

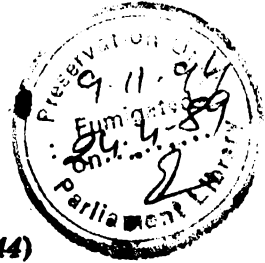
8th February 1944

LEGISLATIVE ASSEMBLY DEBATES

Official Report

Volume I, 1944

(7th February to 28th February, 1944)



TWENTIETH SESSION

OF THE

FIFTH LEGISLATIVE ASSEMBLY,

1944



LEGISLATIVE ASSEMBLY

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The Honourable Sir ABDUR RAHIM, K.C.S.I.

Deputy President :

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Khan Bahadur S. G. HASNAIN.

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Captain Haji Sardar NUR AHAMAD KHAN, M.C., I.O.M., I.A.

Committee on Petitions :

Mr. AKHIL CHANDRA DATTA, M.L.A. (*Chairman*).

Syed GHULAM BHIK NAIRANG, M.L.A.

Mr. GOVIND V. DESHMUKH, M.L.A.

Sardar SANT SINGH, M.L.A.

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

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LEGISLATIVE ASSEMBLY.

Tuesday, 8th February, 1944.

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.

MEMBER SWORN:

Mr. Robert Howell Hutchings, C.M.G., C.I.E., M.L.A. (Secretary, Food Department).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

REQUISITIONING OF HOUSES BY GOVERNMENT IN CALCUTTA.

29. *Mr. Akhil Chandra Datta: (a) Has attention of the Honourable the Defence Member been drawn to the hardship caused to the civil population in Calcutta and outside by the requisitioning of houses by Government under the Defence of India Rule 75A?

(b) Is he aware that people are evicted from their homes and places of business without being provided any alternative accommodation for them?

(c) Is he aware that in many cases people are asked to vacate by peremptory notice without giving them reasonable time to do so?

(d) Has he considered the advisability of building camps in good time on land outside towns and other crowded places?

(e) Is he aware that the present policy of requisitioning destroys good relations between the soldiers and the citizens and eventually prejudices the war effort?

(f) Is the Honourable Member aware that houses are not infrequently requisitioned for the accommodation of non-military public servants and also for other citizens?

Mr. O. M. G. Ogilvie: (a) Yes.

(b) Government are aware that such cases have occurred. They have no doubt that the Provincial Government are fully alive to the desirability of helping persons evicted to find alternative accommodation so far as possible. Though Government cannot undertake any general responsibility (for finding alternative accommodation) they have done their best to ensure that requisitioning is only resorted to when it is unavoidable, and after full consideration of the various factors involved. All applications made on behalf of a Government Department for requisitioning in Calcutta are submitted to a Requisitioning Board, after being, in the case of service demands, previously scrutinised by a Quartering Committee. It is the function of the Board to make recommendations to the Provincial Government, with whom a decision rests.

(c) Government's instructions provide that the notice given should be as long as circumstances permit. Unfortunately short notice is sometimes inevitable.

(d) Yes, 52 per cent. of the Defence Services personnel, British and Allied, in the Calcutta area have been accommodated in temporary structures, as against 35 per cent. in requisitioned buildings. The remaining 13 per cent. are in permanent barracks and hired buildings. A very large building programme has been undertaken in addition to this, which will provide for many thousand more men.

(e) Government are of course aware that extensive requisitioning must lead to hardship. They believe, however, that people affected by it realise that it is the war, not the soldier, that is responsible for requisitioning and they know that those on whom the burden has fallen have co-operated in every possible way, and done everything in their power to facilitate the task of the military authorities.

(f) Government are aware that accommodation has been requisitioned for a small number of non-military Government servants. They have no information regarding requisitioning for other citizens.

Mr. K. O. Neogy: With reference to part (f) stating that houses have occasionally been requisitioned for accommodation for non-military personnel, will the Honourable Member please state the considerations that determine such requisitioning?

Mr. C. M. G. Ogilvie: The considerations are that the Department and the officer concerned who performs his duties must be a resident in Calcutta.

Mr. K. O. Neogy: Is the Honourable Member confining himself to Calcutta alone? This question does not confine its scope to Calcutta.

Mr. C. M. G. Ogilvie: I confined myself to Calcutta and Calcutta areas, as I considered the Honourable Member could not mean to include the world at large in a single question.

Mr. K. O. Neogy: I am drawing the Honourable Member's attention to a specific case in regard to which I hold the original notice in my hand, the original order and the order calls upon certain private individuals at Dacca to make over their houses to the Inspectress of Schools for the purpose of housing a training school for girl teachers. The Honourable Member might as well keep himself informed about the uses to which this provision of the Defence of India Act has been put instead of giving an airy sort of reply?

Mr. C. M. G. Ogilvie: I do not consider that my reply was airy in the least. As regards the example which the Honourable Member has quoted, if he will give me notice of it, I will have it examined and give a reasoned answer. All I can say at present is that it appears *prima facie* from what he has read out that action taken was taken by a Provincial Government.

Mr. T. T. Krishnamachari: Does the Honourable Member know that in Madras there was a case which was reported in the newspaper which went through two sittings of the High Court in which a private residence was requisitioned for the use of the Collector of Madras and will the Honourable Member try to keep track of cases in which the Defence of India Rules are used in respect of non-military government servants requisitioning houses for their own purposes?

Mr. C. M. G. Ogilvie: This is done so far as the officers of the Central Government are concerned, and we are I think, up to date. But as regards the Madras case, I do not know though I suppose it can be said that Madras is outside Calcutta. This question relates only to Calcutta.

Seth Yusuf Abdoola Haroon: Does the Honourable Member know that in certain cases the Provincial Governments show their inability of requisitioning houses, but the military insist on requisitioning houses?

Mr. C. M. G. Ogilvie: I did not catch the first part of the Honourable Member's question.

Seth Yusuf Abdoola Haroon: In certain cases, the Provincial Government shows inability, but the military insist on requisitioning houses?

Mr. C. M. G. Ogilvie: I cannot say that without detailed information.

Mr. Akhil Chandra Datta: Is the Honourable Member aware that cases have happened in which the building requisitioned for military purposes happens to be in the occupation of a Magistrate and in order to accommodate that Magistrate, a private citizen is deprived of his house?

Mr. C. M. G. Ogilvie: I am not aware. The Provincial Government may in certain cases have taken steps to meet the demand referred to by the Honourable Member in part (f) of his question. It may have been done.

Mr. Akhil Chandra Datta: Will the Honourable Member take steps to prevent it in future?

Mr. C. M. G. Ogilvie: It is difficult to interfere with what the local authorities, in these matters, deem to be right and proper.

Mr. Lalchand Navabai: May I know if there is any appeal against the order of a military officer requiring the requisitioning of a house against the will of the Provincial Government?

Mr. C. M. G. Ogilvie: Yes, Sir.

Mr. Lalchand Navabai: To whom?

Mr. C. M. G. Ogilvie: As I said in answer to my question, the procedure is that the Provincial Government themselves requisition, but if the Provincial Government object, they refer the case to the Government of India and the Government of India decide whether the requisitioning on behalf of the military authorities shall proceed or not.

Mr. Lalchand Navarai: Is there no relief provided for going to a court of law?

Mr. C. M. G. Ogilvie: No, Sir, none.

Mr. C. P. Lawson: With reference to the reply to part (d) can the Honourable Member give us any indication of the speed with which this building programme is to be undertaken? I gather that the reasons which held up this very essential building programme in the past no longer exists?

Mr. C. M. G. Ogilvie: I am afraid not, Sir. All I can say about that is that maximum speed possible in the circumstances will be employed. The difficulty of transport and competing claims are still there and very heavy, but everything which the military engineering services can bring to bear on the problem will be used.

Pandit Lakshmi Kanta Maltra: May I know if the Americans want to requisition houses, do they do it themselves or through the British agency?

Mr. C. M. G. Ogilvie: The Americans use the same organisation as the one I have described.

Nawabzada Muhammad Liaquat Ali Khan: Is the Honourable Member aware that many a sin is committed by the civil authorities in the name of the military?

Mr. C. M. G. Ogilvie: I am not aware of that.

Qazi Muhammad Ahmad Kazmi: Is the Honourable Member aware that in some cases these Rules have been utilised for forcing people to run hotels and not to utilise the place for any other purpose?

Mr. C. M. G. Ogilvie: I remember the case to which the Honourable Member refers; it is a long and detailed matter which I think has been answered once before in this House. If necessary, I am prepared to answer it again, but not in reply to a supplementary question.

STEPS TAKEN BY MILITARY AUTHORITIES TO ECONOMISE IN FOODSTUFFS.

30. *Sir F. E. James: (a) Has the War Secretary received any report of the enquiry referred to in my speech of the 16th November, 1943, into the allegation that a distinguished scientist in Bangalore was approached by the authorities in prisoners of war camps with the request that he should advise them how to make compost out of surplus bread which they did not need?

(b) What steps are being taken by the military authorities to economise in foodstuffs, and to ensure that there is no avoidable waste?

Mr. C. M. Trivedi: (a) Yes, Sir. The report received from Southern Army shows that there is no wastage of food in the Bangalore Group of Prisoners of War Camps and that all unconsumed and unconsumable remains of rations are collected daily and fully utilised within the Camp. Moreover there is no trace of any enquiry of any sort having been made by the prisoners about the possibilities of making compost out of waste food.

(b) The military authorities are fully alive to the necessity to economise in foodstuffs and to avoid waste. The army scale of rations is calculated as the minimum necessary for fighting troops and those rations have to be carefully balanced in accordance with the work both in training and operations which the troops are called upon to perform. Instructions have, however, been given that where rations are not completely consumed units should draw less than the allotted ration and lower formations of the army have been asked by General Headquarters to ensure that this is done. With regard to ration-stands, instructions have been given limiting the quantity of any particular item which can be drawn by one family or individual and laying down that where there is a civil rationing scheme, purchases of rationed commodities from army sources by families and servants of military personnel will be restricted to the limits laid down for the civil population of that area.

Mr. Govind V. Deshmukh: Is it suggested that the report referred to in part (a) of the question is false?

Mr. C. M. Trivedi: Yes, Sir.

Pandit Lakshmi Kanta Maitra: Is the Honourable Member aware that when rations are supplied to a particular military camp that quota is maintained, irrespective of the fact that the number of personnel is changed from time to time?

Mr. C. M. Trivedi: No, Sir; I am not aware of that. If the Honourable Member will give me a specific instance I will certainly look into it.

Mr. Govind V. Deshmukh: Is the Honourable Member aware that bread is allowed to get stale in these camps and there is red rice which is not eaten by the prisoners? What happens to this bread and rice?

Mr. C. M. Trivedi: I have said that all unconsumed and unconsumable remains of rations are collected daily and fully utilised within the camp.

Mr. Govind V. Deshmukh: In what way?

Mr. C. M. Trivedi: I think they are utilised to feed livestock.

Pandit Lakshmi Kanta Maitra: Is it a fact that these unconsumed food-stuffs are collected and sent down for use by the civilian population?

Mr. C. M. Trivedi: No, Sir.

Pandit Lakshmi Kanta Maitra: Is the Honourable Member aware that in fact in Calcutta the foodstuffs that have been supplied are so rotten that people are forced to believe that they are coming from the military quarters where they are not consumed and not wanted?

Mr. C. M. Trivedi: No, Sir.

DETENTION OF JAIPRAKASH NARAYAN UNDER BENGAL REGULATION OF 1818.

31. *Mr. Govind V. Deshmukh: (a) Will the Honourable the Home Member please state the grounds which made the Government of India detain Jaiprakash Narayan, already a security prisoner, under the Bengal Regulation of 1818? What amenities is he having now?

(b) Is there any distinction of treatment between one given to a detenu under the Defence of India Rules and the one given to a detenu under the Bengal Regulation of 1818? If so, what?

The Honourable Sir Reginald Maxwell: (a) Jaiprakash Narayan was detained under Regulation III of 1818 by the Punjab Government and not by the Government of India. I have no precise information as to the amenities he is at present receiving though I understand he is being treated in general as a Class I security prisoner.

(b) There are no general rules laid down for the treatment of persons detained under Regulation III. Treatment depends on the circumstances of each case but there is no reason to think that a change from the Defence Rule to the Regulation would affect a prisoner adversely.

Mr. Govind V. Deshmukh: Is there any truth in the statement that the Government of India intend to put him on trial?

The Honourable Sir Reginald Maxwell: That hardly seems to arise out of this question.

Mr. Lalchand Navalrai: Have the Central Government any responsibility in regard to incarcerating or releasing him?

The Honourable Sir Reginald Maxwell: No, Sir.

Mr. Lalchand Navalrai: Is the Honourable Member aware that in Sind the Ministers have said that questions like this are the responsibility of the Government of India?

The Honourable Sir Reginald Maxwell: I have seen some press report to that effect.

Mr. Lalchand Navalrai: What is the Honourable Member's view after having read that?

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

HEALTH OF MRS. KASTURBAI GANDHI.

32. *Mr. Govind V. Deshmukh: Will the Honourable the Home Member please state if Mrs. Kasturbai Gandhi, wife of Mahatma Gandhi, has been for some time suffering frequently from severe heart attacks? If so, what are the reasons for not releasing her?

The Honourable Sir Reginald Maxwell: Yes. Mrs. Gandhi has been subject to heart attacks for some years. The reasons for not releasing her were explained in a press note issued on December 24th, a copy of which I lay on the table.

PRESS NOTE.

Government have seen press comments on the continued detention of Mrs. Gandhi in view of her present state of health. Her release would, however, involve separating her from her husband during her illness and since she can receive, and is receiving, every possible medical care and attention where she is and is not debarred from seeing her near relatives, Government have decided that there would be no kindness either to her or to her family in removing her from the Aga Khan's Palace.

HOME DEPARTMENT;

New Delhi, December 24, 1943.

Pandit Lakshmi Kanta Maitra: Do Government consider that the release of Mrs. Gandhi would lead to the collapse of the British Government in India or to serious dislocation of all war effort?

Mr. President (The Honourable Sir Abdur Rahim): I disallow that question.

Mr. Lalchand Navalrai: Is it the policy of Government not to release people who are sick unless and until they are on death-bed?

The Honourable Sir Reginald Maxwell: There is no general policy but the circumstances of every individual case are considered. We were discussing only yesterday the case of a prisoner who was released on grounds of health.

REPATRIATION OF ITALIAN PRISONERS IN INDIA AND WASTAGE OF FOOD AT PRISONERS CAMPS.

33. *Mr. Govind V. Deshmukh: Will the War Secretary please state, with reference to starred question No. 66 in respect of Repatriation of Italian prisoners in India put on the 10th November, 1943, and replies to supplementary questions:

(a) if the Government of India and His Majesty's Government have come to any decision about the repatriation of Italian prisoners in India;

(b) if an inquiry was made into the instance cited about the deputation to Dr. Gilbert Fowler of Bangalore asking for a recipe to make compost out of bread; and

(c) if he has made inquiries into the wastage of food at other prisoners' camps in India?

Mr. C. M. Trivedi: (a) It has been decided that Italian Prisoners of War, with certain exceptions, should be transferred ex-India. It is Government's intention that only those employed on work essential to the war effort, should remain in India.

His Majesty's Government have consented to the proposed transfer and it is hoped that they will shortly arrange for further transfers, several thousands of Italians having already been sent ex-India.

(b) Yes, Sir. For details, I would refer the Honourable Member to the reply just given to part (a) of Sir Frederick James' starred question No. 30.

(c) Yes, Sir. Full investigations have been made and it is confirmed that there is no wastage of food.

Mr. Lalchand Navalrai: May I know approximately how many Italians still remain to be repatriated?

Mr. C. M. Trivedi: I am afraid I am unable to give that information in the interests of security.

Mr. Govind V. Deshmukh: May I know at what other camps inquiries have been made?

Mr. C. M. Trivedi: There are three other camps and inquiries have been made at all the three camps.

EXCLUSION OF BENARES HINDU UNIVERSITY FROM PRE-CADET AIR TRAINING SCHEME.

34. *Mr. Govind V. Deshmukh: Will the War Secretary please state if the Benares Hindu University has been excluded from the scheme of pre-cadet training for the Indian Air Force in Universities in India? If so, why?

Mr. C. M. Trivedi: It has not been possible to extend the scheme for the time being to the Benares Hindu University owing to lack of the necessary instructional personnel and equipment.

Mr. Govind V. Deshmukh: But during this interval have other universities been given these facilities?

Mr. C. M. Trivedi: No, Sir.

Pandit Lakshmi Kanta Maitra: Is it a fact that the Benares Hindu University was excluded from the scheme because there was trouble in the University in August, 1942?

Mr. C. M. Trivedi: No, Sir. I can assure the Honourable Member that the reason for the non-extension of the scheme to the Benares Hindu University is not political.

Mr. Govind V. Deshmukh: Will Government reconsider this case shortly and provide such facilities as are given to other universities for this kind of training?

Mr. C. M. Trivedi: I will certainly consider that as soon as the obstacles in the way of extension of the scheme to the Benares Hindu University disappear.

SALE OF BULLION BY RESERVE BANK.

†35. *Sardar Sant Singh: Will the Honourable the Finance Member please make a statement on the following points:

(a) whether the Reserve Bank sold any bullion in any market in India from the 1st April, 1943, to the 31st December, 1943; if so, what quantities, and at what price;

(b) did this bullion belong to the Reserve Bank;

(c) did the Reserve Bank act as an agent while making this sale; if so, on whose behalf, and on what terms;

(d) was the bullion imported;

(e) at what price was the bullion sold, and what profits were made by the seller; and

(f) who appropriated the profits which accrued from this sale?

The Honourable Sir Jeremy Raisman: (a) The answer to the first part of this question is in the affirmative. Gold was sold from time to time at the prevailing market price but I am not prepared to disclose the quantities sold.

(b) No.

(c) Yes. The sales were made under arrangements between the Reserve Bank of India and the Bank of England on account of His Majesty's Government and the United States Government.

(d) Yes. The gold was provided by those Governments from their own resources.

(e) The answer to the first part of this question is given under (a) above. I am not in a position to state the amount of profit on these sales.

(f) The proceeds of the gold sales were utilised by these Governments in meeting their war expenditure in this country.

PROVISION FOR APPEALS ON ENTITLEMENT ISSUES FOR DEPENDENTS OF DEFENCE FORCES OF INDIA.

36. *Sir F. E. James: Will the War Secretary be pleased to state:

(a) what progress has been made in the matter of providing for suitable appeals on entitlement issues for dependents of the personnel of the regular defence forces of India who are under the rule-making control of the Secretary of State or of the Government of India;

†Answer to this question laid on the table, the questioner being absent.

(b) whether he is aware of the passing into law in the United Kingdom of a Pensions Appeal Tribunals Bill which provides for appeals from the decision of the Minister of Pensions to an independent Tribunal on all entitlement issues; and

(c) whether this question will be treated with the expedition which its importance and urgency merit; and when he hopes to be able to announce a decision?

Mr. C. M. Trivedi: (a) The matter is at present under correspondence with the Secretary of State for India.

(b) Yes, Sir.

(c) I can assure the Honourable Member that the question is being treated with the expedition which its importance and urgency merit. I regret, however, that I am not in a position to indicate the date by which I will be able to announce a decision.

