

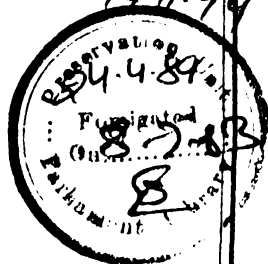
30th July 1943
TO
THE LEGISLATIVE ASSEMBLY DEBATES

Official Report

Volume III, 1943

(26th July to 25th August, 1943)

EIGHTEENTH SESSION
OF THE
FIFTH LEGISLATIVE ASSEMBLY,
1943



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LEGISLATIVE ASSEMBLY.

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Deputy President :

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[From 27th July to 19th August, 1943.]

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Mr. K. C. NEOGY, M.L.A.

Mr. HOOSEINBHOY A. LALLJEE, M.L.A.

Sir HENRY RICHARDSON, M.L.A.

[From 20th August, 1943.]

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Mr. N. M. JOSHI, M.L.A.

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LEGISLATIVE ASSEMBLY

Friday, the 30th July, 1943.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

ALLOTMENT OF WAGONS FOR COAL AND FOOD GRAINS SUPPLY TO CERTAIN PLACES.

115. *Mr. Amarendra Nath Chatterpadhyaya: (a) Will the Honourable Member for War Transport be pleased to state in detail and lay on the table a statement regarding the allotment of wagons for coal supply from the coal fields of Jheria and Ranigunj to Delhi and Bengal, during April, May, June and upto 26th July, 1943?

(b) Did the Honourable Member receive complaints about the scarcity or inadequate supply of coal to Delhi and Bengal during these months, and was coal sold at controlled rates in Delhi and Calcutta and neighbouring districts?

(c) What number of wagons were allotted for transport of wheat, *bajra* and rice from the Punjab, United Provinces, Bihar and Orissa, to Bengal and other provinces, and what quantity of these commodities was transported, province by province, during these months?

The Honourable Sir Edward Benthall: (a) A statement is laid on the table giving the allotments of wagons distributed under the Provincial Quota Scheme to Bengal and the Punjab including Delhi, during April, May and June, 1943. I have not readily available the figures for Delhi month by month in detail.

(b) Yes. Coal was sold at the controlled rate in Delhi, and generally at this rate in Calcutta, where a few cases were reported of rates higher than the controlled rate being charged.

(c) Wagons are not allotted for food grains as they are for coal. Railways were asked to concentrate on movement of food grains, but the actual number of wagons which carried these grains from different provinces to Bengal during the months mentioned are not readily available and cannot be ascertained without undue labour and trouble.

Statement.

No. of wagons allotted under the Provincial Quota System to the Provinces of Bengal and the Punjab (including Delhi).

	Bengal.	Punjab (including Delhi).
April 1943	1,082	240
May 1943	1,739	533
June 1943	2,241	406

Sardar Sant Singh: May I know from the Honourable Member if it is a fact that wagons have been allotted for race-course horses from Bombay to other places?

The Honourable Sir Edward Benthall: Race-course traffic has been curtailed and distance limited.

Sardar Sant Singh: May I know if it is a fact that the restrictions put upon the movement of race-course horses through wagons are very nominal and wagons are still given for that purpose?

The Honourable Sir Edward Benthall: The instructions are that wagons should not be given for that purpose if it interferes with any other important traffic.

Mr. Amarendra Nath Chatterpadhyaya: With reference to part (b) of the question, did the Honourable Member receive complaints about the scarcity of coal?

The Honourable Sir Edward Benthall: I have had complaints.

Mr. Lalchand Navalrai: May I know from the Honourable Member whether there is an adequate number of wagons available now and also whether there is an adequate quantity of coal?

The Honourable Sir Edward Benthall: There are inadequate raisings of coal in fields outside the Bihar and Bengal coal fields. There are difficulties in getting an adequate number of wagons for the transportation of coal from the Bihar and Bengal coal fields.

Mr. Lalchand Navalrai: May I know if the Honourable Member possesses a sufficient number of wagons to be able to allot them to the people when they ask for them?

The Honourable Sir Edward Benthall: I may inform the Honourable Member that the scarcity of wagons still persists.

RECRUITMENT OF TEMPORARY ENGINEERS ON NORTH WESTERN RAILWAY.

116. *Mr. Lalchand Navalrai: (a) Further to unstarred question No. 49 and answers thereto in the Legislative Assembly on the 15th March, 1943, will the Honourable Member for Railways be pleased to state if suitably qualified Civil Engineers, as required under the conditions of the advertisement were available in the subordinates ranks of the Railway?

(b) Is it a fact that men of the required or even higher qualifications already in Railway service were barred from open selection and non-experienced officers were appointed?

(c) Why were these temporary Engineers not recruited through the Federal Public Service Commission?

(d) Is it a fact that condition No. 3 of the advertisement stated that the possession of practical experience would be desirable? If so, why were the qualified Civil Engineers in the subordinate ranks of the Railway, who had practical experience ignored?

(e) Was it laid down in the advertisement that a higher initial salary not exceeding Rs. 450 per mensem would be allowed to any candidate holding special qualifications and practical experience? Was any consideration given by the Selection Board or the General Manager to the appointment of any person on higher pay?

(f) How many men were recruited on the initial salary of Rs. 350 per mensem after three months' training, and how many were recruited on a higher initial salary not exceeding Rs. 450 per mensem?

(g) Is it not a fact that some Civil Engineers who had not been confirmed in the Subordinate Cadre, actually applied for these posts, but they were not considered?

The Honourable Sir Edward Benthall: (a) I understand there are subordinates on the N. W. Railway with the academic qualifications prescribed.

(b) The selection was confined to persons not in Railway service.

(c) It was not considered necessary as these were temporary appointments; the Federal Public Service Commission concurred in this view.

(d) The reply to the first part is in the affirmative. As regards the second part, it was considered advisable to fill these posts by outside recruitment as the men in service were not suitable.

(e) The answer to both parts is in the affirmative.

(f) Five and none.

(g) I understand that the two subordinates who applied held permanent posts in the subordinate cadre. They were not considered as it was decided to fill all the posts by outside recruitment.

Mr. Muhammad Nauman: With reference to part (f), may I know how many of them were Muslims, Hindus and Anglo-Indians?

The Honourable Sir Edward Benthall: I do not think I have that information available on the file, Sir.

Mr. Lalchand Navalrai: May I know if these temporary men have been taken in order to be retained against the competent and qualified subordinates?

The Honourable Sir Edward Benthall: No, Sir. I understand that they are purely temporary war appointments.

Mr. Muhammad Nauman: With reference to part (c) of the question, may I know whether the Public Service Commission will confirm these appointments or they will have the option of revising, and also whether these men have been recruited on permanent basis, or not?

The Honourable Sir Edward Benthall: Sir, I shall require notice of that question.

Mr. Muhammad Nauman: The Honourable Member may at least tell us as to what has been the practice.

The Honourable Sir Edward Benthall: I shall require notice of that question.

Mr. Lalchand Nayalrai: May I know whether the Honourable Member is aware of the fact that some of the direct recruits who have been taken temporarily are not fit to occupy those posts, but still other subordinates who have applied for those posts have been refused?

The Honourable Sir Edward Benthall: I am informed that the General Manager is satisfied with the result.

Mr. Muhammad Nauman: Is it a fact that those recruitments have been made at the whims of the officers who were in charge of those recruitments without due regard being given to the qualifications of individuals.

The Honourable Sir Edward Benthall: The Honourable Member has made a statement and not asked a question, and the statement appears to be inaccurate.

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

Mr. Lalchand Navalrai: We do not get sufficient replies already.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already put many questions. Next question.

DECISION TAKEN *re* APPOINTMENT OF JUDICIAL OFFICERS TO HEAR APPEALS, ETC. ON RAILWAYS.

117. *Mr. Lalchand Navalrai: With reference to the Honourable the Railway Member's reply to the debate on a resolution by Mr. Jamnadas Mehta, to consider whether judicial officers be appointed to hear appeals on Railways and to review personal cases, does the Honourable the Railway Member propose to make a statement whether any decision has been taken in the matter? If so, will he make a brief statement giving important particulars of the scheme? If no action has been taken, when is he likely to come to a decision?

The Honourable Sir Edward Benthall: With reference to the first two parts of the question, I would point out that the offer to consider whether we can find judicially trained as well as judicially minded officers was made on the assumption that Mr. Jamnadas Mehta's Resolution moved on the 18th February, 1943, would be withdrawn. It was however pressed to a division on the 25th March, and lost. I have, however, carefully considered this matter and come to the conclusion that the course suggested is impracticable. The last part does not arise.

Mr. Muhammad Nauman: May I know if the Honourable Member has also considered the advisability of entrusting this work to the Recruitment Commission which has been appointed on the North Western Railway as an experiment for the present?

The Honourable Sir Edward Benthall: No, Sir.

Mr. Lalchand Navalrai: May I know if the Honourable Member is aware that that Commission has not much work to do, and, if so, whether he would be prepared to pass off this work to them?

The Honourable Sir Edward Benthall: I am informed that it is very busily employed.

RECENT APPOINTMENT OF FIVE CLERKS OF THE MINORITY COMMUNITIES IN THE KARACHI DIVISIONAL OFFICE.

118. *Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that certain clerks were recently appointed in the Divisional Office, North Western Railway, Karachi? (b) Is it a fact that the General Manager, North Western Railway, asked

the Divisional Superintendent, Karachi, to provide for five clerks belonging to the minority communities who had been nominated by the North Western Railway Subordinate Service Commission for posts referred to in part (a) above by adjustment of transfer of the General Community clerks to posts outside the Divisional Office? If so, why?

(c) Will the Honourable Member please refer to the Government of India, Home Department Resolution No. F. 14/17-B./33, dated Simla, the 4th July, 1934, and say under what specific provision the order of the General Manager, North Western Railway referred to in (b) above giving favoured treatment to certain communities can be justified? If no such provision exists, do Government propose to issue instructions that the legitimate claims of all communities be safeguarded in the Railway service? If not, why not?

The Honourable Sir Edward Benthall: (a) The Honourable Member has not specified the period to which he refers. I understand that 5 clerks were appointed in May, 1943 and 4 in June, 1943 to the office of the Divisional Superintendent, Karachi.

(b) I am informed that the General Manager, N. W. Railway, has issued no such orders; the second part does not arise.

(c) Does not arise in view of the reply to part (b).

Mr. Lalchand Navalrai: With reference to part (b), I have not been able to follow the Honourable Member clearly. Is it a fact that those five clerks were made to supersede the General Community clerks?

The Honourable Sir Edward Benthall: Sir, I answered part (b) by saying that I am informed that the General Manager has issued no such orders. The second part of the question does not arise.

Mr. Lalchand Navalrai: I can tell the Honourable Member that it is a fact that it has been done and therefore I ask will the Honourable Member make an enquiry in order to find out who has done it if no such orders have been issued by the General Manager?

The Honourable Sir Edward Benthall: I am not satisfied that it has been done.

Mr. Lalchand Navalrai: The Honourable Member may take steps to satisfy himself. It is not enough merely to say that the General Manager has not issued the orders. I am asking whether such a thing has actually happened and, if so, will the Honourable Member take steps to correct it?

The Honourable Sir Edward Benthall: I think I answered the Honourable Member's question as he put it, but I will go into the matter.

DETERIORATION OF EFFICIENCY OF THE KARACHI DIVISIONAL OFFICE.

119. *Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that about 15,000 claim cases and references are pending in the Divisional Office, North Western Railway, Karachi? If so, what action is proposed to be taken to expedite their disposal and an early settlement of public claims? If none, why?

(b) If the reply to the first portion of part (a) above be in the negative, what is the actual number of the pending claims and references?

(c) Has the number of clerks in the Commercial Section of the Divisional Office, North Western Railway, Karachi, been increased since September, 1939? If so, how much, and are all these men working in the Commercial Section, or some other Sections? If so, why?

(d) Is it a fact that the efficiency of the Divisional Office as a whole has deteriorated owing to the appointment of persons of minority communities with lower qualifications than are prescribed for the clerical posts before the war? If not, what are the reasons for the deterioration of efficiency? If the deterioration of efficiency is due to the shortage of clerks, is it proposed to employ more men? If not, why not?

(e) If the reply to the first portion of part (a) above be in the affirmative, is it proposed to adopt the recommendations contained in paragraph 179 of Mr. Desouza's Report regarding filling of temporary posts without maintaining communal ratios? If not, why not?

The Honourable Sir Edward Benthall: (a) No; the other parts do not arise.

(b) The number of cases pending on 30th June, 1943, was 1,554.

(c) Yes, by 18 additional temporary clerks who are all working in the Commercial Branch.

(d) The answer to the first part is in the negative. As regards the second part it is true that there has been a slight lowering in the efficiency of divisional offices due principally to a large number of temporary clerks and also to the scarcity of suitably qualified candidates, while discipline under present conditions is not entirely satisfactory. As regards the third part, additional posts are sanctioned as and when necessary and the question of discipline is receiving attention. The last part does not arise.

(e) Does not arise.

Mr. Laichand Navalrai: May I know whether these clerks were made to work in the commercial ranks because, there was much work to be done?

The Honourable Sir Edward Benthall: Yes, Sir.

COMPLAINTS AGAINST DEPUTY CHIEF ACCOUNTS OFFICER FROM THE SUB-HEADS IN TRAFFIC ACCOUNTS BRANCH OF THE NORTH WESTERN RAILWAY.

120. *Sardar Sant Singh: Will the Honourable Member for Railways please state if a complaint by telegram was received from the Sub-Heads in the Traffic Accounts Branch of the North Western Railway alleging that they have been abused by their Deputy Chief Accounts Officer for not appearing in an examination prescribed by him? If so, was an enquiry held into the matter? If not, why not, and if held with what result?

The Honourable Sir Edward Benthall: I have called for information and a reply will be laid on the table of the House in due course.

FALL IN THE COAL SUPPLIES TO INDUSTRIES.

121. *Mr. K. O. Neogy: (a) Will the Honourable Member for War Transport please state if it is a fact that a large number of industrial concerns in the country have been reduced to the verge of closing down for want of supplies of coal?

(b) Is it a fact that supplies of coal to industries have been greatly reduced on account of the programme undertaken by the Government of India for building up forty days' stock of coal for Railways?

(c) If the reply to (b) be in the affirmative, how did the Railways' stocks of coal come to be depleted to such an extent as would require to be replenished at the cost of the closing down factories manufacturing the essential war and civilian needs?

(d) Are the Government of India aware that the building up of forty days' stock of coal for Railways would take about three to four months during which period the industries (including major industries like textile and sugar) will be greatly handicapped and their production likely to be considerably reduced?

The Honourable Sir Edward Benthall: (a) A number of industrial concerns have been having difficulties in regard to their coal supplies and some have had to close down for short periods.

(b) Yes, during the past 2 months.

(c) Loco coal stocks were depleted in the first instance, owing to short raisings in the coalfields outside Bengal and Bihar and to the short supply of wagons in the Bengal and Bihar coalfields. Other factors which contributed to depletion of stocks were the disturbances in August and September, 1942 and the cyclone on the East coast in November. During the winter and spring supplies to essential industries could therefore only be maintained at the expense of Railway requirements. When it became apparent that Railway stocks were reaching a dangerously low level, steps were taken to place supplies to Railways back on to the priority to which they were entitled and to rebuild their stocks which had in many cases fallen below the level of industrial stocks.

(d) Government are aware that the building up of Railway stocks up to 45 days by the target date of 30th September is having adverse effect on the requirements of industries. Government are putting into operation certain proposals which it is hoped will relieve industries materially, but it is essential

that industries should exercise the fullest economies in the consumption of coal and make use of every form of alternative fuel if they are to maintain their present pitch of production.

Mr. K. C. Neogy: As regards the proposals which Government have under consideration, with reference to his reply to (d) of the question, will the Honourable Member be pleased to state whether these have been communicated to the commercial bodies for their opinion.

The Honourable Sir Edward Benthall: The proposals are not yet complete and they are, as a matter of fact, being discussed today in Delhi with the Controller of Coal Distribution. But preliminary discussions have taken place with the commercial bodies.

Mr. K. C. Neogy: Are the proposals in the shape of temporary proposals to tide over temporary difficulties, or are they likely to be made permanent?

The Honourable Sir Edward Benthall: They are comprehensive.

Sir Vithal N. Chandavarkar: Will the Honourable Member tell the House what alternative fuels he has in mind for Ahmedabad and Sholapur?

The Honourable Sir Edward Benthall: In Ahmedabad wood fuel has been used to a considerable extent, and we hope still further use will be made of it, and the same applies to other parts of the country. Several industries are doing their best to make use of wood fuel to assist in the position. In other parts oil fuel may be a possible substitute.

Mr. K. C. Neogy: Is the Honourable Member in a position to indicate generally the broad features of the proposals he referred to?

The Honourable Sir Edward Benthall: No, Sir. I think I had better not enter into those details today, but I will say that one of the steps being taken is to reduce the rates at which railway stocks are being built up.

CASH AND SMALL COINS RECEIVED FROM SALE OF PASSENGER TICKETS BY EAST INDIAN RAILWAY.

†122. ***Dr. Sir Zia Uddin Ahmad:** (a) Will the Honourable the Railway Member please state the cash receipts by the East Indian Railway in the months of June, 1941 and 1943 from the Booking Offices selling passenger tickets under the account 'Railway Fares'?

(b) What is the value of small coins received by the East Indian Railway Administration under the heading mentioned in (a) in the months of June, 1941 and 1943?

The Honourable Sir Edward Benthall: (a) and (b). I am enquiring whether the information is readily obtainable. If it is so, a statement will be laid on the table.

RAILWAY ACCIDENT NEAR BORGAON, AKOLA.

†123. ***Dr. Sir Zia Uddin Ahmad:** (a) Will the Honourable the Railway Member please give a detailed account of the Railway accident near Borgaon, Akola (Berar)?

(b) What is the finding of the Inspector?

(c) Was it due to the negligence of the Railway staff of Borgaon, Great Indian Peninsula?

(d) Is it not a fact that Mr. Abbas Ali, Advocate of Khandwa, who was travelling by that train was found dead under the debris, and that his body was removed and buried at Akola?

(e) What compensation have Government paid to the members of the bereaved family?

The Honourable Sir Edward Benthall: (a) At about 05-35 hours on Friday, the 4th June, No. 1 Down Mail, ex-Bombay to Calcutta, ran into the rear portion (consisting of 15 vehicles) of 105 Down goods train at mile 372 between Akola and Borgaon stations on the G. I. P. Railway. These 15 vehicles had been detached just outside Borgaon station as the engine was unable to pull the whole load.

The impact was severe. The engine capsized, its front end being smashed up and frame bent. The tender was also badly damaged and the next vehicle was

completely wrecked. The underframe of the second vehicle "telescoped" into the third vehicle, which was a Restaurant Car. The fourth vehicle was damaged. The front bogie of the fifth coach derailed. The remainder of the train did not suffer much damage.

As the collision occurred, all lights were extinguished, but a fire was observed in the wreckage of the Dining Car at about 07-00 hours which was extinguished by some British Other Ranks who were passengers on the train.

The brake-van of the goods train was badly smashed and thrown to the left of the engine of the mail train. The next four wagons were also smashed up and capsized. The sixth vehicle was derailed, the remaining 9 were not damaged or derailed.

According to the latest information, the total casualties, including deaths in hospital, number 76 killed and 148 injured.

(b) and (c). The final report of the Inspectorate has not yet been received.

(d) and (e). I am having enquiries made and will lay a reply on the table in due course.

FALL IN THE COAL SUPPLIES TO INDUSTRIES.

