DEC. WILLIAMS (Nominated Official) :** Sir, I move :—

“That the Bill to make certain provisions relating to service by European British subjects in the armed forces of, or in a civil capacity under, the Crown, as passed by the Legislative Assembly, be taken into consideration.”

Sir, the main object of this Bill is to secure more efficient recruitment, more particularly in the officer class and more particularly in the class of technical recruits, in the armed forces of the Crown and in certain allied civil employment under the Crown. Experience of the last war showed that recruitment of this kind was not always made in the most efficient and economical manner. By efficient, I mean that a number of efficient candidates no doubt escaped notice. By economical, I mean that it is highly probable that a large number of persons were taken into the defence forces who might have been more usefully retained—more usefully, I mean, to the common welfare—in their civil employment. It is our object, therefore, to secure as many persons with technical qualifications,—for such persons could only be obtained with difficulty, if at all, from overseas,—for the kind of employment which I have mentioned, at the same time leaving the civil industry their key men, as it is by now well understood, and it is fully recognised by Government, that civil industry may play a very important part in a war such as that in which we are now engaged. With this end in view, a register has been prepared by Government under the powers conferred by Ordinance II of 1939, since replaced by Act I of 1940. The register is in a classified form, showing as far as possible the qualifications of those registered and the degree to which they can be spared from their civil employment. The time has now come to give effect to the work done on this register. So far the system of recruitment followed has been to consult informally constituted advisory committees very much of the kind contemplated by clause 5 of the Bill. But it has been found that these committees labour under considerable difficulty as there is no statutory authority for their existence and they have no statutory power to obtain the information necessary for them to give their advice. For instance, any employer is completely at liberty to disregard these committees and to refuse to furnish just the information which they require to tender their advice.

It is further felt that if Government endeavour to leave to civil industry as far as possible such employees as are essential to its continuance, the least that employers can do is, so far as in them lies, to reinstate in their civil employment at the end of hostilities such employees as can readily be spared. Hence the provisions of clause 8 of the Bill, which follows the corresponding obligatory provision in the British statute, the National Service (Armed Forces) Act, 1939. Moreover, if a prospective recruit has prospects of reinstatement it is less easy for his employer to deter him from joining up. The provision for reinstatement does not, of course, apply to employees who cannot readily be spared from their civil employment. Government also feel that there is considerable advantage in Government itself giving a lead to individuals, indicating how best they may be employed for the common good; and Government have already received indications that a lead of this character is welcomed, as it relieves the individual of an often invidious and embarrassing choice.

Having explained the objects of the Bill, I will briefly deal with the machinery which it provides. I have already explained that Government have a provisionally classified register. On the basis of the entries in this register Officers Commanding Military Districts would be empowered, having regard to the war-time requirements of the Crown, to summon any person of the class registered to attend before a National Service Advisory Committee. These committees, as Honourable Members will see, are representative of Government on the civil and defence sides and of civil industry. They will be armed with statutory authority to obtain information necessary for their work. The committee would report on each individual as to whether he can or can not be spared from civil industry, and if he can be spared, whether he is fit for national service. An individual who is reported upon as both available and fit would be asked whether he is willing to take up national service. If he is willing, then he may be invited to take up a specified appointment. If he does so, he obtains the right of reinstatement in his civil employment subject to certain safeguards of the rights of employers, notably the right to refer disputed cases to a tribunal constituted under clause 9 and presided over by a judicial officer.

These, Sir, briefly are the objects and scheme of the Bill. I shall no doubt be asked why the Bill is limited to one community only. The explanation is that, having regard to its numbers that community can provide a greater proportion of personnel, particularly technical personnel, of the kind which we are aiming at. This community is subject in other parts of the Empire to obligations in respect of war service. This community has been included in the register to which I have already referred and of which this Bill is the logical outcome; and the register was limited to that community for the very simple reason that a national register of a sub-continent with a total population comparable to that of India was clearly unworkable.

**THE HONOURABLE THE PRESIDENT:** Can you inform the Council what is the total strength of the community?

**THE HONOURABLE MR. A. DEC. WILLIAMS:** The total strength of the effective entries in the register is somewhat over 8,000 or 9,000.

And this brings me—for I think it is perhaps convenient that I should deal with it at this stage—to what has obviously inspired the amendments to the Bill which have been tabled. The substitution of the word "Emergency" for "National" is clearly aimed at the limited scope of the Bill.



**THE HONOURABLE THE PRESIDENT :** I would advise you not to anticipate the amendment of the Honourable Mr. Kalikar at this stage.

**THE HONOURABLE MR. A. DEC. WILLIAMS :** No, Sir, I will only at this stage endeavour to explain the reason for the employment of the expression "national service". National service does not mean service by Indians; it does not mean service by Europeans; it means service in the interests of India. You can have service in the interest of India by Indians, Europeans, or for the matter of that, Americans.

The definition of "European British subject", it will be observed, extends to Europeans born, naturalised or domiciled in any Dominion as defined in the Statute of Westminster or in any Colony except Ceylon. Following your advice, Sir, I do not propose to anticipate. But if Honourable Members will look at the Statement of Objects and Reasons they will see that the Bill is designed as far as possible to bring European British subjects into line with their fellows in other parts of the Empire. I cannot hope to set forth with the same eloquence as the Honourable the Commerce Member did at our last meeting the grave considerations involved in this struggle and the necessity for the Empire hanging together. If the object of this Bill is to bring Europeans in India into line with other parts of the Empire, we cannot possibly contemplate that the Bill should bring Europeans in other parts of the Empire out of line with Europeans in India.

Sir, I move.

**THE HONOURABLE MR. R. H. PARKER** (Bombay Chamber of Commerce): Sir, when on the 1st of September last we realised that war was upon us a large number of men of all races were anxious to do their best to get to the front and to fight the foe with the least possible delay. Any war attracts a certain number of men of the more adventurous type, but I think no war in the past has ever attracted so many men who would normally not want to fight, men who abhor in a general way, war of any kind. That I think was because the whole intelligentsia of the world appreciated that what we are fighting on this occasion is hatred, malice, cruelty, oppression of a kind which nobody could conceive, and when we look back over the last few months we realise the horrors of the treatment of Poland and Czecho-Slovakia, the cruelty to man, woman and child, murder and rape, cruelty of every disgusting kind. I know that many men in this country had only one wish, not only Europeans, not only Englishmen, Americans, or anybody else, but Indians, a lot of us, we all, wanted to go and have a go at the Nazis and to put down this evil thing. We, as Europeans, were quickly made aware of the fact that we were not to be permitted to do exactly as we liked. I am not grumbling about that, but we did feel a little hurt at the time; a lot of people wanted to go by the first boat or plane and arrive in France to do their bit. Those of us who lived through the last war do realise that there was a good deal too much of that kind in the last war and that you did have people fighting in the front line trenches who could have done fifty times as much good to the cause which they wanted to support if they had been in the laboratory or somewhere, at any rate in a different place. There are I know a lot of Indians today who want to get into the Flying Corps. I do not know—it may be that it is much wiser that they should remain in India as a nucleus of something which may be very necessary at a later stage in this war. After all the war may be long, it may be short. We all hope it may be short, and to that extent, I am quite sure, that we would all be very glad if our opportunity did not come. But on the other

hand it may be much more important that these people should be available in India than that they should be now on their way to the front in France. After all, the first duty of a soldier is to obey and I think that in time of war we all have much the same duty. We can, we must, trust those who are appointed to deal with these matters and do what they think is right. I look at it this way. I consider that the service which we can and ought to render now is not only a national service in the ordinary sense, not only a service to India or to England or whatever one's own particular country may be but it is a service to humanity, humanity as a whole.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern : Non-Muhammadan) : Mr. President, at first sight it may seem that the Bill before us is purely formal and does not affect Indian interests at all. Apparently it concerns European British subjects only and as they want it, there appears to be no reason why there should be any objection to its acceptance by the Legislature. I am convinced, however, that this is an entirely erroneous view and that the Bill very nearly touches both our interests and our self-respect. The Bill is to be called the National Service (European British Subjects) Act. Now, what does this service relate to ? It is connected with the great war and is to be rendered in India. It seems to require some explanation therefore as to why Indians should not be chosen to render any service that may be required to be done in connection with the war in their own country. Europeans may be highly qualified. They may, as the Honourable Mr. Williams said, be able to provide a larger number of qualified men in proportion to the strength of their community than other communities can. But is this any reason for singling them out for the imposition of any duties or the conferment of any privileges. There are a few thousand Indians living in England always ; the population is fluctuating, but you will every year find about 3,000 to 4,000 Indians in England. Suppose that a war were to break out directly on account of India and that the Indian Legislature passed a law imposing service of a particular kind on Indians of certain classes or between certain age limits, would the Legislature of England or of any Dominion where there are Indians in that case pass legislation placing Indians in a special position in regard to any duties or privileges in connection with the war ? If England or the Dominions wanted to help and show their sympathy towards India, they would doubtless ask their own nationals to perform the required duties. They would not single out Indians and pass a special law dealing with them. For these reasons, Sir, I do not see why we should be asked to pass the Bill which has been laid before us. To say that this Bill would place European British subjects in India in the same position as Europeans in England and the Dominions is not to say anything that could carry weight with us. We have to consider whether there is any special reason for choosing European British subjects to perform any military or civil duties. There may be differences of opinion in India with regard to the war, or rather there may be differences in the attitude of different sections of the people towards the British Government in connection with this war, but there is hardly any section which would not willingly accept any duties that might be imposed upon it provided those duties went along with the status that the whole Indian community asks for. Now these duties, that is the duties that are referred to in this Bill, are, I take it, of a responsible character. No Indian, I am sure, would decline to shoulder them. Yet it is precisely where the question of bearing heavy responsibilities is concerned, where the question of filling important positions is concerned, that a discrimination is made between Europeans and Indians and in the name of national service and

[Pandit Hirday Nath Kunzru.]

putting European British subjects in India on a level with European British subjects in other parts of the Empire, a difference is made between Britishers and Indians in this country. I hold, Sir, that, if the main reason for placing this Bill before the House is that men should be available for the performance of certain duties or that European British subjects should be enabled to pull their weight in connection with the war, there is absolutely no justification for the Bill. There are qualified Indians available for the performance both of military and civil duties. I will not go so far as to rule Europeans out but I would certainly ask Government to give preference to Indians in this matter. In the second place, I would like to point out that there is nothing at present which debars Government from asking European British subjects in India to perform certain duties. Indeed, the debate that took place in the Legislative Assembly two or three days ago made it clear that there was no reluctance on the part of European firms to allow their employees to take up duties connected with the war. The Europeans wanted this Bill as a matter of sentiment.