Sir F. E. James: Will the Honourable Member undertake to convey to the Secretary of State the fact that the present position relating to appeals in entitlement cases is extremely unsatisfactory and there is, therefore, very great need for despatch in this matter owing to possible casualties in the near future?

Mr. C. M. Trivedi: We made our recommendation to the Secretary of State on the 12th January and I have no doubt that he is considering it with his usual promptitude. I will convey to him what my Honourable friend has said.

Sir F. E. James: Could he be asked to view this matter with a little more than his usual promptitude?

Mr. C. M. Trivedi: I have already said that the question is being treated with the expedition which its importance and urgency merit.

WORKING OF THE INFORMATIVE CAMPAIGN RE FOOD SITUATION IN BENGAL.

37. *Mr. K. O. Neogy: (a) Will the Honourable Member for Information and Broadcasting be pleased to refer to the following statement contained in the summary of the working of the National War Front, placed by him on the table of this House, in reply to starred question No. 97 on the 10th November, 1943:—

“On the whole, this “Informative” Campaign (regarding the food situation) cannot be considered to have been a success. The Campaign itself seems to have been planned and conducted on right lines, but at any rate in some parts of the country the breakdown in the distribution system made it very nearly impossible to convince people that there was in fact sufficient food in India”.

At which centres in Bengal the aforesaid Campaign has been, and is being conducted, and what measure of success has it attained?

(b) Has the Honourable Member definite information from these centres to show that the actual system of distribution of food, its actual availability at different centres of consumption and the effectiveness of the price control system have so improved as to lead to greater success in this Campaign, since the above reply was given?

The Honourable Sir Sultan Ahmed: (a) The campaign consisted mainly of advertisements and oral propaganda. It cannot, therefore, be said to have been confined to any particular centres. As already stated the campaign was not considered successful; it was, therefore, dropped.

(b) As the campaign has been dropped this part of the question does not arise.

Pandit Lakshmi Kanta Maitra: What was the cost involved in this campaign which ultimately proved abortive?

The Honourable Sir Sultan Ahmed: I have got no precise figures. Roughly it would be about Rs. 90,000 or something like it.

FAMILY ALLOWANCE TO CONGRESS DETENUS IN PUNJAB.

38. *Sardar Mangal Singh: Will the Honourable the Home Member please state:

(a) whether a family allowance has been given to any Congress detenu in the Punjab; and

(b) if the answer to (a) be in the affirmative, the names of the detenus and the amount of allowance sanctioned?

The Honourable Sir Reginald Maxwell: So far as persons detained by the Punjab Government are concerned no allowances have been granted. So far as persons detained by the Chief Commissioner, Delhi, and confined in the Punjab are concerned, the information is as follows:—

1 Manu Deva Shastri	30 p.m.
2 Shatrugan	20 p.m.
3 Nooruddin Behari	30 p.m.
4 Damodar Das Vaid	30 p.m.

Sardar Mangal Singh: In view of the fact that these persons have been detained for more than a year now, may I know whether the Government of India will write to the Punjab Government suggesting the advisability of granting some allowance to the families of those who have been detained without trial?

The Honourable Sir Reginald Maxwell: That is a matter for the Punjab Government to consider in the light of the circumstances of each case.

Mr. Lalchand Navalrai: May I know whether, when the Punjab Government or any other local government refuses to give this maintenance, the persons can apply to the Central Government or the Home Member here to kindly consider this?

The Honourable Sir Reginald Maxwell: No; we do not exercise any such revisional powers.

Mr. Lalchand Navalrai: Not even out of pity or compassion?

FACILITIES TO CONGRESS DETENUS IN PUNJAB.

39. *Sardar Mangal Singh: Will the Honourable the Home Member please state:

(a) whether interviews with Congress detenus in the Punjab by their relatives have now been allowed; if so, the number of interviews per month;

(b) whether it is a fact that only five books per month can be given to detenus in the Punjab, but none can be sent back outside the jail; and

(c) whether Congress detenus can get magazines and weekly papers at their own expense?

The Honourable Sir Reginald Maxwell: (a) Yes; they are allowed 2 interviews per month.

(b) and (c). These are matters of detail on which I cannot undertake to supply information on behalf of the Punjab Government.

PROPOSED RECRUITMENT OF PREVENTIVE OFFICERS, ETC., IN KARACHI CUSTOMS OFFICE.

40. *Mr. Lalchand Navalrai: (a) Will the Honourable the Finance Member be pleased to state if any posts of Preventive Officers, Examiners and Wharfingers have recently been advertised for employment in the Customs office, Karachi? If so, what is the number of applications received for the respective posts, and from which provinces have they been made, with caste and denomination of applicants?

(b) What will be the method of selection—either through the Public Services Commission or by the officers of the Department?

(c) Are the academic qualifications and merit of a candidate recognized in selecting them for the posts of Preventive Officers or are they still being recruited in consideration of their physique, stature and such other attributes only? If so, do Government propose to revise this method? If not, why not?

The Honourable Sir Jeremy Raisman: (a) I am making enquiries and a reply will be laid on the table of the House in due course.

(b) The selection will be made by the Collector of Customs.

(c) The Honourable Member's attention is invited to the reply given to his question No. 326 on the 11th March, 1940, which still holds good.

Mr. Lalchand Navalrai: Will the Honourable Member review that policy now and not leave it to Members to raise the question every now and then and give the same answer?

The Honourable Sir Jeremy Raisman: The reply which I previously gave is based on considerations which appeared to the Government to be valid and they see no reason to alter their practice.

Mr. Lalchand Navalrai: May I know the reasons which debar the Government from changing them?

The Honourable Sir Jeremy Raisman: I will repeat what I said to the Honourable Member in reply to the question, which I quoted; though a minimum standard of education is necessary, it is essential that candidates should possess other qualities specially suiting them for their future employment. Those qualities are not capable of assessment by academic examination.

LOW-SALARIED CLERKS LEAVING INCOME TAX DEPARTMENT IN SIND.

41. *Mr. Lalchand Navalrai: (a) Will the Honourable the Finance Member be pleased to state if it is a fact that several clerks drawing smaller salaries left the Income Tax Department in Sind because of their not being able to make both ends meet? If so, how many of them have so far left, and what do Government propose in the way of increasing salaries of such subordinates to remove the discontent?

(b) Is it a fact that such clerks in the Provincial Services draw better emoluments, and also the same in Central services like the Customs and Postal Departments?

The Honourable Sir Jeremy Raisman: (a) and (b). I am making enquiries and a reply will be laid on the table of the House in due course.

SIND ASSEMBLY MEMBERS IN JAIL.

42. *Mr. Lalchand Navalrai: (a) Will the Honourable the Home Member be pleased to state if it is a fact that some prominent members of the Sind Provincial Assembly are in jail under the Defence of India Rules? Is so, since how long?

(b) Is it a fact that in considering the question of release of political prisoners, the Government of India considered their cases? If so, with what result?

(c) Is it a fact that the Government of India recommended to the Provincial Government of Sind to release these political prisoners? If so, is it also a fact that the Sind Government refused to release the Sind Assembly Members? If not, what reply did the Sind Government give to the Central Government, and does the Honourable Member propose to place that correspondence on the table of the House?

(d) Do Government propose to make a suitable order for releasing the prisoners who have remained in jail for long?

The Honourable Sir Reginald Maxwell: (a) I understand that certain members of the Sind Provincial Assembly are detained under orders made by the Provincial Government. I have no information as to the periods for which they have been in detention.

(b) and (c). No.

(d) No. This is the concern of the Provincial Government.

Mr. Lalchand Navalrai: I now understand that it is for the Provincial Government to do everything but what I am asking is this: I want to know whether these people who are detained—there is the allegation that they are detained in the interests of the Ministry—will the Government of India take notice of it or not?

The Honourable Sir Reginald Maxwell: No; that is hardly a matter for the Government of India.

Seth Yusuf Abdoola Haroon: Does the Honourable Member know that the Leader of the Congress Party, Mr. Sidhwa, has been released by the Sind Ministry and also Mr. Poptalal?

Mr. Lalchand Navalrai: On account of illness."

The Honourable Sir Reginald Maxwell: I am obliged to the Honourable Member for the information.

Nawabzada Muhammad Liaquat Ali Khan: Is the Honourable Member aware that the present Ministry in Sind has not been responsible for initial detention of these persons but that they were detained in the time of the last Ministry?

The Honourable Sir Reginald Maxwell: I am also obliged to the Honourable Member for his information.

Sardar Mangal Singh: May I know whether, if the provincial Ministry wants to release them, the Government of India will not stand in the way?

LONDON SPEECHES OF MESSRS BHOLE AND GHIASUDDIN.

43. *Sir Muhammad Yamin Khan: (a) Will the Honourable Member for Information and Broadcasting please state whether the speeches of Mr. Bhole and Mr. Ghiasuddin on the 3rd of December last in London as reported in the press in India on the 4th December, 1943, to the following effect had been brought to his notice:

"Answering to the questions about the vote of censure passed in the Central Legislature against the despatch of Lecturers to Britain and United States, Mr. Bhole said that the Assembly had ceased to be representative. It was elected eight years ago. Both the major parties were against the war effort and it was not surprising that they should join together in the motion of adjournment.

Asked if the war effort would not be mightier under a National Government, Mr. Ghiasuddin replied 'it might and it might not. It would depend on what type of National Government we had.' "

(b) Are these statements in accordance with the instructions given by the Honourable Member to these gentlemen, as the Honourable Member had explained in his speech on the 8th November, 1943, in the House on the motion of adjournment in the following words:

"Lecturers have been definitely instructed not to utter one word about politics, and if they are asked to say anything they must say they have come to explain the war effort.

They are expressly asked to avoid politics and not to give any expression to their views in public or in the press.

I have absolutely no doubt that they are men of experience, they are men of knowledge, and they will not go on saying anything which they are definitely asked and prohibited from saying.

I hope that by their actions, by their speeches and by their conduct in England they will raise the status of India and they will not compromise the position of this country".

(c) If the speeches of Mr. Bhole and Mr. Ghiasuddin are definitely against his instructions, what steps did he take in calling back these gentlemen from tour?

(d) What did Mr. Bhole mean when he said that the two major parties were opposed to the war effort? Did he mean the Congress and the Muslim League or any other party?

(e) Do Government propose to place *verbatim* all the speeches made by this delegation, and questions put to them by the public and answers given by them, before this House during the Session?

The Honourable Sir Sultan Ahmed: (a) Yes.

(b) and (c). The statements referred to by the Honourable Member were made by Messrs. Bhole and Ghiasuddin at question time in answer to specific questions from the audience. With such audiences as one met in England and U. S. A. a refusal to answer questions sometimes, besides being embarrassing to the speakers themselves, is likely to be misunderstood. On such occasions when the speakers are obliged to answer political or controversial questions they have been asked to make it clear that the opinions expressed by them are entirely personal. If this has not been done I can only express my regret. They have again been asked to adhere to the instructions given to them and it is hoped that they will say nothing which will be open to comment.

(d) I am afraid I cannot answer this question as I do not know to whom Mr. Bhole was referring.

(e) Government have not yet considered the question, but the Honourable Member's suggestion will be kept in view if it is decided to publish an account of the tours.

Sir Muhammad Yamin Khan: The Honourable Member had given an assurance on the floor of this House that these people will not say anything on politics, and if they are asked any questions they are not to reply. In spite of this, when they have violated their undertaking, then these gentlemen do not possess the qualifications which the Honourable Member attributed to them; may I, therefore, know whether the Honourable Member will recall these people back? That is my point.

The Honourable Sir Sultan Ahmed: The fact is that I have no official information of the statements made by them. I have asked for further information and I have again pointed out to them how essential it is that they should confine themselves to the work that they have been sent there for, and not to lecture on politics.

Sir Muhammad Yamin Khan: What remedy does the Honourable Member propose to adopt in order to remove the misrepresentation which has been made by these gentlemen in England by saying that the Muslim League is opposed to the war efforts and brought this country into disgrace by saying this?

The Honourable Sir Sultan Ahmed: I do not find anything in the statement to justify that the Muslim League is really opposed to the war efforts; I have not seen anything in the speeches of these gentlemen as reported in the press. I do not know to whom Mr. Bhole was referring when he said that the two major parties were opposed to the war effort; and I shall see to it that if any misimpression that the Muslim League was opposed to the war effort has been created by these lecturers, that impression is removed.

Mr. N. M. Joshi: In view of the fact that Mr. Bhole has made a statement that the Legislature has become unrepresentative and has created a wrong impression about the status and position of the Legislature, will the Government of India contradict this statement of Mr. Bhole and send it to England for publication?

The Honourable Sir Sultan Ahmed: As long as this Assembly is sitting and as long as there is no fresh general election, I have no doubt that the Members of this House represent their constituencies and if Mr. Bhole has said anything which is against that view it may be his personal view and the Government do not share that view.

Sir Muhammad Yamin Khan: Does the Honourable Member think that it would have mattered differently or the vote of this House had been different if fresh elections had taken place?

The Honourable Sir Sultan Ahmed: I do not know.

Maulana Zafar Ali Khan: If the views expressed by these gentlemen are their own views, not the views of the Government of India, will the Government of India make a definite announcement saying that they have nothing to do with the views of these gentlemen?

The Honourable Sir Sultan Ahmed: The statement that I have made on the floor of the House is quite sufficient, I should think. I have said that any such view is not shared by the Government.

Pandit Lakshmi Kanta Maitra: In view of the fact that Mr. Bhole has spoken disparagingly about this Legislature, will the Leader of the House publish a contradiction of that statement?

The Honourable Sir Sultan Ahmed: My statement is a sufficient contradiction if such a statement has been made by Mr. Bhole.

Pandit Lakshmi Kanta Maitra: You have contradicted that statement on the floor of this House whereas the statement was made in England?

The Honourable Sir Sultan Ahmed: I do not think any further contradiction is necessary. A statement made in this House by a Member of the Government is telegraphed there and may be published there. It should be sufficient.

Qazi Muhammad Ahmad Kasmi: Will the Honourable Member please see that this is not stopped by the Press Adviser?

Sardar Mangal Singh: In view of the fact that the members of the delegation have not done their duty as assigned by the Government of India, will the Government of India now recall the delegation?

The Honourable Sir Sultan Ahmed: I do not agree with the view that they have not done their duty.

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

CERTAIN CARTRIDGES AVAILABLE WITH THE BOMBAY AND KARACHI FIRMS.

44. *Khan Bahadur Shaikh Fazl-i-Haq Piracha: (a) Will the Honourable the Home Member be pleased to state the quantities of .12, .16 and .20 bore cartridges available with each of the firms in Bombay and Karachi on the 1st January, 1944?

(b) What quantities, out of these, were frozen by Government?

(c) What quantities were free for sale to consumers and dealers?

(d) What quantities have since been released for sale?

The Honourable Sir Reginald Maxwell: The detailed information desired is not readily available and could not be obtained without an expenditure of time and labour which would not be justified in war-time.

REVIEW OF THE CASES OF DETENUS.

45. *Mr. Lalchand Navalrai: (a) Will the Honourable the Home Member be pleased to state if the cases of detenus (prisoners) in India have been taken in hand to be reviewed as provided for in the new Ordinance promulgated by the Governor General?

(b) What steps have the Government of India taken to see that Provincial Governments do not take unnecessary time and delay the revision of the cases of the detenus to release them?

(c) Have some cases been actually so reviewed? If so, how many, and from which Provinces?

(d) How many cases still remain to be so reviewed?

(e) Are the Government of India aware that the Sind Ministry are not prepared to release the detenus, specially the Sind Assembly Members in detention? If so, what steps do the Government of India propose to take to see that they are released?

The Honourable Sir Reginald Maxwell: (a) The action required under the Ordinance has no doubt been started.

(b) No steps are necessary, since the law itself provides that no order of detention in existence on the date on which the Ordinance was promulgated can remain in force for a period exceeding six months from that date unless all the circumstances of the case have been reviewed and the Government concerned has decided to extend the order.

(c) Sufficient time has hardly elapsed for any order to have yet been reviewed under the procedure of the Ordinance, which entails informing detained persons of the grounds for their detention and then giving full consideration to any representations that they may submit. But of course many cases were reviewed and many persons released before the Ordinance came into force.

(d) I cannot say.

(e) The answer to the first part of the question is in the negative. The second does not arise.

Mr. Lalchand Navalrai: May I know from the Honourable Member if the cases of those political prisoners who were in jail for more than six months at the time the new Ordinance was promulgated have been reviewed.

The Honourable Sir Reginald Maxwell: The position is as I have just explained in part (b) of the question.

Mr. Lalchand Navalrai: My point is this: The Ordinance requires that political prisoners cannot be detained in jail for more than six months. Now I want to know whether those detenus who had put in more than six months by that time have been released?

The Honourable Sir Reginald Maxwell: The Honourable Member has misunderstood the terms of the Ordinance.

Mr. Lalchand Navalrai: May I understand now from the Honourable Member?

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

Mr. N. M. Joshi: Sir, I wanted to ask a supplementary question.

Mr. President (The Honourable Sir Abdur Rahim): I have called for the next question.

MRS. SAROJINI NAIDU'S RECENT LETTER TO GOVERNMENT OF INDIA, HOME DEPARTMENT.

46. *Mr. R. R. Gupta: (a) Will the Honourable the Home Member be pleased to state whether Mrs. Sarojini Naidu, a Member of the Congress Working Committee, wrote to the Additional Secretary, Home Department, Government of India, a long letter in February, 1943, indicating that the Congress Working Committee had not planned any movement of violence directly or indirectly? If so, why has not Mrs. Naidu's letter been published by now?

(b) Do Government propose to publish the contents of the letter which was sent as a rejoinder to Sir Richard Tottenham's pamphlet on "Congress Responsibility for disturbances in 1942"?

The Honourable Sir Reginald Maxwell: (a) Mrs. Sarojini Naidu did write a short letter to the Home Department in February, 1943. It was not published because it is not the policy of Government to allow publicity to persons undergoing detention.

(b) No.

Mr. R. R. Gupta: In view of the fact that a campaign of vilification has been carried on against the Congress Working Committee and Mrs. Sarojini Naidu is a member of the Working Committee and these members have no other means of vindicating their position in the matter of campaign which has been carried on against them, will the Honourable Member see that the communications received by them are given at least due publicity?

The Honourable Sir Reginald Maxwell: Sir, Government cannot undertake to be the publicity agents of persons who have been detained.

Qazi Muhammad Ahmad Kazmi: You say that it is not the policy of the Government to give publicity to persons who are under detention. May I know whether the publication of the letter would have given publicity to the person or to the views that were expressed in that letter.

The Honourable Sir Reginald Maxwell: That sounds to me like a verbal quibble.

MAHATMA GANDHI'S LETTER TO MISS SLADE RE JAPANESE INVASION.

47. *Mr. R. R. Gupta: (a) Will the Honourable the Home Member be pleased to state if the Government of India have seen or have in their possession Mahatma Gandhi's letter addressed to Miss Slade (Mira Ben) on or about the 31st May, 1942, giving out directions to the people of Orissa and coastal areas in the event of a Japanese invasion?