124. *Mr. K. C. Neogy: (a) Will the Honourable Member for War Transport Department be pleased to state whether he has received any representation on behalf of the industrial concerns in the different provinces, since April last, complaining about the shortage in the supply of coal due to the paucity of the available railway wagons? If so, does he propose to make a detailed statement of the position, province by province, indicating the difficulties experienced by the different industries and the steps, if any, that have been taken to ease the situation?

(b) Is it a fact that several concerns engaged in the execution of war orders have had to curtail their activities due to the shortage of coal? If so, does the Honourable Member propose to make a separate statement regarding this point?

(c) What is the position of the rice and flour mills in the list of priorities for the purpose of allotment of coal wagons, and which are the industries that enjoy a higher priority than the rice and flour mills for this purpose? What is the comparative position of the tea gardens, jute mills, cotton mills, and glass factories, separately, in the list of priorities for the purpose of allotment of coal wagons?

The Honourable Sir Edward Benthall: (a) Yes. Complaints regarding shortage of coal have been received within the last 6 weeks from the Indian Chamber of Commerce and the Bengal Millowners' Association and also from the Provincial Governments of Madras, Bihar and the United Provinces. The situation is due to the falling off in coal raisings in the coalfields of Central India and Hyderabad State, the acute wagon position and the necessity of building up local coal stocks. The Controller of Coal Distribution could not in consequence allocate adequate quantities under the Provincial Quota System and to industries classified under item 'H' of the Priority list for coal despatches. The position has however been under review for some time and it is hoped very shortly to introduce a rationing scheme under which quotas of coal are to be refixed, in consultation with the Departments concerned, for each industry in accordance with its past consumption, its essentiality, and the quantity of coal and transport available. It is hoped that when the scheme becomes effective, supplies will be more regular, though on a somewhat reduced scale.

•(b) This has happened in some cases. As I have said, the whole question is under consideration.

(c) A copy of the existing Priority list for coal despatches is laid on the table. This list, however, has not been operated with such strictness that classes lower on the list are not given supplies till the requirements of those higher in the list have been fully met. Allotments are adjusted from day to day in the light of the wagon position so as to balance supplies to each class according to the needs of the country, and special *ad hoc* assistance is given where possible to industries whose stocks are low. Rice and flour mills come under two groups: a small number of flour mills engaged on war orders fall under class 'H' while the majority of flour and rice mills are classified under 'J' and

obtain their supplies from the Provincial quotas. Jute and cotton mills and glass factories are grouped under class 'H' and the tea industry has been given a separate classification under 'M'.

Statement.

The existing Priority List is as follows :

- A. Shipment Coal—Naval Coal. Coal required by Defence Departments for Water Traffic and Bunker Coal.
- B. Loco. coal, Indian General Navigation & River Steam Navigation Cos., and Port Trust Cos.
- C. Essential Electric Supply concerns, Oriental Gas Co., Bombay Gas Co., and water works.
- D. Iron & Steel Works, Tatas, Steel Corporation of Bengal, Indian Iron & Steel Co., Kulti.
- E. Defence Services requirements for Aerodromes, Road Building, Garrison Engineers, and Ordnance Factories.
- F. Cement Works.
- G. War Priorities, Red List Firms.
- H. War Priorities, Cotton Mills, Jute Mills, Re-rolling Mills, Sugar Industry, Cotton Gins and Presses, other Miscellaneous firms and other Engineering Concerns.
- I. Works of Public Utility (other than Essential Electric Cos., such as Tramway Cos., Municipalities and Petty Steamer Services).
- J. Miscellaneous Industries not directly on War Work—Domestic consumption etc., (Distribution given by Provincial Coal Controllers).
- K. Coke Ovens, both inward and outward traffic.
- L. Other Sanctions issued on behalf of the Chief Mining Engineer, Railway Board, and not classified above, Public.
- M. Coal for Tea Industry.
- N. Coal for Brick Burning for Public and Civil supplies.

Mr. K. O. Neogy: Has the Honourable Member received a complaint on the score that tea-gardens have been treated more favourably than rice mills in spite of the rice shortage nowadays so far as the allotment of coal wagon, is concerned?

The Honourable Sir Edward Benthall: That is not my experience, Sir. I have had, I think, more complaints from the tea-gardens than from the rice mills.

Mr. K. O. Neogy: Has the Honourable Member received a complaint to that effect? A complaint, so far as I know, was communicated on the 18th July from Calcutta by the Indian Chamber of Commerce on this point.

The Honourable Sir Edward Benthall: Yes, Sir. I now recall such a communication.

Sir Vithal N. Chandavarkar: Is it a fact that wagons were made available for the transfer of an industrial concern from a British Indian Province to an Indian State?

The Honourable Sir Edward Benthall: I have heard that statement and investigation is proceeding.

Mr. K. O. Neogy: Did the Honourable Member refer to any rationalization scheme in this connection?

The Honourable Sir Edward Benthall: No, Sir. I did not refer to that. But a rationalization scheme is under consideration.

Mr. K. O. Neogy: Will he be pleased to give the broad features of this scheme?

The Honourable Sir Edward Benthall: Again, Sir, I think I had better not go into those details which I understand are being discussed with the commercial bodies principally concerned.

Sir Cowasjee Jehangir: Was this reply prepared before or after the floods in Bengal?

The Honourable Sir Edward Benthall: I think after.

Sir Cowasjee Jehangir: Does it take into account the floods and the consequences of those floods?

The Honourable Sir Edward Benthall: The consequences of the floods are serious, particularly to coal for distribution eastwards. But I do not think that alters anything that I have said in my answer.

UNSTARRED QUESTIONS AND ANSWERS.

COLLECTION OF COST OF LIVING INDEX NUMBERS ON BEHALF OF THE RAILWAY BOARD.

20. Mr. Lalchand Navalrai: (a) With reference to the Honourable the Railway Member's reply to my unstarred question No. 48, asked on the 10th March, 1943, in regard to the expenditure incurred by the Railway Board on the compilation of the cost of living index numbers, will he be pleased to state whether any figures of the cost of living index numbers are now being collected on behalf of the Railway Board, and whether they are published? If so, where? If not, why not?

(b) Where do the central organisations for the collection of cost of living index numbers exist, and what is the material supplied by them to the Railway Board? If the same has been published, does the Honourable Member propose to refer to such a publication?

(c) Which provinces which are receiving grants from the Railway Board for the collection of cost of living index numbers supply this information to the Railway Board, and is the same incorporated by the Railway Board or the provinces in any authorised publication? If so, which are those publications?

The Honourable Sir Edward Benthall: (a) The answer to the first part is in the affirmative; figures concerning the cost of living in selected rural centers are being collected on behalf of the Railway Board, the answer to the second part is in the negative. As regards the last part, the information is not yet sufficiently detailed to justify publication.

(b) The central organisation for the collection of cost of living index numbers exists at the headquarters of the Government of India; all the material collected by the organisation is at the disposal of Government Departments. The material collected has not been published.

(c) No province is receiving a grant direct from the Railway Board although the Railway Board bear a portion of the Central Government's share of the cost of the Provincial Schemes. As already stated the information has not yet been published.

NON-ACCEPTANCE OF PRIVATE MEDICAL PRACTITIONERS' CERTIFICATES.

21. Mr. Lalchand Navalrai: (a) With reference to the Honourable the Railway Member's reply to my starred question No. 133, asked in September last, in regard to the acceptance of private medical practitioner's certificate without the statutory need of reference to the Railway Doctor, and his reply to unstarred question No. 50, asked on the 15th March, 1943, stating that matter was still under consideration, will he be pleased to state whether a decision has been reached in the matter? If not, when is it likely to be taken?

(b) Since the complaint refers to the North Western Railway subsidiary rules being in conflict with the main rules framed by the Railway Board, why was the subsidiary rule not immediately amended to fit in with the parent rule?

The Honourable Sir Edward Benthall: (a) The North Western Railway have now cancelled their subsidiary rule on the subject.

(b) Government can see no impropriety in the length of time taken for the issue of the orders referred to in the reply to part (a).

INSTRUCTIONS *re* RESERVATION FOR MINORITY COMMUNITIES IN ESTABLISHMENT SECTIONS OF RAILWAY OFFICES.

22. Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state whether the Railway Board have issued any instructions that a certain percentage of posts in the Establishment Section of an office be reserved for minority communities? If so, why, and what is the percentage so fixed for each community?

(b) Will the Honourable Member please refer to the specific provision of the Government of India Resolution, dated the 4th July, 1934, on the reservation for recruitment of posts for minority communities in the subordinate service under

which reservation in the Establishment Branch is being made? If no such provision exists, under what other rule is this being done?

(c) Is it proposed to apply the percentage to offices as one unit, or branches, sections and sub-sections as well and, if so, why?

The Honourable Sir Edward Benthall: (a) The answer to the first part is in the affirmative; as regards the second part, the Railway Board consider it desirable that no particular community should be handicapped by the preponderance of any one community in the Establishment Offices of Railways. As regards the third part, the intention is that the representation of the minority communities in Establishment Branches on each Railway shall correspond to the overall percentage fixed for such communities on the Railway.

(b) Although there is no specific provision in the Government Resolution of 4th July, 1934, the orders issued by the Railway Board are covered by paragraph 6 thereof which make the orders therein applicable to all direct recruitment with certain exceptions; as also by Supplementary Instruction 5 issued in amplification of the Resolution.

(c) Generally, the orders are applied to all direct recruitment, by Departments or classes or grades as may be convenient. Government can see no objection to applying the orders to smaller units if they consider such a course necessary; they, however, do not contemplate a revision of the existing procedure.

NON-OBSERVANCE OF CERTAIN ORDERS re APPEALS IN KARACHI DIVISION, NORTH WESTERN RAILWAY.

23. Mr. Lalchand Navalrai: (a) With reference to Sir Andrew Clow's statement in February, 1942, in reply to the debate on a cut motion by the late Sir Henry Gidney that orders had been issued to the effect that the appellate authority should briefly record the grounds of the appeal and the reasons for dismissing it, will the Honourable the Railway Member be pleased to state whether these orders are being followed on the North Western Railway? If so, does he propose to lay a statement on the table of the House for the period 1st January to 30th June, 1943, when the appellate authority on the Karachi Division of the North Western Railway observed these instructions?

(b) Why are these instructions not being observed in full or in all cases? Is it proposed to insist that an appeal which is not disposed of in accordance with Sir Andrew Clow's undertaking, would not be considered as having been properly decided, thus giving cause for another appeal to a further higher authority? If not, how is it proposed to enforce these instructions?

(c) Does the Honourable Member propose to lay a copy of the orders issued by the Railway Board on the points mentioned in Sir Andrew Clow's speech? If not, why not?

The Honourable Sir Edward Benthall: (a) I am informed that these orders are generally followed on the North Western Railway. As regards the second part, I regret I cannot undertake to collect such details under present circumstances.

(b) As regards the first part, I have no reason to believe that the orders are not generally complied with. As regards the second part, the reply is in the negative. As regards the third part, if such cases come to notice the appellate authority will be instructed to comply with the instructions; the attention of the authorities has been drawn to the orders and the necessity for complying with them.

(c) No, as the orders are confidential.

LONG WORKING HOURS FOR RAILWAY RUNNING STAFF.

24. Mr. Lalchand Navalrai: (a) With reference to the Honourable the Railway Member's reply to starred question No. 273, asked on the 10th March, 1943, giving an undertaking for a fresh investigation in regard to the long running hours for running staff, will he be pleased to state the result of his investigations?

(b) Is it a fact that Guards and Engine crew are continuously on duty for about 12 hours and even more on the passenger or mail trains link system? If

so, why cannot the links be revised to reduce them to 8 hours per trip? If not, why not?

(c) Is it a fact that Goods Train Guards and crew are continuously on duty for 20 hours and even more on certain working trains on the North Western Railway?

(d) Is it proposed to fix a maximum limit of 10 to 12 hours for Guards and crew working on Goods Trains? If not, why not?

The Honourable Sir Edward Benthall: (a) The question has been looked into and Government are satisfied that as a rule running staff are not required to be unduly long hours on duty although there are occasional exceptions which the Railways are endeavouring to eliminate.

(b) Government understand that there may be some instances of the kind. As regards the second part, the reply is in the negative, since Government do not consider such action necessary as they are satisfied that the conditions generally are reasonable.

(c) Government understand that there is one such case on the North Western Railway and the Railway is taking steps to relieve the staff at some intermediate point in order to prevent unduly long hours.

(d) The reply to the first part is in the negative. Government do not consider such action either necessary or practicable but the matter will receive attention if and when the application of the Hours of Employment Regulations to running staff is taken up after the war.

FREQUENT DROPPING OF LEAD PLUGS AND CONSEQUENT FAILURE OF ENGINES ON NORTH WESTERN RAILWAY.

25. Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state if it is a fact that lead plugs in the locomotives on the North Western Railway were filled with silver or some such better material before the war? Is it a fact that the same are now filled with a cheaper material, thus causing frequent failure of the engine and the dropping of plugs?

(b) Does the Honourable Member propose to lay a statement on the table of the House, separately, for each Division of the North Western Railway for the periods (i) 1st April, 1939 to 31st March, 1940; and (ii) 1st April, 1942 to 31st March, 1943, showing the dropping of lead plugs?

(c) Is it a fact that on the Karachi Division of the North Western Railway, a large number of Drivers has been penalized for the dropping of lead plugs? If so, why; when the railway is unable to use a better material owing to the war exigency?

(d) If the reply to the first portion of part (c) above be in the negative, what is the number, separately, of employees so penalized on each Division of the North Western Railway during the two periods mentioned in part (b) above?

(e) What instructions do Government propose to issue to ensure that employees are not penalized for mishaps, etc., occurring due to want of good material, thorough repairs and difficulty in replacing engines which have done their guaranteed mileage owing to war? If none, why?

The Honourable Sir Edward Benthall: (a) The answer to both questions is in the negative.

(b) No.

(c), (d) and (e). Although no change has been made in the composition of the lead plugs, there has been a serious increase in the number of lead plugs fused due to carelessness on the part of the engine crews. The necessity of taking disciplinary action has, therefore, increased, and unless there is an improvement, it will be necessary to enhance the penalties.

COMPENSATORY ALLOWANCES TO SUBORDINATE SERVICE EMPLOYEES OF KARACHI PORT AREA OF NORTH WESTERN RAILWAY.

26. Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state what compensatory allowances are paid to the employees in subordinate service of the Karachi Port area of the North Western Railway, and what the rates thereof are?

(b) Are Firemen treated as members of the subordinate service? If so, are they entitled to the same rates of allowances as are paid to the members of the subordinate service employed in the Karachi Port area? If not, why not?

(c) Is it proposed to do away with this anomaly in the matter of payment of compensatory allowances to Firemen and other members of the subordinate staff? If not, why not?

The Honourable Sir Edward Benthall: (a) The information desired by the Honourable Member is contained in paras. 1 to 3 of Appendix V to the State Railway Establishment Code, Vol. I, a copy of which is in the Library of the House.

(b) Presumably the Honourable Member is making a distinction between subordinate and inferior staff. If so, he will see from the rules referred to in the reply to part (a) of the question that special allowances in Karachi area are allowed to both subordinates and inferior servants. As regards firemen, those in grades III and IV are considered subordinates while those in grades I and II are considered inferior servants. Both categories draw allowances at rates applicable to each.

(c) The Honourable Member will see from the reply already given that there is no anomaly.

STATEMENTS LAID ON THE TABLE.

OBJECTS ON WHICH THE AVIATION SHARE OF THE PETROL TAX FUND WAS EXPENDED.

Sir Gurunath Bewoor (Secretary, Posts and Air Department): Sir, I lay on the table statements showing the objects on which the Aviation share of the Petrol Tax Fund was expended during the years 1939-40, 1940-41, 1941-42 and 1942-43 as promised in reply to part (b) of short notice question No. 146, asked in the Council of State on the 28th August, 1934.

Statement showing the objects on which the Aviation share of the Petrol Tax Fund was expended during the year 1939-40.

Object.	Expenditure.
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<i>Clubs.</i>	Rs.
Financial assistance to Flying Clubs in India	62,500

<i>Training.</i>	
Maintenance of 'Link Trainer' ('Link Trainer' is a machine used in the training of pilots)	4,550
Training of Indians as pilots of multi-engined aircraft and as wireless operators on Govt. aircraft Avro-X	3,697
Training of Pilots, Pilot Instructors and Ground Engineers at Flying Clubs with a view to provide a reserve of personnel to be ultimately absorbed in the Air Forces	11,725
	19,972

Experimental.

Aircraft—

Expenditure in connection with the investigation of 'airlocks' on certain types of aircraft engines in India	194
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Works and Equipment—

Purchase and installation at Juhu aerodrome, as an experimental measure, of a G. A. L. smoke Trail Wind Indicator	3,844
Experiments with premixed carpets of various depths on the top of the French drains at the Civil Aerodrome at Juhu	379
	4,223

Lighting—

Experiments to determine the relative merits of mercury, neon and sodium beacons for air routes, and flight tests in connection therewith	2,223
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Miscellaneous items	19
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GRAND TOTAL	89,131
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Statement showing the objects on which the Aviation share of the Petrol Tax Fund was expended during the year 1940-41.

Object.	Expenditure.
	Rs.
<i>Clubs.</i>	
Financial assistance to Flying Clubs in India	1,51,511
Financial assistance to Indian Gliding Association	15,000
	<hr/> 1,66,511
<i>Training.</i>	
Training of Pilots, Pilot Instructors and Ground Engineers at Flying Clubs with a view to provide a reserve of personnel to be ultimately absorbed in the Air Forces	29,733
Training of Pilots for Air Forces and as Pilot Instructors	1,10,820
Maintenance of 'Link Trainer'	4,200
Customs duty on 'Link Trainer'	7,464
Acquisition of certain items of the property of the Aeronautical Training Centre, India, (Aircraft, etc.) with a view to issuing them on loan to Flying Clubs	15,000
Expenditure on repair and overhaul of Govt. aircraft VT-AIR, an aircraft acquired from the Aeronautical Training Centre, India, on its liquidation	1,761
Repair of aircraft VT-ACO (Moth aircraft which belonged to Govt.)	1,240
Transfer of aircraft VT-AHF from Delhi to Patna. (This aircraft was also acquired from Aeronautical Training Centre, India)	222
Purchase of aircraft for loan to Flying Clubs for training	65,358
	<hr/> 2,35,798
<i>Experimental.</i>	
<i>Works and Equipment—</i>	
Payment to Mr. Grubb for preparing an experimental landing ground at Vypoen (Cochin)	250
Further expenditure on the G. A. L. smoke Trail Wind Indicator installed at Juhu Aerodrome	176
	<hr/> 426
GRAND TOTAL	<hr/> 4,02,735

Statement showing the objects on which the aviation share of the Petrol Tax Fund was expended during the year 1941-42.

Object.	Expenditure.
	Rs.
<i>Clubs.</i>	
Financial assistance to Flying Clubs in India	1,57,308
Financial assistance to Indian Gliding Association	5,000
	<hr/> 1,62,308
<i>Training.</i>	
Further expenditure on the training of Pilots, Pilot Instructors and Ground Engineers at Flying Clubs with a view to create a reserve for the Air Forces	240
Further expenditure on the training of pilots and pilot instructors for I. A. F. purposes	1,372
Miscellaneous items	95
	<hr/> 1,707
<i>Experimental.</i>	
Construction of a Wind Tunnel at the Indian Institute of Science, Bangalore, for carrying out certain tests on aircraft	40,000

Object.

Expenditure.

Lighting.

Experiments in connection with the lighting of the flying gap at the civil Aerodrome at Dum Dum	Rs. 10,439
TOTAL	2,14,454

Statement showing the objects on which Aviation share of the Petrol Tax Fund was expended during the year 1942-43.

Object.	Expenditure.
	Rs.
1. Grants-in-aid to Flying Clubs in India	1,09,972
2. Financial Assistance to Indian Gliding Association	14,843
	1,24,815

Training.