THE HONOURABLE THE PRESIDENT : This would compel Indian firms also who employ Europeans.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : They wanted, the Europeans wanted it as a matter of sentiment. They want to be able to say that they serve in connection with the war on a footing of equality with European British subjects elsewhere. Well, if you consult the pride of the Europeans in passing this Bill, is it not your duty to consult the pride of the people of this country and to consult it more than the feelings of the Europeans ? The Bill is not only unnecessary but absolutely short-sighted in that it creates feelings of resentment against Government in the hearts of the very people whose co-operation they ought most to desire.

Apart from this, Sir, as you have very pertinently pointed out, Europeans are not employed only in British firms. They are employed in Indian firms too. It is only right, therefore, that Indians too should be consulted in a matter of this kind. Apart from the question of principle that I have raised, have Government provided for the appointment of a single Indian on what they call the *National Service Advisory Committee* ? They have ignored Indian interests altogether.

But this, Sir, is not the whole of the story. There are certain other points that require the careful consideration of the House. In September last, European British subjects between the ages of 16 and 50 were prevented by action taken under the Defence of India Ordinance from leaving India. This action was taken on the ground that, if those people were allowed to go out of India, India would lose the services of men who were qualified to be appointed to commissioned ranks in the army. When the Defence of India Bill was before this House, I ventured to criticise this order and to point out that the order was wholly unjustified because there were plenty of Indians available who could fulfil any duty that might be laid upon them by Government. Government, nevertheless, asked Europeans who were desirous, as Mr. Parker pointed out, of leaving India as early as possible in order to take a direct part in the war elsewhere, to stay here in order that they might employ European British subjects in as many responsible positions as was possible in this country. You are carrying that principle a stage further now. You are giving it statutory recognition today, and you expect us to agree to it.

Even, Sir, if this Bill related to persons born or resident in England, it would be highly objectionable in our eyes for the reasons that I have indicated. But the Bill is not, as a matter of fact, confined to them. It extends to Europeans naturalised or domiciled in any Dominion as defined in the Statute of Westminster, 1931, or in any Colony except Ceylon. To place the people of England in any privileged position as compared to Indians would have been objectionable enough. But to confer a privilege on the Dominions is to touch us on our most sensitive point. Government know very well the manner in which Indians are treated in the Dominions. They are aware of the strong resentment aroused all over India by the unequal and in some cases humiliating position assigned to Indians in the Dominions. They have so far taken hardly any notice of that fact in shaping their policies. They allow persons from the Dominions to be appointed to the Indian Civil Service. They appoint citizens of the Dominions to commissioned posts in the army. They allow military officers belonging to the Dominions to serve for a short period in the Indian Army in order to acquire experience. They employ them in the Indian Medical Service. The recruitment of Indians to the Indian Medical Service is to be limited to 33½ per cent. of the annual vacancies. Two-thirds of the vacancies are to be given to European British subjects and the citizens of the Dominions are eligible for selection. In fact, I understand that there has been some difficulty of late in obtaining medical men in the required numbers for the I. M. S. from England. Men from the Dominions are, therefore, being freely admitted into the I. M. S. and this is being done, not because Indians of the highest qualifications are not available, Indians who hold more than one high European degree, but because Government have arbitrarily decided that a large proportion of the annual vacancies must be filled by Britishers. Not content with flouting our sentiments in all these respects, Government ask us to confer statutorily a privileged position on the citizens of the Dominions, which persistently and deliberately discriminate against our nationals in their own country. What reason can there be for this attitude except that the Government of India, while professing to desire our friendship and to satisfy us with regard to our status, do not in reality have any desire whatsoever to place Indians on a footing of equality with the Britishers?

My Honourable friend Mr. Williams said in the other House and repeated today that the number of Europeans connected with the Dominions who are living in this country could not but be small; this Bill was of no practical importance, therefore, so far as they were concerned; it was only a gesture of goodwill and good fellowship. Because the Members of the Assembly could not accept his view, he made what I venture to call a discourteous remark and said that it seemed to him that the Members of the Assembly wanted to extend in this emergency not good-will and good-fellowship but ill-will and ill-fellowship to other parts of the Empire. I ask him to consider what is the number of Indians in other parts of the Empire. It is only appreciable, comparatively speaking, in South Africa. It is practically negligible in Australia or New Zealand or Canada. Have the Governments of these countries conferred any privileges on our countrymen there in connection with the war? Have they tried in any special way to cultivate the good-will of Indians and to make us feel that they are extending their good-will and good-fellowship to us? I wish that the Dominions would place even half a dozen Indians in positions of responsibility in connection with the war. But, is any Dominion Government prepared to assign a position of equality, much less to give preference, to Indians in any matter whatsoever? Yet, the Government of India have the hardihood to come here and asks us to pass this Bill which deeply hurts our self-respect in order to please the Dominions.

[Pandit Hirday Nath Kunzru.]

I have shown, Sir, that this Bill is unnecessary so far as the selection of European British subjects for war service is concerned. Government can, if they want to discriminate against us in practice, be content with the present position because I understand there is full co-operation between them and the employers of Europeans. I have also shown that this Bill deeply wounds the self-respect of India. I think, therefore, that it may justly be described as a gratuitous insult to our country. It is the duty, therefore, of every self-respecting Indian to oppose it with all the strength that he can command.

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern : Non-Muhammadan) : Sir, my point of view in regard to this Bill is identical with that of the Honourable Mr. Kunzru. The Honourable Mr. Williams stated that the object of the Bill was to provide for more efficient recruitment, more particularly in the officer class and in the technical branches. Now, the Bill is described as National Service (European British Subjects) Act, 1940. I should have thought the word "National" would have reference to India, but the brackets exclude Indian British subjects expressly. Therefore, according to the Honourable Mr. Williams and the Government the word "National" in India means the Britisher ; the Indian is not national so far as India is concerned. That I think is a fair interpretation of this word "National" as used in the Bill. I could have understood some such word as "emergency", but I do not understand this word "national".

THE HONOURABLE THE PRESIDENT : Will you please reserve your remarks on that till the Honourable Mr. Kalikar has moved his amendment ?

THE HONOURABLE MR. P. N. SAPRU : Very good, Sir, I will reserve my remarks on this part till he has spoken.

Then the principle of this Bill is in my view racial discrimination. There is to be a national register for Europeans. So far as Indians are concerned they are nowhere in the picture at all. The Honourable Pandit Kunzru has explained that Europeans are not in any disadvantageous position today. European employers have been co-operating with the Government so far as the information required by this Bill is concerned. It strikes me, Sir, that the national service contemplated by this Bill is connected with the great war ; and why should India and Indians be excluded from this service ? Why are Indians not to be chosen to render service in India ? Why must Europeans be treated as a privileged class or as a special class in India ? After all it is the Indian Legislature which is enacting this Bill and the Indian Legislature must see to it that there is no discrimination between Indians and Europeans. It may be said that the duties to be performed by those who will be on the national register are of a responsible character. Well, is it seriously suggested that Indians are unfit to render service contemplated by this Bill ? Europeans want this Bill as a matter of pride. That is the fact of the matter. But if you want it as a matter of pride, then why not consult the pride of India also ? If you are proud of your specially privileged position in this country then we are also proud of our inheritance, of our culture and civilisation, and we cannot agree to a Bill which makes a differentiation between you and us. It may be said the number of Indians is very large and after all Europeans are a very small community and therefore for reasons of administrative convenience the Bill has been limited to European British subjects. I do not think that there is much validity in this argument. I think, given the will, it ought to be

possible to have a mixed register of Europeans and Indians with certain qualifications. Why introduce the word "European" unnecessarily in connection with the Bill?

Sir, there are three objections that I have strongly to urge against this Bill. First of all I find that the definition of European British subject is most unsatisfactory. "European British subject" means any subject of His Majesty of European descent in the male line born, naturalised or domiciled in the British Islands or in any Dominion as defined in the Statute of Westminster, 1931, or in any Colony except Ceylon". Well, Sir, it means that you are going to extend the privileges contemplated in this Bill not only to Britishers born in the British Islands but also to South Africans, Canadians, New Zealanders, Australians, Fijians, and other Colonial-born Europeans, the Europeans of the Kenya Highlands—all places except Ceylon. Well, Sir, our relations with some of the Dominions have been notoriously bad. Our nationals do not get a fair deal in the British Dominions. They do not get a fair deal particularly in the Dominion of South Africa, and I see no reason why we should at any time, whether of emergency or non-emergency, show any consideration to those who hate us, who treat us like slaves and chattel, who have no consideration for our sentiment, who have no respect for our civilisation or our culture, who look upon the Indian as a definitely inferior person. I think it is monstrous that we in this country allow South Africans to enter our services, to join our army, to command our troops, to be in charge of our districts, to be even at times Governors of our provinces. I believe there have been one or two Colonials who have been Governors of our provinces. I think it is monstrous that men who have a low opinion of Indian character and Indian civilisation should have any privileges extended to them in India at any time whatever. I certainly think that the inclusion of the Dominions and of the Colonies is most deplorable. Sir, look at our condition in Kenya. These Kenya Lords of the White Highlands are very very arrogant people. They have shown absolutely no consideration whatsoever to Indians in Kenya, and yet a Kenya Highlands European if he happens to be in India is to be treated as a special class. I do not know how he can be described as a European. He lives in Africa. I do not know how the Australians can be described as Europeans. They live in Australia. His ancestors may have come from Europe.

THE HONOURABLE MR. R. H. PARKER.: It is a question of origin.

THE HONOURABLE MR. P. N. SAPRU: If we trace our origin, we also

12 NOON. came from Central Asia and we might look upon ourselves as Central Asians. Why have this word "European?" I am not talking of it in the legal sense. I think it is insulting to use the word "European". The word "European" includes Germans, Italians, Russians, and I think you are not particularly in love with Germans and Russians. You may be courting Italy for reasons which are obvious. I cannot reconcile myself to the inclusion of the Dominions and the Colonies in the scope myself. Then, national service is defined as service to the armed forces of the Crown or in any civilian capacity under the Crown. That is all right. But then from this national service in the armed forces of the Crown or in any civilian capacity under the Crown, your intention as disclosed in the Bill is to exclude the Indian. Therefore, it cannot be national service. It may be any other kind of service. It may be service in the interest of the European race, but it cannot be described as service in the interests of the Indian people, or in the interests of the Indian race.

[Mr. P. N. Saprú.]

I invite your attention to another clause which is open to very serious objection, and that is clause 5, which says—

“ The Central Government shall constitute for such areas and in such places as it thinks fit committees (in this Act referred to as National Service Advisory Committees) to exercise the functions assigned to such committees by this Act ”.

I come to the clause to which I take objection—

“ Each National Service Advisory Committee shall consist of not less than four members of whom one shall be an officer of one of His Majesty's Forces in India appointed by the competent authority ”;

you may assume that he will be an Englishman, because there are few qualified Indians who can be appointed to this position having regard to the policy of Indianization that has been pursued by Government in the past. Then comes this clause :—

“ and the others shall be European British subjects, not being servants of the Crown, appointed by the Central Government ”.