(b) Did the Mahatma's letter categorically state that the people should, in no case, show to or expect any quarter from the Japanese and that they should resist Japanese invasion and aggression with all their might?

(c) Do Government propose to publish that letter?

(d) Was the letter discovered from the belongings of Miss Slade (Mira Ben) when these were transferred under official auspices from Sevagram to Aga Khan Palace, Poona?

The Honourable Sir Reginald Maxwell: (a) Government have seen a copy of the letter to which the Honourable Member appears to refer.

(b) The letter contains no such words as those quoted by the Honourable Member nor anything in the same sense.

(c) No. The letter was a private letter to Miss Slade from Mr. Gandhi which Mr. Gandhi could have published himself if he had desired to do so.

(d) No.

Mr. R. R. Gupta: Will the Honourable Member please state what that letter contained?

The Honourable Sir Reginald Maxwell: That will be the same as giving it publicity.

MRS. SAROJINI NAIDU'S RECENT STATEMENT IN *NATIONAL CALL*.

48. *Mr. R. R. Gupta: (a) Will the Honourable the Home Member be pleased to state if Government have seen the statement of Mrs. Sarojini Naidu, published in the *National Call*, dated the 26th January, 1944?

(b) Has the attention of Government been drawn to the suggestion made by Mrs. Naidu that Congress Leaders be put on trial either before an International Tribunal or before a Tribunal of British Judges invited from outside India?

(c) Have the Government of India come to any decision in the matter?

The Honourable Sir Reginald Maxwell: (a) and (b). Yes.

(c) I am not prepared to make any statement regarding the intentions of Government in this matter.

RESTRICTIONS ON CELEBRATION OF THE INDEPENDENCE DAY.

49. *Mr. R. R. Gupta: Will the Honourable the Home Member be pleased to state if the restrictions imposed on the celebration of the Independence Day by various authorities were placed under directions from the Home Department, Government of India?

The Honourable Sir Reginald Maxwell: No specific directions were issued by the Government of India. The action taken was in pursuance of common policy which has been discussed between the Government of India and the Provinces at various times but the Provinces made their own decisions as to the nature of the restrictions to be imposed.

ORDER SERVED ON MRS. SAROJINI NAIDU AT LAHORE RAILWAY STATION.

50. *Mr. R. R. Gupta: Will the Honourable the Home Member be pleased to state if it was at the instance of the Government of India that Mrs. Sarojini Naidu was served with an order at the Lahore Railway Station on the 26th January, 1944, not to make any statement to the press, or to address any public meeting?

The Honourable Sir Reginald Maxwell: No.

UNSTARRED QUESTIONS AND ANSWERS.

BIHAR DETENUS.

25. Mr. Kailash Bihari Lal: (a) Will the Honourable the Home Member be pleased to state the present number of detenus in the jails of Bihar?

(b) How many detenus have been released in Bihar since the last statement of the Honourable Member in the House?

(c) What is the number of persons arrested and detained since the last statement in the House by the Honourable Member?

The Honourable Sir Reginald Maxwell: The latest figures, as reported by the Provincial Government up to January 1st, 1944, are:

(a) 496.

(b) 25.

(c) 40.

FACILITY TO DETENUS FOR APPEARING AT UNIVERSITY EXAMINATIONS.

26. Mr. Kailash Bihari Lal: Will the Honourable the Home Member be pleased to state:

(a) if it is a fact that detenus in Bengal have been given facility for appearing at the University examinations;

(b) if the same facility has been given to the detenus of any other Provinces; if so, which other Provinces; and

(c) if any detenu in Bihar applied for such facility to appear at the University examination?

The Honourable Sir Reginald Maxwell: (a) and (b). Facilities to appear at university examinations are permitted to security prisoners in Bengal and the United Provinces only.

(c) I have no information.

CONSTRUCTION OF PATNA BROADCASTING STATION.

27. Mr. Kailash Bihari Lall: (a) Will the Honourable Member for Information and Broadcasting be pleased to state how far the construction of the Broadcasting Station at Patna has progressed, and when it is likely to begin functioning?

(b) How many Biharees are there at present serving in the different branches of the Broadcasting Department?

The Honourable Sir Sultan Ahmed: (a) Land for the Transmitter and the Receiving Centre has been acquired and except for a few minor items the construction of the Transmitter and the Receiving Centre buildings has been completed. Arrangements have also been made for obtaining power supply. The progress on the establishment of the station has, however, been retarded owing to the non-arrival of some of the equipment. Endeavours are being made to speed up delivery, but due to prevailing conditions of manufacture and shipment, it is feared that it will not be possible to put the station into regular operation for another year.

(b) Ten Biharees are employed in All India Radio.

SHORT NOTICE QUESTION AND ANSWER.

BURMA RECONSTRUCTION CONFERENCE TO BE CONVENED BY THE BURMA GOVERNMENT.

Mr. K. C. Neogy: (a) Will the Honourable Member for Indians Overseas be pleased to state whether a conference is going to be convened by the Government of Burma very shortly for the purpose of discussing certain concrete proposals regarding plans for the reconstruction of Burma?

(b) If answer to (a) be in the affirmative, will the Honourable Member be pleased to state the details of the conference as far as they may be known to the Government of India, as regards the questions that will come up for discussion at the conference and the nature of the representation which Indians directly interested in Burma are going to have thereon?

(c) Were the Government of India consulted regarding the scope of the conference and the representation of Indian interests thereon? If so, what views were put forward by the Government in this matter?

(d) Were the Government of India invited by the Government of Burma to send their representative to the conference? If so, will Government of India send any representative to it?

(e) Is the Honourable Member satisfied that the assurance conveyed by him in his answer to my Starred Question No. 212 in the Legislative Assembly on the 5th August, 1943, to the effect that the opinion of Burma Indians and their representative associations, as also the Indian public opinion generally will be freely taken into consideration on matters connected with the reconstruction of Burma, has been duly implemented in connection with the conference referred to above?

(f) Have the Government of India made any representation to His Majesty's Government or the Government of Burma on the subject of safeguarding Indian interests in Burma, particularly for the purpose of ensuring that the status of Indians in Burma is the same in all respects as that of persons domiciled in the United Kingdom, and that Indians have the same right of free entry into Burma as may be enjoyed by the British people after the reconquest of that country.

The Honourable Dr. N. B. Khare: (a) and (b): The Government of India have been informed that in accordance with the intention of the Government of

Burma, in connection with its reconstruction proposals, to consult at suitable stages and as occasion arises the opinion of Indians who have direct interests in Burma and who have resided therein, and as a stage has now been reached when certain reconstruction proposals can be placed before and discussed informally and confidentially with a small body of such Indians, the Government of Burma are convening a conference at Simla beginning from the 10th February, 1944, to which a certain number of Indians have been invited. The Government of India have no further information on the matter.

(c) No.

(d) The Government of Burma invited the Government of India to depute an officer as an observer at the conference. The Government of India, while appreciating the desire of the Government of Burma to associate them in this manner with the conference, have regretted their inability to do so.

(e) The Government of India have no reason to think that the assurance given by the Government of Burma, as stated in reply to Starred Question No. 212 in the Legislative Assembly on the 5th August, 193, will not be implemented.

(f) The Government of India have addressed the Government of Burma suitably as regards their interest in the questions of immigration into Burma and the status of Indians there after reconquest of that country.

Mr. K. O. Neogy: Is it a fact that apart from restricting representations at this Conference to Indians who were actually resident in Burma before the evacuation and who have direct interests there, those who have been invited have been asked in their individual capacity and not as representing any association?

The Honourable Dr. N. B. Khare: I think that is the case.

Sir F. E. James: May I ask my Honourable friend why the Government of India declined to depute an officer to act as observer on their behalf in this Conference?

The Honourable Dr. N. B. Khare: It is based on practical considerations.

Sir F. E. James: My Honourable friend is not answering my question. He knows that perfectly well. What are the practical considerations?

The Honourable Dr. N. B. Khare: It is the difficulty of sparing a suitable officer during the days on which the Conference sits on account of the sittings of our Legislature here.

Mr. K. C. Neogy: What was the standard of suitability of the officer that could not be spared?

Sir F. E. James: May I ask my Honourable friend to consider whether this is not a sufficiently important matter for him to depute one of the several officers in his Department to the Conference which, I presume, is taking place in Simla. Can he not find someone else to represent his Department in the Legislature?

The Honourable Dr. N. B. Khare: There is a great paucity of hands.

Sir F. E. James: Would my Honourable friend reconsider the matter. It is surely extremely important that the Government of India should display some interest in the Conference to be held and that they should accept the invitation of the Government of Burma to depute an observer.

The Honourable Dr. N. B. Khare: I will think over the matter.

Qazi Muhammad Ahmad Kazmi: Has the Honourable Member considered that for the purposes of voting in this House, less competent persons can be made to vote?

Mr. Jamnadas M. Mehta: Will he not import some expert from England?

Mr. K. C. Neogy: Do I take it that the Government of India have no views to express to the Government of Burma as regards the restrictive character of Indian representation at this Conference?

The Honourable Dr. N. B. Khare: You can draw your own inference.

Mr. K. C. Neogy: Do the Government of India propose to address the Government of Burma as regards the unsatisfactory character of the representation of Indian interests at this Conference?

The Honourable Dr. N. B. Khare: The Government of India is constantly in correspondence with the Government of Burma on this matter.

Pandit Lakshmi Kanta Maitra: Have the American Government been invited to send delegates to this Conference?

The Honourable Dr. N. B. Khare: I have no information.

MOTIONS FOR ADJOURNMENT.

FAILURE TO ENFORCE THE RECIPROCITY ACT.

Mr. President (The Honourable Sir Abdur Rahim): Mr. Ananga Mohan Dam wishes to discuss a definite matter of urgent public importance, namely, the failure of the Government to enforce the provisions of the Reciprocity Act, 1943, in spite of the strong anti-Indian feelings in some of the colonies e.g., South Africa.

I do not know what the Government Member would like to say to this.

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions: Muhammadan Rural): The question does not arise!

The Honourable Dr. N. B. Khare (Member for Indians Overseas): The question does arise. Therefore the Honourable Member in question has risen. I believe this adjournment motion is not of a very urgent character. This matter has been discussed on the floor of the House on several occasions and I do not think any useful purpose will be served by carrying on the same discussions here again.

Mr. President (The Honourable Sir Abdur Rahim): The complaint is that although this Act has been passed sometime ago, it is not being enforced.

The Honourable Dr. N. B. Khare: The Government of India have not been sitting idle. We have framed the rules and we are considering the matter. I hope the Honourable the Mover of the motion will not press it.

Mr. President (The Honourable Sir Abdur Rahim): When was the Act passed?

The Honourable Dr. N. B. Khare: August 1943.

Mr. President (The Honourable Sir Abdur Rahim): That is some months back.

The Honourable Dr. N. B. Khare: After that there has been a Session held. I strongly feel that discussion on this matter is most inopportune at the present moment. Therefore I would ask my Honourable friend to withdraw his motion.

Mr. President (The Honourable Sir Abdur Rahim): That will be on the merits of the case. Does the Honourable Member who has brought up the motion wish to withdraw it.

(after a pause.)

Does the Honourable Member wish not to press this motion?

Mr. Ananga Mohan Dam (Surma Valley cum Shillong: Non-Muhammadan): When the Honourable Member has given an assurance

Several Honourable Members: He has not given any assurance.

The Honourable Dr. N. B. Khare: I have not given any assurance. I only appeal to the Mover to believe me when I say that the motion is not opportune at the present moment.

Mr. Ananga Mohan Dam: When the Honourable Member says he is taking action, then I do not press my motion.

COMPULSION USED BY MAGISTRATES IN THE SALE OF NATIONAL SAVINGS CERTIFICATES.

Mr. President (The Honourable Sir Abdur Rahim): Maulvi Muhammad Abdul Ghani wishes to discuss an urgent matter of public importance, i.e., the use of compulsion and illegal exercise of powers by various Magistrates in the sale of National Savings Certificates for the Government of India in various districts and subdivisions particularly in the district of Saran and Gaya in Bihar.

The Honourable Sir Jeremy Raisman (Finance Member): The savings campaign which is recognised to be in the national interest has been, as far as I am aware, proceeding for a long time and there have been questions in this House about the progress of it. The exact measures taken by Provincial Governments in order to promote the national savings movement are a matter for them to consider and decide on. The matter referred to in the motion is neither the direct concern of the Government of India nor have the Government of India any specific or detailed knowledge of it. It is entirely a matter for Provincial Governments to decide how the policy of encouraging savings can best be carried out in their territories.

Mr. President (The Honourable Sir Abdur Rahim): Are there any instructions given by the Government of India?

The Honourable Sir Jeremy Raisman: No specific instructions have been issued by the Government of India. The general policy of encouraging savings by the people has been under discussion between the Government of India and the provinces but the specific methods to be pursued are a matter for the Provincial Governments to decide.

Mr. President (The Honourable Sir Abdur Rahim): Have the Government of India issued any instructions regarding the use of compulsion and illegal exercise of powers in promoting the sale of national savings certificates?

The Honourable Sir Jeremy Raisman: That is certainly not the subject of any instruction by the Government of India.

Mr. Jamnadas M. Mehta (Bombay Central Division: Non-Muhammadan Rural): Persuasion!

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): During the carrying out of the duties which have been entrusted by the Government of India this compulsion is used.

The Honourable Sir Jeremy Raisman: The Government of India have not entrusted any duties to any particular officials. The allocation of the duties is a matter for the Provincial Governments. We are not aware of the precise instructions issued to individual district officers or how exactly they carry them out.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Is this not a central subject?

Sir Muhammad Yamin Khan: Does the Honourable the Finance Member approve of compulsion being used in this matter?

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): May I say a word?

Mr. President (The Honourable Sir Abdur Rahim): Order, order. The issue of savings certificates is no doubt the responsibility of the Government of India, but how it is promoted in a particular province is, I understand, the concern of the Provincial Government concerned. As it is stated by the Honourable the Finance Member that he is not aware of any compulsion being used in the sale of these certificates I hold that the motion is not in order.

BAN ON MRS. SARAJINI NAIDU.

Mr. President (The Honourable Sir Abdur Rahim): The next motion stands in the name of Mr. Misra. It relates to the ban on Mrs. Sarojini Naidu. That has been disposed of. I must also point out to Mr. Misra that the notice as worded is not in parliamentary language.

APPOINTMENT OF AN AUSTRALIAN AS THE GOVERNOR OF BENGAL.

Mr. President (The Honourable Sir Abdur Rahim): The next one is by Mr. Deshmukh. He wishes to discuss the failure of the Government to maintain the prestige of the Central Legislature inasmuch as it did not protest against the appointment of Mr. Casey, an Australian, as Governor of Bengal.

That has been disallowed by the Governor General.

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): I am raising the question of prestige of the House in this motion. We passed an Act, and His Majesty's Government overrides it by an administrative act.

Mr. President (The Honourable Sir Abdur Rahim): That adjournment motion has been disallowed by the Governor General on the ground that the motion relates to a matter which is not primarily the concern of the Governor General in Council.

Mr. Govind V. Deshmukh: Is not the prestige of the House its concern?

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

Mr. President (The Honourable Sir Abdur Rahim): The next motion is that of Mr. Neogy. That has been withdrawn. Babu Baijnath Bajoria is absent.

LIFTING OF BAN ON EMPLOYMENT OF WOMEN ON UNDERGROUND WORK IN COAL MINES.

Mr. President (The Honourable Sir Abdur Rahim): The next motion is in the name of Mrs. Renuka Ray. She wishes to discuss the question of permission given to women to work underground in the coal mines at Jharia and other neighbouring areas.

The Honourable Dr. B. R. Ambedkar (Labour Member): The only point I would like to submit is that the matter which is sought to be raised on this adjournment motion cannot be said to be a matter of recent occurrence. The original notifications under which the prohibitions were lifted are two; one is dated the 2nd August, 1943, and the other is dated the 18th August, 1943. The notification dated the 24th November, 1943, is merely a continuation of the notifications to which I have already referred and which are dated August, 1943. There has been a Session of the Legislature after the August notifications were issued.

Mr. President (The Honourable Sir Abdur Rahim): What was the notification? Permitting women to work underground?

The Honourable Dr. B. R. Ambedkar: Yes. I would also like to say that I do not wish to take my stand on these formal objections to the motion, and if the House desires to have this matter discussed I am prepared to give in.

Mr. N. M. Joshi (Nominated Non-Official): May I say a word on this point? Although the Government of India may have issued their notifications before the last Session of the Assembly, actual effect was given to them in the most important coal mining areas only recently. I therefore feel that the subject is of importance and of recent occurrence.

Mr. President (The Honourable Sir Abdur Rahim): The notifications of August did not refer to Jharia and other neighbouring areas?

Mr. N. M. Joshi: No.

Mr. President (The Honourable Sir Abdur Rahim): Were these areas excluded from the notifications?

The Honourable Dr. B. R. Ambedkar: No. We have proceeded stage by stage. The first intention of the Government of India to lift this prohibition was dated the 2nd August, 1943. That applied to C. P. and Berar mines.

Mrs. Renuka Ray (Nominated Non-Official): May I point out that the notifications of the 2nd and 18th August, 1943, were protested against, but Government took no notice of the protests. In any case I have only brought up Jharia and other neighbouring areas and notifications relating to them came out after the last Session of the Legislature.

Mr. President (The Honourable Sir Abdur Rahim): That being so and as the Honourable Member in charge has no objection to the motion being discussed, the motion will be taken up at 4 o'clock.

DECLARATIONS OF EXEMPTION UNDER THE REGISTRATION OF FOREIGNERS ACT.

The Honourable Sir Reginald Maxwell (Home Member): Sir, I lay on the table a copy each of the following Declarations of Exemption:

- (i) No. 1/10/43-Political (E), dated the 4th November, 1943;
- (ii) No. 1/51/43-Political (E), dated the 4th November, 1943; and
- (iii) No. 1/62/43-Political (E), dated the 8th November, 1943.

LEGISLATIVE ASSEMBLY
No. 1/10/43-POLITICAL (E).

[8TH FEB. 1944]

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

Simla, the 4th November, 1943.

DECLARATION OF EXEMPTION.

In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors who are not foreigners, shall not apply to, or in relation to,

1. Mr. Hsi Te Mou, Director of the Banking Department of Central Bank of China at Calcutta for so long as he remains in his present post.

2. Miss Mar Yee Hoo, a Chinese national at Calcutta.

A. W. LOVATT,

Under Secretary to the Government of India.

No. 1/51/43-POLITICAL (E).

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

Simla, the 4th November, 1943.

DECLARATION OF EXEMPTION.

In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors who are not foreigners, shall not apply to, or in relation to, Mr. Charles P. Rockwood, Jr., Assistant Representative of the Overseas Operations branch of the United States Office of War Information for so long as he remains in that post.

A. W. LOVATT,

Under Secretary to the Government of India.

No. 1/52/43-POLITICAL (E).

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

Simla, the 8th November, 1943.

DECLARATION OF EXEMPTION.

In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules, 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors who are not foreigners, shall not apply to, or in relation to, (1) Wang Sheh-Chieh; (2) Dr. Hau Li-Wu; (3) Dr. Wen Yuanning; (4) Mr. Wang Yun-Wu; (5) Mr. Hu Lin and (6) Dr. Lee Wei Kuo, members of the Chinese Goodwill Mission.