Training of a member of the staff of the Civil Aviation Directorate in certain subjects pertaining to aircraft inspection	1,443
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Experimental.

1. Aircraft Operation of the wind tunnel at the Indian Institute of Science, Bangalore, for carrying out certain tests on aircraft	6,050
2. Works and Equipment Emergency Equipment for removing disabled aircraft of heavy type	980
	7,030
TOTAL	1,33,288

CONDEMNATION OF THE COWARDLY ATTACK ON MR. M. A. JINNAH.

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, I move:

"That this Assembly condemns the cowardly attack on Mr. M. A. Jinnah and congratulates him on his providential escape."

Sir, it is not necessary for me to say much about the motion which I have the honour to place before this Honourable House. The subject-matter of the motion is one about which there cannot be two opinions and the personality of Mr. Jinnah is such that it does not need any introduction. He is one of the greatest sons of India and is well known all over the world. The news of the cowardly and dastardly attack on Mr. Jinnah on the 26th of this month in Bombay has shocked every right thinking man irrespective of caste, creed or colour, from one end to the other of this sub-continent. I have no doubt in my mind that every Honourable Member of this House would condemn this outrage. We are indeed happy to know that God in His mercy has saved the life of Mr. Jinnah and I am sure every section of this House will join me in congratulating him on his providential escape. As for the Muslim League Party, it is not possible to express adequately in words our feelings of relief, joy and thankfulness to God for saving the life of our Leader to lead us and guide us. *Qaide-Azam Zindabad.*

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

"That this Assembly condemns the cowardly attack on Mr. M. A. Jinnah and congratulates him on his providential escape."

The Honourable Sir Sultan Ahmed (Leader of the House): I whole-heartedly associate myself with the motion. Sir, I am sure there is no one in this House nor any reasonable person outside who does not condemn such a dastardly and cowardly attack on Mr. Jinnah. It is a matter of great relief that his life has been saved and therefore we offer our hearty congratulations to him. Sir, this is an absolutely non-controversial motion and I am sure the House

must have been relieved to hear that Mr. Jinnah is absolutely safe and sound. It is a matter of grave concern and anxiety to the House when a Member of this House is attacked and it is a matter of congratulation not only to Mr. Jinnah but a matter of congratulation to us that his life has been saved.

Pandit Lakshmi Kanta Maitra (Presidency Division: Non-Muhammadan Rural): Did Government condemn the outrage on Allah Baksh?

Seth Yusuf Abdoola Haroon (Sind: Muhammadan Rural): He was not a Member of this House, and Sind Government had condemned the outrage.

Mr. Jamnadas M. Mehta (Bombay Central Division: Non-Muhammadan Rural): I, like every one else here, rejoice that Mr. Muhammad Ali Jinnah's assailant could not successfully carry out his terrible intention; I feel relieved that Mr. Jinnah escaped with slight injuries, and I congratulate him on that happy escape. This is only as regards Mr. Muhammad Ali Jinnah. I absolutely deprecate any attempt to involve this House in a motion of this kind. I am not at all sure that this is a good precedent. What is it that we congratulate Mr. Jinnah upon, personally and politically? Personally I congratulate him, but there are hundreds and thousands of people who daily escape with small injuries but . . .

Nawab Siddique Ali Khan (Central Provinces and Berar: Muhammadan): But they are not Members of this House.

Mr. Jamnadas M. Mehta: I am coming to that. You do not congratulate the hundreds and thousands of people who escape small injuries.

An Honourable Member: Quite right.

Mr. Jamnadas M. Mehta: Why do we congratulate Mr. Jinnah? Either for his membership of this House or for his political eminence. Mr. Muhammad Ali Jinnah does not even show us the courtesy of coming here.

Pandit Lakshmi Kanta Maitra: He is too big for it.

Mr. Jamnadas M. Mehta: He does not even come here. That is the contempt which he shows for this House.

Nawab Siddique Ali Khan: Question.

(Interruptions from the Muslim League Party.)

Mr. Jamnadas M. Mehta: You will not be able to silence me by any shouting. I am not giving way. I am not going to be silenced by any such shouting.

Some Honourable Members: Go on.

Mr. Jamnadas M. Mehta: I will have my say—that as a Member of this House Mr. Muhammad Ali Jinnah treats this House with such scant courtesy that he does not deserve any such commendation. If as a member of a political party he is to be commended it is a bad precedent. Every time a member of some political party is assailed, you will have to agree to such a motion unless you want to show that this was only reserved for Mr. Muhammad Ali Jinnah, President of the Muslim League. And what is the record of this political party? A High Court Judge has told us that for the massacre of the Sukkur Hindus the instigation came from this Muslim League.

Seth Yusuf Abdoola Haroon: No, Allah Baksh was responsible, is the Court's finding.

Mr. Jamnadas M. Mehta: You can read the report of Mr. Justice Weston.

(Interruption from the Muslim League Benches.)

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): Will the Honourable Member quote from the judgment of the Judge of the High Court? That is the practice. Will he quote?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member (Mr. Jamnadas M. Mehta) is not giving way.

Nawab Siddique Ali Khan: On a point of order, Sir.

Mr. Jamnadas M. Mehta: I shall certainly bring the report of that enquiry if necessary.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must resume his seat as a point of order has been raised.

Nawab Siddique Ali Khan: Is the Honourable Member in order to refer to what happened in Sukkur in connection with this motion?

Mr. President (The Honourable Sir Abdur Rahim): Because Mr. Jinnah, is the President of the Muslim League, I suppose that is the reason why Mr. Jamnadas Mehta says that because of the alleged attitude of the Muslim League in that matter he would not support this motion.

Mr. Jamnadas M. Mehta: Did the Muslim League condemn the Sukkur massacre? Did they condemn the foul murders of scores of Hindu leaders which took place? They instigated murderers and they treated them as heroes, and they brought the whole public life into contempt.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Did the Muslim League condemn Allah Baksh's death?

Mr. Muhammad Nauman (Patna and Chota Nagpur cum Orissa: Muhammadan): Yes. Did you do?

Mr. Jamnadas M. Mehta: I am not now concerned with that, but I know that scores of Hindu leaders of the greatest eminence including Swami Shradanand were foully murdered. The Muslim League had not a word to say. Can such a party be said to have come with clean hands to this House, when its leader is sitting mum, when murders of political leaders of other parties are going on galore, that we should be asked to associate ourselves with such a motion. Let them come with clean hands first. He who seeks equity must first do equity. You do not deserve any such consideration as political leaders. You are instigators, abettors of murderers and you come here before me with this motion?

Seth Yusuf Abdoolah Haroon: You are instigating.

Mr. Jamnadas M. Mehta: I will not allow such a thing to be perpetrated and I deprecate the Government so coolly surrendering their judgment to a motion of this kind and disturbing the business of the House. I say it is a bad precedent. For Mr. Muhammad Ali Jinnah personally I have very great affection. He is a gentleman of polished manners and social graces. I would like to be with him, I have been with him, I have had many socials with him. I am as happy as anybody else at his safety but I must say you are not doing this personally for Mr. Muhammad Ali Jinnah. It is for the Leader of the Muslim League. Under what pretence are you doing it? I cannot understand why the business of this House should be interfered with in this outrageous manner for the sake of the political leader of a party whose hands are not clean, whose hands are red with murders.

Seth Yusuf Abdoolah Haroon: Shame on you!

Mr. Jamnadas M. Mehta: Shame on those who deny facts.

Seth Yusuf Abdoolah Haroon: This party has never done that.

Mr. Jamnadas M. Mehta: Shame on those who deny the facts.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Lie, absolute lie.

Mr. Jamnadas M. Mehta: I don't want further to discuss this matter, except to say this that for Mr. Muhammad Ali Jinnah's escape I am grateful to Providence and I wish him long life and prosperity and health, but for Mr. Muhammad Ali Jinnah as the President of the Muslim League I have not got the slightest sympathy. In fact, he is going to disrupt my country if he can, but I am not going to bring that issue here. But look at the past. Murders of leaders of the Hindu community have been committed and not one word of sympathy has been said to the bereaved family or the affected community by him. Therefore, I am not willing to associate myself with the motion and I would be surprised if any Party in this House should associate with people whose hands are not clean.

The Honourable Sir Sultan Ahmed: I am sorry that the debate should have taken this turn. After all, it was a simple and non-controversial motion, offering congratulations to Mr. Jinnah on his miraculous escape and nothing more. So far as Government are concerned, we have associated ourselves with it, because he is a member of the Assembly and the attack was certainly dastardly and cowardly and we congratulate him on his escape, because he is a Member of this Assembly.

Mr. Jamnadas M. Mehta: Will you do it for every member?

The Honourable Sir Sultan Ahmed: If you are attacked and if your life is saved, I will do it.

Mr. Jamnadas M. Mehta: I was assailed by the Congress six months ago, but not a mouse wept in this House.

Mr. President (The Honourable Sir Abdur Rahim): It is a matter for regret that a debate on a motion like this should have taken this turn. I did not stop the Honourable Member, Mr. Jamnadas Mehta, from making his remarks on the alleged attitude of the Muslim League Party of which Mr. Jinnah is the leader as they could not be said to be irrelevant. But I do hope that Members who take part in this debate will not go into matters which have only an indirect bearing on the motion before the House.

Sir Cowasjee Jehangir (Bombay City: Non-Muhammadian Urban): Mr. President, I consider it a privilege to be allowed to associate myself with the Resolution that has been moved by Nawabzada Liaquat Ali Khan, not in his capacity as the Deputy Leader of the Muslim League but as a citizen of India and a Member of this House. I take this opportunity of doing so, as perhaps the oldest friend of Mr. Jinnah in this Honourable House. I have known him for the last 42 years. . . .

Mr. Jamnadas M. Mehta: Then you are older.

Sir Cowasjee Jehangir: . . . and perhaps much longer and much better than any other Member of this Honourable House, including all members of the Muslim League Party and therefore I repeat I consider it a privilege to be allowed to associate myself with this Resolution. I am not going to enter into any political discussion (*An Honourable Member:* "Why did you leave his party?") and I deprecate most strongly the speech just made by an Honourable Member of this House. I deprecate it most strongly in the interests of my country.

Mr. Jamnadas M. Mehta: I deprecate your speech.

Sir Cowasjee Jehangir: I deprecate it in the interests of my country, not in the interests of the Muslim League or the Congress but in the interests of Mother India.

Mr. Jamnadas M. Mehta: Where is Mother India?

Sir Cowasjee Jehangir: That there should be an Honourable Member of this House who could put up such an exhibition on an occasion like this is a disgrace to him, and to this House.

Mr. Jamnadas M. Mehta: It is a disgrace to you.

An Honourable Member: Is the Honourable Member entitled to use the word 'Disgrace'?

Mr. President (The Honourable Sir Abdur Rahim): He is entitled to express his own opinion.

Mr. Jamnadas M. Mehta: Then his conduct is disgraceful.

Sir Cowasjee Jehangir: We Indian must remember that when we speak in public we speak to an international audience on an occasion like this. We have been told that we are not a united country. It was only yesterday in a debate I had occasion to say that India was a united country on the issue before us. Well, Sir, if there are such exhibitions as this, is there any reason to complain or to blame those who contend that even on the smallest matter, even on the most solemn occasion we cannot refrain from showing our communal bias. There is no communal question before us. An Honourable Member of this House, a Leader of a party, who has been a leader of a party for years, of which I had the honour of being a member, has had the unfortunate experience of being attacked by a fanatic and has had a miraculous escape and if we think it fit to show our thankfulness to Providence on that escape we are doing something that is an honour to ourselves and a duty to ourselves and this Honourable House. I associate myself fully and wholeheartedly with the Resolution and I trust that this Resolution will be conveyed to Mr. and Miss Jinnah on behalf of all his friends in this House. I further trust that in matters like this—it does not matter who it is or which member of this House has escaped a catastrophe, we shall be ready to show our whole-hearted sympathy with him and his family and his friends.

Rao Bahadur N. Siva Raj (Nominated Non-Official): Mr. President, I desire to associate myself with the sentiments expressed by Sir Cowasjee Jehangir in

supporting the motion of my Honourable friend Nawabzada Liaquat Ali Khan. It is very unfortunate that Mr. Jamnadas Mehta should have chosen this occasion to give vent to his personal feeling . . .

Mr. Jamnadas M. Mehta: No.

Rao Bahadur N. Siva Raj: . . . personal views at any rate on the attitude of the Muslim League Party. I cannot claim to know Mr. Jinnah for such a long time as Sir Cowasjee Jehangir but he was always very sympathetic towards the attitude that I have taken on questions concerning my community and whatever contribution he may or may not have made to the various questions and problems that stand in the way of India attaining her freedom and her national destiny, the fact remains that so far as the minorities are concerned he has made it possible for those communities to organise themselves and to fight for their uplift. It also shows to the public in India and elsewhere that merely because a community is organised on its own basis, it cannot be treated as a purely anti-national party. No foe of Mr. Jinnah can ever maintain that Mr. Jinnah has at any time let down the interests of India. If anything, he is one of the few politicians who is known for his independence and integrity. I associate myself with the Resolution and I support the motion.

Sir Henry Richardson (Nominated Non-Official): Sir, on behalf of my Group, I support whole-heartedly this motion and join with those previous speakers who have condemned this outrage, which we deplore. While we have no knowledge of the causes which led this misguided man to make this attack, there can be no possible excuse or justification for the act and we sincerely congratulate Mr. Jinnah on his providential escape.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Sir, I associate myself and my Party with the Resolution which has been moved by my Honourable friend Nawabzada Liaquat Ali Khan. I do not think that the question of Mr. Jinnah being the leader of the Muslim League Party is a relevant one on this occasion. If Nawabzada Sahib had not moved that Resolution, I myself would have moved it. It has been pointed out that Mr. Jinnah is a great personality in the country and he has rendered services to the community in a variety of ways. But there is another aspect of the question. Of late, there has been a growing tendency in the country to regard murder as a political weapon and unless public opinion asserts itself definitely, emphatically and strongly against it, there will be a great deal of difficulty in the future and this misguided view which has been taken by some will lead to the most disastrous consequences for the country.

Mr. Hooseinbhooy A. Laljee (Bombay Central Division: Muhammadan Rural): Sir, I rise to associate myself with the Resolution that my friend Nawabzada Sahib has moved. Many words are not required of me to support this Resolution as I entirely agree with the remarks that have fallen from the Leader of the House and my friends Sir Henry Richardson and Dr. Banerjee. But I may be permitted to say a few words as I claim to belong to his community, as I claim to be one who has been living in the same city as he has been and I claim to be one who has had the privilege of working with him for several years. I do not claim as great a friendship as my friend Sir Cowasjee Jehangir, but I do feel that I know a great deal of this great man. Up till very recently the one thing that nobody ever denied to Mr. Jinnah was that he was one of the straightforward, frank and honest gentlemen in the country. No corruption, no flattery, no honour did he aspire. We have few persons to admire of this calibre in this country. It is also a fact that he has rendered to this country a great service for many years. He has been held up till very recently a great hero by the Indian nationals and we have in the City of Bombay a Congress House known as 'Jinnah's People House'. Whatever may be the position with regard to his activities recently in the Muslim League, it can certainly be said that so long as he is at the head of that body corruption or misdeeds must be taken to be far away from him. That is my own personal belief, and I do not think I am wrong and I may further tell you that I honestly feel that a man of that type who has been taken as a great man all this time can never allow things to happen which have now been recently

alleged against him. There have been very recently serious allegations made against him which I admit I hear off and on, but I do appeal to my countrymen as Dr. Banerjee has said, that we ought to be very careful not in the least way to encourage any disastrous attack such as this on our leaders or for the matter of fact on anyone. In fact, nobody does it, but the least thing coming from any side in these days may bring forward a thing of this type which has happened now and if that happens that will be a great wrong and a great loss to the country. With these words I support whole-heartedly the Resolution that has been moved by my friend Nawabzada Saheb and I beg of you to convey our congratulations to Mr. Jinnah.

Sir Muhammad Yamin Khan: Sir, I move that the question be now put.

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

"That the question be now put."

The motion was adopted.

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

"That this Assembly condemns the cowardly attack on Mr. M. A. Jinnah and congratulates him on his providential escape."

The motion was adopted.

MOTION RE THE RECENT PEGGING LEGISLATION IN SOUTH AFRICA.

The Honourable Dr. N. B. Khare (Member for Indians Overseas): Sir, I move:

"That the position arising out of the recent Pegging legislation in South Africa be taken into consideration."

Sir, in response to one of those periodic waves of anti-Asiatic prejudice which from time to time besmirches the name of South Africa and which the Union Government found difficult to resist there has been recently enacted there the Trading and Occupation of Land (Transvaal and Natal) Restriction Act, usually known as the Pegging Bill. It has the two following effects:

(1) In the Transvaal it extends for a further three years the provisions of the interim legislation enacted for the year in 1939 and extended for another two years in 1941, by which purchases of property by Indians in areas not already subject to other restrictions are prohibited without the special permission of the Minister.

(2) In Natal it prohibits Indians from purchasing property and Europeans from selling property to Indians in predominantly European areas in Durban without the Minister's permission and provides for the extension of similar provisions to other areas in Natal on sufficient cause being shown after enquiry. There have been hitherto no statutory restrictions upon the acquisition of land by Asiatics in Natal, though provision exists for the insertion of an anti-Asiatic clause in title deeds.

Indian emigration to Natal began in 1860 upon the request of European planters through the Governor. Reports reached India that the emigrants were ill-treated and Indian emigration declined to such an extent that planters continued to complain of a shortage of labour. An enquiry held in the colony revealed that the reports were well founded; apart from other ill-treatment, wages were habitually held in arrears and in many cases not paid at all. Emigration to Natal was stopped by the Government of India in 1866. It was reopened in 1874 on the enactment of measures by the Natal Government which provided that the indentured labourer, on the expiry of his indenture, might commute his return passage to India to a parcel of land for free settlement.

European fears of Indian expansion in Natal expressed themselves as early as 1880 and in 1887 a Commission appointed by the Natal Government reported that "the majority of white colonists are strongly opposed to the presence of the 'free' Indian as a rival and competitor either in agricultural or commercial pursuits". As a result of pressure by the white colonists the enactments providing for free settlement of ex-indentured labourer were repealed. In 1894, the Natal Parliament passed a measure depriving Indians of the parliamentary franchise. Mr. Joseph Chamberlain, in refusing to recommend the Bill for

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Royal Assent, said "the Bill involves in a common disability all natives of India without exception and provides no machinery by which an Indian can free himself from this disability whatever his intelligence, his education, or his status in the country. To assent to this measure would be to put an affront on the people of India such as no British Parliament could be a party to". And, in speaking to the Colonial Conference in 1897, Mr. Chamberlain said "we ask you also to bear in mind the traditions of the Empire, which makes no distinction in favour of or against race or colour and to exclude by reason of their colour or by reason of their race all Her Majesty's Indian subjects or even all Asiatics would be an act so offensive to those people that it would be most painful, I am quite certain to Her Majesty to have to sanction it".