Sir, I object to this racial discrimination in a statute. There is a statutory disqualification introduced by you against Indians in this clause. According to the clause no Indian can serve on this Committee, not even Indian employers, and there are Indian employers who employ Europeans. Therefore there is to be a statutory disqualification against Indians and this is a Bill which is styled the National Service Bill and which is intended to secure more efficient recruitment, more particularly in the officer class and in the technical branches of national service. There is not only here reservation for European British subjects, but there is total reservation for European British subjects and there is exclusion of Indians from service on this Committee and I think, Sir, that is very very unsatisfactory. The mere fact that you have a clause like this makes it impossible for any self-respecting Indian to lend his support to this Bill. Then, Sir, let me come to sub-clause (4) of clause 5—

“ A national Service Advisory Committee shall have power to co-opt as additional members for such time or purpose as it thinks fit any person qualified for appointment to the Committee by the Central Government ”.

That is to say, even co-opted members must be Europeans. The qualification not only for the original members but also for the co-opted members is that they shall be Europeans and “ Europeans ” means Britishers, *pukka* Britishers or Dominion-born Europeans or Colonial-born Europeans. There is no place in this picture for the Indian whatever. Again, Sir, I would invite the attention of the House to clause 9 which deals with the constitution of tribunals. Clause 9 gives power to the Central Government to constitute tribunals to hear and decide any matters referred to it under the proviso to section 8. What is going to be the constitution of this tribunal? Here again you find a racial qualification laid down :—

“ Each tribunal shall consist of three members to be nominated by the Central Government, of whom one who shall be Chairman of the tribunal shall be a member of a Civil Service of the Crown not lower in status than a District and Sessions Judge, one shall be a military officer not below the rank of Brigadier ”

—we know that there is no Indian who holds the rank of Brigadier today ; so Indians are disqualified *ipso facto*—

“ and one shall be a European British subject, not being a servant of the Crown ”.

You have expressly laid down that so far as the non-official member is concerned he shall be a European British subject and he shall not be an Indian. That is to say, the South African, the New Zealander, the Canadian, the Fijian Euro-

pean, the Malayan European, are to be placed in a position of advantage as compared with the people of this country and their national sentiment, their national pride, their pride of race, is to be respected ; so far as the Indian is concerned, he is to be regarded as a helot in his own land. This Bill you introduce at a time when you need the help of India and when you need the co-operation of India and when I say you have the ideological sympathy and support of India. You think that you can win the heart of India or Indians by measures of this nature, by legislation of this discriminatory nature ? What is the hardship that Europeans are suffering at present ! So far as Government is concerned, administratively it has been getting all the help and all the co-operation and all the assistance that it needs from the European community and a case has not been made out that a statute is necessary to help in securing the help that Government need from Europeans. Why do you want this legislative discrimination ? What is the reason for this legislative discrimination ? Why do you want to hurt the sentiments of India ? It may be that we are a very sentimental people, that we are an emotional people. It may be that we are suffering from an inferiority complex. I am prepared to make all these admissions in your favour. Even so, I think that you are responsible for this inferiority complex from which we are suffering. You are responsible for this race feeling from which we are suffering. Because you have encouraged this race feeling by your superior attitude, by your arrogance, in the past. And why can't you respect our feelings at this moment ? Why must you trample on our cherished feelings at this moment ? I think, Sir, no case has been made out for this Bill and I must consider it my duty to offer strenuous opposition to it.

THE HONOURABLE MR. V. V. KALIKAR (Central Provinces : General) : Sir, this Bill seems to me to be an ill-conceived measure which shows a complete lack of statesmanship on the part of the Government of India. I say so, Sir, because they know that a major political party in India has taken a different stand on this question. They desire the warm support of India in the prosecution of the war and those of us who are anxious to support them have been handicapped from the very beginning on account of certain actions on the part of the Government. And now, Sir, we find that Government are adding fuel to the fire by bringing a measure of this sort before the Central Legislature.

Sir, almost all the important points that have to be urged against this Bill have been urged by my Honourable friends Pandit Kunzru and Mr. Sapru. I am looking at the Bill from a different point of view. I want that at this juncture Government should not commit any mistake whereby the support for democracy which they are getting would in any way be mitigated by measures of this kind. They say that the Bill is necessary because they have to maintain a register and they cannot afford to maintain a register for every community. If they can maintain a register for a particular community, I do not see any force in the argument as to why they cannot maintain a register for other communities from which they can choose all the best qualified technical men that they require for their purposes.

Sir, apart from that, if you want the support of the Central Legislature for a measure like this, how can you afford to discriminate against Indians and give special privileges to the Europeans and specially to those European British subjects who come from the Dominions and Colonies ? Sir, it is really an insult to the self-respect of Indians that it should be announced to the whole world that a sufficient number of competent Indians is not available in India for defending the country and therefore the Government of the



[Mr. V. V. Kalikar.]

country had to bring in a measure like this to include Europeans in it. Sir, the position seems to me to be rather anomalous. You call it a National Service Bill and you want to exclude from it the nationals of India. However, Sir, I understand from the speech made by my Honourable friend Mr. Williams this morning, that the word "national" has been used as qualifying the word "service". I think I have followed him correctly. Then, Sir, if that is the position, do they consider that, if Indians were to enter in the service, they would not be rendering national service? I really fail to understand the implication of the argument used by my friend Mr. Williams this morning. I find in this Bill that the definition of European British subject in this Bill does not agree with the definition contained in the Government of India Act. I do not know, and no argument has been advanced up till now, why, if they wanted only the services of Europeans born or naturalised in the British Isles, why the definition should include those European British subjects who have been born, naturalised and domiciled in the Dominions or the Colonies. Apart from this question that we have been ill-treated in the Colonies, that we have been treated worse than slaves in the Colonies and Dominions, I do not understand why my friend wants to give such an important position in the present circumstances to those European British subjects who have been born, naturalised or domiciled in the Dominions or Colonies.

Sir, I do not want to use this opportunity for ventilating the grievances of our nationals abroad. But I do certainly state that when our Government are in sympathy with us in that matter, they should not have included in this Bill at least the European British subjects born, naturalised or domiciled in the Dominions. I understand that Indians are not allowed to enter the Colonial Civil Service. Sir, after reading the Statement of Objects and Reasons, I first thought that the Bill was confined to war service. But, when I went through the clauses of the Bill, I found that their services are also required in a civil capacity. That means that you are establishing the fact, which is wrong and incorrect, that you do not get Indians not only for war service but even for civil service. It is a slur on the manhood of India to say that you do not get a sufficient number of Indians for even civil service. My friend Mr. Sapru has already submitted how in this Bill we find a clear racial discrimination. You appoint a Board but you won't appoint an Indian on it. You will have a tribunal but you will not trust an Indian to be on it. I really do not understand why the Government of India should take such an attitude at this time. We, who really sympathise with the cause and who really want a successful prosecution of the war do desire to take an active share in this struggle. Apart from those who have differed from you, the rest of India is with you, and in these circumstances I think you are committing a very grave blunder in bringing such a measure at this time before the House.

THE HONOURABLE SIR A. P. PATRO (Nominated Non-Official): Sir, I would have been equally vehement and equally forcible in my arguments if I were convinced that this Bill in any way relates to the status and interests of Indians. My friends have been very indignant—and rightly so—with regard to the treatment of Indians overseas, and the denial of fundamental and civic rights to Indians in some of the Dominions. It is true India feels very indignant and very much hurt over that matter. But I am convinced that this Bill has nothing to do with the treatment and status of Indians overseas. It is confined to the position of Europeans—to bring the Europeans in India into line with Europeans in England. Beyond that, the scope

of the Bill does not extend. Therefore, this is not the occasion to give expression to our indignation and protest with regard to the treatment of Indians overseas. The Statement of Objects and Reasons clearly shows that the object of the Bill is to bring European British subjects in this country as far as possible into line with their fellows in other parts of the Empire in respect of service in His Majesty's Forces during the present war. We know that during the present war, compulsory service and conscription more or less in a form prevails in Britain. Are we, in India, prepared to accept the principle on which this recruitment has been made? We know the attitude of the majority party in India with regard to the war. We know also what view the other parties take with regard to the war. While wishing the crushing defeat of the Nazis and the cruelty and reckless treatment of the Nazis, they would not lend their help in defeating the enemy. In this condition of things, is it possible to apply the same principle here as in Britain, namely, that Indians should be recruited by compulsory and conscriptive methods? To my mind it seems that the two things are entirely different. The question of the status of Indians is one thing different from what is aimed at in this Bill. It is no good confusing the two ideas, and then attack the Bill for an object which it does not aim at all—

**THE HONOURABLE MR. V. V. KALIKAR :** May I bring to the notice of my Honourable friend that the Bill does not contain any provision about compulsion, but it does contain provision for recruitment on a voluntary basis? I draw attention to clause 7 (1) and (2).

**THE HONOURABLE SIR A. P. PATRO :** My Honourable friend forgets that it is open to the firms from where European employees are recruited not to allow them to do so, and it is also open to the firms not to re-employ these people who have been lent out for service in the army. The Bill is, therefore, necessary for the purpose of making it obligatory upon these people to allow these people to serve in the army and when they come back to see that their position with their employers has not at all deteriorated in any way. That is the reason why this Bill is necessary in the case of Europeans. With regard to Indians, there is provision already, namely, under the Indian Army Regulations. Recruitment is going on now. What are known as Emergency Commissions are given to our young men found competent and fit and they are being employed in the defence services. Therefore it seems to me that to bring in the question of Indian status into this simple Bill is not at all relevant for the purpose which we have in view. After all what is meant by "national service" as defined here? It is service under the British Crown. It is for this service that this Bill is intended.

**THE HONOURABLE MR. HOSSAIN IMAM :** Is it conscription or voluntary service?

**THE HONOURABLE SIR A. P. PATRO :** The point is what does the Bill provide for. The question raised by my Honourable friend suggests that there is a confusion between what he wants and what this Bill provides for. He is not fighting against what the Bill provides for. He is fighting because the Bill does not provide what he wishes that the Bill should contain. That it seems to me is his real object in opposing the Bill. But the question of Indians overseas does not arise here at all.

Then there is objection because there was no consultation with India as regards whether it would be possible for Indians also to be selected to fill places of responsibility in the army in all its branches. But the point is this.

[Sir A. P. Patro.]