A. W. LOVATT,

Under Secretary to the Government of India.

RESOLUTION RE RELEASE OF POLITICAL PRISONERS.

Mr. Lalchand Navarai (Sind: Non-Muhammadan Rural): Sir, I beg to
12 NOON. move the following Resolution:

"That this Assembly recommends to the Governor General in Council to direct the release of political prisoners now in Indian jails as security prisoners under the Defence of India Act and Rules, with a view to removing the present political deadlock, and furthering the interest of the war effort."

Before I say anything on this Resolution, I would like to make my position clear. My sole and only object in getting up to move this Resolution is to ask for the release of political prisoners. I submit that in asking for the release of the political prisoners I will not go into any quarrels or any controversies that have hitherto arisen and gone on between some parties. I will not blame any party for anything that has hitherto been done or has taken place. I will not go into these bickerings that sometimes arise on important questions as

the deadlock. I have no intention to ask for anything which would go to show that there has been a difference of opinion on particular questions with regard to the constitutional deadlock. My object, as I said, is only the release of the prisoners and I do not think that up to this time there has been in India any single voice saying that the political prisoners should not be released. I think the Muslim League, the Azad Muslims, other Muslims and other parties, the Congress, the Hindu Mahasabha and others, who have taken part in these political questions have never been at any time against the release of the political prisoners. Therefore I want to make it clear that I would not injure the feeling of any party, so long as my object is achieved and that object is an object which should commend itself to all the parties whosoever they may be, because one thing is clear, apart from everything else, and that is that these political prisoners who are incarcerated in jail belong to all classes of people. There are Muhammadan friends in jail. I believe members of the depressed classes are also in jail. In that way, I will say that I will have not only the sympathy but also strong support from the Congress Party. I do not find the members of the Congress Party in their seats now. I do not know why. But I think they will come in and make their position clear. Anyway, what I am trying to do is mostly for the Congress political prisoners. I want them to come out. (*An Honourable Member*: "The Congress members have deserted you".) I only fear your desertion but I do not think they will desert me. My Resolution is not only for the Congress people but also for the other political prisoners in jails.

Having said all this, I would submit that my Resolution should not be misunderstood. It might be said that my Resolution refers to the constitutional issue alone and it might be said that there is some difference of opinion with regard to the constitutional question. Therefore, there may be some misunderstanding or misapprehension with regard to my Resolution, but I am making it clear that that is not my object at all. My Resolution, first of all, asks for the release of the political prisoners and then it goes on to say that that release is required for the purpose of removing the political deadlock and furthering the interest of the war effort. I will explain this. My object is this. As soon as they are out, there is scope for all parties, I would say, to meet among themselves and come to a conclusion. If they come to an agreement and conclusion, the deadlock is removed. Therefore, there is no question of constitution there. The question of constitution between them may arise after their release when they sit together. When they have been released, they have certainly a right to go into the question of the constitution and when they agree on these questions and satisfy the different parties, the depressed classes, the Muslim League, the Mussalmans of India and other parties, then only will the deadlock be removed. I understand that fully, but how are we to achieve that object. That is a stage that has got to come. On the one side, you have got the Treasury Bench of the Governor General in Council, who are free outside, who can speak and even issue orders, they do not gag themselves but can gag others. On the other side, where do we find the men who would negotiate for the ending of the political deadlock. It will happen only when those who are within the prison bars are brought out and they are given an opportunity to talk about the affair. I think every sane man would understand that if these men are not released and they are not allowed to meet, nothing will happen and there will be no solution at all. It is with that object I have brought forward this Resolution and I trust that all parties will support me. I hope that even the Treasury Benches will give reasonable consideration to this Resolution, especially as, at the present moment, we see that the atmosphere is changing. Take it from me that however much the Honourable the Home Member may deny it, he knows in his heart of hearts that the atmosphere has changed. We could never expect the Ordinance that has now come out. We could have never expected that the cases of these prisoners will be considered. We never thought before that the prisoners could be detained only for six months. Therefore, I find that the change has come and I would give

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credit for that to His Excellency Lord Wavell, who has, at the very inception of his regime, issued that Ordinance. Next, I will say that if the parent agrees, then I think the sons will also give same consideration. (*An Honourable Member*: "Not in these days.") Then they will be considered disobedient sons. The Honourable the Home Member knows how to sail with the wind and I will give him credit for that. He says that the prisoners can be released but then it is the business of the Provincial Governments. And when the Provincial Governments are inclined to release the prisoners, then the Central Government objects. These things we know now very well. But this time I maintain the atmosphere is changed. Even in England we find, as I can cite a quotation, that the attitude is different now just as it should be. We are now in the midst of great difficulties. There is no food and the war is on. Besides, there are so many other difficulties. So, in these days to be persistent and to be obstinate is not a good policy at all. However, I do not want to give them a sermon and leave the matter to the Honourable the Home Member and the other Members of the Treasury Benches.

I expected that on this very important Resolution. . . .

The Honourable Sir Sultan Ahmed (Leader of the House): All the Congress Members should have been here.

Mr. Lalchand Navalrai: Not only that but also the Treasury Benches should have been here. I give credit to the Honourable the Leader of the House because he is here.

I would be glad to refer to the statements of at least two Honourable Members on this question; one was the statement of the Honourable Sir Ramaswami Mudaliar and the other that of the Honourable Dr. Ambedkar. Therefore, both of them should have been here. In the like manner, the Congress Members should also have been here and given their views. Why are they absenting themselves today? If I am satisfied by them that they are in the right, I will request the Honourable the President to allow me to withdraw my Resolution.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): The Congress Party does not want the High Command to be released and their absence today shows it.

Mr. Lalchand Navalrai: That is going too far. They must have very substantial reasons for not attending today. Apart from this, if the Muslim League Party and the European Group and other Members join me, then, too, something can be achieved.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): What does Mrs. Naidu herself say?

Mr. Lalchand Navalrai: That is not all that the press said about Mrs. Naidu. Therefore, I appeal to all the elected Members, including the Congress Members, to give their support.

The Resolution asks for the release of the political prisoners and as a consequence thereof the removal of the present deadlock. The removal of the deadlock will lead to the prevalence of peace in the country and will also further the interests of the war. Now, I submit, no sane person will deny the necessity of this object being achieved especially at this time of the occurrences. The question is how to achieve it? This Resolution is moved to achieve that object. The controversy is between the Government, on the one side, and the leaders or the people of India, on the other. Therefore, no political settlement can be assured unless both the parties come face to face with each other. The Government party is quite free but the other Party should also be free to face them. Unless the political prisoners, I mean Mahatma Gandhi, the members of the Congress Working Committee and others, come out, they cannot consult amongst themselves. Besides, they have to consult other important Parties, such as, the Muslim League, the Hindu Mahasabha, the Liberal Party, the depressed class leaders and other organisations of this country.

Otherwise, the solution of this tangle is not possible. Therefore, the important fact is the release of political prisoners.

Now, Sir, there are 15,000 political prisoners in jail, according to the statement of Mr. Amery himself. They include all classes of Indians. It is for the Honourable the Home Member to tell me how many political prisoners there are and how many of them will be released hereafter and whether it will be the business of the Provincial Governments or the Central Government to release them. But I must say this that I am very much disappointed by the answers that I got to my questions because the Honourable the Home Member has left everything to the Provincial Governments. I must assure him that in Sind it is the object of the present Ministry, which is shaking in its shoes, to keep these prisoners in jail. If they come out of jail, the present Ministry is sure to go out. (Interruptions.) It is more because of Mr. Gazdar, who has made a statement and to which I shall presently refer. I, for one, cannot understand that the question of the arrest and release of political prisoners should be in the hands of the Provincial Governments. It must be, and I think it is, in the hands of the Centre. It is a mere eyewash to say that this matter is in the hands of the Provincial Governments. In this connection, I will refer the House to what the Sind Home Member said. He said: "The policy regarding the detention of political prisoners is determined by the Government of India and it is malicious to blame the Sind Ministry." He said this in an interview which he gave to the United Press referring to the charge levelled against the Sind Ministry that they were not releasing the Congress M. L. A's because they desired to keep their position secure. He further pointed out that even in those provinces where the popular Ministries did not function, no steps had been taken for the release of the Congress M. L. A's. Now again, he is absolutely wrong in this. After making such an irresponsible statement, I do not know how he still wishes to hold a seat in the Ministry. I would refer him and the House to the Associated Press message from Lahore dated February 5th. It says "The Associated Press understands that the Punjab Government passed orders today for the release of 15 more Congress detenus including Munshi Hari Lal, M. L. A., and Srimathi Shanno Devi, M. L. A.". Both these statements cannot be incorrect. The statement that the other Provinces are not recognising their responsibility is wrong. Mr. Gazdar is absolutely wrong when he says that the M. L. A's. in other Provinces are not being released. This question of detenus and prisoners in jail should be fully and carefully considered by the Central Government and the Central Government should not shirk their responsibility. We find there has been so much mismanagement with regard to this question. We find there are 15,000 political prisoners in jail according to the statement of Mr. Amery. Political prisoners, I feel, are not defined anywhere, but in practice, there are different categories of them, firstly, some persons have been arrested and detained on mere suspicion or even imagination of those who are responsible for clapping them in jail; secondly, there are others against whom there are some allegations, but they have been given no opportunity to clear themselves; thirdly, there are others who are detained without trial under Regulation III of 1818 or under the Defence of India Act; fourthly and lastly, there are also some who are proved to have used violence, though of course, also for political ends. Let me make my position clear. My Resolution does not pertain to the last class of prisoners who are in jail for having used violence. So far as other categories of prisoners are concerned, I cannot understand why they are still confined to jail. If any agent of the Government says that such and such a man is doing a prejudicial act against the Government, then on mere suspicion or on mere imaginary complaint, the Home Member will put that man in jail. It is merely on conjecture. I submit that such class of people should be released at once. I would very earnestly and seriously appeal to His Excellency the Viceroy when he comes to address the Legislature on the 17th of this month, he will be gracious enough to give the direction that prisoners of this category that I have described should be released at once. Of course the Government

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are very strong. They have all the power in their hands, they have the brute power also in their hands. Perhaps that is the only power they are exercising. They can release these prisoners at once. They do not lose anything by doing so. If afterwards the Government find that these prisoners should be put back in jail, it is only waste of public money. The Government do not lose anything by showing this act of generosity. They should not shirk their responsibility in this business. It is no excuse for the Government to say that if they release these prisoners, they will have again to be put in jail after six months. If they adopt that attitude, there is the Ordinance to come to their rescue, they can extend its operation for another six months. As I already said my Resolution does not refer to the last category of prisoners, that is those who have used violence.

Now, Sir, I will say a few words with regard to the Congress leaders. I am glad to see that the Congress members of this House have come back now. It is only right that they should be in the House now to clear their position. As regards Mahatma Gandhi and Maulana Abul Kalam Azad and others, I do not want to say as to whether they are in the wrong or whether the Government are in the wrong. I am not raising that issue at all. What I submit is they should be given an opportunity to tell the Government whether they are right, or whether they are in the wrong and in the latter case to correct themselves. Why don't you give them that opportunity? Mahatma Gandhi is not even allowed to speak from the jail. The quarrel of the Government is with regard to August 8th declaration. The Government have given no opportunity to the Congress to explain their position. Even a criminal is given an opportunity to say why he has committed that offence or whether he has not committed that offence. The Government should not gag them and put them in jail and then give no opportunity to say anything. This attitude is wrong. On this point, I should like to refer to what Mahatma Gandhi said lately. I find that Mahatma Gandhi has stopped all communication with the outside world. Informed Congress circles believe that he asked for permission from the Government to write letters without restriction after August 8th, but that permission was refused. Mahatma Gandhi is not allowed to write to any one, and that is the reason given by him for not writing to Mrs. Vijaya Lakshmi Pandit in her bereavement.

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

Mr. Lalchand Navalrai: I will conclude in a minute, Sir. I submit that the opinion of the British people in England also and in the country outside is that these prisoners should be released. I refer to the meeting that was held in Birmingham in the constituency of Mr. Amery himself where a resolution was passed urging the release of the prisoners, so that Mahatma Gandhi and others may come out and resolve this political tangle. Sir, I move.

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

"That this Assembly recommends to the Governor General in Council to direct the release of political prisoners now in Indian jails as security prisoners under the Defence of India Act and Rules, with a view to removing the present political deadlock, and furthering the interest of the war effort."

There is an amendment to this Resolution. I may tell the Honourable Member that the amendment really goes beyond the scope of the Resolution and therefore it cannot be moved. Now, the Resolution is before the House for discussion.

Mr. N. M. Joshi (Nominated Non-Official): Sir, I rise to support this Resolution. The security prisoners who are still rotting in Indian jails can be divided into three classes. First, there is still a large number detained not after August, 1942, but from before that—some of them detained as Communists and some on account of their connection with the labour movement. But the largest number of security prisoners at present in jails consists of people who were Congressmen or suspected of being Congressmen and who were detained after

August, 1942. There were some others, too, who were suspected of having sympathies with the Fascist movement or with the Nazi movement and who without trial are rotting in Indian jails.

Now, Sir, coming first to the case of Congressmen detained after August, 1942, I wish to state clearly that in my judgment they were detained prematurely and also wrongly; they were put in jail before they had done any overt act but merely for passing a resolution and when all hope of settlement had not disappeared. Mahatma Gandhi was to see the Viceroy and make his final attempt to come to some settlement with Government, but before he had any chance of that a large number of people were put in jail. On account of these sudden mass arrests in large numbers disturbances took place in the country. I do not wish to deal with those disturbances on this occasion but I feel these disturbances have also led to a large number of persons being detained as security prisoners. I demand that all these prisoners must now be released. Whatever might be the justification for putting these people in jail at that time—and I have stated clearly that in my judgment these arrests were premature and wrong—the situation has now changed during the last 18 months. There are no disturbances in the country now and there is no political agitation also. I, therefore, feel that it is wrong on the part of Government to detain these persons in jail any further. If Government have any evidence against them let them be tried before the courts of law; but if they have no evidence against any of these people they must be released. The arrest and detention of the people is not in the country's interests. On account of these detentions our country has suffered a political set-back; there is a political deadlock on account of which we have suffered not only politically but also in economic and social progress. Politically there has been no progress; on the other hand those who have studied the political situation know that we have suffered a set-back. The authority of the Government of India as compared with the authority of the people has increased and Government have become all-powerful and practically a dictator Government. This political dead-lock has in my judgment not only given a set-back to our political progress but has made us unable to solve many of our economic problems also. I feel, Sir, that the Government of India and the Provincial Governments have been unable to deal with the food question because there is no political settlement in the country, and the Government of India are unable to secure the co-operation of the public on account of a large number of important leaders of the country being in jail. And this lack of co-operation with Government and Government's failure to secure it has led to inefficiency on the part of Government and their failure to solve important problems like the food problem. Similarly on account of a large number of important public leaders being in jail at present, progress in other directions too has suffered. Our social movements do not prosper or make any progress; the people have become very sullen and it has become very difficult to create any interest in them for progress not only in the political sphere but in other spheres also. I, therefore, feel that it is now time when the Government of India should either put these persons on trial or release them unconditionally. I know that it has been several times stated that if the Congressmen will withdraw their resolution and express regret for their past mistakes the Government of India would be pleased perhaps to release them. I feel that it is not right for the Government of India to ask for any expression of regret or apology or withdrawal. I have expressed my views regarding the Congress Resolution; I did not approve of their passing a resolution for civil disobedience at that time. But at the same time I feel that it is the right of any subject people to ask for independence and also to work for it. You may not like their methods but their right to win independence cannot be questioned; and such efforts to secure independence were not only made in India but also in other countries which have been subject to foreign domination. For instance, in Ireland such a movement had taken place; there people had been put in jail and then released unconditionally. Not only that; the Congress resolution was for non-violent civil disobedience but

[Mr. N. M. Joshi.]

in Ireland they had a violent rebellion and still the leaders of that rebellion were released unconditionally, and I do not know why people in India who according to you might have rebelled against Government should be asked for an apology. Rebellion is not a sin; you may say it is politically wrong; it may be inadvisable but it is not a sin for a subject people to rebel against their Government. That has been done in the past in other countries. Our people might have made a political mistake or a mistake of judgment but to ask them to recant and express regret is wrong. I, therefore, feel that these people should be unconditionally released. I feel that public opinion of all shades in the country demands the release of these people. The Right Honourable Srinivasa Sastri has been speaking on this subject recently and pressing on Government for the unconditional release of these people. Similarly, I read recently in the *Times of India* a letter from Sir Chimanlal Setalvad saying definitely that unless these political prisoners are unconditionally released the progress of the country will stop. Therefore, in the interest of all progress it is necessary that these political prisoners should be unconditionally released. The political deadlock must be solved and in order that economic and social progress should not be hindered their unconditional release has become necessary.

I feel, Sir, that the release of Congress prisoners, especially Mr. Gandhi, will also lead to the settlement of communal problem. You will remember that Mr. Gandhi had written a letter to Mr. Jinnah. The letter was not allowed to fall into Mr. Jinnah's hand, but Mr. Jinnah was informed about the letter. I feel that if Mahatma Gandhi had not desired for a communal settlement he would not have written that letter. Mr. Jinnah, I regret to say, misinterpreted Mahatma Gandhi's letter; he wanted Mahatma Gandhi to accept his demand for Pakistan first and then to discuss the details of Pakistan. I have no doubt, Sir, that as Mahatma Gandhi had asked for a meeting with Mr. Jinnah, after knowing Mr. Jinnah's demands, Mahatma Gandhi must be presumed to be willing to discuss the question of Pakistan. Therefore, if Mahatma Gandhi and the members of the Congress Working Committee and other Congress prisoners are released, there is a great likelihood of a settlement with the Muslim League being brought about and the communal problem being solved. I feel, therefore, that from all points of view the Congress prisoners should be released.

Then, I shall say a word about the Communist prisoners who are rotting in jails. The Communist Party has for sometime past changed its policy in respect of participation in the war. The Government of India have released a large number of Communists already, but there are still some Communists who are not yet released. I, therefore, would like the Government of India to release all the Communist prisoners at present detained in jails without trial.

There are some people who are suspected of being Nazis. They have been in the jail since the beginning of the war. I know one man, Dr. Tendulkar from Bombay, who is under detention practically from the beginning of the war. He has been asking for sometime now for being released, but he has not even been told what exactly are the charges against him. He was told that he held Nazi views. If that is so, I would like the man to be tried; he has been in jail for more than 3 years now. I, therefore, feel that the Government of India should give either a fair trial to these people, who are merely suspected of being Nazis, or they should be released now.

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

Mr. N. M. Joshi: Sir, I shall only say one word about the provision by the Government in their new Ordinance regarding review of cases of detenus. I am glad, Sir, that they have provided this review, but it should be a fair review and by an independent committee as is done in England. Secondly, in the case of Congress detenus this review of individual cases is not likely to be of any use. It is a matter of policy and if they merely review the individual cases it will not benefit anybody. I, therefore, suggest to the Government of India that in the case of Congressmen, instead of individual cases being reviewed,

they should review their whole policy regarding detaining Congressmen in jail any further. I hope, Sir, that the Legislature will accept this Resolution unanimously and the Government of India will give effect to it.