Her Majesty's potential suffering appears to have caused little concern to many of the white colonists in Natal who stuck by their policy of using Indians for their own enrichment while denying them ordinary human rights and privileges, comparable to the policy of the snake in the fable, which lets the rat make a hole and then occupies it itself. Some, however, saw the inequity of such a policy. In 1907, a Commission in the Colony reported that "absolute and conclusive proof has been put forth before the Commission that several industries owe their existence and present condition entirely to indentured labour. The Indians are industrious, law abiding and on the whole sober in their habits and it has been proved that their presence has had no injurious effect on the morals of the 'whites' or the 'natives'." In 1908, Sir Leige Hulett, speaking in the Natal Parliament, said "The condition of the colony before the importation of Indian labour was one of gloom, it was one that then and there threatened to extinguish the vitality of the country, and it was only by the Government assisting the importation of labour that the country began at once to revive. The coast has been turned into one of the most prosperous parts of South Africa". There were those in England too who felt themselves compelled to voice their disapproval of the Natal policy. In 1908 Lord Curzon said "in the first place, as regards South Africa itself, the Indian 'coolie' or at any rate the educated man who is behind the Indian 'coolie' and has conducted this agitation, sees that the 'coolie' or the artisan is invited and even encouraged to emigrate from India. We send him to a colony which he enriches by his labour and then the society there appears to turn round upon him as if he were a pariah dog". These are not my words, but those of Lord Curzon. He further says: "He is penalised there not for his vices but for his virtues. It is because he is a sober, industrious, frugal and saving man that he is such a formidable economic danger; and then the Indian remembers that at any rate in a large number of cases he has fought for the British Empire in South Africa and that it was largely owing to his efforts that Natal was saved".

In Transvaal, the Provincial Government was always in favour of a declared policy of segregation. By a law of 1885 amended in 1887, Asiatics were forbidden to live except in such areas and locations as may be set aside for them on sanitary grounds. This law and its interpretation was the subject of much controversy between His Majesty's Government and the Republican Government, a controversy which was reflected in a speech by Lord Lansdowne, Secretary of State for War and an *ex-Viceroy* of India, who stated a few weeks after the outbreak of the Boer War that of all the misdeeds of the Boers, none filled him with so much anger as their treatment of British Indians and proceeded to paint a lurid picture of the political evils which might have been expected to follow in India itself if England had failed to put an end to such insolent injustice. After the Boer War, the Transvaal became a Crown Colony. In 1902 and again in 1904 the Governor, Lord Milner, put forward proposals for the registration of Asiatics. In 1902, Mr. Joseph Chamberlain rejected the proposal and said that it would be impossible to defend what would practically be a continuance of the system of the South African Republic against which Her Majesty's Government had so strongly and repeatedly protested. It is an irony of fate that the self same insolent injustice as described

by Lord Lansdowne is being perpetrated even today on the defenceless South African Indians by the British and the Boer combining into a double barrelled gun for the annihilation of Indian interests in South Africa.

In 1904, Mr. Lyttleton while agreeing to the introduction of an Immigration Ordinance to restrict the entry of Indians in the future by applying a dictation test in a European language, refused to sanction legislation taking away rights for which Indians had contended in republican days and which had subsequently been assured to them. European opinion in the Transvaal was, however, by no means satisfied and continued efforts were made to impose further restrictions upon Asiatics. In speaking of the Immigration Restriction Act of 1907, which incidentally gave rise to Mr. Gandhi's first passive resistance movement in South Africa, Lord Morley said "the Act may work grave injustice since British Indian subjects who had before 1902 acquired domicile in the Transvaal but having temporarily left the colony, had not registered themselves may under its provision be debarred from re-entry". In 1908 the Townships Act and the Gold Law which consolidated the position regarding occupation and ownership in proclaimed land and contained stringent provisions against Asiatics and 'coloured persons' were passed.

In 1910 the Union of South Africa was established and from that date forward matters affecting Indians became a Union Government responsibility, though the laws of the constituent parts of the Union remained in force. In 1913 an Immigration Bill was introduced and passed which was the cause of Mr. Gandhi's second and more spectacular passive resistance campaign. It was in relation to this legislation that the Viceroy Lord Hardinge speaking in Madras said:

"Recently your compatriots in South Africa have taken matters into their own hands by organising what is called passive resistance to laws which they consider invidious and unjust,—an opinion which we who watch their struggle from afar cannot but share. They have violated, as they intended to violate, those laws with full knowledge of the penalties involved and ready with all courage and patience to endure those penalties. In all this they have the sympathy of India deep and burning—and not only of India but of all those who like myself without being Indians themselves have feelings of sympathy for the people of this country."

In 1914 Mr. Gandhi came to terms with General Smuts and the passive resistance movement ended, but under the Immigration Act all Indians were, by an order of the Minister, deemed undesirable and consequently became prohibited immigrants. At the Imperial War Conference in 1917 and 1918 General Smuts said:

"Once the white community in South Africa were rid of the fear that they were going to be flooded by unlimited immigration from India, all the other questions would be considered subsidiary and would become easily and perfectly soluble. . . . the fear, which formerly obsessed the settlers there has been removed; the great principle of restricting immigration for which they have contended is on our statute book."

Mr. Burton, speaking on behalf of South Africa, said:

"It is only fair to say and it is the truth that we have found that the Indians in our midst in South Africa who form in some parts a very substantial portion of the population are good, law-abiding, quiet citizens and it is only our duty to see that they are treated as human beings with feelings like our own and in a proper manner."

Speaking elsewhere of the troops who had served under him, General Smuts said,—

"I wish here publicly to repeat that I have had no more loyal, devoted and brave troops under me than those troops from the Indian Empire and I think the young South Africans who went with me, who fought side by side with those heroes from Asia today have more kindly feelings than they had before towards the Indian population of South Africa."

These sentiments apparently have now gone with the wind! Feelings however were not so easily modified and as a result of pressure by the Government of India and the Secretary of State a Commission was set up in 1920 to consider the question of Indian trading and property rights. This Commission, in recommending against "compulsory segregation of Asiatics" said:

"We find ourselves wholly unable to support the policy of repression which was advocated by some of the witnesses. Indiscriminate segregation of Asiatics in locations and similar restrictive measures would result in eventually reducing them to helotry. Such measures, apart from their injustice and inhumanity would degrade the Asiatic and react upon the Europeans."

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The Union Government nevertheless, willingly or unwillingly, found the pressure of European opinion too strong, and in 1925 General Hertzog's Government introduced the Areas Reservation Bill. Dr. Malan in introducing the Bill said that the measure frankly started from the general supposition that the Indian was an alien element in the South African population and that no solution of the question would be acceptable to the country unless it resulted in a very considerable reduction of the Indian population. As a result of representations from the Government of India the Bill was postponed and in 1926 the Round Table Conference was held in Capetown which finally concluded the Capetown Agreement. It was in regard to this legislation that the Viceroy Lord Reading said at the opening of the Legislative Assembly in 1927 that it appeared to contain a radically objectionable principle. Lord Olivier, speaking in the House of Lords in 1926 on the same subject, said:

"That is more than pressure, it is oppression. It is not to be wondered at, when Indians in India see their relatives exposed to this oppression, that they become restive and ask, 'What is the use of our belonging to an Empire which guarantees to protect us, if again and again the promises that have been made in the name of that Empire to our kinsmen are not to be maintained and those kinsmen are to be subjected to oppression to induce them to relinquish the privileges that they have acquired'?"

He added—

"I have stated that Lord Reading's opinion and certainly the opinion of any one connected with the India Office is that these oppressive enactments are a distinct infraction of the rights of Indians which His Majesty's Government are bound to honour, to maintain and safeguard."

He pleaded—

"Let us have some kind of moratorium from the continued pressure upon them (the rights of Indians in South Africa) which is being exercised to the great disturbance of our own Imperial relations with India."

The foregoing shows clearly enough how from the earliest days of Indian immigration into Natal the white population of South Africa has been guided by no other motive but gross self-interest. When times were bad they did not hesitate to implore India to help them and were ready to make any promises to get the labour they so sorely needed. But when time improved they were eager to repudiate their promises and to invoke any means at their disposal to oppress and insult the very people who had come to their assistance. His Majesty's Government and many prominent British statesmen have consistently protested and striven against the South African attitude but as time has gone on, their protests and their efforts have become weaker and of less avail. By passes, licenses, registration, taxes, tests and reservations regarding property and trading and by denying the elementary right of the franchise to people born and bred in their country, the white Governments in South Africa have done their utmost to humiliate and hedge in their Indian population. To this has been added social and public indignity of many kinds; refusal of entry to shops, hotels, places of amusements, restrictions on the use of public conveyances, separate counters at post offices and similar degradation. A man of such robust common sense as the present Prime Minister, Mr. Winston Churchill, writing of the Indians in Kenya said: "Is it possible for any Government with a scrap of self-respect for honest dealing between man and man to embark upon a policy of deliberately squeezing out the native of India from regions in which he has established himself under every security of public faith?"

That sentiment, so forcibly expressed, applies with equal pertinence to the history of Indians in South Africa.

And yet, at a time when Indian troops have given their lives in countless gallant actions in African soil and are ready for further sacrifices in the same cause for which South Africa is fighting, at a time too when that same great man, Winston Churchill, is leading all the peoples of the Commonwealth in the sternest struggle that has yet been seen, all those noble sentiments are forgotten, all those high principles enunciated by former British Ministers and statesmen are ignored and the last indignity is imposed upon the Indian people

by the latest so-called 'Pegging' legislation in South Africa. It is worthy of note that the Union Government's action has the support of Dr. Malan whose followers, constituting some 40 per cent. of the white population, stand openly for secession from the Empire and neutrality in the war. It may be that Field Marshal Smuts has accepted this position only for the purpose of the general election, but India can derive little satisfaction from such a reflection. The original Interim Act prohibiting Indian purchases of property in the Transvaal was passed in 1939 for two years only, to tide over as they said a difficult period. It was extended in 1941 for another two years and has now been again extended for three years. It is small wonder if Indians regard the recent enactment as designed to be a permanent measure. Nor should undue weight be attached to apparent disunity among the Indians in South Africa. There is disunity among the Europeans too, between the seceders and the non-seceders, but on this issue they are at one. So too are the Indians, whose differences arise from other causes.

The crux of the situation is that South Africa prevails because she is a Dominion and Indians there have to suffer because India is a dependency. Under the circumstances the moral responsibility of Britain which is the trustee of India is very great. She cannot ignore that she owes a duty just as great to the dusky millions in India and the quarter million in South Africa as she owes to the whole people of her own race in any territory in the British Commonwealth of Nations. The constitutional drawback from which India suffers does not detract from the inherent justice of the case of Indians in South Africa and some means must be found for maintaining the dignity and prestige of India, and of the Government of India, even in war time. It should not be forgotten that the Union Government's action is an affront to the Government of India as well as to Indian sentiment. Fortunately in this matter the people of India and the Government of India are at one, and the Government of India have already publicly characterised the recent legislation as repugnant, unnecessary and inopportune. Had India been independent she would have considered this a *casus belli* against South Africa. But we may not think lightly of breaking away from the British Commonwealth of Nations because the ideal of co-operative interdependence on a footing of absolute equality is better than the ideal of isolated independence. There may also be a forlorn hope of representations yielding valuable results after the election fever in South Africa has cooled down and specially after thumping got by General Smuts. But representation unbacked by any action is valueless, as said by Lord Hardinge on a memorable occasion. As for action an amended Reciprocity Act is already before the House for consideration and the possibility of applying other feasible and proper measures is being carefully examined.

Sir, yesterday I was put several questions about the correspondence that took place between the Government of India and other authorities on this question, and also about what the Government of India did in this matter before this Bill became law in South Africa. Therefore, Sir, I will tell the House the purport of the communications which were issued by the Government of India and the replies received by them in a chronological order, so that the House can realize what the Government of India has done so far with a view, if possible, to prevent the passing of that legislation or at least to postpone it.

16th March, 1943.—High Commissioner's telegram dated 13th March, 1943, intimating (i) Union Government's intention of "Pegging" position in Durban or in Natal pending receipt of Mr. Broome's report and the enactment of legislation on certain lines, and (ii) also of renewing the Trading and Occupation of Land (Transvaal) Restriction Act of 1939 for a further period of two years. Though it was known that Mr. Broome was conducting his second enquiry into Indian penetration, this was the first intimation regarding the pegging legislation and the Minister had still not made up his mind.

25th March, 1943.—The Government of India asked High Commissioner to represent to the Union Government that the Government of India maintained

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objection to statutory segregation and that pending receipt of Broome's report, any action by them would prejudge issue and advised him to adopt same attitude.

27th March, 1943.—The Government of India informed the High Commissioner that press reports here referred to European demand for immediate legislation and the Minister's threat to Indians of legislation with retrospective effect and asked for full information.

27th March, 1943.—High Commissioner's telegram dated 26th March intimating that he had conveyed Government of India's objection to statutory legislation.

28th March, 1943.—Instructed the High Commissioner telegraphically to secure an assurance that the Government of India would be given an opportunity to comment. The High Commissioner sent on this request to the Union Government on the 30th March, but it was ignored.

29th March, 1943.—High Commissioner intimated that the Minister had made the speech on 22nd March, in which he explained that Government's attitude was to await the Broome Report, but that if, as anticipated, legislation was found necessary, it would have retrospective effect from 22nd March. On 26th March this was debated in the Union Assembly. Anti-Asiatic speeches were made by European members and the Minister stated that the problem was not merely of penetration into European areas but also of proper housing for Indian community and that the Union Government was anxious to avoid offending susceptibilities of the Government of India which has played so vital a part in the war effort.

31st March, 1943.—High Commissioner telegraphed summary of Broome's Report.

4th April, 1943.—High Commissioner intimated that Field-Marshal Smuts was very perturbed by the extent of penetration disclosed in Broome Report and desired immediate legislation.

7th April, 1943.—The Union Government publicly announced their intention to legislate and to introduce a Bill on 10th April 1943. Draft of Bill handed by Minister to High Commissioner.

8th April, 1943.—Press communiqué issued by the Government of India expressing regret that the Union Government had not given them an opportunity to comment and had also paid no attention to their representation for the non-extension of the Interim Act in the Transvaal.

8th April, 1943.—Telegraphic second representation to the Union Government through the High Commissioner pointing out the inadvisability of undertaking the proposed legislation in war conditions, particularly in view of their assurance to Sir B. Rama Rao in October 1939 that no legislative action on racial lines would be taken for the duration of the war. Strong objection to statutory segregation was reiterated and suggestion was made that solution by voluntary restriction of purchases of property be explored.

8th April, 1943.—Telegram to Secretary of State telling him that the Union Government had not replied to the Government of India's representations and also informing him that reactions of the proposed legislation in India would be serious and unhappy.

8th April, 1943.—Press Conference held to explain the position.

10th April, 1943.—Government of India's protest handed over to the Secretary, External Affairs Department, by Dr. D. I. R. Muir at 6 p.m., on the 9th April and verbal request made that the Prime Minister may withdraw the Bill from next morning's Order Paper and to reconsider the position.

10th April, 1943.—Bill introduced in the House of Assembly; second reading being for the 14th April.

11th April, 1943.—High Commissioner telegraphed Union Government's reply to our second representation. The Union Government stated that hopes expressed in 1939 that the position regarding Indian penetration would be maintained or, at any rate, would not further deteriorate had not been realized as

shown by Broome's Report, and that this had compelled them to legislate as otherwise there was fear of racial feelings.

12th April, 1943.—High Commissioner telegraphed how Union Government's reply was unsatisfactory and gave no reasons why Government of India were not informed of their intention to legislate. This is the courtesy shown to the Government of India.

His Majesty's Government asked their High Commissioner to impress upon Union Government need for conciliation.

13th April, 1943.—(Third protest): Third protest to the Union Government through the High Commissioner. It stated:

(i) Issues involved were of high importance to relations between two countries during war as also in post-war period so as to call for utmost efforts by both Governments to avert danger of lasting breach.

(ii) Existing licensing laws in the Transvaal operated as an effective barrier against Indian occupation of trading sites and that in view of first Broome report and the subsequent statistics there was no justification for continuing the Interim Act.

(iii) Suggested as a practical compromise that pending report of proposed Commission to examine housing and other civic needs of Indians, all intended transfers of land between Europeans and Asiatics should be subject to prior publication before confirmation and administrative arrangements should be made for hearing of any objections by a joint committee or by an impartial judicial committee.

14th April, 1943.—Personal telegram to Secretary of State informing him of the Government of India's representation to the Union Government and also telling him that feeling in India continued to run high.

14th April, 1943.—Third protest handed over to Field Marshal Smuts (copy to Mr. Lawrence). Second reading of the Bill.

21st April, 1943.—High Commissioner telegraphed his own proposals for non-statutory solution, viz., *status quo* regarding purchase of property but acceptance of principle of zoning in regard to actual occupation and appointment of a commission for the purpose.

21st April, 1943.—Last suggestion made by the Government of India was that provision be made in Bill empowering Governor General to bring it into force when he thinks fit, and that Act be held in reserve as guarantee of good behaviour. In the meantime suggested machinery in our third representation be put into force. This was handed over to Secretary, External Affairs on the 22nd April, while second reading debate was on in the Senate.

21st April, 1943.—Second reading of Bill passed.

22nd April, 1943.—High Commissioner informed that he could put forward his proposals first, keeping ours in reserve as last attempt.

25th April, 1943.—Union Government's reply to Government of India's third protest received. They found alternative suggestions unacceptable and were convinced that no action short of that envisaged by the Bill would either produce breathing space or atmosphere necessary to enable a permanent solution of problems to be found. They also said that by the Capetown Agreement or by their decision not to proceed with legislation contemplated in 1926, Union Government did not in any way surrender their freedom to deal legislatively with Indian problems in future.

26th April, 1943.—Bill passed third reading.

27th April, 1943.—Press communiqué issued by the Government of India expressing disappointment over Union Government's failure to adopt Government of India's suggestions and stating that the legislation was repugnant, unnecessary and inopportune.

Sir, this is the sorry tale which I have had the misfortune to recite to the House today.

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): Will the Honourable Member say something about the Capetown Agreement? Does the Capetown Agreement that was made in 1927 still subsist between the Government of India and the Union Government or not?

The Honourable Dr. N. B. Khare: I think it is a point of argument.

Sir Syed Raza Ali: That is a question of fact. Give us the facts.

The Honourable Dr. N. B. Khare: I think it still subsists.

Sir: I have taken a long time of the House and I thank the House for the patient hearing. I shall now await with great interest various suggestions which will be coming from the House in this matter, and I assure the House that we will give all the suggestions very careful consideration.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

"That the position arising out of the recent Pegging legislation in South Africa be taken into consideration."

There is an amendment in the name of Mr. Deshmukh.

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): Sir I move:

"That the following be added at the end of the motion: 'with a view to enforce the Reciprocity Act, and adopt measures to redress the grievances of Indians in South Africa'."

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That the following be added at the end of the motion: 'with a view to enforce the Reciprocity Act, and adopt measures to redress the grievances of Indians in South Africa'."

Now the discussion will go on.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Will there be any time limit?

Mr. President (The Honourable Sir Abdur Rahim): I cannot impose any time limit, but if Members wish to do so themselves, I shall be very glad to carry it out.

Sir Henry Richardson (Nominated Non-Official): Sir, having had the advantage of sitting very near the Honourable Dr. Khare, I can congratulate him on the very admirable and full review of this unfortunate history which he embodied in a very long speech just made. It would be unfortunate, Sir, if the House gained the impression that Dr. Khare's vocal efforts were any indication of the other efforts which we hope he is going to make in other directions. I am sure that in the debate that is going to follow we shall give Dr. Khare encouragement and joy to think about any proposals that will be made and for the efforts that he will make and we hope that they will so encourage him that the next time he speaks everyone will be able to hear every word he says.

As long as we have sat in this House the European Group have consistently associated themselves with the various measures that have come under consideration for the safeguarding and improving of the position of Indians Overseas. One of our members, the late Sir Darcy Lindsay, was indeed a member of the deputation which visited South Africa in 1924-25 at the invitation of the Union Government to discuss the Areas Reservation and Immigration Bill. It was as a result of this Conference that the Cape Town Agreement was reached and this possibly marked the most successful stage that negotiations with the Union have ever reached.