It has already been made clear by our friend's League as well as by the Congress what the condition of things in India is, namely, that they would not raise their little finger to help the British in fighting this war, although they wish the enemy to be defeated. That is the position of the Congress. That being the position of the majority Party in India, is it possible for the Government of India to propose a Bill which would be in the nature of a compulsory measure for the purpose of selecting people to serve in the army? On the other hand there are the existing Army Regulations which enable them to recruit Indians for emergency service. That being so, it seems to me that my Honourable friends have entirely misunderstood the scope of the Bill. Consultation with India further in the matter was quite unnecessary, because its attitude is well known. After all the Government of India are human. They understand what the condition of things are. I do not defend the Government of India. I say they are wrong in many matters, but in this matter there was no need for consultation of Indians. I submit therefore in justice to the public I must clear the position in regard to the dragging of Indian status into this Bill. That is altogether outside the scope of this Bill. I quite agree that there is great indignation in the country with regard to the treatment of Indians in the Dominions, but that does not come into the question with which this Bill is concerned, which is that Europeans in India should be brought on to the same plane as their countrymen in England. Therefore, it seems to me that, taking everything into consideration including the fact of the emergency commissions to which Indians are being recruited, this Bill by itself is a simple one, and helps the European community, and there should be no objection to it at all.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : Mr. President, some objection has been raised by my friends to the name of the Bill—"The National Service (European British Subjects) Act, 1940". Sir, as this Bill has come from the Government of India, which is in itself a subordinate department of His Majesty's Government, I can understand the use of the word "National" in the sense of its master's nationality, but not in the sense of the nationality of the Indian people who are discussing this Bill today. Such a national service Bill should have been passed by the British Parliament and not the Indian Legislature. An Indian Legislature cannot admit the title of "National" for any one but those who are resident and born in India.

Sir, there seems to have been some misconception also about the scope of the Bill. It does not attack the patriotism of the European British subjects to offer themselves for service. There is no element of compulsion in it. It is a voluntary service measure, and in that sense the necessity for it is also not very apparent. After a person has been selected he has still the power to state whether he is willing to serve or not. So there is no necessity for passing this Act in order to bring Europeans resident in India to offer their services, because even after this Act is passed their discretion will remain and they can elect either to serve or to refuse to serve. There is no compulsion in this Act. Then we may well ask, why is this Act being passed? What is the idea behind this Act? What is the necessity for bringing it forward? There is, Sir, in my opinion one necessity. It is to preserve the so-called steel frame of the army, the officer ranks in the Indian Army. They do not wish to give commissions to Indians and in order to avoid that necessity it is being brought forward.

THE HONOURABLE MR. A. DEC. WILLIAMS : I deny that categorically

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : We assert it equally emphatically.

THE HONOURABLE MR. HOSSAIN IMAM : Sir, I may state that the authority who are to be the final judges of the place where a person called up will be employed, are the Officers Commanding the Military Districts or Independent Areas of Sind or Delhi, etc., as the case may be. If the service were only to be voluntary in the capacity of a common soldier, it would not call for this Bill. British subjects in India are willing to serve and are serving in the Auxiliary Forces. There is no necessity of bringing forward this Bill. If you want them, again, as technicians, I can say that India has enough technicians of its own. There is no necessity to take Europeans from their service and put European firms into difficulties as they had in the beginning of the war.

Sir, the objects of Indians are two-fold, a sentimental objection as well as a more substantial objection. I have cited one of the substantial objections, that the Government wish to debar, or at least to reduce the number of Indians who will be recruited in the officer ranks. And the second reason is that it will entail a greater expenditure. European personnel are entitled to marriage allowance, children allowance and other allowances which are not admissible to Indians, and the cost will be covered by that item which has been provided in the Budget for "services arising out of the war". The necessity for employing these people in the Indian Army arises out of the fact that our Army is being sent out of India for what is called the external defence of India. It is because of that fact that India might be denuded of its British Army personnel that we have to recruit further people. This necessity arises because of the requirements of His Majesty's Government, but it is bound to be treated by the Government of India as a necessity arising for the defence of India, because Indian forces in India are very small. Mindful of that, Sir, I might say that you are asking us to enter a vicious circle. First of all you take out the Indian Army from India for British needs and then you come and say that our own Army is not enough to defend India and we must spend more. That, Sir, is the great and very advantageous settlement that we have made with His Majesty's Government.

Sir, I should like to emphasise that the sentimental objections of Indians cannot be lightly brushed aside. You are asking for the service of nationals of those countries who have in season and out of season trampled on Indian sentiment and it is not the Dominions alone who are responsible for maltreatment. There is a shadow of excuse for His Majesty's Government where self-governing Dominions are concerned. They can tell us that these are autonomous units and they have the right to discriminate as they like. But what about the Colonies? What about Kenya? Those Colonies are under His Majesty's Government. It is His Majesty's Government itself that is discriminating against us, and yet you ask us that we should make their nationals serve us, officer us—it is not a question of service, it is a question of officering. My self-respect revolts against this. I would not allow a South African to come and boss over me. I am an Indian and I am proud of my nationality. If they are proud, I too am proud of my nationality and I do not want people like that to come and rule over me. It might be said that this is an innovation for me to ask that among the British subjects there should be a discrimination of this sort, but the Government have started discrimination themselves. At the tail end of this clause Ceylon has been

[Mr. Hossain Imam.]

excepted. If there could be any reason for excepting Ceylon, why not other Colonies and other Dominions which have discriminated? I can cite the practice of the Government of India in my support. The Government of India passed an Act in which provision was made that all British Possessions which discriminate against Indians shall be discriminated against. I refer, Sir, to the provision in section 4, sub-clause (3) (b) of the Reserve Bank of India Act, 1934 :—

“ A British subject ordinarily resident in India and domiciled in the United Kingdom or in any part of His Majesty's Dominions the Government of which does not discriminate in any way against Indian subjects of His Majesty's ”.

If that provision could be included in the Reserve Bank of India Act, I ask why should not a provision of that nature be put in this Bill as well; where there is the further question of bossing? I can well understand why provision of this sort has not been brought in. It is not so much because the necessity compels the Government, because as far as I know people coming under that discriminatory clause would be very very small. It is quite likely that many of the people who could be covered by that discriminatory clause may not come in. Still why has the Government persisted? The reason seems that Government does not care for the sentiments expressed by Indians. The Government is riding roughshod over our sentiments and it does not care what the Legislatures think. Nothing can explain the disregard better than this feeling of security which they enjoy, that they can get any Act they like passed and the opposition in both Houses is denuded of its strength and it cannot offer effective opposition, thanks to the Congress and their childish methods.

Sir, I was stating that this Bill has been brought forward without any necessity because European British subjects are patriotic enough; their patriotism to the Empire is well known and they would very gladly come in if they were called upon to do so. The reason is really in clause 8 of the Bill where a provision has been made for reinstatement and probably the people who are meant to be hit by it are also Indians. Indian firms were not to be relied upon to give service and reinstate their British personnel if they are once taken away and that puts in a nutshell the necessity of this Bill. If the Government is prepared to face the consequences and wants to pass this Bill in spite of the vehement opposition which this Bill has evoked in the other House and also, I hope, in this House, we know that they can get this Bill passed. Even if we were strong enough to reject this Bill, the reserve powers could have been utilised to get this Bill passed. Nothing that we say can influence the action of His Majesty's Government, but they must remember that it is these small pin pricks that develop into gaping wounds with the passage of time. Your disregard and disrespect for the sentiments of Indians is more responsible for the adverse opinion that prevails in India at the present moment than the actions of any of the Opposition Parties. It is your own actions and inactions, sins of omission and commission, which have alienated the masses and not the speeches which are made from the platforms of the Congress. Sir, I have no option but to oppose the Bill if I have any self-respect in me.

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN (United Provinces West : Muhammadan) : Sir, I feel, and this is my honest feeling, that this Bill is most painful to Indian sentiment. A couple of days ago in spite of reading the debate in the Assembly and reading the Bill myself, I had an idea

that the Bill was an innocent one and, as my Honourable friend Sir A. P. Patro said, we should not bother our heads about the Indian interest in India or anywhere else, because it touches only the European British subject and none else. On a second consideration and after hearing the speech of the Mover I feel that what I thought about this Bill was not quite correct. It is not as innocent as it appears on the paper. It unnecessarily and undeservedly slaps us on the face. One fails to see what is the necessity of introducing this Bill? I am not pretending, but I say sincerely that I have not understood the necessity of this Bill at the present juncture. In spite of the speeches that I have heard on the floor of this House, I have not been able even now to make up my mind what really is the necessity of this Bill. As my Honourable friend Mr. Hossain Imam said, this Bill is designed to stop Indians getting into the army. I frankly admit that I do not agree with this. I cannot imagine why this Bill has become necessary today when there were so many methods for the Europeans to do service to their country and nation. The only thing which strikes me is what my friend Mr. Hossain Imam said in the end that it is to protect the Europeans who are serving in Indian firms from being chucked out of employment and not reinstated after they have rendered service in the war. But that is so small a thing that even that, I consider, does not appeal to me as a reason for bringing a Bill which is liable to do tremendous damage in this country in the present atmosphere.

THE HONOURABLE MR. R. H. PARKER : Sir, does the Honourable Member suggest that Indians treat their employees worse than Europeans?

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN : I don't. Nothing of the kind. But this is the suspicion of the European—an unnecessary and uncalled-for suspicion.

THE HONOURABLE MR. A. DEC. WILLIAMS : May I say, Sir, that I know nothing about the suspicions of the Europeans. But it is not the suspicion of the Government.

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN : Well, say the Europeans or the Government. The introduction of the Bill by the Government goes to prove it.

THE HONOURABLE MR. A. DEC. WILLIAMS : It is not an argument in favour of the Bill, Sir.

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN : Now, Sir, I want to refer to the speech of the Honourable Mover which really made me get up and oppose this Bill, and that is that this Bill is designed for service in the interests of India. That was—if I am not mistaken—I am open to correction—what I heard my Honourable friend say.

THE HONOURABLE MR. A. DEC. WILLIAMS : Yes.

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN : And yet, the irony of fate is that the Indians have been so mercilessly excluded from anything in connection with this Bill that it was not even thought proper to give them the credit of becoming members of the advisory committee which is a very very harmless body and has nothing to do with the execution of policy.

THE HONOURABLE MR. P. N. SAPRU : The section expressly excludes them.

**THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN :** As my Honourable friend remarks, the section expressly excludes them. Now, a thing which is going to be done in the interests of this country, in this country, under the authority of the Indian Legislature, is it to be framed in a manner which would insult the Indian prestige and self-respect ?

Now, I would ask the House to consider one more point. It has been brought out in the speeches and it is itself clear that no compulsion is attached to any European to serve in the war under this Bill. What is this Bill designed for ?