Mr. Kailash Bihari Lall (Bhagalpur, Purnea and the Sonthal Parganas: Non-Muhammadan): Sir, I give my support to the Resolution. In the first place I must say that I am not supporting this Resolution from the point of view that has been expressed somewhere, namely that we are cringing for the release of political prisoners. It is not from that point of view because it is not to the liking of those persons for whom we are attempting to speak in this House. But I take this opportunity of speaking to the Government as to what is their policy with regard to the detention of political prisoners. They have said in the past that the Government do not intend to detain them even a day longer than what is dictated by the exigencies of the time. Naturally the question arises: what are the exigencies of the time. I may say, if I may be allowed to say so, that the Government have exceeded the exigencies of the time. If everything is to be said and done one-sided, then of course we have nothing to say, but if you take impartial view of the things you will find that from the very beginning you have exceeded the limit yourself. You have laid the blame on the Congressmen that they started the movement. The Congress people have disputed, as we saw yesterday, and they say that it was not their responsibility. However, I do not intend to enter into the controversy and say whose responsibility is that, but the fact remains that even during the disturbances—which you call subversive—the limit was exceeded by the Government. If I may say so, even in my own case the limit was exceeded. I even challenged last time and I repeat it today that there was no case against me and I was arrested without any reason and was put into the jail. I tried to know what was the case against me and all I could find out was that because I was coming to attend the Assembly and press for an enquiry about the disturbances I was put into the jail. So you can see how you have exceeded the limit. There are hundreds of stories in which you have exceeded the “exigencies of the time”. Nobody has been allowed to bring it to the notice of the public because the Government is gagging the press, and there is the almighty Ordinance. In my own province I know houses have been burnt up by the Police and people have been shot, not only those who were supposed to be engaged in the subversive movement but Rai Sahibs who were all the time crying that they were loyal to the Government. Houses were burnt, for which no enquiry was held and Government had to pay compensation for that. Can you say that it was according to the ‘exigencies of the time’? So, that is no argument. I say now that you should think over the matter calmly and dispassionately because there has been too much of this game. Of course so far as the political game is concerned, it is known everywhere that the Congress is going to be asleep for some time to come. You may call it my defeatist mentality, but the fact remains that there is the position of the victor and the vanquished. I do not know how the whole thing will resolve itself because the plans of God can never be unfolded in the manner in which men want. For the time being you are the victor and the Congress is the vanquished.

But why be so brutal as to inflict the treatment which you are doing in jail. If there were some reason for it, it would be understandable. You believe that you have suppressed the Congress activity and movement and you tell the world that the whole of India is behind you in this war. Even the Congress has declared that ideologically they are with you. Then why are you oppressing them. It is better to give the people a chance to come to a settlement, but not the settlement which Mr. Joshi spoke of, because I do not believe that there can ever be a settlement between the Congress and the Muslim League: and even if there is such a settlement, it would not be worth the paper on which it is written. It is scientifically impossible. In the present state of the mind of the people there is no use of thinking of any settlement between the people. But what about yourself? You have said that India is helping you to prosecute the war. You are winning battles with the help of Indian soldiers, Princess and noblemen and Indian money is flowing for you.

[Mr. Kailash Bihari Lall.]

Are you prepared to repay that in gratitude? Do you do it by humiliating the Indian people and by keeping the flower of the Indian nation in jail? You say you are fighting for civilization, for culture. Is this the way that you uphold that cause—by suppressing certain sections of the people and announcing to the world that the Indians are helping you? You owe a duty to yourself, and in the name of God and civilization you should not treat those in jail in the way you are treating them. While I am here now, I know of people who have been arrested as a precautionary measure for the 26th of January and they are being kept in *hajat*. Therefore, it is necessary for you to revise the policy of the Government and do some justice to the people who are not ideologically against you and who do not want to be inimical to you, provided you give them an opportunity to do something.

I am supporting the Resolution not to resolve the deadlock, but in the sense that the deadlock may be resolved by you and you alone. If you wish to throw the responsibility on someone's shoulders then the whole thing is going to be a failure.

With these words, Sir, I support the Resolution.

Qari Muhammad Ahmad Kasmi (Meerut Division: Muhammadan Rural): Mr. President, I was thinking of moving an amendment to this Resolution to the effect that instead of releasing those who are already in jail, the Government may be pleased not to arrest any more, because now I find that it is the turn of those who have got the audacity of defending people who have been arrested. The latest achievement of the Honourable the Home Member, which has appeared in the form of Ordinance No. 3 of 1944 is really remarkable. I have studied it and I have been thinking whether it is really a gift or whether

it imposes further hardships on the people of this country. We were
1 P. M. relieved to find that after all the cry in this House that persons who are arrested must be given to understand under what charges they have been arrested—a proviso has been made for that. We find there is provision for review of the cases every six months, and the period of detention has been fixed at six months, though it can be indefinitely increased at the option of the authorities. Still it is some advantage. But it will be an advantage only if we know as to who are the authorities who are going to review. If the reviewing authority is really of a judicial mind I have not the least hesitation in congratulating the Government of India for having made an improvement in the existing conditions. At the same time I am afraid that that may not be the case, because there is one feature of the ordinance which makes us very much hopeless about the future way in which the cases of the detenus are to be considered. Section 6 of the Ordinance says:

"No order made before the commencement of this Ordinance under rule 26 of the Defence of India Rules shall after such commencement be deemed to be invalid or be called in question on the ground merely that the said rule purported to confer powers in excess of the powers that might at the time the said order was made be legally conferred by a rule made under section 2 of the Defence of India Ordinance, 1939 (V of 1939) or under section 2 of the Defence of India Act, 1939 (XXXV of 1939)."

Not only that but there is a further provision which ousts the jurisdiction of the courts: section 10 provides:

"No order made under this Ordinance, and no order having effect by virtue of section 6 as if it had been made under this Ordinance, shall be called in question in any Court, and no Court shall have power to make any order under section 491 of the Code of Criminal Procedure, 1898, in respect of any order made under or having effect under this Ordinance, or in respect of any person the subject of such an order."

This is a very hard proposition. This ordinance, I am afraid, is based on the difficulties which the executive found recently owing to the orders of the Federal Court and High Courts who held rule 26 of the Defence of India Rules not to be *ultra vires* and the High Courts considered that some of the cases came under that rule. Though I am sure that the Government had not much to suffer from that, because to my knowledge this rule has been really exercised in favour of the accused only on a very few occasions, still the Government could not stand even that little interference by the judiciary, and they have come forward with an Ordinance in which the powers of the judiciary have altogether been

abolished. This is a very serious matter. If you are not going to trust the highest judiciary, appointed by yourself, and the executive wants to take into their hands even the functions of the judiciary, then it is very difficult for the citizen to know where he stands. The executive is itself the prosecutor and the judge pronouncing judgment on the persons arrested. The difficulties in which the judiciary finds itself on account of these orders will be apparent from the observations in many cases that have come before the High Courts. Only recently we find that lawyers, who were defending persons accused of political offences, were detained; and I have in my hand a report of a case in the Allahabad High Court where Pandit Baij Nath, an advocate of Agra, had been detained in prison only because he defended some persons who were accused of political offences. There was a *habeas corpus* application under section 491 to the Allahabad High Court which was heard by the Chief Justice and in the course of the hearing he made certain observations. This was some time ago. But only recently another *habeas corpus* application was made and it happened to come for hearing before him after this new Ordinance came into force; and in the course of that hearing the Honourable the Chief Justice of the Allahabad High Court observed:

"It seems to me that these Defence of India Rules have paralysed us and we have got no power."

About the case of Mr. Baij Nath, his Lordship observed (this is from the *Dawn* of the 5th February):

"His Lordship observed that when he had made the remarks in the case of Pandit Baij Nath that he was extremely unhappy about the case and he hoped that the authorities would see their way to remove his unhappiness he thought that the advocate would be released; but recently on making an enquiry he was told that the advocate had not been released. His Lordship added that he had studied the rules on the subject and found that he had got no jurisdiction. His Lordship further observed that rightly or wrongly he had come to the conclusion in the case of Pandit Baij Nath that because that gentleman was appearing for the accused in so many cases arising out of the disturbances the police thought that the best thing was to get him behind the prison bars."

It was said in the affidavit that he was one of the leaders of the bar. His Lordship disclosed that he had enquired from Mr. Wanchoo, the District Judge of Agra and was told that Pandit Baij Nath was one of the leaders of the bar there and that he was seriously ill and might die any day."

These are the ways in which these rules are being enforced in the provinces; and now that last remedy of going before the High Court, though mostly without any effect, has been taken away by this Ordinance, the High Courts have got no power of hearing any petitions under section 491. May I know what substitute you have provided for these persons? We know many cases—for instance the case of Maulana Husain Ahmad Madani who was imprisoned for making an objectionable speech. He happened to be a member of the All-India Congress Committee—not the Working Committee, and the All-India Congress Committee which I understand is not probably an illegal body—or if it is I know that many members of it are outside prison. While he was in jail in July, 1942, and before the August resolution was passed, when his period of detention was coming to an end, he was served with a notice that the Provincial Government is satisfied that his release would lead to a breach of the peace and tranquillity of the country—a person who is undergoing the rigours of prison life, even while he is detained—because a certain resolution was going to be passed on the 9th August—it is remarkable that this notice was dated the 5th August—not after the Congress Working Committee passed the resolution but long before—on the 5th of August a notice was issued to him that he was likely to enter into improper activities and therefore he was to be detained.

This is the way in which the Government have been dealing with persons. A *habeas corpus* application was filed in the High Court and the question arose whether according to the ruling of the Federal Court the Provincial Government had applied their mind to the case before ordering detention. As regards the question of application of their mind a simple affidavit by a sub-inspector was filed—I am sorry it was not a sub-inspector but some other officer, probably some official of Lucknow or some other gentleman I am not sure, but, after all, he was an ordinary subordinate officer, and it had to be presumed

[Qazi Muhammad Ahmad Kazmi.]

under the law that the Government had applied their mind. And that provision was sufficient to take the case out of the provisions of section 491 of the Code of Criminal Procedure and the order of detention was maintained. But the Government of India are not satisfied even with that. There should be no interference by the judicial courts at all. They found that they were sometimes put to inconvenience and had to go to the High Court to file affidavits and counter affidavits, and to save themselves from that botheration they have enacted an Ordinance and deprived the High Courts of the authority to entertain applications in respect of persons who are detained by this Government without any reasons whatsoever. These are the conditions of people who are detained. Are the Government prepared only to consider the cases of such persons? Are they prepared only to release persons of that type? I am afraid from the wording of the present ordinance they do not intend to release any of those persons.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has one minute more.

Qazi Muhammad Ahmad Kazmi: Though I am not hopeful so far as the actual release of political prisoners is concerned, still I think that it is time that the Government of India should reconsider their attitude and in their present fortunate position not allow this political deadlock and this detention of political prisoners without any rhyme or reason and without any proper trial, to continue any longer. With these words I support this Resolution.

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

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

Mr. Jamnadas M. Mehta (Bombay Central Division: Non-Muhammadan Rural): It is difficult to make up your mind on a proposition which is not very coherent, either in its intentions or in its implications. I think the Mover of this Resolution is very optimistic when he hopes that by the release of those who are called political prisoners the present deadlock will be removed and that it will further the interests of the war effort. To my mind, all the experiences of the last 4½ years are against the realisation of these aspirations of Diwan Lalchand Navarai. On the contrary, I am not sure whether the release would not complicate matters further. On that ground, I am not opposing the release. I am telling him that if his object is to solve the political deadlock or to further the interests of the war effort, it will be frustrated. (*An Honourable Member:* "He said his object is the release of the prisoners. That was his speech.") I am talking of the Resolution. It is the spoken word as against the written word. Either he does not know what he has notified or has forgotten it or has withdrawn it but if this Resolution remains and holds the field, I am definitely of the opinion that neither there will be a solution of the present political deadlock nor the interests of the war effort will be furthered.

There is one experience to guide us in this respect. Last time, when Congressmen had started the civil disobedience campaign and as a result of great pressure in this House they were released, although it was hoped that as a result of that release there will be some furtherance of the war effort, that hope was totally belied. They were standing out for liberty of speech which they were denying to others and when they were released, they thought that the Government was terribly afraid of them and therefore they were released. So that hope that war interests will be furthered is a chimerical hope. Nor will the political solution be forthcoming, because it has gone so thoroughly wrong. The political problem in India is so thoroughly involved, so complicated and utterly spoiled by Government and ourselves that any solution of the political deadlock in the country, within living memory or within the memory of people who might survive, is impossible, unless the workers and the peasants take a hand. The only people who will solve the political problem are not going to be political parties as they are today. They have utterly failed. They have spoiled

it. They are spoiling it still. They are totally unfit to handle the politics of the masses of the people of this country. Therefore I say that the hope of Mr. Lalchand Navalrai that any solution of the political deadlock will come by the release of these prisoners is foredoomed to frustration. All history is against it and you know it yourself. I have no doubt that you fully realise that no solution of the political deadlock will come because of the release of political prisoners. The question therefore is on merits—not because of the results which my friend anticipates—whether on the merits of the case the political prisoners should be released or not.

Last year, we had a debate in this House and in view of the correspondence between the Government of India, the Viceroy and Mahatma Gandhi we all decided that in view of the Mahatma's reiteration of his non-violence he should be released and I think it would have been wiser if he had been released but not because I hope for any solution of the political deadlock, because Mahatma Gandhi creates more problems than he can ever solve. I do not think he can solve any problem by coming out. Perhaps he will create some more. Therefore on that ground I am not asking for his release. I am asking for his release definitely because he has reiterated that he, at any rate, had never countenanced violence in the events that followed August, 1942. On that ground, I have advocated his release last year. That would have avoided the fast. I do advocate his release again this year without hoping for any good results and fearing many bad ones. I am asking for his release only on the ground that he is now and has always been to my mind an honest citizen. He does say what he means. I do not know whether he always means what he says.

As regards the other political prisoners, if you release the Mahatma, there is no use keeping them. I am not asking for the release of the Mahatma, because of the agitation in the Press and in this House, because 'Release the leaders' is a slogan of which I have got sick. I am totally sick and nauseated by this demand for their release by people who started the 'Quit India' policy. If I were a rebel, I would have passed my life in jail, without ever asking for my release. (*An Honourable Member*: "Who said that?") Every one of your papers. I am sorry for you. If you are a rebel, remain a rebel. Be bold. Be honest. I have been a rebel from the Congress. I have never asked for mercy and you have not shown any. In the same way, I beg of you: If you are really rebels, if you mean 'Quit India' honestly, act up to it courageously and do not ask for favours from this tyrannical imperialism. As soon as Government took them at their word, they began to shiver. They declared this 'Quit India' policy and promised that the campaign would be finished within eight days and as soon as Government showed that they were willing to believe their word and take them at their word, there began a demoralisation about which the less said the better. The agitation in the Press and elsewhere has been to me a humiliation. It is a degradation of the fight for freedom if you proclaim revolt and then begin to shiver in your shoes as soon as you are taken seriously. If you mean it, do not ask for release but be in jail all your life. That will quicken the advent of freedom. (*Interruption*.) If there was no war, I would have been the first to join you but with the Japanese thundering at India's gates, your 'Quit India' slogan met with no approval from me and I denounce that action even now. If I had gone in for a 'Quit India' policy, I would never have budged an inch from the position I had taken up. Therefore, this attitude of the Congress press and the Congressmen and my friend Mr. Lalchand Navalrai, who is neither in the jail nor anywhere else, is not at all edifying to me.

Mr. Lalchand Navalrai: I am a companion to you always.

Mr. Jamnadas M. Mehta: No, you cannot. I have been in jail. Have you been in jail?

Mr. Lalchand Navalrai: No.

Mr. Jamnadas M. Mehta: I will some day go again to jail but I won't find you there.

Mr. Lalchand Navarai: I will defend you.

Mr. Jamanadas M. Mehta: I will then surely be convicted. And I won't offer a defence either when I have proclaimed rebellion. But my time is running short and I want to declare here that it has been to me a matter of the greatest humiliation that when in the name of the country a certain policy was proclaimed, as soon as it was taken seriously by Government that policy was objectly repudiated. "Release us, release us, Kamerad" it is these piteous wails, that I do not like. To Government I say; You have, in pursuing your policy of repressing the sabotage movement—a policy with which I am in full agreement—you have prosecuted and persecuted the innocent along with the guilty. You have been unscrupulous and you have not been as good as your word. You promised the people of India that you were only taking preventive steps and not repressive ones. But what have you done? To my knowledge, you have arrested people who were not any more guilty than the King himself. You have wrongly kept them under confinement; you have shot innocent children mercilessly; you have shot some of them dead and injured others for life. You have kept many men in jail who were as innocent as any Member on the Treasury Bench and in spite of the promise of my friend, Sir Sultan Ahmed, that the Provincial Governments will go into the case of those excesses and in spite of the motions in this House for such inquiries, you have never ventured to test your own action at law or by any honest inquiry. Therefore, your present intention is not trusted by those of us who honestly supported you in an effort to suppress the sabotage movement alone. You have not only tried to suppress the sabotage movement, but you have tried to suppress people whom you suspect of being against war however honest their opinions may be. You lodged them into jail and you have kept them till today in jails; you harassed them, and when you were called upon to inquire, you had not the courage to face an inquiry. I have again and again told the Honourable the Home Member that the Nandurbar shooting of boys and girls on the 9th September, 1942, was an act of which even the Germans would be ashamed. Young boys and girls in the streets of Nandurbar, a town in my constituency, who were returning from their school and were doing nothing else were shot not merely when they were in the crowd but when they ran helter-skelter in the streets and in the houses to save themselves against indiscriminate shooting. Your police pursued them into lanes, private houses and shot them. And when one boy had the courage to hold the Congress flag after he was shot once and when he said: "I am not going to be killed by one shot alone; fire again. I won't give up this flag." Instead of arresting him the policemen held him and shot him dead. I hold you guilty of murder. Two ex-Advocates-General of Bombay, Mr. Motilal Setalwad and Mr. Bahadurji have on the strength of the facts put to them, said that this shooting was nothing but murder. Have you got the courage to face an inquiry? Have you got the courage to punish the guilty among your officers? No. On the other hand, you will screen every wrong-doer; you will screen every murderer; you will not distinguish between the innocent and the guilty. For that reason, you are not fit to be trusted and cannot be permitted to detain any person until his case has been examined either in a court of law or at least by some semi-judicial body. Until you do so, men like me, who have no sympathy with the sabotage movement and who are against the demand for release of these "Quit India" prisoners and who are ashamed of that demand have no alternative left but to support the resolution; you won't act your part honestly; you do not do what you promise; hundreds, if not thousands, of innocent people have been lodged into jail for no reason except this that in one case a drunken Police Inspector went amok and arrested innocent people. And this one instance is more than enough to denounce you. A drunken Inspector, on communal bias, because he was a non-Brahmin and innocent citizens were Brahmins, did simply arrest honourable men, men who were members of the Legislature, men who were Presidents of local bodies, men who were Mayors of their own small towns. He arrested them because he was drunk. Then, what happened? In spite of the best evidence that we could procure, your Collector refused to

punish that man. So, from top to bottom your machinery is rotten. Your object may be good, but until you have improved your machinery and carried out your promise, I think I cannot feel sure that any man who is now being detained is being honestly detained. For that reason alone and not because my friend Mr. Navalrai's hopes are likely to be realised, I condemn you. I do not approve of the demand "Release leaders". In fact, I feel humiliated by it. It is on the ground of my total mistrust and on the ground of your implied complicity in murder and incarceration of innocent people that I do not any longer trust you. And on that ground alone I support this Resolution.