Sir, we on this side have always maintained that a responsibility rests upon every self-governing Dominion to ensure that its minorities are fairly treated and are not subjected to discrimination. It is not merely a duty, it is common-sense because any one who looks to the future must realise that the presence in a country of dissatisfied and unhappy elements cannot but lead to future trouble. We have, therefore, no hesitation in supporting wholeheartedly the statement issued by the Government of India on the 27th April last and we agree entirely with the opinion then expressed that the recent legislation passed by the Union Government, in which the Government's racial discriminatory policy has been given statutory recognition in Natal, is repugnant, unnecessary and inopportune. It is repugnant because it introduces statutory compulsion

instead of friendly compromise; it is unnecessary because no case has been made out for legislation. The Broome Commission did not report any such penetration as would justify legislation. If there had been reason to fear such penetration, a friendly enquiry as to the reasons behind such action should have been possible and this might well have resulted in measures unconnected with legislation which might have settled the problem. The action is inopportune because it accentuates differences within the British Commonwealth of Nations at a time when the optimum of agreement is necessary. Whatever reasons, however, may have inspired the Union Government in their recent actions, I cannot agree with those who feel that it indicates a lack of appreciation of the great part which India has played and is playing in the war and I sincerely hope that no political considerations will be permitted to cloud this issue. We understand fully the feeling of resentment and exasperation which this country now experiences but our aim must be to find remedies rather than to give way to unproductive thought or action.

At a time like this it is human to consider retaliatory measures and indeed in this imperfect world, occasions must arise in which nothing but retaliation will meet the demands of an aggrieved public. People may say: "We have tried negotiation and conciliation, but we have failed: what are we to do further to bring home to the opposite party the fact that the position is intolerable?" Once again I would ask the House to look into the future. I do not suggest that the action of the Union Government should be disregarded; they have attempted to meet a difficult situation by methods of compulsion which are not acceptable. But I do ask this House to realise that if and when in the course of time these objectionable measures are removed, and their removal may not be easy, the rescinding of retaliatory measures may equally prove to provide obstacles. My main point, however, is the same as that made yesterday by my colleague, Sir Frederick James, namely, that neither statutory compulsion on the one hand nor retaliatory measures on the other can ever lead us in the direction of a permanent solution. We have been discussing the Reciprocity Act and yesterday Sir Cowasjee Jehangir made it clear that he regards this measure as no more than a gesture. It is possible that the measure, even if its value is no higher than Sir Cowasjee puts it, may bring home to the Union Government the extent to which Indian opinion has been moved, but I agree with him that it does no more to effect a permanent settlement. We may continue with compulsion on the one hand and retaliation on the other until tension reaches a breaking point, but what will we have effected? When negotiation fails, the logical outcome is brute force and surely the world realises that this remedy kills as much as it cures.

Now, Sir, many Members of this House may be saying: "But where does this lead us?" The Group has given its support to the Reciprocity Bill that is now being enacted although we see in it no permanent remedy. But we do see that the feelings of the country regarding the matter must be made clear. What can we do to arrange something of more permanent benefit?

Obviously India cannot allow the matter to stand as it is, but I feel the House should consider the strong feelings which exist amongst many in the country, that in any course of action on which we embark, we should not, in attempting to help Indians overseas, do anything which would really hurt or injure them thereby making their position worse than it is. This is not a new point—it has been put forward on previous occasions and although it is now stated that exasperation has driven India to the utmost limit of endurance, surely we must still examine carefully any proposed retaliatory measures in order to be sure that we are not taking steps which will not only prejudice the case of Indians overseas but might have a boomerang effect, returning the violence of our throw on their heads and our own. In any case, since the High Commissioner is returning to this country in September surely it would be prudent to defer any retaliatory action under the Reciprocity Act or otherwise, until the Government of India and representatives of this House have had an opportunity

[Sir Henry Richardson.]

of discussing the whole matter with the High Commissioner. Meantime I agree that His Majesty's Government definitely still has some responsibility towards India and this responsibility must remain until India is able to take up the reins of the self-government which is coming. His Majesty's Government might well request the Government of the Union to invite a further delegation to visit South Africa from India and once again to discuss the future of the Indian community there in circumstances of peace and in an atmosphere of conciliation. After having read the debates in the Union Legislature, I feel that there are grounds for hoping that much good might result. Field-Marshal Smuts in his speech to the South African Assembly used these words. He said:

"The country must be fair to its Indian people. The Government and the people of the country are bound to carry out the policy of the Cape Town Agreement. Complaints by Indians about their treatment should be investigated. They should not be made to feel that they are outcastes."

Sir, however much it may be felt that the action of the Union belies these words, they have been supported by other speakers, notably, Mr. Lawrence and Mr. Hoffmeyer and I am certain that there are many in South Africa who would favour conciliatory action with a view to effecting a permanent solution. In an atmosphere of exasperation, the suggestion of a delegation may give little immediate satisfaction, but although less spectacular than retaliation, I believe negotiation is more likely to yield permanent results. Unless the Indians in South Africa feel that their conditions are so intolerable that they must leave the country which happens to have become their home it may be assumed that they will in the future have to live and work with the people of South Africa. In that event, we all desire they should pursue their avocations as peaceful and happy citizens and the question before us now is "Will this measure be made easier or more difficult by retaliatory measures?" Most certainly we must be firm, but we must not forget the old saying:

"And oft as said I've heard defended
That least said is soonest mended."

Mr. President (The Honourable Sir Abdur Rahim): I understand it is generally agreed that there should be some time limit for the speeches that are going to be made on this motion. It is suggested that Leaders of Parties should speak for half an hour and that 20 minutes should be allowed to other speakers. Is that generally acceptable to the House?

Mr. K. C. Neogy (Dacca Division: Non-Muhammadian Rural): May I suggest that an exception might be made in the case of Sir Raza Ali who enjoys a special position in this matter?

Mr. President (The Honourable Sir Abdur Rahim): I suppose he will be satisfied with the same privilege as the Leaders of Parties?

Sir Syed Raza Ali: Half an hour will be ample in my case.

Mr. President (The Honourable Sir Abdur Rahim): An exception will be made in the case of Sir Raza Ali who will be allowed half an hour if that meets the wishes of the House.

(Voices: "Yes".)

Sir Syed Raza Ali: Sir, at the outset of my speech, I must make a reference to the loss which has recently been suffered by the Union of South Africa by the death of its Governor General, Sir Patrick Duncan. Sir Patrick Duncan was a South African and had been settled in South Africa for more than 40 years. He was a man of very progressive views and what is more, I believe, to the point, was a very good friend of the Indians that have domiciled in South Africa. Sir Patrick Duncan was well known not only for the breadth of his views but for his ability and he was one of those who were included in the famous kindergarten of Lord Milner. The term 'kindergarten' includes all those young men whom Lord Milner invited to come to South Africa and help in the administration of the country. I remember the very many acts of friendship and friendliness that were done to us by Sir Patrick Duncan and his wife, Lady Duncan, both in 1925-26 when a deputation was sent out by the Government of

India to the Union Government, as also during my three years stay in that country later. We sympathise, I hope that will be the sense of this House, I speak for myself, and I believe that this House will sympathise with the Union Government and the people of South Africa, as also with Lady Duncan and the bereaved family in the great loss that they have suffered.

Now, Sir, a very clear exposition of the position of Indians settled in South Africa was given by my friend the Honourable Dr. Khare. As he pointed out, there is no difference of opinion on this question. As a matter of fact, at no stage of this question was there any difference of opinion between the people and the Government of India. To our credit, we can claim that this is one of those few questions on which the people and the Government have always been able to see eye to eye. My sole object here today is to help the Overseas Department to the best of my poor ability. Unfortunately, it is too much for us to expect the Governor General to give more than a fraction of his time to the question of Indians overseas. All the same, I am glad to say that there have been three Governors General who did their level best to prevent the imposition of further restrictions and the further curtailment of the rights of our people in South Africa. Dr. Khare has already quoted from the speech of Lord Hardinge made in Madras in the year 1913. I know personally the great service rendered to and the great interest taken in the Indian question by Lord Reading to whose efforts was due the success of the deputations that were sent out by the Government of India to South Africa, one in 1925 and the other in the year 1926-27 of which latter deputation the Honourable Sir Muhammad Habibullah, Member for Education, Health and Lands, was the Leader. Of this deputation, the Right Honourable Srinivasa Shastri and Sir Darcy Lindsay, to whom Sir Henry Richardson referred, were the members among others. Now, I should not minimise the services rendered by Lord Irwin, who took a personal interest in this question and to whose efforts mainly was due the success achieved by the Cape Town Agreement which, I am glad to know from the Honourable Dr. Khare, still subsists between the Government of India and the Union Government. On this I will have something to say later on. But it seems that a change has come over the Government of India's policy since the year 1941. That policy has ceased to be purposeful, resolute and vigorous during the past two years. The time at my disposal will not allow me to embark on this theme at any great length. I would, however, in passing refer to what happened in Burma and how the agreement was reached by the Government of Burma and the Government of India and how facts were suppressed from the Standing Emigration Committee which led to a hue and cry from end to end of the country. The question was raised in the Assembly as well.

The next question that was tackled in that year was the question of relations between Ceylon and India. The Honourable Member in charge, who was a very experienced man, paid a visit to Ceylon. Unfortunately, the impression on India was that the descendants of Ramchandrajai of old felt frightened of the might and main of the countrymen of Ravana. That question has not been finally decided yet and I am very glad that it was not finally decided in 1941 because it would appear that if a decision were to be taken on our relations with Ceylon in that year, perhaps a similar fate would have overtaken us and we would not have had a more satisfactory agreement than we succeeded in having with Burma. Then, there is another important point and that is the reason why I put that point specifically to my Honourable friend Dr. Khare. The net result of all these toils and troubles, tears and sweat, to quote Mr. Winston Churchill, was that an agreement was made between the Government of India and the Union Government in 1927. Strange to say or I should say it is fortunate to say that the Deputation under the leadership of Sir Muhammad Habibullah that was sent out by the Government of India was so strong that it succeeded in persuading the Union Government to invite India to send its representatives to South Africa to look after the interests of Indians there. That was a very great point scored indeed. As a result of that persuasion, the Right Honourable Srinivasa Shastri consented to go to that country as the first

[Sir Syed Raza Ali.]

Agent General of India to serve his people. The position of the Agent General till 1941 remained the same. Of course, I speak subject to correction. I think that this great change that was made in the functions and duties of the Agent General was effected in the year 1941 and that was the one saddest blunder ever committed by the Government of India. The position since 1927 had been that India's Agent General was the leader of the domiciled Indian community. He had to guide them in their deliberations; he used to give them advice; he used to attend to their grievances which ranged from a refusal to obtain a passage on a certain boat to questions of greater political importance. On every occasion he used to help his people. In fact, it was taken for granted that he should guide them and lead them and be a friend, philosopher and guide of the Indian community there. That office has been glorified into a grandiloquent title of "High Commissioner for India". But the fact is this that the High Commissioner for India no longer represents and can no longer make representations on behalf of the domiciled Indians in South Africa. He represents the Government of India and the Government of India alone and his main duty is to pass over such messages to the Union Government as he may receive from the Government of India.

Dr. P. N. Banerjee: He is a mere post office.

Sir Syed Raza Ali: He is, as my friend Dr. Banerjee points out, a mere post office and it is the Government of India, I am afraid, who have reduced this unfortunate ex-Agent-General and the present High Commissioner to the position of a cypher. What is the justification for this and what have they gained? Whenever anything goes wrong with reference to its relations with the countries where our people have domiciled, the Government of India always take shelter behind the Standing Emigration Committee. Now, the Standing Emigration Committee does give its opinion on such questions as are referred to it by the Government of India. May I ask from the official Benches whether the question of the change in the duties of the Agent General was ever referred to the Standing Emigration Committee, which, after all, is supposed to be an expert Committee? The Government of India seldom bring those questions before the Standing Emigration Committee on which really the Committee is in a position to offer them sound advice.

The position with reference to the interim Act, which was re-enacted as the Pegging Act in April 1943, is a very confused one. Very shortly stated, the position is this that an interim Act was passed applicable to Transvaal alone and thereby Indians were prevented from acquiring property in predominantly European residential areas. Now, the Indian population of Transvaal, I am speaking from memory, is something in the neighbourhood of 30,000. Now, Sir, this year the provisions of that Act were made applicable for the first time in the history of India's relations with South Africa to Durban also and

1 P.M. to such areas where Indians may be found to have penetrated and this thing could be done by executive order. Now, Sir, our population in Natal is, I believe, something like 180,000 to 190,000, again speaking from memory. The real Indian question relates to Natal. It is Natal where Indians are mostly settled, it is Natal where Indians are carrying on most prosperous business and it is to Natal that this thing was made applicable. Now, Sir, the question of segregation has been the subject of dispute between the Government of India and the Union Government for the last nearly 40 years. The main point is this. I say that, so that the House may be able to judge as to what the stake involved in the present struggle is. The Union Government claimed that they had the right to segregate Indians, namely, to demarcate special residential areas where only would it be permissible for Indians to reside. The attitude taken up by the Government of India, the old bureaucratic Government of India which I find on this question, on a number of occasions proved more independent, more helpful and more useful than the present supposedly democratic Government, always took the view that it was not open to the Union Government to segregate Indians, if Indians of their own free will wanted to settle in any Indian area, they can do it, but the Government had no right to

impose its will on the Indian population in South Africa. We succeeded in this point, by "we", I mean the people of India and the Government of India, in warding off this danger right from the year 1903 down to April 1948. This is the first time that segregation has been imposed on Indians in Natal. Yet, I am surprised that a Cabinet Minister, who is generally supposed to be a friend of our people and who as the leader of the Delegation that visited India in 1936, made a number of speeches containing pleasant and encouraging statements. I am referring to the Honourable Mr. Hofmeyer who found himself in a position to support the Government with regard to the application of the principles of segregation to Natal. That is what we in this country do not realise. (Interruption.) About his resignation, I know its history only too well. That would take me five or six minutes. He opposed the Pegging Bill which was re-enacted with reference to Transvaal where only 30,000 Indians reside. But he supported the Bill with reference to its application to Natal where something like 200,000 Indians live. That is the point. I do not think it is necessary to go into that and emphasise that point.

A number of very apt and cogent quotations have been given by the Honourable the Mover of the Bill. My Honourable friend Sir Henry Richardson, who is nothing if not an optimist, has held out the hope that after all better sense might prevail with South Africans. He has also ventured, if I may say so, to quote from General Smuts. Sir, it is a most dangerous thing to quote anything from General Smuts, if he knows anything about General Smuts, one of the most distinguished statesmen of the British Commonwealth of Nations. If he knew anything, he must have known something about the history, then he would have thought twice before quoting General Smuts. May I give two quotations from General Smuts. The first is from a speech made by him in Union Parliament in April 1925:

"We shall gather on our heads the hatred of the whole of Asia. We shall feel the weight of that hatred in the years to come. The Bill will be taken as an outrage not only by Black Africa but by Yellow Asia. We, a handful of whites, are ring-fencing ourselves, first with an inner ring of black hatred and, beyond that, with a ring of hatred of the whole of Asia, for while only a few Asiatics are directly affected by this Bill, the inclusion of their name will win us the hatred of hundreds of millions of Asiatics from the north of Asia to the south."

Here is another quotation from a speech which General Smuts made in the Union Parliament a year later. This is Field Marshal Smuts, the champion of the rights of the poor, the defender of those who have no defenders in South Africa. This is how he delivered himself in 1926:

"An extension of the colour bar at this moment when the Prime Minister is on the point of bringing forward a new native policy, would be disastrous. Native opinion is largely in revolt. The natives are seething with discontent all over South Africa. It is not only the natives who are making difficulties. There is no doubt that when the Asiatic Bill is passed then the trouble will begin. We know it is coming. The Asiatic Bill must lead to the gravest troubles of administration. I knew that in 1924. In these circumstances, the Colour Bill gratuitously produced here is a firebrand flung into a haystack."

Yet, it is this same Field Marshal Smuts under whose Premiership, this most hateful measure has been placed on the Statute book.

I will hurry through a few more important points. One important point is this. It is said that Europeans have a genuine complaint in finding European residential areas penetrated by Indians. Sir, that is a most lame excuse. It is the excuse of the old wily wolf who reproached the innocent lamb that it was kicking up the dust in the boat in the midstream. There is absolutely nothing in that. The fact is this; this Bill applies to Greater Durban. Durban has been expanding during the past 60 years. When Indians went and settled there they used to live in the heart of Durban. As the city expanded its limits were also extended, with the result that those Indians who had properties in the heart of the city were bought off by the Europeans from time to time. Money is one of our weaknesses, unfortunately it is a particular weakness of those Indians who have settled in South Africa.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has two minutes more to finish his speech.

Sir Syed Raza Ali: I will try to finish. These Indians were bought off and they went and purchased property several furlongs off. As Durban extended that area also became incorporated into Durban and they again sold out their properties and occupied properties at a further distance, and this thing has been going on. Therefore there is no such thing as Indians penetrating European areas. It is only an excuse and a very lame excuse at that.

Sir, a question was asked,—and that was repeated by Sir Henry Richardson,—as to what permanent remedy we can find. The *ex-Law* Member and the present Law Member are both present here, and it is a constitutional question of the highest importance. It is for them to tell us what the ultimate solution can be. I as an individual have given some thought to the question and my idea is that the only solution of this trouble which will occur again and again between various members of the British Commonwealth of Nations is to have a body on the model of the League of Nations of blessed memory, with this vital difference that whereas the League of Nations made it a rule that all decisions should be unanimous, a body representing the British Commonwealth of Nations should make it a rule that all decisions should be arrived at by a majority of votes only. If such a body were existing and this question were referred to that body, they would certainly be in a position to decide by a majority of votes which one of us two, we or South Africa, was in the wrong. It is not for me to hold out a threat to South Africa and what can the poor representative of a helpless country like India do?

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

Sir Syed Raza Ali: I am finishing. But this much I can say that if a man is persecuted constantly he will fight. I do not think Indians can fight Europeans and use weapons against them which are used by Europeans against non-Europeans; but one thing they can do. There is such a thing as a common non-European front. Indians are a helpless community but surely it is open to them to join the non-European common front. And on this question let me tell you that they will not ask the Government of India for advice. Government have done what they could and we know that. Unfortunately Government have not been out to help them; they are going to help themselves. Now, as to practical suggestions, it is for my Honourable friend Dr. Khare to move in the matter, but as one who is interested in the question and who has studied the question, I may make a few suggestions at least for the careful consideration of the Government of India. It is not a question, I may say, of the Government of India placating this House or public opinion; they have got to do something. We are passing through a crisis and pleasant words will not do. Promises will not be sufficient and people want the Government of India to act and act instantly.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must close his speech now; he has already exceeded his time.

Sir Syed Raza Ali: If you will permit me I will just make a few suggestions; I will not take more than a minute. Let them prevent the export of foodgrains and gunny bags from India; let them prevent the import of wattle bark and wattle wood and all wattle products. Thirdly, let Dr. Khare's Bill be passed at once and let the Government of India take courage in both hands and make rules within the next two months at the outside and put those rules against South Africans in India in force. Lastly

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must close his speech now; it is not fair to other Honourable Members.

Sir Syed Raza Ali: I have done, Sir. Lastly, they should recall the High Commissioner, although I do not attach much importance to that; but the High Commissioner can do no good, thanks to the heroic efforts of the Government of India.