**THE HONOURABLE MR. R. H. PARKER :** To help the war.

**THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN :** To help the war ?

**THE HONOURABLE MR. P. N. SAPRU :** Without Indian co-operation.

**THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN :** It appears to me that there are only a handful of Europeans in this country who can help the war. I admit that the majority party, that is the Congress, has not yet actively given any help in the prosecution of the war, but there are others apart from the Congress who have come forward and actively helped in the war, and they are very much more than those few handful of Europeans who are here. Now, what is there in this Bill which will make the Europeans help in the war more than before this Bill was put into this House ? The answer can only be " nothing ". This Bill does not improve the position of any European who wants to help in the prosecution of the war except that under section 8 he will have the right of reinstatement. Now, I ask my Honourable friends on the other side, are there not Indians today who are coming forward in batches and in numbers ready to serve for the successful prosecution of the war ? There is the majority of Indians—no, I say the whole of India, which stands against Nazism. It may be that on account of their domestic quarrels, some party may not have seen its way to actively to help, but everyone stands together in condemnation of Nazism. What I say is this, that supposing an Indian who is employed in a firm, a European firm, or may be an Indian firm, wants to come and serve in the war, what would be his position ? If the object was to give relief by way of reinstatement, does he not require that relief ? Is it the European only who requires that relief ? My contention is that, if the Government wanted, they could include Indians equally in this in spite of the fact that a party has not yet seen its way to co-operate actively, by putting the sentence " such persons who are willing . . . . . ". After all, even the Europeans will be called and asked whether they are willing to serve or not. Why this exclusion ? What is the object of this exclusion ? It is very difficult to understand. If it was only a question of sentiment on the part of Europeans, I do not think it was statesmanlike or sound diplomacy to respect the sentiments of Europeans by alienating the friendship and sympathy of so many Indians. In fact, as has been pointed by the Honourable Pandit Kunzru and other speakers, by this Bill we will be sanctioning the appointment of even the Colonials with whom we cannot see eye to eye, to serve the interests of our country. People who insult the Indians, in their own colonies, who differentiate between humanity and humanity, they are to guard our interests in India. Now, I cannot see anything in this Bill except the distinction of black and white. Why has Ceylon been excluded ? Because Ceylon

is black. Well, if the Europeans or the Government want in this country, in the country of blacks, to use their own language, in the legislature of blacks, to put forward a Bill and give a slap to blacks, I am sure that their statesmanship is bankrupt. I ask, has similar legislation been put in in any Dominion that Indians who are there and who are willing to serve in the war may be appointed to His Majesty's Forces or otherwise? Why not?

1 P.M.

Have they come to the conclusion that there is not an Indian in the whole world who wants to crush Nazism or help the Allies in the prosecution of the war? If that is the idea of the British Government, I think it is very pathetic. By passing the Defence Bill in this very House, what the British Government gets for the rest of the world is the co-operation of the Indians in the war. In the Legislative Assembly and in the Council of State, by passing that Act, we have unequivocally declared that we are co-operating with the British Government in the prosecution of the war and this is what we get for that co-operation—exclusion even from the Advisory Committees and the tribunals. Who is going to pay for the tribunal? Who is going to pay for the travelling expenses which are put down here? Is it not the Indian taxpayer who is going to pay for that? I am expressing my honest feelings that until the day before yesterday I did not quite see the implications of this Bill—

THE HONOURABLE THE PRESIDENT: You have said that before. So, you need not repeat it.

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN—and the harm that it might do to the cause of the British at the present juncture. But I honestly feel that it is impossible for any Indian to vote with any sense of patriotism or self-respect for this Bill. I am indeed surprised even to see the signature of an eminent Indian appended to the Statement of Objects and Reasons. My own view is that no Indian ought to be a party to a Bill like this, although, as I say, without the speeches and without bringing the Indian interests into the Bill, the Bill by itself appears to be very innocent. But when we know that the services are going to be rendered primarily in this country for the benefit and interest of India, not only by the English people but also by the colonial gentlemen with whom we have had a good many quarrels which still exist, I do feel that this Bill was absolutely uncalled for. Could not the Government, if they wanted to respect the sentiments of the Europeans, get hold of some other method of getting this measure through? Why ask the Indian Legislature, the Indian Members, to assent to this Bill, to agree to their insult which this Bill predominantly does? My Honourable friend Sir A. P. Patro seems to think that this Bill has nothing to do with Indians or India. If that was so, I agree with him in every respect. But I think he should be disillusioned. I believe that it has got a good deal to do with India and Indians' interests. The speech of the Honourable Mover is there. It is the Indian Budget which is going to provide for the expenditure in connection with this Bill. Therefore, I appeal to every Indian in this House, official and non-official, elected or nominated, not to vote for a Bill of this type if they want to guard their prestige and self-respect.

THE HONOURABLE MR. J. H. S. RICHARDSON (Bengal Chamber of Commerce): Sir, I feel there is a misunderstanding of the facts and therefore first of all I would like to review very briefly the history of events which has finally resulted in the placing of this Bill before the House. When the war broke out the European community in India looked forward to the extension to them of compulsory military service which had been adopted in the



[Mr. J. H. S. Richardson.]

United Kingdom. With this in view they suggested the setting up of local Advisory Committees and the military authorities readily agreed. The idea of these committees was to serve as a liaison between the military authorities and the community, so that its limited resources of man-power could be most adequately used. The available man-power in the community is obviously very limited, and it would be absurd for those resources to be dissipated. Consequently the community agreed in the first instance to compulsory registration of all European British subjects between the ages of 18 and 50 and to a prohibition being placed upon their leaving India without a permit from the military authorities. This has served to enable the military authorities to classify Europeans in certain age groups and according to availability, and to prevent a large number of young men from leaving the country in order to enlist in England where there was and is still no lack of man-power.

It was expected that towards the end of November or the beginning of December an Ordinance would be issued providing for compulsory national service for European British subjects in India, and it had been agreed that the Advisory Committees which had been working since October would be given statutory recognition in that Ordinance.

Unfortunately owing to legal complications the proposal to introduce compulsory national service had to be abandoned. This did not mean, however, that the necessity for avoiding inequalities in the use of the available man-power was removed, and it was decided to proceed with legislation which would set up the necessary machinery, although it was recognised that the whole system would be upon a voluntary basis. I would add here that, in my view, the fact that it has not been found possible to impose compulsion will not make a great deal of difference, as my community is not only willing but anxious to serve in the best way it possibly can. Many of us have friends and relations who are serving in different parts of the Empire, on land, on the sea, or in the air. It is but natural that we, like our brothers in the Dominions, should feel a special call to serve and if need be to defend our mother country in her great trial. The present Bill, therefore, provides in the main for two things: in the first place it sets up the machinery whereby the authorities can be assured of the co-operation of the business and commercial community in selecting those who are to be offered various forms of national service. These committees have actually been dignified with the name of "National Service Advisory Committees" because the words "National Service" find a place in the Bill and are defined for the purpose of this Statute.

In the second place this Bill provides for reinstatement in employment after the war. This is a most valuable safeguard for the employee, and while we do not for a moment anticipate that any responsible employer will refuse to reinstate his employee after the war, unless reinstatement for various reasons is found to be impracticable, we do think that this protection to the employee is necessary. Clause 8 which deals with this subject is very largely based upon the provisions in the British Armed Forces Act, 1939, modified, of course, to suit local conditions.

I now come to the objections which have been expressed in regard to the use of the word "National" as well as to the definition in the Bill of the term "European British Subject". I would like to assure my Honourable friends that I fully sympathise with and appreciate the reasons which they have brought forward and which underlie the attitude they have adopted. At the same time I confess I am unable to find in the realities of the situation any real justification for the heat that has been generated, neither do I believe that in

the machinery which the Bill proposes to establish there will be the slightest danger of any friction arising from causes such as my Honourable friends seem to anticipate. Take for instance the word "national". This has not been used with the idea of implying any special significance; it is merely a broad definition enabling those who come within its scope to feel that they are serving their country in various ways and regarding it in its true perspective, I cannot see any real objections. Then with regard to the term "European British Subject" as defined in clause 2, section (b). It has been pointed out that this may include persons who are born, naturalised or domiciled in a dominion which may discriminate against British Indian subjects resident there. We are not responsible for this definition and as I have already said, our feelings are entirely with our Honourable friends so far as the underlying grounds of their objections are concerned. On the other hand, I would ask them to appreciate that actually there must be very few European British subjects from the Dominions resident in this country who would be brought within the scope of this Bill; in fact I shall be correct in describing their number as negligible. The Bill merely applies to such persons the same or similar obligations as those to which they would be liable in their own country. Does my Honourable friend honestly believe that the omission of the last part of this section of the clause will really go any way whatever towards remedying the conditions to which he has referred? Has he considered that the unfortunate penalty he will impose on the negligible number of persons in this country who will be affected is neither fair nor just in the prevailing very exceptional conditions?

I earnestly ask our Honourable friends to bear in mind the special position of the European community in this country under the present circumstances wherever they may have been born, naturalised or domiciled and to support this Bill in view of its main objects. The service which is to be performed is voluntary, the committees are advisory, and the obligation to reinstate the employee after the war is placed upon the employer. These are the main principles of the Bill and I honestly do not think any Member of the House can legitimately take exception to them. Above all may I recall the realities of the situation facing us as a result of the war? On two recent occasions the House has had reminders of the tremendous issues which it is in our power to help solve for good or evil. One such occasion was when Sir Jagdish was making his farewell remarks when he pleaded that everyone should endeavour to act in such a way that they did not give cause for others to believe they had overlooked the fact that one of the most momentous wars in history was being waged. The other occasion was only the day before yesterday when the Honourable the Commerce Member reminded us that a victory for England might mean much for India but that failure would mean that India would lose everything. Sir, I think we should all be very thankful that occasionally for a few moments such a solemn and clear atmosphere is created which brings us nearer the profound seriousness of the situation as although it is our duty to keep ever before us the vastness of the issue both for our own sakes as well as for those of our children, it is human nature sometimes to belittle what is going on many miles away from us and to believe that some substantial hidden grievances exist in the meaning of a few words the simple changing of which will alleviate. When realities come to be examined however how very small and insignificant do they appear as compared with the true background of the revolting picture now being made.

With these words, Sir, I appeal to my Honourable friends to add to the dignity and prestige of which this House is already justly proud by rising to the greatness which the tremendous events passing before us demand

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and to join in showing the real feelings on this matter which I believe they cannot deny genuinely exist deep down in their hearts. To pass this Bill is to help the prosecution of the war and that, Sir, is, I submit enough.

THE HONOURABLE MR. A. DE C. WILLIAMS : The speech of my Honourable friend Sir A. P. Patro should have sufficed to bring back the House to realities. This measure not merely, as Honourable Members have said, appears innocent, it is entirely innocuous. We have heard a great deal of argument on the lines that Indians are being excluded from some privileged position. There is no question of privilege. There is no question of *amrur propre*.

It would perhaps be an advantage if I were to give the Council a little more of the background of this measure. Over a year ago—fifteen months ago I think—the European Association, before there was any question of war—though there was no doubt danger of it in the international situation—instituted the preparation of a voluntary register of Europeans for war service. When the emergency came this register was partially completed and was placed entirely at the disposal of Government. Further, Government, as I have already explained, found it necessary to institute a compulsory system of registration for Europeans, and also found it necessary to restrict their leaving this country, not with the object—suggested by my Honourable friend Mr. Kunzru—that they might remain here and keep Indians out of good jobs, but simply because they were the people who, though required for employment in India, were the most likely, from purely patriotic motives, to leave this country and go where they were not so urgently required.