Mr. Abdul Qaiyum (North-West Frontier Province: General): Sir, I wish to say a few words, and in as few words as possible I wish to explain the attitude of our Party. I am very grateful for the fact that we have been given some advice—and that this Resolution has enabled my Honourable friend, Mr. Jammadas Mehta, to deliver a sermon first to the Congress and then to the Government Benches. Mr. Jammadas Mehta complained that at the time when the Congress resolution about "Quit India" was passed it was given out that the campaign would be a short-lived one and that within about eight days India will be free. Perhaps Mr. Jammadas Mehta has not taken the trouble to find out why the desired success could not be achieved, within eight days. It was because unfortunately we had in this country men who thought like my Honourable friend, Mr. Jammadas Mehta, not that I criticise him for holding his views. Therefore, it is no use blaming the Congress if the campaign did not succeed in a short time.

As far as the Congress Party is concerned, we are not interested in this Resolution. The Government has declared war on the Congress, which means that the Government of India has declared war on the people of this country. They have laid down a very humiliating condition that the Congress must withdraw the Resolution of August 8th, 1942, before the Government of India will consider the question of release of the members of the Working Committee and other security prisoners, who in their thousands are rotting behind the prison bars. On that point, I shall give them a very clear, a very categorical, and a very short answer. That answer was given by us when we were holding the food debate in the last special Session of the Assembly. But Government took very good care that that part of my speech was not published in the press. Our position is very clear. Our aim is a very honourable one, namely, the freedom of the country. We want the British to quit India and therefore, there can be no question of the withdrawal of the Resolution of August 8th. If there is going to be any withdrawal it will have to be done by the Government, I can put our attitude in no better words than the words of a member of the Working Committee, Mrs. Sarojini Naidu, who was recently released and whose release led to that awful order which was passed by the Government of India. Her words are:

"On fundamentals we cannot surrender. I would rather that every one of us died in jail than that merely for the sake of coming out, we should compromise the integrity of our position. We have spoken in the name of the nation, we cannot go back upon it till we are convinced we were wrong."

Therefore, as far as the Congress is concerned, there can be no question of withdrawal, there can be no retreat. You can keep these gentlemen as long as you like in prison, without trial, if you like, and you can carry on merrily as long as you like and as long as you can.

In the course of his speech, my Honourable friend, Babu Kailash Bihari Lall, said that at present the position was that the Government was in the position of a victor and that the Congress was in the position of the vanquished. Well, Sir, I do not accept that position. I would like my Honourable friend to shed that defeatist mentality. After all, India is a great country, peopled by about 400 millions of people, and we are up against a formidable adversary. The battle for freedom in many countries has been very long and in some countries it has gone on for hundreds of years. So far, it is a temporary set back, if it is a set back at all. I, for one, do not believe that it is a set back. It does not mean that the Congress or the country stands defeated. That can

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never happen. The fight for freedom will go on. There will be many more upheavals, the coming upheavals will be of a more serious nature till we have demolished the last vestige of the hated British Empire in this country. It is only then that we will have peace in this country.

As far as this deadlock is concerned, it is something which the British have scientifically worked for all these years that they have been in this country, I am one of those who believe that the only solution of this deadlock will follow, and not precede the removal of British rule from this country. There are some people in this country who honestly do not subscribe to that view. But having studied the question, and as a result of what little experience I have, I have come to the conclusion that this deadlock has been scientifically planned and this plan has been in execution for a good number of years. The solution of this deadlock would mean the end of British rule in India. They do not want a solution of this deadlock. I have made the position of my Party clear. We will not ask, we will not beg for the release of these leaders. We condemn the action of the Government of India. I think it is very cowardly on their part to detain eminent and respected men, men who rule over the hearts of millions of people in this country, without trial and not even having the courage to bring them before a court of law, and while they have been shut up, through agents, hired agents, traitors, to go on with the propaganda that these gentlemen were in league with Japan and that they had encouraged acts of violence or sabotage in this country. Of course the time will come when all these allegations will be exploded and people outside India will know the truth. Having made our position clear, we are not interested in this Resolution any more, and that is all I have to say on this subject.

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions: Muhammadan Rural): Mr. Deputy President, my Honourable friend, Mr. Lalchand Navalrai, has appealed to the Muslim League Party to support the Resolution which he has moved on the floor of this Honourable House. I feel it my duty to explain as briefly as I can the attitude of our Party on this subject. As stated in the Resolution, the release of political prisoners is sought so that the political deadlock may be resolved. I listened in vain to the speech of the Honourable the Mover for reasons which prompted him to sponsor a motion of this kind and which gave him the belief that by such action the present unfortunate political situation in the country will come to an end. But all the time, instead of giving some arguments or reasons in support of his proposition he was dealing with the position of the Sind Ministry.

Mr. Lalchand Navalrai: Because I come from Sind.

Nawabzada Muhammad Liaquat Ali Khan: My Honourable friend's mind has become so narrow that he cannot think of anything beyond the deserts of Sind.

An Honourable Member: He has sinned.

Mr. Lalchand Navalrai: Yes, I think of Pakistan.

Nawabzada Muhammad Liaquat Ali Khan: If my Honourable friends would only think in terms of Pakistan, then this political deadlock would be resolved in the twinkling of an eye.

Mr. Lalchand Navalrai: You are getting it.

Nawabzada Muhammad Liaquat Ali Khan: Let me tell you that we on this side of this House are most unhappy about the situation which is prevailing in the country. There is not the slightest doubt that the present political situation is responsible to a very large extent for the economic troubles of the poor masses of India. Because the representative Indians are out of power, because the British are lords and masters and are only concerned with winning this war irrespective of what it may cost the people of India, therefore the lot of the masses is indeed deplorable and their condition is pitiable. Whatever any one may say, there are in this country three Parties which can solve this deadlock, the Hindus, the Muslims and the British Government.

The Muslims are represented today without the slightest doubt by the all-India Muslim League. The Hindus, to my mind, are represented by the Congress. The British have come forward with the proposition that they would be prepared to consider any solution which may be placed before them by the peoples of India, or in other words, by a joint agreement between the major communities in this land. As far as the Muslim League is concerned, we have unequivocally placed before the country our position. The resolution of the Working Committee of the All-India Muslim League passed in August, 1942, is very clear. We stand for the freedom of India. We are willing to co-operate with any party or with any group for the duration of the war to mobilise the resources of the country to fight not only the foreign aggressor, but to preserve the lives and property of the people of the country. All that we demand is that if there is freedom for India after the war, if the Mussalmans are to

3 P.M. sacrifice everything that they have, then freedom of India must mean the freedom of hundred million Muslims also; it must mean the right of self-determination for the Mussalmans to develop in accordance with their own culture and their own ideals. We have placed our cards on the table; our demand, I submit, is a modest one and is a national one. The President of the All-India Muslim League very recently in Karachi stated that Pakistan visualises a free Hindustan. So there is no doubt on that score.

Now let us examine the position whether if the Congress leaders were out of jail there would be a possibility of their accepting this proposition which the Muslim League on behalf of the Muslims of India has placed before the country. (Mr. N. M. Joshi: "There is a chance of it.") I can assure my Honourable friend that if we saw any chance of it or any indication in any quarter whatsoever we would not plead here helplessly like slaves before the British for the release of these leaders; we will join hands and together demand their release, and I can assure you that we shall secure it. Let me now examine the position as it is today. The last person to leave jail who was in the confidence of Mr. Gandhi, the *de-facto* leader of the Congress, is Mrs. Naidu. She left the prison where Mr. Gandhi is also detained, towards the end of March last. She gave a statement which was brought into the discussion at great length yesterday; it was at a press conference at Delhi, and I request my Honourable friends to consider that very carefully. What does she say in that statement? There are two propositions which strike the eye. One is regarding the communal question; and here I want to draw the particular attention of my Honourable friend, Mr. Joshi. What does she think of this problem? She only thinks what is stated by many others in vulgar language, that it is only a matter of what she called "vulgar fraction". To the leaders of the Congress the question of a settlement between the Hindus and the Mussalmans is a matter of "vulgar fraction". It is vulgar expressions such as this which will never allow a settlement of this question, and what did she say after that? She states the position of the Congress as it is today and what she has gathered after close association with the *de-facto* leader of the Congress, Mr. Gandhi. She says:

"We cannot surrender. I would rather that every one of us died in jail than that merely for the sake of coming out we should compromise the integrity of our position. We have spoken in the name of the nation."

This is the claim of the Congress that we have always contested from the very beginning, that they cannot speak in the name of the hundred millions of Mussalmans; they have no right to speak in the name of these millions. If by "nation" Mrs. Naidu means the Hindu nation,—an expression that is being used very much these days,—I have no quarrel with her. And what does she say after that? She says, "We cannot go back on it till we are convinced we are wrong".

That means that right up to now the position that the Congress have taken up is that whatever they did in August, 1942, the attitude that they adopted then regarding the solution of the political problem is the same as in August, 1942. Then what is the use of my Honourable friend, Mr. Lalchand Navalrai, coming forward with a Resolution of this kind? The remedy is in the hands of

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Mr. Gandhi himself. I can assure you that he does not need any wisdom or advice from any quarter. In the letter which he wrote to the then Viceroy on the 19th January, 1943, he states:

"If I can be convinced of my error or worse of which you are evidently aware, I should need to consult nobody, so far as my own action is concerned, to make a full and open confession and make ample amends."

If Mr. Gandhi could be convinced of the unwisdom of the step which the Congress had taken in August last there would be no need of any Resolution. He knows it; he is fully aware of the conditions that are prevailing in the country; he is fully aware of the fact that millions of our people have died of starvation and also that the British Government today are ruling like despots in this land. Yet he feels that the action which he took and the Congress took in August, 1942, was right, and he sticks to that even today?

Now, Sir, my Honourable friend, Mr. Lalchand Navalrai, talked a lot about Sind and there are other friends who talk a lot about the ministry and the position in Bengal. May I ask them whether they really want a settlement with the Muslim League? Do they really wish to co-operate with the Muslim League? What is there to prevent those Hindus who are out of jail,—and there are millions and millions of them,—joining hands with the Mussalmans who are always willing and anxious to join hands with them and do what they can in the interest of the country as a whole? All the time that my Honourable friend spends in this House, and I believe in Sind also, he is harping on this question of the Muslim League Ministry in Sind. Out of 35 Muslim members in the Sind Assembly of 60, there are 31 who are in the Muslim League Party. They have extended their hand of co-operation to the Hindus of Sind, and if the Hindus of Sind do not want to co-operate with us it is not our fault. We do represent the Muslims when I can show that out of 35 I have 31 with me.

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

Nawabzada Muhammad Liaquat Ali Khan: Who is there to challenge the statement that this Ministry represents the majority there? The same is the position in Bengal. I appeal to my Hindu friends that if they really want to resolve this deadlock, if they are really anxious to see that the peoples of this country, both Hindus and Mussalmans, do not suffer, then they should forget for the moment the Congress leaders who are in jail. They can come out tomorrow if they so desire and if they think it is time for them to come out. Let those who are outside the jail join together and work together for the good of this country as a whole.

The Honourable Sir Reginald Maxwell (Home Member): The Resolution before the House recommends the release of political prisoners, which I take to mean Congress security prisoners, on two grounds which are open to examination, and I must examine those two grounds carefully even if it means taking the House over certain history which it is somewhat painful to recall. I notice that neither the Honourable Member himself nor anyone else who has spoken in favour of the Resolution has dealt with the second of these grounds, namely, the furtherance of the war effort. But I must deal with that too because if this Resolution were passed that ground would stand as one accepted by this House.

Now let me first ask what is meant by the 'deadlock' that we hear so much about. I looked up the word in the dictionary and I find that it means "a position in which it is impossible to proceed or act; a complete standstill". Now who is at a standstill? We find that ministries which support the war effort are working in a number of provinces. In only five provinces out of seven in which Congress Ministries resigned in 1939 have those responsible for working the constitution declined to perform their functions. Six provinces have Ministries enjoying the support of their Legislatures and pledged to support the war effort. Again, although Congress Members have until recently withdrawn themselves from the Central Assembly, the Assembly has not been prevented from discharg-

ing its functions. Nor has the Executive Government at the Centre been prevented from carrying on in the manner provided by the Constitution. On the contrary, the Central Government has been expanded so that at the present day it includes eleven Indian non-officials.

An Honourable Member: Representing whom?

The Honourable Sir Reginald Maxwell: Nor has this deadlock prevented the establishment of a National Defence Council in which gentlemen of distinction from their various provinces sit along with the princes of India to consider problems arising out of the war. Thus from the point of view of carrying on the Government, this deadlock means only a self-imposed disability of the Congress party affecting less than half of the provinces and not seriously affecting the war administration or the interests of the people of those provinces. Government, on the other hand, are not prevented from taking any action which they see to be necessary. There is no standstill.

From a wider point of view it may possibly be urged that the present position constitutes an obstacle to India's political progress by preventing agreement between the major parties on which that progress depends. Well, I shall examine that later. But from this point of view the deadlock is only another name for India's constitutional problem as a whole, and the Honourable the Mover seems to mean that the solution of that problem could be helped by the release of these persons. That again I shall now examine.

Let me remind the House of what Government have already done to remove the deadlock—and by 'Government' I mean the Viceroy and His Majesty's Government, for the Government of India have no hand in such matters of policy. I would remind the House of the Viceroy's first offer made in October, 1939. I will not deal with the details of it because it was reaffirmed and amplified subsequently, but in pursuance of that offer the Viceroy invited Mr. Gandhi, Dr. Rajendra Prasad (the President of the Congress), and Mr. Jinnah to meet him together in order that, if agreement was reached in the provincial field, representatives of the Congress and the Muslim League might immediately have seats on the Executive Council. The Congress leaders refused either to consider the offer or to enter into discussion with Mr. Jinnah. In fact, seven Congress Ministries were called on to resign while these discussions were still in progress and all resigned by the beginning of November, 1939.

I have one comment to make on these resignations: Government have often been accused of being responsible for the establishment of the Section 93 regime in certain provinces. The actual fact is that the Congress disclaimed their constitutional responsibilities and disfranchised their constituents just when it was their duty to look after the interests of those who had put them in power and trusted them: when there was greatest scope for public service in the new dangers and problems to which the war gave rise. This is my answer to Mr. Joshi's point that the so-called deadlock is an obstacle to the solution of current problems arising out of the war, such as the food problem. I say that these Congress Ministries when their people needed them most, deserted their post.

Next I come to the Viceroy's further offer of the 8th August, 1940. This repeated the offer of expansion of the Executive Council and waived the condition that their should be prior agreement between the major parties. Certain constitutional assurances were also given at that time which were repeated again in the Cripps's offer. The Congress President refused even to meet the Viceroy to discuss this offer, and the offer was rejected "with pain and indignation" by the All-India Congress Committee in September, 1940.

Now, I come to the Cripps Mission. Sir Stafford Cripps brought direct from the British War Cabinet a draft declaration for discussion with Indian leaders. Let me quote a few words from the preamble of that declaration:

"His Majesty's Government have decided to lay down in precise and clear terms the steps which they propose shall be taken for the earliest possible realisation of self-government in India. The object is the creation of a new Indian Union which shall constitute a

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Dominion associated with the United Kingdom and other Dominions by a common allegiance to the Crown but equal to them in every respect, in no way subordinate in any aspect of its domestic or external affairs."

How can anyone say that that declaration did not grant all that Indian nationalists have been clamouring for a number of years? This declaration ended with an earnest invitation for "the immediate and effective participation of the leaders of the principal sections of the Indian people in the counsels of their country". This offer was again rejected by the Congress leaders because it did not provide them with a short cut to power which they desired. I shall refer later to the real response of the Congress to this gesture of friendship.

I have now given the House, in outline, the whole story of the deadlock. It is a story of consistent and repeated refusal of all offers intended to secure the co-operation of the Congress with other parties in the war administration. During those four years—1939, 1940, 1941 and 1942—while the Congress leaders were still at liberty, they had ample opportunities of co-operating with others not only in the war administration but in preparing for future constitutional progress. They had ample opportunities of settling their differences with the Muslim League. Every patient effort was made to induce them to accept those opportunities and those responsibilities and to make the path easy for honourable participation in the government of the country and in the prosecution of the war. It was of their own choice, while they were still at liberty, that they refused to entertain those offers. Why then should we now be told that their detention is all that prevents them from pursuing a totally different course? Why should the blame be thrown on Government? What action, other than what they took, could the Viceroy or His Majesty's Government have taken to resolve a deadlock which was not of their creation or choosing? The truth is that the Congress Working Committee has never been prepared to consider any solution of the deadlock created by itself except on its own terms, which it has refused to discuss with any other party. Nor have we yet, so far as I can see, any firm reason for assuming that if its leaders were released, they would abandon the position they have consistently taken up in regard to the working of the constitution.

But that is not Government's reason for keeping them in detention. It is the methods of attempted coercion of Government and the public by which they have sought to enforce their demands. Whatever those demands may be, we cannot in war have the country thrown into a turmoil by the use of such methods. But this is a matter which does not pertain to the deadlock as such and I shall deal with it further in considering the second ground advanced in the Resolution.

This ground states that the releases would further the interests of the war effort. This makes it necessary for me to examine the war record of the Congress. In the first four years of the war the Congress were prolific in their resolutions and their general attitude towards the war has been repeatedly affirmed. I will deal with it in three periods.

The first period is from the outbreak of war until April, 1940. During this period the course of the war in Europe had not declared itself. The war had hardly started. Congress were free to declare their principles without thought of the consequences to themselves or to India. During that period we have a series of resolutions containing such phrases as that India must be aloof from the war: Congress "looked upon war and violence with horror": that the war was being carried on for Imperialist ends and that with such a war the Congress could not associate itself. Then came the Ramgarh resolution of the 20th March, 1940, moved by Nehru: "Congress could not, in any way, directly or indirectly be party to the war or help in the prosecution of the war with men, money or material."

Could there be a more categorical statement of the Congress attitude towards the war?

Now, I come to the next period, from April, 1940, until December, 1941, when Japan came into the war. This period began with the German victories of the summer of 1940. Norway, Denmark, Holland, Belgium and Luxemburg were overrun. The British armies were withdrawn from Norway and Dunkirk. Italy declared war. France capitulated. Britain and the British Commonwealth of Nations stood alone. This was the moment at which the Congress decided to make a bid for power, and we have the Poona resolutions of July, 1940—a demand for immediate independence under a provisional National Government. If we want to know what that meant I can quote Nehru's remarks explaining the intention of the resolutions. He said:

"We have made it perfectly clear in the past that we cannot help the war effort of British imperialism or become its recruiting sergeants. That position remains completely unchanged: but to maintain our own independence for our own defence and the defence of freedom we are prepared under our own direction to do our best."