Dr. P. N. Banerjee: Sir, the Honourable Dr. Khare has given a full history of the South African question and I will not cover the same ground again but will confine my remarks to some of the points which have not been dealt with by him or not sufficiently emphasised by him. The settlement in South Africa

first begun in the year 1860 and Indian labour was not only demanded but encouraged by the offer of many facilities such as grants of land. This went on for a considerable time and guarantees were given for the proper treatment of Indians not only by the Government of South Africa but by the British Government. In Natal, on the occasion of the Queen's birthday, a proclamation was issued to the effect that there would not be any discrimination in regard to race or colour between man and man in that colony. Then, again in 1897 Mr. Joseph Chamberlain said at the Colonial Conference that there was to be no discrimination on the ground of colour or race in South Africa. Now at this time, it may be remembered, in some parts of South Africa a racial feeling was growing and the British Government said that one of the reasons why it went to war with the Transvaal Government was the ill-treatment of Indians. After the termination of the South African War Mr. Joseph Chamberlain emphatically asserted that henceforward there would be full equality of all races throughout South Africa. But that was not to be, and racial feeling grew in every part of the South African Dominion. In 1908, Lord Curzon, the great imperialist, said:

"In the first place, as regards South Africa itself, the Indian coolie, or at any rate, the educated man who is behind the Indian coolie, and who has conducted this agitation, sees that the coolie or the artizan is invited and even encouraged by our Government to emigrate from India. We send him to a Colony which he enriches by his labour, and then society there appears to turn round upon him as if he were a pariah dog. He is penalised there, not for his vices, but for his virtues. It is because he is a sober, industrious, frugal and saving man that he is such a formidable economic danger in the situation. And then the Indian remembers that, at any rate, in a large number of cases, he has fought for the British Empire in South Africa, and that it was largely owing to his efforts that Natal was saved. Now, if I may follow the Indian on to a wider field of argument, he claims the full rights of citizenship of the British Empire. I do not think it is for as to blame him for that."

And, then, he went on to say that the feeling was growing in India in recent years and that the feeling was so strong that it would be impossible to check it unless better treatment was meted out to Indians in South Africa. Other Statesmen of Britain and of the British Empire laid stress on these facts and as has been pointed out by the Honourable Dr. Khare and Sir Raza Ali, successive Governors-General took up the cause of India and fought for proper treatment of Indians. In the year 1914 there was an agreement, known as the Smuts-Gandhi Agreement, which helped to smoothen matters for sometime, but which did not settle the question fully. Between 1924 and 1927, racial feeling grew again in South Africa and took a very serious form. Several Bills were introduced, two deputations visited Africa, and as a result of the negotiations between India and South Africa, supported by the British Government, the Capetown Agreement was arrived at. Now, Sir, the attitude which was taken up by the Government of India at that time is to be found in the speech of Lord Reading delivered on the 21st January, 1926. He said:

"There had been continuous progress in the legislation in South Africa prejudicial to the position of Indians and tending to make it increasingly difficult for them to prosper or even exist in the Dominion, and further anti-Asiatic legislation had been recently introduced and was now pending before the Union Parliament. The purpose of this legislation was to empower urban authorities compulsorily to segregate Indians and confine their rights of trading and of acquiring property to the limits of the areas assigned to them."

Then he went on to say:

"We have never doubted the right of South Africa to guide the course of their own domestic and economic legislation, but in our view there are far wider considerations involved in this legislation than local economic policy alone. In our opinion they have an important bearing upon the Empire as a whole. The proposed measures are not, in our view, in accordance with those principles which bind the Empire together in a community of sentiment, and we hope this aspect of the proposals may yet commend itself to South African opinion."

This matter was raised by Lord Olivier in the House of Lords, and Lord Olivier being an ex-Secretary of State for India commanded great deal of influence there. Lord Birkenhead, the then Secretary of State for India took up the cudgels in favour of the Government of India. The result was the Capetown Agreement.

[Dr. P. N. Banerjee.]

During the last three or four years attempts have been made in various ways to over-ride this Capetown Agreement and, as a matter of fact, to nullify it altogether. The Government of India has made representations to the South African Government. But I have not read anywhere any pronouncements similar to those which were made by men like Lord Reading or Lord Hardinge or Lord Curzon.

Then there is another difference. The Government of Britain always sided with the Government of India in the fight for India's rights in South Africa, but on the present occasion what do we find? We find Mr. Amery saying in the House of Commons in reply to a Conservative Member that the Government of Britain had nothing to do with that matter. There had been no correspondence even between the Government of Britain and the Government of South Africa. The whole matter was left to the hands of the Government of India. Now, it is a well-known fact that India is weak, that India is still a subject country and in this crisis to say that the matter was left entirely in the hands of the Government of India was certainly a dereliction of duty on the part of the British Government. When India becomes self-governing, India will never invite the intervention of the Government of Britain in these matters, but so long as India remains subject to Britain and the Government of India remains a subordinate branch of the British administration, it is the incumbent duty of the British Government to fight the battles of India. But, unfortunately, so far the British Government has not raised its little finger to help the Indian Government.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member will continue his speech after lunch.

The Assembly then adjourned for Lunch till Three of the Clock.

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

Dr. P. N. Banerjee: Sir, when the House rose for lunch, I was discussing two changes which occurred in regard to the South African question in recent times. In the first place, I pointed out that whereas Viceroys like Lord Hardinge, Lord Reading and Lord Irwin took a very firm stand in this matter, we have had no pronouncement from His Excellency Lord Linlithgow on this question. I also pointed out that, whereas on previous occasions the British Government wholeheartedly supported us in our efforts to improve the condition of Indians in South Africa and to prevent disabilities being imposed upon them, the present Government of Britain had not lifted its little finger to help us. Now, in addition to these two changes another change has come about, and that is the change in the attitude of General Smuts.

My Honourable friend, Sir Raza Ali, quoted from the speeches of General Smuts in 1926 and 1927, and I will not repeat them. But there is one passage which he forgot to quote, and which I will quote now. He said:

"A year ago I warned the Union Government that the effects of their policy would not stop in South Africa but would provoke a world's conflict."

Now, Sir, the same General Smuts, who is credited with a great deal of foresight in the matter of handling political situations, has turned his face and what he now suggests is that penetration by Indians must be prevented. He says that the country was faced with a position that in Durban, which was a European city and which the Government were determined should remain a European city, large-scale penetration was going on and in his view this penetration must be stopped.

Now the question is: Has there been a penetration? And is the present attitude of General Smuts justified? To that the answer is given by no less a person than Sir Shafaat Ahmad Khan, the High Commissioner for India in South Africa. This is what he says with regard to this Pegging Act:

"India has been subject to a series of humiliating laws which have deprived it of social freedom and political rights. The community has been deprived of rights of representation in local bodies and public services, in Parliament as well as in the universities. It is

denied admission even to hotels, cinemas, places of culture; is subject to colour bar, for which history affords no precedent. It seems the greater the progress made by the Indians the greater are the restrictions imposed on their development. There was no justification whatsoever for the Pegging Act. There would have been no encroachment on the European areas, had proper provision been made for housing. Promises in this regard in the past 20 years were not fulfilled. In any event, the amount of penetration which took place did not justify the Act which had been condemned by world-wide opinion."

Further, he says:

"The Pegging Act has dealt a heavy blow to the hopes for the amelioration of Indian conditions. It was a stigma which had aroused the conscience of the civilized world. The Act had played into the hands of Berlin and Tokyo which applauded it as propaganda against the United Nations."

Now, Sir, Sir Shafaat Ahmad Khan is the holder of a responsible position and he is not an agitator like most of us. He held a very important position in the University of Allahabad, and was a member of the Round Table Conference.

The question now is whether Durban is a European city. The population of Durban consists of 90,000 Indians and 100,000 Europeans. Can it be called a European city? Our answer is an emphatic 'no'.

Then, again, what is the provision made for the residence of Indians. Indians have been given a very small space within which they have to huddle themselves together, whereas the Europeans have kept for themselves very large and spacious grounds in which they can live in comfort. Now the complaint of the Indians is that they have to live in conditions which are most insanitary and they demand that in order that they may live in proper sanitary conditions this bar in the way of Indians occupying lands in other parts of Durban should be removed. Is that not a just demand? Is that an unreasonable demand? I say 'no'.

Then, Sir, comes the question whether any discrimination is involved in it. Some of my European friends say it is not a question of discrimination. But, then, what is it? If segregation of the Indian community from the European community is not discrimination, what is it? And further, if you give a very small space, a very small area of land to the Indians and give large areas of land to the Europeans, is that not discrimination? It is discrimination of the worst sort.

Sir, the next question is whether the moment which was chosen by General Smuts and his Government for introducing this legislation was an opportune one. Indians shed their blood in North Africa and West Africa in order to protect South Africa from being invaded by Germany. And what has been our reward? Our reward has been humiliation. We have been ill-treated, we have been humiliated.

The question now is, what remedies should we adopt to have the Act repealed? While discussing the amendment of the Reciprocity Act yesterday my Honourable friend, Sir Cowasjee Jehangir, said that the application of the Reciprocity Act would be a mere gesture of resentment. But is a gesture of resentment an unnatural one in such circumstances? Humiliation after humiliation is being heaped upon us, and are we to remain content with what has been done by the Union of South Africa? We may be powerless to raise our hands against South Africa. My Honourable friend says that if he had the power he would act violently towards South Africa. But I would not go so far as that. Have we not the right even to show resentment? But our European friends also take the same view as Sir Cowasjee that we should not show any resentment.

Sir Cowasjee Jehangir (Bombay City: Non-Muhammadan Urban): On a personal explanation, Sir. I never said that we should not pass the Bill. I said that the Bill when passed and the rules made thereunder you will eventually find that it is merely a gesture of resentment. But I did not say you should not do it. I supported it. I do not know what my Honourable friend is talking about.

Dr. P. N. Banerjee: All right. I accept his explanation.

Sir Syed Raza Ali: What does the explanation mean?

Dr. P. N. Banerjee: Whatever it may mean.

Sir Syed Raza Ali: Trade and commerce and nothing for the honour of India.

Sir Cowasjee Jehangir: Mr. Deputy President, my Honourable friend, Sir Syed Raza Ali, is either hard of hearing or hard of understanding. If my words were not clear to him I am afraid it is not my fault. I can give him arguments, but I cannot give him brains.

Sir Syed Raza Ali: God save me from my friends!

Dr. P. N. Banerjee: That is a very stale and coarse joke, which was indulged in by my Honourable friend, Sir Cowasjee Jehangir. My Honourable friend, Sir Henry Richardson, said that retaliatory action would have no effect.

Sir Henry Richardson: I said, no permanent effect.

Dr. P. N. Banerjee: I stand corrected. But it will have some temporary effect. Even if there be some temporary effect, we must have recourse to retaliatory measures. But what is the concrete suggestion, alternative to retaliatory measures? He does not believe in brute force. He says that brute force has the other side also; it can produce evil effects. But then, what is his remedy? He answers, let us send a delegation. In other words, we will have to go down on our knees and implore the Union of South Africa to give us some favours.

Sir Henry Richardson: I never said that.

Dr. P. N. Banerjee: Then what is the meaning of going on a deputation when our representations have been turned down without the slightest degree of consideration having been given to them.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member has one minute more.

Dr. P. N. Banerjee: What is the time given to me?

Mr. Deputy President (Mr. Akhil Chandra Datta): Half an hour.

Dr. P. N. Banerjee: I took only ten minutes before lunch.

Mr. Jamnadas M. Mehta (Bombay Central Division: Non-Muhammadan Rural): Fifteen minutes.

Dr. P. N. Banerjee: No, Sir. There is some mistake. My friends here will tell you that I spoke for 10 minutes.

Mr. Jamnadas M. Mehta: You spoke for 15 minutes.

Mr. Deputy President (Mr. Akhil Chandra Datta): I understand you spoke for 13 minutes before lunch and now you have spoken for 17 minutes.

Dr. P. N. Banerjee: Now, coming to the remedies I would suggest the following. In the first place, a rigorous application be made of the provisions of the Reciprocity Act. Secondly, I would suggest that notice be given immediately to terminate the trade agreement between India and South Africa. Thirdly, I would ask Government to examine very carefully the articles in regard to which we should prevent export or import. Economic sanctions are needed. Even if there is some slight economic loss to us the self-respect and dignity of India demand that economic sanctions should be resorted to. Fourthly, I suggest that the High Commissioner and the Trade Commissioner should both be recalled. This is the view of the Indian Congress in Natal. Lastly, there is the question of a common non-European front. Some of our leaders are opposed to this policy, but whether we are opposed to this policy or not, a non-European front is bound to come in South Africa if the present policy of the Government of that country is persisted in. We see in the debate on the Pegging Bill the native representatives supported the Indian claims. That is an indication that the common front is sure to come whether we like it or not. These are measures which will have to be taken by the Government of India, and I hope the Honourable Dr. Khare will show his courage, strength and resourcefulness to apply these remedies and will lose no time in applying them.

Mr. Hooseinbhoj A. Lalljee (Bombay Central Division: Muhammadan Rural): I rise to support the motion that has been moved. I must congratulate the Honourable Member on his having given us this very early opportunity. I must also say that it is very seldom that we have heard from Treasury Benches such a free and frank speech as my Honourable friend, Dr. Khare, has delivered in this House. I think he has placed before us all the facts known to him and we can very well say that on these facts there is no case

left at all for the South African people now to plead that sufficient indulgence has not been shown to them for their inhuman actions. May I ask my friends on the Treasury Benches here as to the reasons why this country was plunged in war against the South Africans, I mean Transvaal. If at that time this country was plunged into war against the South African Transvaal for reasons which were much less provocative, much less humiliating and much less inhuman, I do not see how the British Government and my friends the European gentlemen can today tell us to put up with the present humiliating and inhuman conditions? I repeat what face have they got now as our trustees to ask us to bear when they made us fight these very South Africans for much less humiliation. Not only that but here we have got facts laid before us from the Treasury Benches to prove that since 1860 promises were given to us for equal rights by Great Britain. My main grievance therefore is against Great Britain, who claims to be our trustee. Natal and Durban have been always in possession of Great Britain. They are today also of Great Britain. It is this part of the country which we helped them to make prosperous and because we supported, all this humiliation is being allowed by them to be practised upon us. Remember these were not South African colonies. It is the revenge that the South African European people are taking from us for helping all along the British to maintain Natal and in the war against them. The Honourable Member in charge has just quoted as I have said the authority of no less a person than Mr. Joseph Chamberlain, Lord Curzon, Lord Lansdowne and others that it was the Indians who helped Great Britain to keep up Natal and Durban for them from South Africans. It is because of all that and that alone that in the first instance the South Africans are showering these humiliations upon us and still here my friends opposite would tell us: have forbearance and patience. Do they wish us to wait until we are thrown out into the sea, because as they say they are our trustees. What is the position in India at present. We are told by Britishers 'You trust us because you are not united. It is our care and bounden duty, our honest care to see that you people are happy. Nobody robs you. There is peace and order, that there is no humiliation of one by another of you.' Your army, navy and your taxation which is under us is keeping up your honourable position, your happiness and your prosperity. For the sake of humanity in this world we are fighting with all this. May I now ask my friends why in this great war this country has been plunged in. Why we are asked and why have we been giving you in this great war our willing co-operation? It is because we believe and we wish that the tyranny of one class of man against the other shall not any more prevail. It is only for this reason and no other. What right has Great Britain to take those near and dear to me to fight in this war if not for this humanitarian reason. If so, why should and how can Great Britain now keep quiet when we are treated inhumanly. Day in and day out, we have been told they were pleading with South Africa to resist and ultimately the High Commissioner for Great Britain, we are told, also intervened. No satisfactory reply was made even then. We are told we made a begging request to them to please hold on. No reply is even then made and after all this humiliation what do we find our great trustee doing, I mean Mr. Amery? He says as His Majesty's Secretary of State for India that they have got nothing to do in this matter with the South Africans. Why may I ask, because they are European and form part of the British Empire. Why because they are in possession of the land which we made prosperous and now given over by the Britishers to South Africans. *A baksheesh* on our account was given to them. Is this fair? Is this a position which Great Britain can justify before the world at large and at this time of the year and more particularly when the public in India are all asking what our trustees are doing for us. Can you say that you are doing your duty and have been making an honest endeavour to maintain honour and prosperity of your ward. I want to know from the Treasury Benches, I want to know from Mr. Amery what right they have got to take my people to fight for others and not for our ourselves. (*An Honourable Member on the Treasury Benches.* "Address the Chair.") I am addressing the Chair, but I pointed to look

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towards you as you are responsible more than anybody else. It is not an ordinary thing. I feel it. I am one of those who have been suffering. I want you to go and have an experience yourselves as to what are the conditions in East Africa, South Africa and Somaliland. I have been there, and I would like very much to see you there and then tell me how you feel. Just now you have heard from your colleague you are not allowed to go to a post office to post your letter except through a separate door and on a separate counter. An Indian is not allowed to go to a first class cinema. He cannot travel with an European in a first class compartment. There is therefore no use in saying that you are looking after us. You have 2 millions of our people to fight in the name of humanity. Are not these South Africans worst than the Germans and the Japs? It is a fact well known, which my Honourable friend, the Member in charge, has not brought out, that so far as the Asiatic laws are concerned in South Africa, the Japanese are excluded, even to this day, although he is an enemy of Great Britain. With the mighty British power behind them, they have made this distinction. That is there on the statute and no one can deny that even today a Jap can go there and enjoy equality of status but not my Honourable friend, the Leader of the House. You gentlemen on the Treasury Benches are part and parcel of this trusteeship to look after these and we helpless poor people, (*An Honourable Member*: "They are helpless.") I know we and they are helpless but our friends opposite will not admit it. If you are helpless, then please make room for somebody else and the sooner you do it the better. Act according to your conscience. Tell us frankly that you cannot do anything and see what we can do, if we are not interfered with. Now, Sir, a lot has been said by my friend Sir Cowasjee Jehangir here,—I am sorry he is not here—as to what will happen to those two lakhs of Indians now in South Africa. Does he not know that it is their care and their look out and those who have got dealings with them who have got their voice and not the voice of Sir Cowasjee Jehangir? I do not know which gentleman of the European Group has been to South Africa to see the conditions there. Perhaps Sir F. E. James has been there, still I think he would welcome South Africans even here into the European group. I do not know whether strictly speaking a South African Boer is a European or not but he would still grace the European Group Benches all right. If it serves their purpose, they will even consider some other race as Europeans. A German is an European and he would be admitted.

Well, Sir, the point that I was making is this that it is the people in South Africa who are concerned. You have got ample evidence, you have got the views of the Congress and you have got the views of the people that they do not want any more to remain in that condition and very rightly too. What right have you then got to say that they shall remain there in that condition? Have you sent them any help at any time? Have you got any right to say that you have become their grand-fathers or their trustees? What right have you got to consider something against their wishes on their behalf. The South African Indians do want for sake of honour that you sever your connection from Boers and we and they are prepared to bear all the consequences. Why don't you declare war against South Africans, may I ask? You often say that some people in India are against the present war and therefore you can put them into the jail. But what about those large number of people who are helping the present war purposes and yet their kith and kin are being ill treated? Must we go and beg of these South Africans? Must we not even use sanctions against them? Must we treat them as our equals here in our country? What is the position today? The great Field Marshal Smuts in the last war and in this war has praised the sacrifices and boldness of Indian soldier and he is the very man who in the midst of the war, as my friend Sir Syed Raza Ali pointed out, arrogantly stands up and passes this inhuman Act. Not only that but he sends out some South African officers and I am ashamed and pained to say that there are here South African commissioned officers under whose tender

care our dear Indian soldiers are kept even today. Even if there are five South African officers, I wish each one of them to be sent away. I say it is a very risky thing that these people should be in India in charge of our soldiers. We have never believed and can have no faith in these people, specially when Field Marshal Smuts says that we are fighting for the cause of humanity, but he himself does the worst kind of thing possible. Can you trust these people? Why are you hesitating to take action against them? The South African Indian wants it and we also want it. The last war by British against South African Boers was also for such inhuman reasons. In fact, at that time there was much less provocation than the present one. The present war which we are fighting is also for the same reason. We do not want to remain as slaves and as dishonourable people. I think we ought not to countenance any more speeches of the type which would tell us even now to consider this question further with Boers. We have come to know definitely that the South African Indians want us to take action and they do hope that all the 40 crores of their Indian brethren will not forsake them. They do not want to remain as beggars, pariahs and as untouchables. They are prepared to bear all these consequences. Why should you bother yourself about them?