Well, when Government compulsorily register a community and prevent its members leaving the country it is reasonable that that community should ask that Government, if they prevent them from doing what they consider to be their duty in their own country, should at least point out to them where their duty lies in this country and give them an opportunity to perform it. That is what this Bill seeks to do. The logical outcome of the steps which Government had taken undoubtedly was compulsory service for Europeans of all classes specified in the Bill. That would have been the strictly logical outcome. That was what the community desired. That was the substance of unanimous resolutions passed in Calcutta last Christmas by two bodies representative of the European community throughout India. They wish to be submitted to compulsion.

There were legal difficulties about that and the scheme of this Bill is the outcome. That is the position. The community has not asked, nor has it by the Bill been given, any peculiarly privileged position. Honourable Members opposite seemed to talk as if offices of profit were being conferred by this Bill. The community has only asked to be allowed to do its duty, that the path of duty should be pointed out. The Bill provides a method by which it can be pointed out.

Now, Sir, it has been asked very pertinently why it was not possible to include, or to extend the provisions of the Bill to, Indians as well as to Europeans. It is a very reasonable suggestion. The immediate reason was that it would be of very small advantage to extend the provisions of the Bill to Indians when they would necessarily be inoperative unless the registers, committees and other machinery already in existence in relation to Europeans were available for Indians. But I do not for a moment exclude the possibility of the extension of this measure—not this particular measure because of its title—but of similar provisions to Indians in the future. Government are

constantly receiving suggestions from various quarters in India for the preparation of statistics or registers of Indians who desire to help in the war. Government are considering these suggestions with great interest and with great appreciation. But, as I have already explained, the register of Europeans and of their technical qualifications was based on a register of the entire European community already in existence. It is quite impossible to prepare a national register of Indians. It might be possible, it should be possible, to prepare a register of Indians with certain qualifications. This course is by no means excluded. Suggestions to that effect are before Government and are under consideration.

As I say, the original proposition before Government was that this Bill should enforce compulsion. It was very pertinently asked by Sir A. P. Patro—"Would a Bill enforcing compulsion on Indians be in any way workable?" When the majority party in India is going rather further, I should say, than my Honourable friend Mr. Muhammad Husain stated, than merely refraining from assisting in the war, would it be a practical proposition? For the matter of that, would the Legislature have voted for it?

Honourable Members opposite are very well aware that Government have always been entirely in sympathy with the views which they have today expressed about the treatment of Indians overseas. It was entirely unnecessary to review that matter now. Government have repeatedly expressed their sympathy on the point. It is not necessary for me to repeat that now. Again, to quote my Honourable friend Sir A. P. Patro, what connection has all that with the measure before the House?

As I had occasion to say in another place—my Honourable friend Mr. Kunzru accused me of possibly a lapse from good taste—I must regard the attempt to exclude the words in question from this Bill as selecting this Bill for the expression of ill-will; and this is not the time, Sir, for such expression.

There was one point mentioned by my Honourable friend Mr. Muhammad Husain which impressed me very much. It was this. Quite apart from the other provisions of the Bill, if you are giving Europeans who come from civil industry the right of reinstatement at the end of the war why should not a similar right be given to Indians? That, Sir, I regard as a most reasonable suggestion. At the moment I think I am right in saying that the question does not arise. I cannot say offhand. I know a good deal about the sources from which Indians have been recruited recently; and at the moment I do not think that any number of Indians who hold jobs in civil industry are being recruited; but if it should become a practical question in the future, I do think that my Honourable friend's suggestion is worthy of very serious consideration. I do not see why this right of restitution to civil employment should be limited to one community and I can assure the House that Government would most seriously consider introducing legislation to meet this point should it become a practical question.

I have endeavoured to deal with most of the questions raised by Honourable Members opposite. The fact is that Government have been compelled to limit these measures to the European community, firstly, as I have explained, because of its anxiety to serve overseas when it can far more usefully be employed here, and, secondly, because of its comparatively limited numbers, its organisation, and the fact that in relation to it we really can make a beginning. My Honourable friend Pandit Kunzru apparently would like us to run before we can walk. I have already said that there is nothing in this Bill to prevent carrying schemes of this kind further, and I can assure him that it did not occur

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to any person of good-will on the side of Government—and I think I should be right in saying on the side of the European community—that this could seriously be regarded as a matter of an insulting or mortifying nature to Indian public feeling.

**THE HONOURABLE THE PRESIDENT :** Motion made :

“ That the Bill to make certain provisions relating to service by European British subjects in the armed forces of, or in a civil capacity under, the Crown, as passed by the Legislative Assembly, be taken into consideration.”

Question put and Motion adopted.

The Council then adjourned for Lunch till a Quarter to Three of the Clock.

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The Council re-assembled after Lunch at a Quarter to Three of the Clock, the Honourable the President in the Chair.

**THE HONOURABLE THE PRESIDENT :** We will now proceed with the second reading of the Bill. The Question is :

“ That clause 2 stand part of the Bill.”

**THE HONOURABLE MR. V. V. KALIKAR :** Sir, I move :—

“ That in part (b) of clause 2, the following be omitted, namely :—

‘ or in any Dominion as defined in the Statute of Westminster, 1931, or in any Colony except Ceylon ’.”

Sir, my amendment aims at excluding from among those persons who are to be included under this Bill for war service in India, persons residing in the Dominions and Colonies. As I said on the first reading of the Bill we do not like that people from the Dominions or the Colonies, who have been ill treating our nationals there, who do not allow our nationals to enjoy the natural rights of citizenship, should be called in and should be engaged as officers at our expense at this time. We do not want those people because we think we have sufficient men in India of the necessary qualifications who can fill the posts and do the service that is required of them. Under the Government of India Act, the definition of European British subject does not include the people of the Dominions and Colonies. We find here that the people of Ceylon have been excluded. I do not see any reason why, when the people of Ceylon have been excluded, people of the Dominions and other Colonies are to be engaged in these times. I therefore move my amendment for the acceptance of the House.

**THE HONOURABLE MR. P. N. SAPRU :** Sir, from our point of view, this is easily the most important amendment that has to be moved by this side of the House. Sir, I should like the Honourable Mr. Williams to answer a few questions for us. Sir, we do not believe in the philosophy of hatred, we are not actuated by any malice or hatred towards the Dominions, but we are self-respecting men and we do wish to assert our self-respect. I do not know what Sir A. P. Patro's philosophy is but our philosophy is one of self-respect. “ Do unto others as you would that they should do unto you ”. We will just behave towards the Dominions as the Dominions will behave towards us. Now, the questions which I should like him to answer are these. Has any National

Service Act been passed by any Dominion which includes India? Have the Dominions given facilities to Indians desiring to serve in the war? Sir, is it not a fact that Indians are excluded from the Colonial Civil Service? The Colonies are not like the Dominions. They are under His Majesty's Government. And yet in the Colonies, Indians cannot serve in the Colonial Service? Sir, we can not forget that the Kenya Highlands are reserved for the European settlers and the European settlers there are claiming and have got a communal electorate and the justification for that communal electorate is racial prejudice, not the protection of any minorities. Also, their attitude in Fiji has been very unsatisfactory. Their attitude towards Indians in all the Colonies and all the Dominions has been very unsatisfactory. Well, Sir, if Indians cannot enter the Colonial Service, if there is administrative discrimination against Indians in the matter of service in the Dominions of South Africa, Canada and Australia and New Zealand—I think even Australia and New Zealand are not entirely free from this prejudice—well, if there is discrimination against Indians in all these places, why should these Colonials be treated as a special class in this country? I can understand the case for the Europeans. I do not agree with that case but I can understand the case for the Europeans but I cannot understand this case for the colonials. How many colonials have you got in this country? 40, 50, 100? Supposing you do not provide facilities for these 40, 50, 100 people, you are not going to lose the war. Your war effort is not going to be affected if you exclude these men. You will merely be respecting the self-respect of Indians. You will just be respecting Indian sentiment and you will not be doing anything which will hamper your war effort. Why can't you respect the self-respect of India? Why can't you respect Indian sentiment in this matter? We may be wrong in our view of the Dominions. But, certainly you are here as a National Government, to promote national aims. You must respect national sentiment. From our point of view this is an amendment which tests your professions of good-will towards this country. We attach a very great deal of importance to this amendment and our attitude towards this Bill will very much depend upon the line Government takes in regard to this amendment.

THE HONOURABLE MR. A. DEC. WILLIAMS: Sir, most of what has been said in favour of this amendment was wholly unnecessary inasmuch as I have already stated that Government have every sympathy with the very strong feeling that we know exists as regards certain grievances, which also we know to exist. Government feel that this time of stress is not the occasion and this Bill is not the place to express that grievance. If I were to hold—I think it must have been a slip of the tongue—if I were to hold the last speaker to the principle which he laid down “Do unto others as you would they should do unto you” he should not press the amendment.

THE HONOURABLE THE PRESIDENT: Amendment moved:

“That in part (b) of clause 2, the following be omitted, namely:—

‘or in any Dominion as defined in the Statute of Westminster, 1931, or in any Colony except Ceylon.’”

Question put and Motion negatived.

THE HONOURABLE MR. V. V. KALIKAR: Sir, I move:—

“That in part (d) of clause 2 for the words ‘national service’ the words ‘emergency service’ be substituted.”

[Mr. V. V. Kalikar.]

Sir, I have not heard of any service up till now that is called "national service" but in which the nationals of the country are denied an opportunity of serving. I take it as an insult to Indians that they have not been included in this service though they are competent and willing to do their job. They want people from the Dominions and Colonies to do service in the prosecution of the war and to defend India, and also to be officers here at our cost. But we, the nationals of India, are denied the job. It was stated by my Honourable friend Mr. Williams that Americans and other people—Europeans and Americans—also can be included under this clause—

THE HONOURABLE MR. A. DEC. WILLIAMS : On a personal explanation, Sir. I did not say that Americans can be brought under the clause. I said that service in the interest of India, whether performed by Indians, Europeans or Americans, could be properly described as national service.

THE HONOURABLE MR. V. V. KALIKAR : It does not matter much. My point is you would call any service a national service and at the same time deny opportunity to the nationals. Well, Sir, I use the word "emergency" because as I find from the body of the Bill, the service is to cease after the hostilities. There is really a service for the emergency period. I want, therefore, to substitute "emergency" for "national". I submit that Government should accept this amendment and see that the clause is properly worded.

Sir, I move.