The words "our own" come in three times. This resolution was not an offer of co-operation in the war effort but an attempt to impose Congress domination on the country.

After that came the Viceroy's August offer which I have already mentioned.

The All-India Congress Committee followed it with a resolution putting Mr. Gandhi in charge of a movement of non-violent resistance, and then followed the civil disobedience campaign of 1940-41 which continued for more than a year and was based on the slogan: "It is wrong to help the war with men or money".

I might remind the House that in 1940 the Congress Members made one of their rare appearances in the Central Legislature in order to defeat the supplementary Finance Bill which was introduced in order to raise funds for the prosecution of the war. Anyone who heard their speeches, as I did, must find it impossible to believe that the persons who made those speeches really had the participation of the war at heart. That ended the second period with the civil disobedience still dragging on.

We now come to the third period when Japan entered the war on the 7th December, 1941. Thereafter the threat to India rapidly increased. Let us see how Congress responded to that situation.

Early in December Government announced the release of Satyagrahi prisoners. The only response of the Congress was the Bardoli resolution of the 30th December, 1941, in which they observed: "The recent release of a number of political prisoners has no significance or importance." Nor did it, for four months later the Congress were preparing for their rebellion. After that came the Cripps Mission; and the Cripps Mission was followed almost at once by the Allahabad resolution of the All-India Congress Committee. I will give a quotation from this resolution as passed. "If India were free she would have determined her own policy and might have kept out of the war". This however was only a camouflage of Mr. Gandhi's original draft. "If India were freed, her first step would probably be to negotiate with Japan".

I have referred yesterday, in speaking on the adjournment motion, to Nehru's remarks on Mr. Gandhi's original draft (and anyone who wants to see them can find them in the "Congress Responsibility" pamphlet).

Shortly afterwards came the Bombay resolution of the 8th August, 1942. This was a demand for the immediate end of British Rule, to enforce which the All-India Congress Committee resolved to sanction "the starting of a mass struggle on non-violent lines on the widest possible scale". That is to say, we now come to direct action. This resolution was passed when Japanese invasion seemed imminent and in the then state of our defences our resources were likely to be strained to the utmost in meeting it. It was this resolution that led to the arrest and detention of the Congress leaders.

Then followed the Congress open rebellion launched with Mr. Gandhi's own words: "Do or die". I do not think I need go into the vexed question of Congress responsibility for this rebellion. The Government have already expressed their views on this subject, but I would like to remind the House of what

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Mr. Gandhi himself said during his trial in Court in 1922 after the Bombay riots and the Chauri Chaura occurrences. This is what he said:

"He (*the Advocate General*) is quite right when he says that, as a man of responsibility, a man having received a fair share of education, having had a fair share of experience of this world, I should know the consequences of every one of my acts. I knew this. I knew that I was playing with fire. I ran the risk and if I were set free I would still do the same."

In answer to the second ground for release urged in the Resolution I have now given an outline of the war record of the Congress. It is a record that does not encourage confidence in their future intentions of furthering the war effort. There were three phases revealed in their attitude. First, at a time before the course of the war had become clear, Congress repeatedly declared themselves opposed to any kind of participation in it. Next, when the course of the war turned, as they thought, against Britain and her allies and they saw Britain passing through her greatest time of difficulty, they thought the moment appropriate to make a bid for power and to launch a political movement directed against the war effort with the object of putting pressure on His Majesty's Government to grant them political concessions over the heads of all other parties in India. Again later,—and this is the third phase—when they thought that India was threatened, they resorted to direct action likely, and more than likely, to impede the defence of the country in order to secure power for themselves and be in a position to get out of the war. They were ready even to contemplate making terms with the Japanese.

It is difficult in the face of this record to see how Mr. Navalrai can suppose that some definite furtherance of the war effort would follow from the release of people whose activities, while they were at liberty, were so consistently directed against it.

I have now given in outline the record of the Congress so far as it concerns the deadlock on the one hand and the war effort on the other. I have shown that there is nothing in that record to justify the Mover's expectations. It was necessary to remind the House of these things because facts are easily forgotten when things are quieter; but we must remember that the war danger still stands close to India and while India is in the front line considerations of elementary security demand that the country should be preserved from all risk of a repetition of the methods of obstruction and coercion which have been so characteristic of Mr. Gandhi and the Congress in the past.

The Resolution wants Government to take these people on trust. What indication have we, other than Mr. Lalchand Navalrai's expectations, that the release of these prisoners would either end the deadlock or help the war effort? On the contrary, Mrs. Naidu in her recent statement has made it clear enough that there is no change of heart among the Congress leaders. She has provided us with an answer to those who say that if only the leaders were free to meet and consult each other the Congress would revise its policy and that it is prevented from doing so by the action of the Government. There is not a word in the report of what she said about Congress cooperation in the war effort except on the terms laid down by the Working Committee.

But while Government cannot afford to take any more risks, releases of Congress prisoners have steadily been going on. I have not got the latest figures but by December the 1st, out of a total of about 17,500 persons who had been detained in connection with the Congress movement, only about 5,600 were still under detention. I have no doubt that the present total is considerably less. Thus, the various Governments in India, in accordance with their usual policy, have progressively been relaxing their precautionary measures as experience has shown to be possible. I can only hope that many of the people released have learnt wisdom and will not give us cause to regret the action taken. I would once more assert that the object of Government in detaining those persons was not political, not vindictive, but precautionary; and if we are asked to release them we must be sure that the results that

would follow from such release would be beneficial to India and the war effort

Mr. R. R. Gupta (Cities of the United Provinces: Non-Muhammadian Urban): What danger is the Government going to incur if the members of the Working Committee are allowed to meet together?

The Honourable Sir Reginald Maxwell: I would rather not be interrupted. If we are told that the war effort cannot be prosecuted or that the constitutional problem cannot be solved without such aid as the Congress have shown themselves minded to give in the past, I would assert that in time of war the affairs of the country must be in the hands of people who will not desert their constituents, will not refuse to share the responsibility of the war administration, will not panic in the face of danger, and will not exploit that danger to their own advantage; and before we can feel confidence in people who have done all these things, we are at least justified in asking for some definite assurance that there will be no more obstruction of the war effort, no more attempts to set the country in a turmoil and, most of all, that they are unequivocally in favour of using all the resources of India for the prosecution of the war against the Axis powers, and in particular Japan, until victory is won.

I know that there are many in this country who regret that while India's soldiers are gaining glory in far-off battle-fields, political leaders in India have done so much to create the impression abroad that India is not a willing participant in this war. It is for those leaders, or for their followers, to remove that impression. I know again that there are many who regret the lack of political progress which the Mover describes as a 'political deadlock'. This again, as I have shown, has not been due to any lack of opportunities. That the group of thought represented by the Congress has remained unrepresented in the Government of the country, or that no more progress has been made towards realization of the plans for solving the constitutional problem, is due to the attitude of leaders who, as Mrs. Naidu has told us, have no mind for compromise and have consistently refused to support or cooperate with any constructive programme whatever. When that is so, it is useless to throw the blame on Government. Congress supporters must think of a better target for their reproaches. I believe that the vast majority of those who support or sympathise with the Congress hold their opinions sincerely, and only want their country's good. Their only fault is that they have not understood the magnitude of the issues involved in this war and in their own country's constitutional progress. They have in good faith surrendered their judgment to others, and they have been let down. They have my sympathy, but it is not for me today to tell them what to do next. The action of the Government in keeping a number of persons in detention has been taken in order to save not them only, but still more the country as a whole, from very great and immediate dangers, both external and internal. It is the only way to preserve and safeguard for all the path of peaceful and orderly progress. It has never been directed against a nationalist movement as such, but only against wrong methods. A true nationalist movement should be fed not on hatred but on friendship, not on strife but on compromise, not on selfishness but on sacrifice for the common good. It should put the nation before politics. If the present dangers can be averted and if the goodwill which the British people and Government have always shown towards Indian political aspirations is matched by equal goodwill on this side, I have little doubt that those who do not want a deadlock for its own sake can easily enough find a way out. Sir, I oppose the Resolution.

Mr. T. T. Krishnamachari (Tanjore *cum* Trichinopoly: Non-Muhammadian Rural): Mr. Deputy President, my provocation for rising is that I have had the misfortune of listening to the speech of the Honourable Sir Reginald Maxwell.

It is rather unfortunate that an opportunity should have been provided for the Honourable the Home Member to give a parting kick to the

[Mr. T. T. Krishnamachari.]

people of this country. I therefore regret that this Resolution was ever moved. In fact, it was to circumvent that contingency happening that I gave notice of an amendment which could not be moved for reasons best known to this House. I agree with the Honourable the Home Member that the issues that are covered by this Resolution are not quite clear, they overlap. But the Honourable Member must realise that, whether the Congress chooses to exercise its franchise or not, and whether Congressmen propose to stand by their men and help them to fight against the evils that are brought on the heads of the people of this country by an Imperialism which is dead to all decent feeling, we, who have been elected by popular suffrage and are responsible to our constituencies, will have to carry on our work, and our work is to show to the world that this Government has no right to exist, that this Government is keeping incarcerated several thousands of patriots without any trial and for no reason except to save its own skin. I cannot understand those pious platitudes that were voiced forth by the Honourable the Home Member about the bonafides of the British Government and their desire to help India in the path of constitutional progress, after the speech of that bad man Winston Churchill in the Mansion House in London—the speech of the man who said, I am not going to preside over the liquidation of the British Empire, I am not going to be the first Premier to advise my King to liquidate the British Empire—that man, having uttered those sentences which have been voiced forth to the world and which made the people of America ask the question what does the Atlantic Charter mean, what is Britain really fighting for. We know what to expect from Britain. And Sir Reginald Maxwell stands here to-day and with his tongue in his cheek and tells us, “We were willing to help India in the path of constitutional progress.” What is that constitutional progress? It is not what we want. All that we want is only that you should quit and we should step in. That is all we want and we do not want your help. If I speak with emotion it is because I feel that we should not have given Sir Reginald Maxwell a chance of imparting to us a parting kick. We know the attitude of the British Government. People in this country are full well aware that Britain will stay put in this country if possibly they can for years to come. And all this war effort and all that you are doing to-day in the name of war effort is simply to tighten that hold over this land. What is your war effort? Ask anybody who comes out from England how your war effort impresses them. What are your ports, what are your railways, what are your coal mines? What war effort are you doing in this country? What about the food problem in this country? You talk with your tongue in your cheek, and say that these people who are in jail if released, will not help war effort. Do you mean by that that you require their help in the misgovernment of this country?

Sir F. E. James (Madras: European): He should address the Chair.

Mr. T. T. Krishnamachari: I am asking, Sir, these people. I am telling them through you.

Mr. Deputy President (Mr. Akhil Chandra Datta): It does not matter. That is the usual way.

Mr. T. T. Krishnamachari: Sir Frederick James is a good friend of mine. He comes from Madras and feels that he has a right to teach me parliamentary proprieties and I have got to obey him.

I do not for a moment expect that this Resolution would be carried by this House. I do not for a moment expect that anybody can really say that by merely releasing political prisoners the deadlock can be solved. The solution of the deadlock is in the hands of the Treasury Benches as represented by Sir Reginald Maxwell, the Home Member, who speaks with the voice of authority of the British Government in this House. If he wants, the deadlock will be solved, and if he does not want, the deadlock will not be solved. It is true that the two issues of solving the deadlock and intensifying war effort cannot be put together. Possibly—we have got to suggest a way of solving the deadlock

and see if the Government will accept it. If they do not accept it but reject it, well, it means that they do not want to solve the deadlock. Speaking on this question of deadlock, the Honourable the Home Member waxed eloquent. He said that six provincial Ministries are functioning to-day. On the other hand, we have Mr. Gazdar of Sind saying that he cannot release the political prisoners in Sind because the Central Government have not authorised him to do so! Six Ministries are functioning, and still directives are sent by the Government of India to the Ministries to do this and to do that in the name of war effort! And if the Congress Government resigned because they do not want to receive directives from the Government of India, the Government of India controlled by Sir Reginald Maxwell, the direct representatives of Mr. Winston Churchill in this country are alone to blame for that.

What is the meaning of taking some credit for the Indian Government by saying that the National Defence Council is functioning? What is this National Defence Council? It is composed of a number of Yes-men. A member from Madras says, the Viceroy has spoken and nobody else can speak. This is the National Defence Council which is pictured to the House as a big organisation which is behind India's war effort! Why are the Muslim League Premiers away from the National Defence Council? Does not the Honourable Member remember that the Muslim League Premiers won't serve in the National Defence Council. And yet he says, that the Government of the country does not stand still. Nothing can stand still. It does not matter to you what is happening in this country. It does not matter to you if millions are dying in Bengal and a million are to die in Madras. You carry on as safely as you have been all these two hundred years, and you will quit I suppose if you find it very hot some time. You are not prepared to stand by our side and fight. In Madras on the 11th April, 1942, the Government left the city. They left the city because they were afraid that the enemy fleet somewhere near Rangoon was moving towards Madras and the enemy might land there. They left Madras, they were prepared to leave Bangalore, Hyderabad and were ready to take up a line of defence from the River Sone to the Vindhya and thence to Karachi. You are not going to be here to save our skin. And you come and talk to us about war effort and about your Government not being at a standstill! My Honourable friend goes further and says, the deadlock is of the people's own making. Yes. It is people's own making but largely reinforced by your own help. Your action when the Cripps Mission came and was staying in this country won't stand scrutiny. You tried your best, the people in authority who were in Delhi who wanted to retain their seats on the Executive Council and their salaries, tried their best to sabotage the work of the Cripps Mission. If you had the slightest good will towards this country, if Sir Reginald Maxwell, who now gives us that parting kick, had bestowed his benediction, Cripps mission would not have failed. If you and the people whom you represent in this House had said, our good will is behind you, accept the Cripps offer, we will give you the necessary assurances you want, the Cripps Mission would not have failed. Sir, as I said before, it is very unfortunate that the Honourable Sir Reginald Maxwell should have been allowed to give this parting kick, to pervert history, and to tell us that the British Government is justified in what it is doing. I do not know with what temerity he quotes again that statement of Mrs. Sarojini Naidu after my Honourable friend, Mr. Neogy, read the six lines immediately preceding this portion of Mrs. Naidu's statement. I will ask the Honourable the Home Member, has he no eyes to read? Would he not read those lines once again?

Then let me read it for him:

"Now is the occasion for Government to rectify past mistakes with the right gesture. We have made our gesture. I think it is possible to find some way to make a breach in the wall if they would let people meet and talk to Gandhiji and let him meet the Working Committee and find out for himself what they thought and what was happening in the country."

Then she goes on to say that 'on fundamentals, we cannot surrender' and so on.

[Mr. T. T. Krishnamachari.]

She has said that if the members of the Working Committee were allowed to meet Mahatma Gandhi, the deadlock can be solved and still my friend the Home Member, in spite of the powerful voice of my friend, Mr. Neogy, will pervert the statement of Mrs. Naidu. I agree with my friends on my right. We shall not ask for the release of Congressmen. We shall not beg. I agree with Mr. Jannadas Mehta that we should not beg. Nobody really begs. As a matter of fact, has begging ever made the people in Jail come out? If I go and beg of Sir Reginald Maxwell, he is not going to release anybody. Begging is not going to help. As a matter of fact, it is futile.

What do we see in England? The British Government releases Sir Oswald Mosley. He is a man who is in avowed sympathy with the Fascists. He is a man who wants a Fascist regime in England. He has been released. People were against this in his own country and yet the spokesmen of the British Government said that people could not be kept in prison without trial for a long time. But our leaders must be kept in prison just because you are fighting the war inefficiently. Either you are not or you cannot fight the war properly. You are not keen on defeating Japan. As things are, you want to save your skin, before Japan is driven out of Burma. Are we to wait indefinitely and see our leaders languish in prison and die, because you cannot conduct the war properly. Your war effort is not worth that name.

And what else do you do? You send out hirelings from this country to go abroad and abuse this Legislative Assembly of which you are a Member. You allow them to say that it is unrepresentative and ask them at the same time to boost your war effort, whereas the whole world knows what war effort you are making. You won't fight Japan until it suits you. You are not putting up anything more than a show of a fight and still our leaders have to languish in prison till you have won your war. Without them, the political deadlock cannot be solved. So long as you are here, you will not allow the deadlock to be solved on the plea that the Hindus and the Muslims will not come to a settlement. Don't keep these men in prison in the name of the war effort, because your war effort means nothing really. You are not fighting the war properly and we have a right to ask that you cannot go on keeping these people in prison indefinitely. You have got to release them. Justice and fair play demand their release. I have mentioned in this House on a previous occasion of the case of Mr. R. S. Pandit. He was taken in a crowded third class compartment from Bareilly to the Ballampur hospital in Lucknow and with what result. He is now dead. The same thing happened to my friend, Mr. Satvanurti. The men died because you had not the elements of decency in you to treat men whom you incarcerate properly. You tell us that you did that in the name of the war effort. Don't kill people in this country in the name of your war effort. We know the fate of this Resolution. It will be defeated. How can it be passed in a House which comprises 39 Nominated Members, in addition to a contractor community which is always waiting for the crumbs from the Supply Department; but people like Mr. Lalchand Navalrai and others who are dependent on popular suffrage have to make attempts to protect the liberties of the people and to get patriots, who are kept indefinitely in jail without any trial, released and that is the only reason why this Resolution was at all moved. Sir, I support the motion.

Mr. Lalchand Navalrai: There is hardly time for me to make a long speech by way of reply but I want to say one thing. The question is very simple. As my friends are anxious to take up another Resolution, I have got to give way and therefore will not say much. In the very beginning, I gave a warning that my Resolution is a simple Resolution in which the past sins and past actions should not be brought into the House but the debate has now drifted the other way. Between the Government and myself, I would only say that the Resolution should be considered from that simple point of view. They should not insist upon the Congress withdrawing their declaration and say that only then they will release the Congressmen. This is a wrong view that Government is taking. From the Congress side, they are right. They will not do anything

beforehand. Their position is correct. That is all I have got to say. I do not want to say anything more.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That this Assembly recommends to the Governor General in Council to direct the release of political prisoners now in Indian jails as security prisoners under the Defence of India Act and Rules, with a view to removing the present political deadlock, and furthering the interest of the war effort."

The motion was negatived.

✓ MOTION FOR ADJOURNMENT.

LIFTING OF BAN ON EMPLOYMENT OF WOMEN ON UNDERGROUND WORK IN COAL MINES.

Mrs. Renuka Ray (Nominated Non-Official): Sir, I move that the Assembly
4 P.M. do now adjourn.