I have got record also to prove how they have treated the Japanese in such circumstances. They wanted to treat them also as badly. Therefore the first thing that the Japanese did was to tell them that Japanese navy was ready and further that they would not buy their wool. As soon as that was declared, a large portion of the real South Africans immediately said that the Japanese should be treated as equals and they are enjoying that position. At the present moment, you are in a position to effectively tell them that we will do all we can. It is a pity that although we have got Great Britain as our trustee, yet we cannot go to fight against the brutal men of the type of South Africans. They are more brutal than the Germans and the Japanese. Still we shall not do all we can, this is painful.

Sir, very recently some people have come from South Africa and they tell us that the definite policy of the Boers is that throughout Africa Asiatics must be removed except such of them as would remain as slave and on their sufferance. I can also point out that it was in 1918 when I had the privilege of leading a deputation of East African people before the then Viceroy of India, Lord Chelmsford. At that time we proved to the hilt that it was a few South Africans who went to East Africa who put up the English people there to remove the Indians from East African highlands. That thing is still going on in the British Colonies. This is a move which is not only against the South African Indians but against Indians as a whole wherever they be in Africa. I may say it is designed against all the Asiatics. They want to remove them from those places where Europeans think it is their monopoly to live. It is since 1918 that this thing is going on. It is all a tall talk which is intentionally made to wait for this and for that. Every day they will go on doing it. Here I am very sorry to say, as the South African Indians now frankly tell us, it was Mahatma Gandhi himself who with the British officers in South Africa requested, persuaded and forced the South African Indian not to join hands with the people of the soil. They are 80 lakhs and they and we would never have come to this position if we had co-operated. The Europeans in South Africa are only 16 lakhs from all over Europe and the Indians are 2½ lakhs. It is because of such policy that all the Asiatics including Indians have to suffer and will suffer still more. I am very sorry because of this policy and I hope my friend Sir Syed Raza Ali will also bear me out when I say that a man like Mahatma Gandhi has made that mistake. It has been the policy—we now feel to believe—of Great Britain also to see that we remain there without any friends. Any attempt made by the South African Indians to join hands with the people of the soil who are being humiliated as much as ourselves or probably little more has been and was being frustrated. My friend Sir Syed Raza Ali will excuse me when I say that he also advised as other Agents the South African Indians

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at times as Agent to the Govt. of India to keep away from the people of the soil.

Dr. P. N. Banerjee: But this advice will not be heeded any more.

Mr. Hooseinbhoy A. Lalljee: I am pointing out the policy that is there now. The very serious policy is there that the Indians should be ousted not only from South Africa, East Africa, North Africa and wherever they may be but that they should not come in contact with the people of the soil. Who is responsible for this policy?

Maulana Zafar Ali Khan (East Central Punjab : Muhammadan): Why have you forgotten Canada, New Zealand and Australia in this connection? There also the same policy prevails.

Mr. Hooseinbhoy A. Lalljee: I do not know those countries; I am connected with this country only. I have lot of dealings with them and my own near and dear ones are there.

I can tell you frankly that two things are quite clear to me. The more time you allow, the more difficult it will be for you to do anything. The result would be that you will see that Indians there have got to come out here disgraced and starving. It is the definite and decided policy of South Africans and other Europeans to see Indians out of South Africa when they know that Great Britain who claims to be our trustee is not going to do anything. Even the Queen's Proclamation under which I owe my allegiance to His Majesty the King Emperor demands that my honour and prestige and position should be protected. But what has been done? Has any soldier been sent to protect my honour? Has a single ultimatum been given to save my honour? I feel British Cabinet Members are not fulfilling the pledge that His Majesty has given me for owing my allegiance to him that he will protect my honour wherever it is outraged. It is most unfair, it is most disgraceful. Whatever little measures we adopt, let us make a bold exertion to fulfill them. I have been speaking on this subject since 1920. Many of my friends whom you may call agitators or seditionists, or whatever else have been speaking about this. The Government have now in their possession sufficient facts to demand of Great Britain that she should uphold her trusteeship and fulfill her duty and the promises given in the Proclamation that my honour will be protected. I am not satisfied with the steps that have been taken. You may pass this motion. If my soldiers are to fight for the honour and for wiping out the humiliation that is inflicted upon others, then we demand that our soldier should be at liberty to fight for the honour of Indians first and foremost.

Mr. N. M. Joshi (Nominated Non-Official): Sir, we are discussing today a very important question. But before I go to the proper subject of discussion, I would like to thank the Honourable Member for Overseas Department for having agreed to my request and circulated to the Members copies of the Pegging Bill and a very useful note. I would like the Honourable Member and his colleagues to follow the practice of complying with the request of the Members of the Legislature wherever we would like to be enlightened on a subject. In Great Britain on occasions like these, white papers are issued giving full information to Members. Then, Sir, I would like to make another remark in connection with the Honourable Member's method of dealing with this question. The House is aware that this Department has a Standing Advisory Committee to advise the Honourable Member as well as this Legislature on matters connected with the Overseas Department. I feel, Sir, that the problems which the Government of India had to consider regarding the Pegging Bill were so important that the Emigration Committee should have been consulted. I know, Sir, that the Government of India had called a conference of leaders of public opinion in this country and some Members of the Emigration Committee were also invited. From a mere practical point of view, let me admit very frankly that a formal meeting of the Emigration Committee could not have given much more information or better advice to the Government of India than the conference did. But, Sir, I feel that when we are considering questions in a legislature, it is better to be formal, it is better to be

constitutional. The Legislature has appointed an Emigration Committee to advise the Honourable Member for Overseas Department. It is our right, our constitutional right to insist on being consulted in a formal manner. I know that the Honourable Member until recently belonged to an organisation where people outside the legislature could control Members of the Legislature and the Government. I would like the Honourable Member now to revert to the good old democratic method of giving greater authority to the legislature than to any outside leaders however high their position may be. I would therefore like the Honourable Member to follow hereafter the democratic method of consulting his constitutional advisers. The Honourable Member could have easily called a meeting of the Emigration Committee, and invited the leaders or all those people who were in a better position to give advice and join the meeting of the Committee. I do not wish to dwell on this subject any longer.

As regards the problem which we have to consider on account of the passing of the Pegging Bill by the Government of South African Union, I feel, Sir, that the Europeans in South Africa have got a double policy. So far as the Indian community in South Africa is concerned, they would like to exploit Indians as long as Indians would permit Europeans to exploit them. If exploitation is not practicable, then the Europeans would like to squeeze out the Indians from South Africa. They wanted Indian workers to develop their agriculture and other industries, but they wanted them as indentured workers so that they could exploit them and get cheap labour. When they could not do that and when these workers were followed by Indian traders and some men belonging to other professions, they wanted to squeeze out the Indian community at least to the extent to which the Indian community refused to allow to be exploited by the European community for their own selfish ends. In securing this double object, the European heaped upon the Indian community all manners of harassment, persecution and humiliation. Indians could not own lands in certain localities. They could not trade without some restriction, they could not travel on certain parts of railways and they could not travel except on certain parts of trams. They could not enter South Africa without restrictions. Now, Sir, the Indian community naturally put up a stiff fight against this persecution by the Europeans out of selfish motives, and I feel that it is my duty on this occasion to pay my tribute of admiration to the South African Indian community for putting up a brave fight under very difficult circumstances. They have been continuing this fight for a number of years and I hope that in spite of difficulties and discouragement they will continue to fight in order to secure a position of equality and full citizenship. I feel, Sir, that these Indians who are fighting for their status in South Africa are fighting not only for themselves but for the status and dignity of the Indian community all over the world.

Maulana Zafar Ali Khan: May I ask whether the Indian people there have got any franchise or representation in the legislatures?

Mr. N. M. Joshi: I never said that the Indian community in South Africa has the franchise. Not only have they no franchise for the legislature but they have no municipal franchise either and their condition is really one of humiliation. But I feel that in their very difficult position they have put up a brave fight. Let me also on this occasion pay my tribute of thanks to those European members of the Union Parliament who stood by the Indian community and, in a House where Indians are not represented, represented the case of the Indian community. The Indians have carried on this fight under great difficulties. I have no doubt that we all agree that in this matter of defending the rights of the Indian community in South Africa and in other overseas countries the Government of India have generally stood by the Indian community. But I feel that they have not done as much as they could. My Honourable friend Mr. Hooseinbhoj Lalljee was right in taking the Government of India to task and telling them that although they may have done something they have not done everything that was possible for them. I do not

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like the Government of India to be whining and say that Great Britain or the British Government is the trustee for India and should act as trustees. Cannot the Government of India, if they understand their strength and if they are a united body, compel the British Government to do what is right by Indians? Government of India may be in a subordinate position and unable to do certain things against an independent dominion, but they can certainly tell the British Government that they cannot carry on the government in India. And they can say this in a united voice and I am sure the British Government will do ten times more for the solution of this problem than they are willing to do today. I therefore feel that the Government of India cannot free themselves from their responsibility for the position in which we now find ourselves. It is true that steps are to be taken by the British Government, but we have got strength enough. If the Government of India will stand united and firm they can tell the British Government very frankly that they cannot go on administering India if the British Government will not do justice to Indians in South Africa or any other place. My Honourable friend Mr. Lalljee said that a great blame lies on the British people themselves for our inability to secure justice from South Africa. In the first place who are the people against whom our people have to carry on the fight in Natal? It is the Britishers and not the Afrikaners. Then Mr. Lalljee was also right in referring to what the Britisher was doing in East Africa. On the highlands a German can go and live, an Italian can go and live but not an Indian. We realise why the British people and the British Government cannot secure justice from South Africans; they will have to do justice to Indians within their own territories. But we in this House must tell the British Government, and through the Government of India, that something has to be done on this occasion. We cannot tolerate the injustice of segregating our people in South Africa.

Let me assure you, Sir, that I as an Indian am not anxious to live in the neighbourhood of a Britisher, nor are the Indians in South Africa fond of living in the neighbourhood of Britishers. Today they may have occupied certain parts in the neighbourhood of what may be called British localities because they have not enough space. It has been stated that for a population of 24,000 Indians the total area of the locality is 200 odd acres, while six times that area relatively is given to the Britisher or to the European. And therefore if the Indian has sought to live in the neighbourhood of the European it is not because he cares very much to live in his neighbourhood but because he has no other space to go to. I therefore feel that the case of the Indian is very strong, and if the Government of India will become firm and use all the influence which they possess they will be able to secure justice for our people in South Africa. By nature I generally favour methods of negotiation and so also by temperament, as long as it is possible to do so. But in order that it may be successful there must be a desire for negotiation on the part of both parties and not on one side only. I appreciate what the Leader of the European Group said that we should try the method of negotiation, but there is a limit after which it becomes impossible. I therefore feel that this House should give a clear indication to the Government of India to use all the measures which it is possible for them to adopt in order to secure justice for the Indian community in South Africa. We shall soon pass the Reciprocity Bill; let them give effect to the steps which may be taken under that Act. I know it is a gesture but let us begin with a gesture. If we begin the fight we may develop strength while we continue the fight. Therefore let us do what we can under the Reciprocity Bill. Let us also do what we can by using economic sanctions. There is no doubt in my mind that if we adopt economic sanctions this country will have to make some sacrifices, but you cannot conduct a war and a fight without making sacrifices. Therefore if this country wants to save the honour of the Indian community in South Africa it must be ready to make sacrifices.

The Government of India, I feel, should adopt these and other measures which are possible, and if they find that on account of a position of subordination they cannot do anything else to save the honour of the Indians in South Africa they must tell the British Government that they will not be responsible for the Government of this country. I hope, Sir, that this Legislature will give a direct mandate to the Government of India

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member has one minute more.

Mr. N. M. Joshi: to take all the necessary steps to secure justice and to safeguard the honour of the Indian community in South Africa, and if the Government of India cannot do it, let the Government of India

4 P.M. go to the British Government and tell them that they will not be responsible for the governance of this country.

Mr. K. C. Neogy: I think I can honestly congratulate the Honourable Member in charge on having, after all, made up his mind to give us a very brief gist of the correspondence and the negotiations that went on between the Government of India, His Majesty's Government and the Union Government, after having stoutly refused two days ago to tell us as to whether there was any correspondence still subsisting between them.

Sir, as far as I could hear the Honourable Member, I was greatly interested in the chronological summary of the negotiations which he gave, and if there was one item in that chronological summary of events that interested me more than any other, it was the reference about the last representation—may be the last or it may be about the last—made by the Government of India to the South African Government on this question. As far as I could follow, the gist of that representation was that the Government of India was prepared to agree to this Bill being passed on condition that it would not be put into operation except at the discretion of the Governor General. Now, Sir, I wonder if the Government were misled on that occasion by the rather mischievous analogy of the position of the Governor General under the Constitution in India. The Governor General in South Africa is the head of a responsible Government, and he has no discretionary authority either to suspend action under any legislation, or to take any positive action thereunder except on the advice of the Ministry. The Government of India seem therefore to have definitely capitulated on that occasion, in making the stipulation that this Bill might be kept hanging as a Damocles sword over the Indian community as "a guarantee of good behaviour",—I think I have taken down these words accurately. I hope I am expressing the sentiments of the Honourable Members on this side of the House when I say that Indian opinion will condemn this action of the Government of India in no measured language. It amounted to a betrayal of the trust which the Indian people had reposed in the Government of India. Sir, this reminds me of the remark made by a high authority, like Sir Raza Ali when he referred to the fact that the policy of the Government of India in these matters definitely underwent a change since 1941. That is the year when the new Overseas portfolio was created as a separate responsibility for an Honourable Member. That is the year which saw the expansion of the Executive Council and the inclusion of a larger number of Indians than were in the Executive Council before. Sir, the experience of Sir Raza Ali only confirms the general impression that the expansion of the Governor General's Executive Council by the inclusion of a larger number of Indians has led to demoralization all round. Sir, I should very much like my Honourable friend to tell us as to whether, apart from making supplicatory representations now and again on occasions when the South African Government passed any measure of this type, and apart from being on the defensive, the Government of India has adopted a positive and constructive programme for the purpose of safeguarding the interests of Indians abroad, and, if so, what has been their policy in regard to South Africa? Have they ever urged the granting of franchise to India with any determination? I am reminded of the fact that in the year 1936, the native population

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of South Africa secured representation on the Union Legislature after a long continued struggle and, if I am not mistaken, it was about that time that the Indian demand in that behalf was also voiced very strongly in South Africa. I should like to know whether the Government of India at that time, or before, or thereafter sufficiently urged the claim of Indians residing in South Africa for franchise.

Sir, my Honourable friend, Sir Henry Richardson, was looking to the future and he was hoping that the future would solve some of our difficulties. As the present measure is a result of the antagonism displayed by Britishers more than anybody else in Natal, may I ask him what he and his community in India are doing for the purpose of securing the minimum franchise for Indians in the Union of South Africa? Are they in communication with their compatriots? I dare say, Sir, they have many means by which they can hold communion with their compatriots in South Africa.

Now, Sir, I find that while the Indian Congress in South Africa held a special meeting in Johannesburg in June last, the President stated, among other things, that the passage of this measure was possible because the Indians were the only section of the community without representation on the legislature. It is therefore a very serious matter. It won't do for us merely to consider a retaliatory measure now, or hereafter, or to trust to the future to take care of the Indians in South Africa.

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

I wonder if either the Government of India or the European community in India think that it is any part of their duty to take any action for assisting the Indians to get the minimum franchise rights in South Africa so that in future they can fight out their own battles instead of having to depend upon us here and the influence of Indian opinion to help them whenever they are in trouble. When I heard my Honourable friend, Sir Henry Richardson, I was reminded of the observations made by Field Marshal Smuts while speaking on this Bill. The observations are to this effect. He made it plain that he did not like the Indians in South Africa to look to outside agencies for help in these matters. He said:

"At present they invariably look to the Government of India, but I suppose that in course of time they would learn to look to public opinion . . ."

I do not know which public opinion he meant—

" . . . and to the European community in South Africa for justice and fairplay."

I believe, this might find a response in the heart of Sir Henry Richardson, and he might think that the Indians should not aspire after franchise but they should look up to the European community in Natal for justice and fairplay. He continued:

"But at present their weakness was that they immediately appeal to outside opinion and in that way the mode of solution was more difficult . . ."

My honourable friend says that we are in a helpless position and that nothing that we can do in this Legislature or in this country can possibly help our brethren living in South Africa; I am not of that pessimistic mood. There must be something which can be done. The Field Marshal has found it difficult to withstand the impact of public opinion in India, otherwise he would be the last person to complain that the Indians in South Africa should appeal to Indian opinion in India.

The other point to which reference was made by my Honourable friend, Sir Raza Ali and which also intrigued me very much, was that the position of the Agent General in South Africa has been reduced to that of impotence. I very much hope that the Honourable Member is going to reply to this point. I am bound to accept the high authority of my Honourable friend in making this statement. But he is reinforced in this particular opinion by certain observations which Dr. Malan, the Opposition leader, made. Dr. Malan, it may

be remembered, was the Minister-in-Charge when the Capetown Agreement was concluded and this is what he says:

"The appointment of the Agent General for India had been made for quite a different reason than for what his presence in South Africa is today. Today, the presence of the High Commissioner for India meant unfair interference by another country in the affairs of South Africa."

The Honourable Member owes an explanation as to what this signifies. We are in the dark as to what may have happened in the closed chambers of the Government of India in this regard, but I am afraid the House will be disposed to agree with Sir Raza Ali that by the action which the Government of India has taken in this matter they have weakened the position of the High Commissioner. Nobody seems to want the High Commissioner.

Mr. N. M. Joshi: For giving him a higher title!

Mr. K. O. Neogy: By that they have made him powerless and impotent. Indian opinion does not want the High Commissioner for India. Indians in South Africa do not. Here we have responsible Members of Parliament in South Africa asking for the recall of the Agent General. Is it dignified for the Government of India in these circumstances to insist upon the continuance of their High Commissioner in South Africa?

We have been warned as to the possible repercussions which retaliation on the part of India might produce to the prejudice of the interests of Indians in South Africa. A note of prudence and caution was sounded yesterday on this point by my Honourable friend Sir Cowasjee Jehangir, and the same point has been emphasized by Sir Henry Richardson. Sir, it is really a matter of national self-respect, and as has already been pointed out by the speakers, the Indians in South Africa do not want to live in such conditions of degradation and humiliation. Who are we to adopt an attitude of prudence? Who are we to advise them to keep quiet and put up with indignities and insults of this kind? The Indians in South Africa are looking to us for support in this matter.

Now, Sir, when I consider the situation in India at present, I find that people are dying in the streets from starvation. Can the South Africans be in a worse position, supposing we take any retaliatory action? Last autumn as a result of the "Black and Tan" policy pursued in this country in Delhi and other places under the auspices of the Government, innocent Indians were shot like pariah dogs. Can the lot of Indians in South Africa be any worse if we adopt retaliatory measures? As part of their policy of reprisal, responsible officials employed the military and the armed police to insult our women-folk in different parts of the country last autumn. Can the lot of South Africans be any worse if we pass measures of retaliation?

Sir, even if there be any risks involved in this measure, we must be prepared to face the consequences, and therefore I have great pleasure in supporting all the various suggestions that have been made by my Honourable friend Sir Raza Ali and my leader, Dr. Banerjee.

Mr. Govind V. Deshmukh: Sir, after all that has fallen from so many Members in this House, I will be very short. From the speech of the Honourable the Member for Indians Overseas two things are clear. First of all that the Government of India counts for nothing with the South African Government. Their representations count for nothing. The Government of India in their opinion is nothing but dirt. Now, another thing which has given me great hopes is the Honourable Member's remarks when a question was put by. I think, Sir Cowasjee Jehangir or a member of the European group, to be quiet, patient and conciliatory. He said that there were occasions when it was necessary to be so but there was a limit to carrying on negotiations and to be conciliatory.