THE HONOURABLE MR. P. N. SAPRU : Sir, I want to say just a few words on this amendment. The Honourable Mr. Williams says that service in the interests of India can be called national service. I would like to know exactly what the words "national service" mean. If service is in the interests of India, then it may be called the service of a friend. National service, according to my idea, means service of India by the nationals of India, not by the friends of India or by aliens who are not always friendly to India. That, I think, is the central objection to the words "national service". I cannot describe service by a South African as national service. The South African does not look upon the Indian settled in South Africa as a national of South Africa. How can I look upon service rendered by him as national service? I may be prepared to say that in the case of some Europeans, service of India will be friendly service. But they are not nationals. They do not claim Indian domicile. They retain their European domicile. Therefore, the service that they render to India cannot be described as national service. I think, therefore, the words "emergency service" more truly describe the object of the Honourable Mr. Williams' Bill. For these reasons, Sir, I support the amendment of the Honourable Mr. Kalikar.

THE HONOURABLE MR. A. DEC. WILLIAMS : Sir, as I explained before and as is stated in the Statement of Objects and Reasons, the object of this Bill is to approximate the position of European British subjects in this country with the position of their fellows elsewhere, more particularly in the United Kingdom. The title of the corresponding legislation in the United Kingdom is "National Service (Armed Forces) Act". I think we must all admit that whatever war work we are doing, whether it is in the fighting services or in the civil service, is not merely on behalf of India. It is not merely on behalf of the United Kingdom; it is on behalf of the Empire, and if this expression "national" is suited to one part of the Empire, then I submit, Sir, it is also

suit to India. As has been already recognised by one Honourable Member—I forget his name—opposite, the word “national” relates to the service, not to those rendering the service. I fear I must oppose the amendment.

**THE HONOURABLE THE PRESIDENT :** Amendment moved :—

“That in part (d) of clause 2 for the words ‘national service’ the words ‘emergency service’ be substituted.”

Question put and Motion negatived.

Clause 2 was added to the Bill.

**THE HONOURABLE MR. V. V. KALIKAR :** I do not want to move my other amendments, Sir.

Clauses 3 to 9 were added to the Bill.

Clauses 10, 11 and 12 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

**THE HONOURABLE MR. A. DEC. WILLIAMS :** Sir, I move :—

“That the Bill, as passed by the Legislative Assembly, be passed.”

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** Mr. President, I am afraid I cannot say that the arguments used by my friend Mr. Williams or by Mr. Richardson have carried conviction to me.

3.5 P. M. We know that a war is going on. We know what European British subjects are doing, say in England or the Dominions. We sympathise with and appreciate the desire of European British subjects in this country to render war service. There is no wish on this side of the House that they should be prevented from doing so. But at the same time I cannot understand the insistence of the Europeans on this Bill. It has already been said, I think by the Honourable Mr. Richardson, that this Bill will make no difference to what Britishers in this country are already doing. He said his community was not only willing but anxious to serve in the best possible way.

**THE HONOURABLE MR. J. H. S. RICHARDSON :** What I said was that the alteration of the Bill from a compulsory to a voluntary basis would not make any difference.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** That is exactly what I am saying. My point was that the insistence on this Bill is unreasonable, because it will not affect the opportunities open to Britishers in this country to help in the prosecution of the war. That statement has not been challenged. It has just been reinforced by what the Honourable Mr. Richardson has said in reply to the observation that I made. Well, if that is so I cannot at all understand why this Bill was taken up. Europeans here are willing to help, Government are anxious to utilise their services, the employers are co-operating with Government and are giving facilities to their employees to offer themselves for war work. Where is the need then for this Bill? Is it not due to lack of imagination? It ought to have been apparent that the measure will be regarded as a highly controversial one by Indians. Government should have known what our feelings towards the Dominions are. They should have remembered our insistence on being given adequate opportunities for helping in the defence of our country. And yet they bring forward a Bill which, morally speaking, places us in a position inferior to that of Britishers and even assigns a higher position to the nationals of the Dominions.



[Pandit Hirday Nath Kunzru.]

Sir, it has been said that this Bill is necessary in order that the work that is being done for the prosecution of the war throughout the Empire by Britishers should, so to say, be placed on the same basis. Now what does war service in the present situation mean so far as this country is concerned ? It means the defence of this country and the development of its resources for military purposes. Now, is there any difference of opinion between Indians and Government on this subject ? Are not Indians only too anxious to come forward and learn the duties connected with the defence of their country ? And so long as Indians possessing the requisite qualifications are forthcoming there is no reason whatsoever why they should not be given greater opportunities than Europeans in the present situation. Government have established a reserve called the All-India Reserve of Officers. They asked Indians to join this Reserve. The Reserve is divided into various sections. I should like to know whether Indians have hesitated to join this Reserve or to offer their services in any other sphere. So far as my knowledge goes, more Indians are anxious to do war work, to prepare themselves to defend their country and thus to help England than can be utilised by Government at the present time. Obviously, therefore, some special justification is required in order to commend the Bill before us to us. I remember, Sir, that it was stated in the newspapers that Indians offered themselves in large numbers for training as pilots, but only a very few of them were accepted. This further makes it clear that you have not got to rely in any special degree on the help of Britishers in this country, because Indians are not responding to your appeal.

My Honourable friend Mr. Williams denied that Europeans were being prohibited from leaving this country except with the permission of the military authorities because it was intended to restrict the opportunities open to Indians for employment in connection with war work. But what is the practical effect that their retention in this country would have ? My Honourable friend said that Europeans were being restrained from leaving India because they were considered to be fit for employment in connection with the war. What does that mean ? Does it not mean that they would be employed in places where otherwise Indians would have been employed. If Indians with technical qualifications were not available, if you could not get, say, civil engineers or mechanical engineers in large numbers, I could understand your making special efforts to prevent qualified Britishers from going out. But so long as you can have men of the required stamp in this country, why are you artificially preventing Britishers from leaving this country ? Whatever the intention of Government might have been, the policy that they have followed can only have the effect of preventing Indians from having those opportunities of being employed in responsible positions and learning to defend their country that they would otherwise have had.

Sir, it has been said both by the Honourable Mr. Williams and the Honourable Mr. Richardson that while Government fully realise the strength of feeling in this country in regard to the treatment of Indian nationals in the Dominions it is difficult to see what connection this has with the Bill before us. I was really astonished when this statement was made. It seemed to denote an amazing lack of imagination. Let me say plainly that we have no goodwill towards the Dominions even now and if the war were due directly to any Dominion there would be open opposition to the participation of India in it. We are not penalising the citizens of the Dominions in any way in this connection. But cannot Honourable Members opposite realise that we cannot

tolerate their exercising authority over us either as military or as civil officers ? That is where the question of the treatment of Indians abroad comes in. Honourable Members opposite have pleaded for good-will towards the Dominions and have said that the number of Dominion nationals who would be employed by Government could not in any case be large. Whether the number be large or small, we cannot for a moment bring ourselves to accept a Bill which allows Dominion nationals with our consent to rule over us or to exercise authority over us. If good-will is required at the present juncture, I am sure it is required on all sides. Has South Africa given any indication of good-will towards us by providing us with opportunities for employment in positions which will place us above even one European ? Have the other Dominions in any way in the arrangements that they have made in connection with the war contemplated the employment of Indians in responsible positions ? I am sure that the answer to all these questions is an emphatic No. If this is the situation, what is the good of ignoring facts and of making appeals to us which must sound hollow in your own ears ? Sir, however grave and critical the present situation may be, we cannot swallow the bitter pill that this Bill administers to us by asking us to agree to the employment of Dominion nationals in capacities which will put them in authority over us. That is not a situation in which, so long as there is life in us, we can acquiesce.

Sir, my Honourable friend Mr. Williams said in his opening speech that the number of Europeans affected by the Bill would be between 8,000 and 9,000. Now, I do not know how many Europeans would be available for what is called national service. But suppose that Government are able to avail themselves of the services of about 1,000 of them, or, say, 500. Is not this a pretty large number ? Is 500 a small number so far as we are concerned. Even if the number were smaller, say half that, it would still be considerable. The Bill, therefore, is not as small a measure as my Honourable friend Mr. Williams has made it out to be.

THE HONOURABLE MR. A. DEC. WILLIAMS : On a point of explanation, Sir, I said the number of Europeans from the Dominions and Colonies was very small.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Sir, didn't he say the European British subjects numbered between 8,000 and 9,000 in this country ?

THE HONOURABLE MR. A. DEC. WILLIAMS : Not from the Colonies.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : I have stated that very explicitly. I am not now considering Dominion nationals. I am considering all Britishers living in this country. Well, I must therefore repeat that this Bill is of a substantial character and cannot but be treated as such by us.

Referring, Sir, to the objection to the word "national" on this side of the House, my Honourable friend Mr. Williams said that he could not understand the objection to the use of that word. The whole of the Empire required work to be done in connection with the war. The work, therefore, was not obviously local, and could only be regarded as national. Now, if all the citizens of the Empire belonged to one race, I could have understood my Honourable friend's statement. But when the Empire is a composite one, consisting of peoples of different races, is it not too much to ask us to regard a Bill, applying to British subjects only, as national in character. Sir, I regret to say, that I am totally unable to give my support to this Bill. I bear no ill-will to the Europeans in this country. I do not want to close any

[Pandit Hirday Nath Kunzru.]

avenue open to them now for helping in connection with the war. But I do ask that non-Indians should be applied to for help until opportunities have been given to Indians and Indians of the requisite qualification have not been forthcoming in adequate numbers. I ask the European Members of this House and particularly my Honourable friend Mr. Richardson, who was obviously sincere in what he said, to use their imagination a little, to put themselves in our position and to realise what our feelings in connection with this Bill are. The Bill is wholly unnecessary, even from the point of view of European British subjects. Insistence on it can only mean either a thoughtless disregard of Indian opinion or a determination to treat it as of no account.

THE HONOURABLE MR. P. N. SAPRU : Sir, our standpoint has been explained with great clarity by my respected friend Pandit Kunzru. I will not, therefore, make a long speech but I will content myself with explaining certain things which I think require a little explanation on our part. I am not satisfied with the arguments which have been advanced in favour of the Bill by the Honourable Mr. Williams. We all sympathise with the desire of our European friends to render war service. I very much appreciated the sincerity of the Honourable Mr. Richardson's speech and, speaking quite frankly, I would say that we do not wish to hinder them from doing their little bit. But, Sir, the Honourable Pandit Kunzru has explained why and how this Bill is unnecessary. A little imagination on their part would have shown that it was a Bill which was bound to hurt Indian sentiment.

Sir, I will repeat again what I said before, that one of our basic objections to this Bill is the special treatment that it metes out to those who are of Dominion nationality and colonial born. Sir, it is from our point of view wrong that they should be allowed to enter Government service in this country at all, that they should be allowed facilities in this country which are not allowed to us in their country, what you are really doing by this Bill is that you are further extending their privileges. They will be able to hold military commissions and to render service as technical experts. I do not know, Sir, why they should be given these facilities when such facilities are not given to us in the Dominions and the Colonies.

Sir, another point which I would like to urge is that the Bill is unfair to Indian employers because, statutorily, they are excluded from serving on the tribunals and the advisory committees. There are Europeans serving under Indian employers. If they are taken over for war work, they will have to be reinstated by Indian employers, and Indian employers will not get any representation on the tribunals and the advisory committees. That is obviously unfair to Indian employers. I do not know why there is this statutory disqualification against Indian employers in this Bill.

Then, Sir, I should like to refer to what the Honourable Mr. Williams said in regard to the Europeans being retained in this country. I think he said that Europeans were being retained in this country because they were fit for war. Is it his suggestion that Indians are unfit for war service? Is it his suggestion that qualified Indians cannot be found for war service—for service in the army and as technical advisers?

THE HONOURABLE MR. A. DEC. WILLIAMS : Sir, what I said was that these orders were passed as the Europeans were likely to leave the country in large numbers. There was no question of Indians leaving the country.

THE HONOURABLE MR. P. N. SAPRU : The orders of the Government are open, if I may say so with respect, to another interpretation also. Those

orders were passed because, to be frank, Government do not trust the Indian. Those orders were passed, if I may say so quite frankly, because the Indian Government does not want to give to Indians the opportunity for military service and for service in technical services. I know that is impugning the motives of Government. But I am impugning the motives of Government. I make no secret of it. I am not convinced that there was not an ulterior motive behind those orders. It is regrettable that those orders should have been passed. If a different policy had been followed from the very start, India's response would have been very much greater. If India had been trusted, if India had been taken into confidence with regard to this war, her support would have been much greater than it is today. I very much regret, Sir, the lack of imagination that has characterised the efforts of Government in regard to the formulation of war policy, so far as this country is concerned. Indians ought to have been made to play a larger part than they have been allowed to, and I regret that the question was never looked at from a broad point of view. We do not wish our colonial friends—I am prepared to describe them as friends, because we look upon every one as our friend—we are not prepared to put our colonial friends into positions of trust and responsibility in this country. They are not prepared to put us into positions of trust and responsibility in their own country and so we see no reason why we should put them into positions of trust and responsibility in our country. We do not wish them to have commissions in our country. We do not wish them to have jobs in our country. It is a misfortune that there are colonials serving in this country. We do not want a single colonial to serve in this country. We will think of colonials when they begin to treat us better.

Sir, the Honourable Mr. Williams has given us certain assurances in regard to the future. That is always the way of Government. They are always ready and profuse in their expressions of sympathy. They are always prepared to give assurances so far as the future is concerned. But we are more concerned with the present than with the future. We find that the Bill in its present form is entirely unacceptable to us.

Then the Honourable Mr. Williams said that the title and preamble were allright, that "national service" really meant Empire service. I think that was really his meaning. But the Honourable Mr. Kunzru has given an answer to him. The Empire consists of various races and nationalities. Here you have a Bill which expressly by implication excludes the largest part of humanity in this country, namely, Hindus, Mussalmans, Indian Christians, the Sikhs and the Parsees. That is to say, nationals according to this Bill only means Europeans domiciled in India, and Colonial Europeans. Is it possible for any normal Legislature to agree to the use of the word "national" in a Bill of this character? I put that question very seriously to the Honourable Mr. Williams. He has got a very judicial mind. He has a very fair mind. I ask him as a lawyer of experience, as a judge of experience, whether he can honestly say that the word "national" as used here correctly describes the intention, object, and scope of this Bill? I deeply regret that Government should have thought fit at this juncture, when we all ought to be striving to work together, to bring forward a Bill of this character. With all the desire that we have not to embarrass the Government at this moment we regret that we cannot support this Bill in its present form. We owe it to ourselves to oppose this Bill and I have no option but to offer strenuous opposition to it.

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN (United Provinces West : Muhammadan) : Sir, I congratulate Mr. Richardson on clearing

[Haji Syed Muhammad Husain.]

a good many points and also the Honourable Mover. I expressed my feelings about the Bill, but the speeches of the Honourable Members above referred have cleared many points. It appears that when the Bill was drafted, there was only one thing in mind, namely, to respect the sentiments of the Europeans while other aspects were grossly disregarded and no one cared how it would affect the minds of the Indians and their susceptibilities. Anyway, the speeches have certainly cleared a good deal of ground. There are just one or two things which I hope the Honourable Mr. Williams in his reply will clear up. So far as the prosecution of the war is concerned, the very fact that this House and the other House passed and extended the operation of the Defence of India Act was quite sufficient not only for the Government of India but also for the Home Government and the world at large to know that India has extended its co-operation in the successful prosecution of the war. The attitude of Indians against Nazism is quite obvious. In spite of the fact that a Party has not decided to co-operate actively in the prosecution of the war, it has condemned the Nazis. There is a great deal of moral support in that also. But in this Bill there is one thing which is very difficult to reconcile, in spite of giving it our best consideration and making every allowance, and that is the engaging for service in this country particularly of those Colonials who do not see eye to eye with India. That is certainly a slur on Indians and it is impossible for Indians to tolerate this undue preference to men of those Colonies. I do not know whether the Government is prepared to give any assurance about that. Of course, the constitution of this House being what it is, we are aware the Bill will get through the House. But if the Government desire to respect the sentiment of Indians they should give an assurance of at least this, that those Colonials will not be given any responsible position in India as officers in the Indian Army or in any other position affecting Indian interests. Of course this Bill has been carelessly drafted and though in the Statement of Objects and Reasons it is said that this Bill is in respect of service in His Majesty's Forces during the present war, in the Bill itself, services in a civil capacity under the Crown are also included. The Bill is not consistent with the Statement of Objects and Reasons. It goes further, and I take it that that is not really the object of the Bill. Anyway, that is the thing to be borne in mind, that members of the Colonies will not be given any post on the civil side or in the military. If that assurance is forthcoming it will allay the feelings of Indians to a very great extent.

With these remarks, Sir, I close my speech.

**THE HONOURABLE MR. A. DEC. WILLIAMS :** I will first, Sir, endeavour to answer one or two definite points which have been raised in the course of the debate on the third reading.

As far as the Statement of Objects and Reasons goes, it is not part of the statute. It is not a part which will be judicially referred to when decisions have to be taken on the Bill. It is true that there is an omission. The Statement of Objects and Reasons merely refers to service in the fighting forces and does not refer to service in a civil capacity, and in passing I may say that there seems to be some misapprehension about the relation of the Bill to what are commonly described as the civil services. This Bill is not intended to devise or provide a means of recruitment to what is generally known as the civil service. The sort of employment we have in mind is, for instance, the civilian personnel of an Ordnance factory, or possibly my Honourable

friend Mr. Dow may recruit some adviser or some officer with technical knowledge. But there is no intention of inventing some extraordinary method of recruiting for the civil services.

One point which appears to be overlooked is that this Bill does not provide special powers for giving appointments to a class of persons who could not be given those appointments in the absence of the Bill. Honourable Members have spoken as if there is some special indication in this Bill that a class of persons coming from the parts of the world to which they have referred will definitely be given appointments. That is not so.

These few definite questions apart, I feel, Sir, that practically all that can be said about the Bill, and a great deal of what can be said about other things, has been said. There is just one further point and I shall be done. My friend Pandit Kunzru asked whether Government had found that Indians were unwilling to come forward and help in the war. Of course that is not the experience of Government. I tried to make it clear that we are receiving offers in large numbers, that they are appreciated and are being dealt with and that we hope that this measure is only a preliminary step. It has been taken as a preliminary step because a great deal of the groundwork for working the measure was there already.

My Honourable friend Pandit Kunzru stated that he was not convinced by my arguments. I fear that I have abandoned all hope of convincing my friend Pandit Kunzru. Indeed, so far as he is concerned I know of no previous case of conviction. (Laughter.) He stated that he was surprised at the insistence of the European community on this Bill. I will finish by saying that I am surprised and extremely regretful at the insistence of Honourable Members opposite on an affront which is not intended—and, where an affront is not intended, it cannot really be said to exist.

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

“ That the Bill, as passed by the Legislative Assembly, be passed.”

Question put : the Council divided :

**AYES—24.**

Charanjit Singh, Hon. Raja.  
Chinoy, Hon. Sir Rahimtoola.  
Das, Hon. Rai Bahadur Satyendra  
Kumar.  
Dow, Hon. Mr. H.  
Ghosal, Hon. Sir Joana.  
Govindachari, Hon. Rao Bahadur K.  
Haidar, Hon. Khan Bahadur Shams-ud-  
Din.  
Hissamuddin Bahadur, Hon. Lt.-Col. Sir.  
Hydari, Hon. Mr. M. S. A.  
Jones, Hon. Mr. C. E.  
Khurshid Ali Khan, Hon. Nawabzada.

Lal, Hon. Mr. Shavax A.  
Lloyd, Hon. Sir Alan.  
Maxwell, Hon. Sir Reginald.  
Mennon, Hon. Sir Ramunni.  
Mukherjee, Hon. Sir Satya Charan.  
Parker, Hon. Mr. R. H.  
Patro, Hon. Sir A. P.  
Richardson, Hon. Mr. J. H. S.  
Roy, Hon. Mr. S. N.  
Russell, Hon. Sir Guthrie.  
Sobha Singh, Hon. Sardar Bahadur.  
Tyson, Hon. Mr. J. D.  
Williams, Hon. Mr. A. deC.

**NOES—6.**

Hossain Imam, Hon. Mr.  
Kalikar, Hon. Mr. V. V.  
Kunzru, Hon. Pandit Hirday Nath.

Mahtha, Hon. Rai Bahadur Sri Narain  
Muhammad Husain, Hon. Hajl Syed.  
Sapru, Hon. Mr. P. N.

The Motion was adopted.

## CENTRAL ADVISORY COUNCIL FOR RAILWAYS.

**THE HONOURABLE THE PRESIDENT :** I have to inform the Council that as a result of the election held today, the following six non-official Members have been elected to serve on the Central Advisory Council for Railways :—

1. The Honourable Sir David Devadoss.
2. The Honourable Mr. Abdul Razak Hajee Abdul Sattar.
3. The Honourable Sardar Buta Singh.
4. The Honourable Sardar Bahadur Sobha Singh.
5. The Honourable Haji Syed Muhammad Husain.
6. The Honourable Kumar Nripendra Narayan Sinha.

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### STATEMENT OF BUSINESS.

**THE HONOURABLE SIR REGINALD MAXWELL** (Leader of the House) : Sir, I suggest that the House should next meet on Monday, the 8th, when the following five Bills which have already been laid on the table of this House will be taken up for consideration :—

1. The Defence of India (Amendment) Bill.
2. The Agricultural Produce Cess Bill.
3. The Insurance (Amendment) Bill.
4. The Indian Tariff (Amendment) Bill.
5. The Indian Tariff (Second Amendment) Bill.

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The Council then adjourned till Eleven of the Clock on Monday, the 8th April, 1940.