Sir Cowasjee Jehangir: May I point out that I never said that the Honourable Member should be conciliatory or that this House should be conciliatory.

Mr. Govind V. Deshmukh: But there was this remark and there was this reply: "There is a limit to carrying on negotiations". Then there was an enquiry whether the Capetown Agreement still stands and the Honourable

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Member said, "I think so". Well, that Agreement does still stand. Let us not be under any delusion. If you think that that Agreement is going to help you, that that Agreement has not been relied on as the basis of representations by anybody up till now, then you will be very wrong in supposing so. Let me tell you, Sir, the pathetic history of how the Government of India was feeling helpless and their negotiations not listened to.

When this Act was thought of in 1941 representations were made in 1942 by the Natal Indians Association in which they were prepared to accept certain voluntary restrictions, so that they may be free to carry on their trade. Then when the Pegging Act was on the anvil on the 9th April 1943, there was a representation by the Natal Indian Congress and in paragraph 4 of their representation they specifically mentioned one of the conditions imposed, viz:

The Union Government further believe in and adhere to the principle that it is the duty of every civilized Government to devise ways and means and to take all possible steps for the uplifting of every section of the permanent population to the full extent of their capacity, and press and accept the view that in the provision of education and other facilities, the considerable number of Indians who will remain part of the permanent population should not be allowed to lag behind other sections of the people."

Then in clause 5 they say, "You have broken your promise, the pledge which is embodied in this Cape Town Agreement which was arrived at voluntarily between the two Governments." Then in para. 6 they say: "While we maintain that the final determining factors should be the Cape Town Agreement",—they refer to the situation. So, it is evident that this Cape Town Agreement—which had been arrived at voluntarily between the two Governments represented there by different parties—is not going to help us. That has been treated by the South African Government as a scrap of paper. The Act was assented to on 28th April 1943. The policy underlying this Bill is anti-Asiatic, which means, a racial policy. How can it lie in the mouth of a South African to say "See Hitler or look at this Nazism", when the South Africans themselves are persecuting, or hounding a particular community or race from their country? Is it open to them? It is open to us, to say that these are bad things. But how does it lie in their mouth to blame Hitler, or to blame Nazism? Are they in any way better than what Hitler is? Hitler is at the utmost persecuting a particular community. But here the whole Asiatic race is being hounded out of South Africa. It is all right to say that the war effort should be made, that we should kill Nazism. We do not say that we should not kill Nazism, but let these people be true to the principle, who want us to shed our blood for their safety, who want us to shed our blood so that their civilisation may be preserved. It is shameful on their part, when they want us to shed our blood for them, not even to pay the slightest respect to our claims. It has been said that these are war times, no measure like this should be passed, nothing should be talked about these people because it would be against our interests. As a matter of fact, if those people had cared anything for us, the first thing that they should have done, as the Americans did, namely, give up their extra territorial rights in China—these people should have voluntarily said, "No. Indians are helping us. Annul this Pegging Act that we have passed". But they stick on to their present policy, they persist in it, in order to increase the persecution of Indians. It was said that all that this Act does is, it insults, it is insulting, it is disgraceful and that sort of thing. No. It is more than that. It does not merely touch your honour. It touches your stomach, because it prevents you from carrying on any trade or any business. As a matter of fact, they have made it impossible for you to live in that country in any place. They have said so: "We want white Durban. We want white South Africa". When they say so, what earthly reason is their for them or for any Government which is their ally to say to Indians, "Be quiet, be peaceful". How does it lie in the mouth of anybody to say, "Be conciliatory." It appears from the history that has been given to us,—negotiations only were carried on. Was anything done by the Government of India except negotiation, except making a few representations? How long shall we wait? Would you be prepared to do anything, or would you

still sit quiet? If you do not want to do anything, if you do not wish to take any action, what course do you suggest? Negotiations were tried and these have failed.

Now shall we sit with folded hands? If I had my own way, if my Government had been a thoroughly Indianised and representative and responsible Government, the first thing that I would have done would be this. I would have said, "Now, I am not going to co-operate with you in war." I would have said to the British Government, "It is your business to settle this affair. Otherwise you do not know what the effects of this sort of anti-Asiatic policy would be". Once I had made a speech on the floor of this House and I said, that in the last war, at the time of the Treaty of Versailles, Japan insisted on racial equality. Japan wanted that clause to be included in the Treaty of Versailles. Mr. Hughes the Australian Minister, now an *ex-Minister*, then objected, and that objection was raised on the representations of His Majesty's Government. What sympathy will His Majesty's Government have? If they are going to instruct their own Ministers and others in this fashion, what help can we get? It comes to this that the policy of conciliation has failed, the policy of waiting and seeing will certainly fail. It is not going to help us any further. If with this background we proceed further to see what should be done to redress the grievances of our countrymen in South Africa, I say, apply the amended Reciprocity Act at once. It has been said that it is a gesture. I do not want the idea to go abroad that it is merely a gesture. It is a weapon and I want to see it used as a weapon. If you possess an inferiority complex that this will not work, that it will be nothing but a gesture, that the House wanted to make it a gesture and that people should understand that it is nothing but a gesture then we shall not be able to do anything. You may possess that inferiority complex. I say, cannot you shed that complex and rise to the occasion? If you cannot rise to the occasion, you do not deserve to be in the place where you are; it will be better if you make room for others. Let us give up this inferiority complex and I should ask the Honourable Member to put this Act into force at once as far as it possibly can be done and should be done, and not leave it as a mere gesture. That will certainly mean that he will have to be very prompt in making rules. The making of rules should not be postponed to such a date that Indians in South Africa will have to undergo more difficulties and sustain more disabilities. It was suggested a sort of a League of all the nations of the British Commonwealth to decide questions like this, whether a particular method is justifiable or not and that there should be a unanimity of opinion if any decision was to be arrived at. Knowing as we do that we shall be alone, there will be no one on our side, I think it is plain and apparent that, if we want anything, if we want to remove any disqualification, that disqualification will never be removed because there will never be a unanimous decision in our favour. If justice was a thing on which everything was to be decided in this world, then justice was on our side. The whole history given by the Honourable Member shows beyond doubt that justice is on our side. It is not only he who makes that statement, but Mr. Winston Churchill said that justice was on our side. But for our soldier, but for our labourer, but for our artisan, these colonies would not have been developed at all and they would not have been living in comfortable countries, prosperous countries but might have been living perhaps in marshy lands infected with all sorts of diseases. It was the Indian who was the pioneer in those colonies, who put them in proper order. The white men are now turning out the brown.

It has been said, "Oh, all right. What other sanctions are there?" Some sanctions have been cited by Sir Syed Raza Ali. He has mentioned wattle and wattle products. He has also suggested that food grains should not be exported, also that gunny bags should not be sent. But then it is asked, if you stop these exports and imports, in other words, this trade, what will happen to the Indians? We are more careful about the Indians in South Africa. We are more anxious about their interests than they are. That is what the Britisher used to say. The Britisher said and says to the Indian 'You do not know your interests'. He does not want to do anything. He sits quiet and tells that we do not know our

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interest. You are saying the same things. You are inactive and you want others to be inactive. Who is going to suffer the results. Sitting quiet has not improved matter. The history of this matter from 1860 to 1943, if it proves anything, has proved that the Indian has been continually losing ground. He was confined to a particular area. Then he lost the franchise and trade thereafter. They are continually losing ground. It is a history which is painful to any Indian who is keen about the interests of his nationals in South Africa. It is therefore very desirable that this Act should be put into effect and other measures also such as trade. I do not care how many people there are in Government service today. You can sack them. It is not a question as to how many there are. There are a few persons. What does it matter? They must represent to their Government and complain. My friend Mr. Lalljee gave you an instance about the Japanese. Let me tell you the whole story as I learnt from a gentleman. He is not a man who sits at the table and does some clerk's business. He is a trader who carries on export and import business. I put to him this question: 'Do you mean to suggest that if this trade was to be stopped the South Africans will not suffer?' He says 'I carry on that trade'. Today the Textile Association is of the opinion that the trade should be stopped. When you have instances of men who are carrying on business, whose interests are likely to be affected, when they tell you 'please do this thing' because that is the only way to save us, is it too much for me or for any Indian to ask the Government to do it? If anything, they are likely to win and not lose. The instance was given of a Japanese. This instance was also given to me by another man who has got trading business. A Japanese was insulted. He went to the Consul for Japan who protested to the Union Government. There was a regular debate in the Parliament. One man got up and said 'Look here, if you are not going to improve matters, do you know what will happen. The Japanese navy will be at our shores'. In other words, they are afraid of force. The will and the authority and the sanction behind this Government is lacking. Otherwise, we have soldiers who are second to none in the whole world. As I said, we are in a very unfortunate position. In the South African Parliament, the Afrikaner said that the Japanese navy will be at their shores. That made them think. Side by side with it, there was a representative of the farmers. He said 'I do not care who lives here and who does not live here. We are carrying on a wool trade with Japan. If Japan tomorrow stops this trade, where will we be?'

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

Mr. Govind V. Deshmukh: I am closing my speech. I say that the Reciprocity Bill should be put into force and also the other sanctions should be put into force.

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions: Muhammadan Rural): Mr. President, there is hardly any point which has been left out in the debate which has taken place on the motion of the Honourable Member for Indians Overseas. Let me compliment my Honourable friend Dr. Khare on the very lucid survey that he gave of the position of Indians in South Africa from the very beginning. This question of racial discrimination against Indians is not a new one. It has been a very serious problem for the last 30 years or more and this Pegging Act, the smutty act of Field Marshal Smuts, is the last straw on the camel's back. As soon as this legislation was placed before the South African Parliament, a wave of indignation and resentment passed throughout India, from one end of the country to the other. There was not a single Indian, of any school of thought, who did not condemn the action of the South African Government. It was not only the non-official opinion but even the Government of India resented this last action of the South African Government. My Honourable friend Sir F. E. James who is one of those Members who choose their words very carefully and always mean what they say, did not mince matters when he stated that it was a sad

day for the British Empire that a thing like this had happened. He is not one of those who do not understand the distinction between various forms of expression. I entirely agree with him that it is this Empire mentality which is responsible for this tragedy. My Honourable friend Sir Cowasjee Jehangir talked of a commonwealth of nations. The British Empire is not a Commonwealth of Nations. It is an Empire or a "Corporation of exploiters". As long as India is not a free country, we cannot by any stretch of language call this British Empire a Commonwealth of Nations. When India is free, when India is independent, when India is on equal terms with other parts of the British Empire, only then I think we will be justified in using this expression. I am sure that if India today had enjoyed all those privileges, all that freedom which is enjoyed by other Dominions and England, the position of our nationals in South Africa would not have been what it is today. And we would not have been in this helpless position. Sir, it has been our misfortune in the past that we have always felt satisfied with noble phrases and sympathetic words and Field-Marshal Smuts, let me tell him from here, has played that game too long. India is no longer a country which will be satisfied with mere words or noble phrases. India will look at the action of every nation as far as its interests are concerned.

It is really most unfortunate that His Majesty's Government have not played their part properly in this dispute. I repeat it that Mr. Churchill, whose voice today is the voice of the British Empire and not only the British Empire but the United Nations, has not attached that importance to this question which it deserves. We were told, and rightly so, by my Honourable friends the Leader of the European Group and Sir Frederick James that it was a tragedy that at a time like this when the British Empire was fighting for the freedom and independence and for the honour of the peoples of the world, a thing like this should have happened in a part of that Empire. But that is not enough. I want to know what concrete action have the British Government taken in bringing it home to the South African Government the seriousness of this problem. The Honourable Dr. Khare this morning only mentioned, as far as I can recollect, that the British Government wrote to their High Commissioner in South Africa. We are not aware what was the language in which that communication was intended to be made to Field Marshal Smuts. The Prime Minister of England is not the one who does not know what to say and when to say or who does not know what his words would mean to the other party. I have no doubt in my mind that if the British Government had put proper pressure on the South African Government they would not have taken the action which they did.

Mr. President, it is all very well to pay compliments to the Indian troops who have gone thousands of miles away from their native shores to fight the battles of this British Empire that they are second to none as far as their fighting qualities are concerned. But is that the only use for which the Indians are made? Is that the only consolation which the Indians are to get that they are second to none where the shedding of blood is concerned? I want Indians to be second to none where equal rights and equal opportunities are concerned. The Indians are considered fit to die on the same battle-fields with the South Africans, but they are not considered fit to breathe the same air in the country where they have made their home. This, I think, is a very black spot in the British Empire, and if it is the earnest, honest and sincere desire of the British Government that those countries, those nations, which are today part and parcel of the British Empire should remain for ever in that Commonwealth of Nations which the people of Great Britain are dreaming of, then it is absolutely necessary that all the peoples of the various countries in this British Empire and the future Commonwealth of Nations should receive equal treatment. As long as there is this racial discrimination, I, for one, shall never call that a Commonwealth of Nations of free peoples. And let me tell you that if ever this combination which is in existence today crumbles to pieces, it would

[Nawabzada Muhammad Liaquat Ali Khan.]

be due to this racial discrimination. There is nothing that hurts more the self-respect of a nation than racial discrimination. The speeches that we have heard on the floor of this House are an eloquent testimony to the strong feeling which every Indian has over this question.

My Honourable friend, the Leader of the European Group, stated that negotiation was really the best way of finding a solution. I am in entire agreement with him. Has the Indian Government ever refused to negotiate with South Africa? It is the South African Government which has refused even to consider the proposals that were made to them by the Government of India. It is not a Government of irresponsible people; it is not a Government of so called agitators or those who are considered as always out to give trouble to the Whites. It is a Government which is considered by the British people and the British Parliament as a responsible Government and a Government which would never make any representation which would be anything but fair and just. But how has the South African Government treated this Government of India? It has treated it—I hope my Honourable friends who are part and parcel of this Government will forgive me—with contempt, and I think it has treated it with contempt because this Government deserves contempt. This Government has not got that back-bone which is necessary for every Government to have. Sir, we do want to negotiate. I do not say that we do not want to negotiate with South African Government. But I want to ask my Honourable friend the Leader of the European Group that if the other party says: “I do not want to negotiate, not only do not want to negotiate, I do not even want as much as to hear what you have to say”, then what would you do? What should India do? Are we to sit helpless? Are we only to satisfy ourselves by saying that this is *kismet*. I think we have suffered too long on account of this mentality. We must get rid of this *kismet* mentality. We must now adopt a new mentality, we must change our mentality from that of depending on *kismet* to that of depending on action. Certain proposals have been made by my Honourable friend Sir Syed Raza Ali who, if I may say so, is an expert on this question in this House. I do request the Government to consider those proposals. I want you to get rid of this idea that we are fighting a war. We are fighting a war, for what? We are fighting a war for the honour of every nation. Are we going to sit idle and see our nationals ill-treated and humbled because we are fighting a war? Is that any reason why we should sit quiet? If other nations, who are really to get more benefit out of this war than we would, had considered it as an important factor, then I am sure the South African Government would not have taken this action. War or no war, Mr. President, I do earnestly appeal to this Government to take the strongest possible action which lies in their power in this matter. To my mind the honour of a nation is greater than anything else. It is the duty of those who are sitting over there to safeguard and protect the honour of the peoples of India wherever they may be.

The Honourable Dr. N. B. Khare: Sir, before replying to the debate and the points raised during the course of it, I associate myself wholeheartedly with the condolence expressed by my friend Sir Syed Raza Ali over the death of Sir Patrick Duncan, the Governor General of South Africa. My Honourable friend Sir Syed Raza Ali who was the Agent in South Africa and who knows all about it has raised a point that in changing the designation and changing his function, he has been degraded and his dignity has been lowered. I do not think so, Sir. Because the High Commissioner in South Africa does not now represent the Indian people in South Africa, but the Government of India, that does not mean that his dignity has been lowered. It means on the contrary that his dignity is enhanced. Besides his advice is always available to Indians there who wish to seek his advice, which is freely sought and as freely given. There is no difficulty about that. Formerly he was only Agent General, he is now more or less an ambassador in South Africa.

Mr. Hooseinbhoj A. Lalljee: Ambassador? What are his duties? What are his functions?

The Honourable Dr. N. B. Khare: He carries on negotiations as ambassador between two Governments. That is all I can say.

Sir Syed Raza Ali: Not very illuminating.

The Honourable Dr. N. B. Khare: But yet cogent.

Another point was made by my Honourable friend Mr. Neogy that he has become impotent. No doubt that is so. So far he has failed in giving redress to Indians there or to receive any respect for the negotiations carried on by the Government of India. That is a fact which must be admitted. We have admitted that freely. But I can tell the House that his presence there is resented as an interference from another Government to that Government and they think that if he goes away it would be a good riddance. That does not show that he is impotent, but it shows that he is a sore in their eyes.

I am sorry, Sir that when I gave a short summary a cryptic summary of telegraphic communication that passed between these two Governments, perhaps I conveyed a wrong impression because it was cryptic. But I could not help it. That led my Honourable friend Mr. Neogy to charge this Government with capitulation. That is not a fact. Representation as suggested by him was not in fact made to the South African Government. The fact is that some Indians in South Africa expressed that they were prepared to go to the extent that the Act should be passed but kept in suspense. That was what we told the High Commissioner, that as a last resort he should convey that desire of South African Indians to the Government of South Africa. In fact it was never done and the Government of India was never in agreement with it, but was always against it.

My Honourable friend Mr. Joshi has raised the point about the Standing Emigration Committee. I think a couple of days ago, I declared in this House that I would call a meeting of the Standing Emigration Committee during this Session.

An Honourable Member: Better late than never.

The Honourable Dr. N. B. Khare: That is a matter of opinion.

I have called a meeting of the Standing Emigration Committee to be held on the 7th August. This Session is going on for some time. That shows how much I value the advice of this Committee, I value the advice that this Committee would tender me. No doubt I first called some people but that does not mean that I want to subtract from the value of anybody. I called a meeting of certain private gentlemen whom I considered representative of different schools of thought in India. I thought I should get some directions from them first, and finally I wanted to call a meeting of the Standing Emigration Committee. I wanted to place before them all that I gathered from the meeting of the private gentlemen referred to by me and then seek their final advice. Does it show scant regard for the Standing Emigration Committee or the highest regard?

Another point has been made that Indians have no franchise in South Africa. It is a fact that franchise has been taken away from them. But the Government of India have urged their claims, and the South African Government knows it. It was also said that the native population even though segregated have got representation, but not Indians. The representation which the native population enjoys is not direct representation at all. They are represented by one or two Europeans. Surely I do not think Indians want such representation.

Sir Syed Raza Ali: Out of five, three are in the Senate and two in the Assembly.

The Honourable Dr. N. B. Khare: Sir, I think there are no other points raised in this debate which call for any reply from me. I assure the

5 P.M. House that whatever suggestions have been made in this House will be carefully and anxiously considered by me and it will be my duty to do all I can in this matter. I can assure the House that I shall do whatever I can subject to the limitations I have. That is all I have to say on this measure and I thank all Honourable Members for their valuable suggestions.

Mr. President (The Honourable Sir Abdur Rahim): I will first put the amendment of Mr. Deshmukh to the House. The question is:

"That the following be added at the end of the motion:
'with a view to enforce the Reciprocity Act, and adopt measures to redress the grievances of Indians in South Africa'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): Now I will put the amended motion to vote. The question is:

"That the position arising out of the recent pegging legislation in South Africa be taken into consideration with a view to enforce the Reciprocity Act and adopt measures to redress the grievances of Indians in South Africa."

The motion was adopted.

The Assembly then adjourned till Half Past Two of the Clock on Monday, the 2nd August, 1948.