The withdrawal of the ban preventing women from being employed for underground work in the mines is a step which is so retrograde that it has caused deep anxiety and resentment in the country and has also evoked much criticism abroad. It was as long ago as 1842 in Great Britain an Act was passed prohibiting women from working underground in mines, and other countries followed suit soon after this. It was in 1929 that the Geneva Labour Conference took up this matter and in 1935 the International Convention prohibiting women from employment in underground work was made into a Convention and India was a signatory to this Convention. The International Labour Conference passed this in 1935. One of the provisions of this Convention is that a signatory cannot withdraw from it for a period of ten years after signing it and then only if a country registers that she renounces the term and gives notice for one year, is she entitled to withdraw from it. At a recent meeting of the Governing Body of the International Labour Conference this matter was discussed and the President in his speech said that the International Conventions should be maintained in their integrity unless there was a clause in the Convention itself saying that the Convention could be put into abeyance. But he foresaw that some Conventions might have to be suspended on account of *force majeure* or emergency and in that case it may be necessary to suspend Conventions. Youhoux, the Labour delegate from France, agreed with the President but added that it was also necessary that in such cases where governments found it imperative to infringe a Convention they should consult the representatives of both employers and workers. In any case, no decision appears to have been taken and the Governing Body is not really competent to pronounce any decision on a question of this character. The only authority which can give authoritative rulings as to the interpretation of any Convention is the International Court of Justice at Hague. It therefore follows that any country that has ratified the Convention is bound in honour to follow it and not take advantage of unsettled conditions, or make any excuses to infringe it and particularly, I say, should it be in the case of a provision of the above nature. But it is not only on the legal aspect that I want to dwell. It is not that which vitally affects us because it is really a great moral breach.

Civilised opinion throughout the world considers employment of women in underground work in mines as utterly reprehensible and against all humane interests. By a notification on August the 2nd and 18th of last year, the Government of India first withdrew the ban on the employment of women underground in mines, in the Central Provinces and Berar. There were a number of protests at this time, particularly from amongst those who understood the implications of the withdrawal. But instead of restoring the ban, on the 24th November and since then on the 4th December, the Government have introduced similar notifications in the coal mining areas of Bengal, Bihar and Orissa. I think the Members of this House are quite aware that it was as a result of a great deal of agitation in this country and from Women's Associations in this country also, that finally in 1937 the Government of India were moved to place a ban on the employment of women underground. From 1929 the process of elimination had started but by 1937 it was complete. During this period

[Mrs. Renuka Ray.]

there were many excuses raised and many reasons were given, reasons which again seem to have been brought forward today. It was said that the elimination of women was causing great hardship to mining labour, that it was breaking up the family life, that the family wage was being reduced and that demoralisation was setting in, that husbands were jealous if the wives did not go down with them to the mines underground, that women themselves preferred underground work to any other kind of work. All these excuses were given at that time and because those excuses were given, the All-India Women's Conference, which is representative of Indian women's opinion in this country, set up an Investigation Committee, which went to Jharia and Raniganj coal fields. I happened to be a member of this Committee. We weighed in detail the advantages and disadvantages of eliminating women from the mines. No doubt, when first action was taken, there would be a certain amount of dislocation and adjustment had to be made, but weighing up the advantages and disadvantages we came to the conclusion that there could be no second thought in the matter and that the best method of not breaking up the family life or not reducing the family income was, firstly, by finding for women surface jobs in mining areas. We recommended that they could be utilised for making *roti* on the surface and they could do weaving and basket making and other forms of surface work. We also recommended that better wages be paid to mining labour because that is the real solution of the problem. The Kastur Mine, as far as I remember, in Jharia took up our recommendations and subsequently Government too set up schools for teaching women these crafts. I can see no reason why this ban was lifted. At that time there were certain dislocations and there might have been some excuse raised on the other side but today there are really no justifications for withdrawing this ban. I have gone into the details of these recommendations because the same excuses are being raised again.

It is really a matter of profound disappointment to those who have striven and succeeded, after a long time, in inducing the Government of India to bring in this ban, that without a second thought and in spite of so many protests the Government should have taken such a retrograde step. It is, of course, only to be expected that the Government will be concerned in regard to the shortage in the output of coal, particularly during war time, and nobody blames the Government for such concern. Surely there can be a more satisfactory method by which that can be met. Only last year, the reason was given that it was due to transport difficulties that the output of coal was not as it should be. Later on, other reasons were given. Another reason that was given was one which Whitley Commission had pointed out long ago, that there are not a sufficient number of tubs in the mines. Of course, during these days, there is probably even greater lack of tubs and surely the Government and the mine owners should have thought of this and that this might be a cause which would really interfere with the output of coal. The cause now pointed out is lack of sufficient labour. But as I saw in the papers this morning, the Government have arranged for labour from outside, and surely this could have been done before, and I hope this labour from outside does not include women labour. Perhaps the Honourable Member for Labour will inform us in more detail about that.

The real solution to our mind is the wages of miners. In 1942, after an increase of 22 per cent., on account of dearness allowance of 12½ per cent. and 10 per cent. increase in basic wage, the average earning of the mine labourer was Rs. 11-13-0. Now, after a further increase of 50 per cent., it is about Rs. 14-0-0 to Rs. 15. The miner is also allowed for his own use to buy rice at 5½ seers to the rupee at Raniganj and at five seers at Jharia. But can this be called a living wage even in a country like India? Is it to be wondered that labour for mines is not available when even badly paid industrial labour gets between Rs. 23 and Rs. 30. The lack of other openings made it possible in the pre-war period for labour to be obtained at this exploited level, but with new avenues for employment, it is not surprising that labour is not obtained in sufficient quantity for mines. I would like to ask the Honourable the Labour

Member whether the solution lies in the exploitation of women, women, however humble and lowly they may be placed, are his own country women? I find that 10,000 women have gone underground very recently, but the answer is the same answer that we gave last time, and that is that surface labour in mining areas fetches them about three annas a day, but if they go underground they get 6 to 8 annas a day. Naturally it is the economic necessity that makes them to go underground. It was sometime back that we questioned the women as to why she wanted to go underground and even at that time they said, "we have to go underground, otherwise we do not get enough, the family wage is not enough". Well, Sir, the same question deserves the same answer now.

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

There is another point that has to be made in this connection and that is that a certain amount of man labour is being displaced. These people go down in groups of four or five. With the lifting of the ban, a mine cutter prefers to employ his wife or sister as a loader because that increases the family wage and the result is that a certain amount of men labourers in mine are being displaced, actually displaced when women go underground today. Mining labour is migratory and during the harvesting season, you cannot get mining labour in the same quantity naturally. The solution for this is not that women should go underground, but the solution lies in making mining an occupation where labourers can work on a whole time basis. At present how can they do that, if they do not have the harvest to fall back upon. Even in India, if they have no other resources how can they live on Rs. 14 to Rs. 15 a month in mines. I would really urge upon this House, to consider how they can conceive that these people can really live on such low wages? I would ask the Government also to seriously consider this matter.

There is just one more point. It has been said that as seams are higher in Indian mines than in British mines, the hardship is not the same and the implication is that it does not matter as much to allow women to work underground. But what about the fact that other conditions such as ventilation, general sanitary conditions and the amenities for miners are far behind that of Britain. In any case, there is no justification for the course that has been adopted.

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

Mrs. Renuka Ray: I would request the Honourable the Labour Member and the Government to heed the protest that has been made against the employment of women, underground in mines, women, who are the mothers of the race. Any State that today infringes this code and allows them to work in such injurious occupations stands utterly condemned before the bar of world opinion.

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

"That the Assembly do now adjourn."

Mr. N. M. Joshi (Nominated Non-Official): Sir, the step taken by the Government of India in permitting women to work underground deserves a severe condemnation from this House. Their action, being based on wrong diagnosis of the cause of shortage of labour, is in my humble judgment unjustified and uncalled for. They have taken a retrograde step in breach of international agreement. They have taken a step which, in my humble judgment, is not likely even to achieve the object which they have in view. Sir, the real cause of shortage of labour in India at present is not the shortage of labour but the unwillingness on the part of mine owners to produce more coal or even to maintain production of coal at the usual level. The owners under the present method of taxation and the method of getting profits on account of high prices of coal, have no incentive at all to give more production, if they can make the same amount of profit with shorter production. The real remedy, therefore, is either to give the owners the incentive which they want, namely, high profits, or let them take here also the step which the British Government has taken whenever production of an industry is found to be less. In Great

[Mr. N. M. Joshi.]

Britain when a factory or an industry does not give the same production which the Government expect that industry to give, the Government take over the industry or the factory. That is what the Government of India should have done. They lack the courage to do so and therefore they make scapegoats of the Indian miners. There are other causes for shortage of coal, such as lack of equipment, lack of machinery and lack of transport. The real remedy is to remove these difficulties in the way of production. In my humble judgment, the lack of labour is not only not the main cause of shortage of labour, but not even the real cause.

Sir, if there is an apparent shortage of labour that is due to bad conditions of work and life in the coal area in India. The wages in the coal area are the lowest except perhaps in the plantations in Assam and other places. The average wage in the coal area is less than Rs. 10 a month. In Jamshedpur in the same province the average wage is more than Rs. 30 a month. How do the Government of India expect to get a sufficient number of miners to work on mines when they get only one-third of the wage which obtains at a place not distant from the coal area? Then the housing conditions are bad and there are other conditions which are not desirable and which will not attract labour. Therefore if the Government of India want to attract labour what they have to do is to improve those conditions. The Government of India have stated somewhere in one of their communiques that the wages in the mining area are to be raised 50 per cent. but they did not publish in the same statement the percentage of the rise in the cost of living. Wages are said to have gone up 50 per cent. I am doubtful about it, but admitting that it is true, the cost of living has gone up 150 per cent. or 200 per cent. higher. The Government of India said in their communique that there are some grain concessions. Sir, do you know what this grain concession is? Before the war the miners used to get 12 seers of rice for a rupee; Government have now decided to sell rice at six seers a rupee; that is to say, at present people have to pay at least double the price, or 100 per cent. more. In these circumstances how does the Government of India expect that they will be able to secure miners to work in Indian mines?

The Government of India have also made much of the Miners' Welfare Fund which they propose to start. The miners are now suffering from difficulties regarding food and small wages, and the Government of India hope that on account of the distant prospect of getting some benefit out of this fund the miners will be attracted. Even supposing that the benefits out of the Miners' Welfare Fund will be drawn from tomorrow, the House should realise what the benefit of that fund is going to be. The Government of India propose that there shall be a cess of from one anna to four annas. Even if I take the cess at its maximum that will produce about 50 lakhs of rupees a year. There are two lakhs of miners in India and if the whole benefit out of this fund goes to the miners,—they will not get it because there will be salaries and other things to pay,—the wages even then will not be raised by more than Rs. 2 a month. That will be the maximum value of the benefit. Is that likely to be accepted by the miners as an attraction? The Miners' Welfare Fund is surely a welcome step, but it cannot be a substitute for the payment of proper and adequate wages. I therefore feel that if they wanted to attract labour they should have given labour adequate wages. If in Jamshedpur the wage is more than Rs. 30 a month then the miner's wages should be the same.

My Honourable friend, Mrs. Ray, has already dealt with the breach of the international agreement. There was no justification for Government at all to break that agreement; they have not made out a case that without breaking the agreement the country would have suffered a great deal. I can understand the international agreement being broken but a strong case must be made out for breaking it, and the Government of India have not done that.

Then the Government of India have stated in one of their statements that there is no compulsion on women to go underground; they are free. The

Honourable Member did not care to make his statement a coherent one. In that very statement the Honourable Member has stated that as a step to secure labour he has taken steps to prevent the miners getting work anywhere else; the miners are to be refused work in other industries. Is this not compulsion when you secure labour at the point of starvation? You refuse other employment to the miners and thus try to secure a number of miners,—this is surely compulsion.

Then the Honourable Member in his statement said that we must recognise the fact that in our country labour is too poor not to permit women to work with them. If the Indian workers are poor the Government of India should take steps to give them proper wages and not place Indian labour under the necessity of having their scanty family income added to by the wages of their women. I need not deal with the argument of the miners being more jealous than other people; every one, yourself and myself, would like our wives to work with us if they are at all to be under the necessity of working. But the miners, like yourself and myself, would prefer to secure sufficient wages so that the women need not be under the compulsion of working for the maintenance of the family.

Then, Sir, the Government of India have stated that although the Indian population is 400 million the number of people who will adopt mining as an occupation is very small. They talk of traditional bias. But this traditional bias does not exist in India only; even in England it is not everybody who takes up mining. Mining is a most dangerous occupation; the greatest risk to life exists there, and it is also an unclean occupation. Therefore people do not generally go to the mines. But in England when they have felt a shortage of coal they have not asked women to go underground. No minister can dare do that; he will be dismissed if he tries to do it. What do the English people do? They adopt conscription; when they want labourers for mining they can ask anybody to go underground and work. Let the Honourable Member do that. He is afraid that there may be some friend of Honourable Members here who will be asked to go underground and there will be a row in the country; therefore let these poor miners be compelled by being refused work somewhere else to go underground at the point of starvation.

Sir I expected the Honourable Member, particularly my Honourable friend, Dr. Ambedkar, to have sympathies with the down-trodden. He is a great champion of the scheduled classes and I would have liked him to be an equally great champion of the aboriginal classes in this country. The miners come from the aboriginal classes, people who are not fully developed. Unfortunately the Government of India have been trying and the employers of these people have been trying to exploit them. They have exploited them for a very long time and I would have expected the Honourable Member to have sympathies with the aboriginals, as he has undoubted sympathy with the scheduled classes, and prevented the exploitation of these helpless people. Instead of doing that he has fallen a victim to the pressure of the employers in this country; he has fallen a victim to the weakness of the Government of India. He should have resisted any pressure from his Colleagues and from the employers in this country and taken the right step. If they wanted more labour, they should have come forward with just and fair terms for the labour. Increase wages; give them the conditions which will attract the Indian miners to the industry. I am sorry, Sir, the Honourable Member has taken the wrong step.

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

Mr. N. M. Joshi: I hope the Honourable Member will retrace his steps and cancel the permission which he has given for women to work underground.

Mr. Jamnadas M. Mehta (Bombay Central Division: Non-Muhammadan Rural): Sir, I rise to support this motion for adjournment of the business of

[Mr. Jamnadas M. Mehta.]

this House. The proposition is so obviously just and true that there ought to be no difficulty in the House accepting the adjournment motion.

Sir I had some little share in the year 1934-35 at Geneva to get this Convention abolishing the employment of women under coal mines accepted and I therefore regret all the more the necessity which has forced the Honourable the Labour Member to accept so reactionary a proposal as the employment of women under mines. And I am sorry to say that in doing so while he consulted the labour representatives he did not follow their advice. There was a meeting where Mr. Joshi and myself were called and we were told about the deplorable situation regarding the output of coal mines, the need for more coal and the need for more labour. However unpleasant the proposal was to me and however reactionary it was, although for a time, for the sake of war and for the sake of the industrial workers who are getting unemployed on account of the shortage of coal, I was prepared to agree to this under certain conditions. Sir, the effect of the shortage of coal has not merely been felt as a very great hardship for war purposes but in the industrial areas, where coal is the basic article without which no industry can run, I have found industry after industry going short of coal being compelled to work short hours and in some places closing altogether. And here, not very far away from Delhi, we have a place where the whole population is engaged in bangles manufacture, and in the absence of sufficient coal I found on a visit to that place 20,000 workers going out of employment and their families faced with starvation. For the reasons of war and for the upkeep of industrial establishment therefore a greater output of coal was undoubtedly necessary and I cannot blame the Honourable Member for searching the world high and dry for getting the additional labour, and therefore as an extreme necessity we were prepared to consider, on certain conditions, the employment of women under coal mines.

My Honourable friend, the Labour Member, had got a communication from my Federation as to the conditions under which only we were prepared to agree. All those conditions were brushed aside and after listening to us in conference and perusing our communication the employment of women under mines was accepted. We are told that whatever we asked for, Government would do, not as a condition precedent, but in the course of time.

Now you see how it works out. The Honourable Member knows very well that in the matter of housing, apart from wages, sanitation and education, the workers in the coal mines are the most exploited among the workers and, therefore, thought that he will give a practical demonstration of his keenness. He has imposed what now amounts to -/4/- annas per ton cess, and on the basis of 25 million tons of coal the income from this cess ought to be Rs. 62,500 every year. Now, Sir, this amount—Rs. 62,500, is to be spent in education, housing and sanitation, not to be given in cash. This is a welfare amount, and therefore it is to be spent on housing, etc. Now, two lakhs of coal workers will need at least 2 lakhs cottages at the rate of one cottage per man, and one cottage will cost at least one thousand rupees in these days. That is to say, twenty crores of rupees would be required for housing alone, whereas he gets 62 lakhs. So the houses that are going to come into existence at the rate of 62 lakhs of rupees per year will all be built in 30 years. The welfare of the coal worker will be accomplished at the end of 30 years while their women will be employed from today. And that is true only if housing alone was the objective. But here sanitation is the second objective, education is the third objective. And, therefore, if you divide 62 lakhs into three parts, there will be a little more than 20 lakhs for housing whereas we require 20 crores. Therefore, at the rate of 20 lakhs a year, the housing arrangements will be completed in a century. The sanitation arrangements will be completed in a century and education will be completed in a century. So the programme of the Honourable the Labour Member is a century batsman programme. In the meantime, these two lakhs of workers and their women will work under coal mines. Is this any rational solution?

My Honourable friend has got the list of demands which I made. My proposal is that if he could give immediately very substantial wages, could assure them all the immediate necessities of life—as food, clothing, sanitation, and some kind of decent housing to start with and give them sufficient wages for that purpose—I, for one, during the war will not object to the employment of women. But nothing has happened except 22½ per cent. increase in the dearness allowance, all the rest is aspiration as against accomplishment. That, to my mind, is a very unsatisfactory solution of a most acute problem.

Sir, the coal worker has been the most exploited man in all the industries for a hundred years. Europeans, who command the majority of the best of the mines, are ideal exploiters in the world. When I discuss it with them they challenge me to come to Bihar or to Orissa and see what enormous work they were doing for the welfare of workers. I need not go there. The very fact that these workers run away from them, they do not trust them, and they are happier without them than with them, is a proof positive that the European coal mine owners are not the angels as my Honourable friend makes them out to be. And what is worse, the sanitation arrangements are hopeless, the housing arrangements are nil but the drinking arrangements of liquor are the best. Ask the employers whether they are not keen on liquor shops? They are not keen on housing, sanitation, water supply or even education, but they are definitely opposed to the abolition of grog shops. With such employers, the output will naturally fall when the military are competing for their labour. I congratulate the military for meeting the European coal-miners once. It is because the military are paying such generous wages for the construction of roads and other military works that the coal-miners are running away from the mines. That is the crux of the problem. If you pay them proper wages, whereby they can get decent food, decent dwellings and other amenities of life, they will come. They won't even need the Honourable Member's repeated visits to the coal areas. But to my great disappointment the Government of India have been compelled to pay heed to the pressure of the European coal-mine owners. If they had not been there the Indian coal-owners would have got short-shrift. The Europeans are the real rulers of Bengal, Bihar and Orissa. It is Calcutta that will be fed by the Central Government because the Europeans are there. Women will enter into mines and the Bihar Government will not object because the Europeans are there and the Europeans are the cocks of the walks in all industries, particularly in the eastern part of this country. I cannot blame my friend, Dr. Ambedkar, because all the eleven of them in the Council cannot withstand the pressure of one European capitalist.

There is one last suggestion which I would make to the Honourable Member. If he wishes to make housing quickly available to the coal-miners, Rs. 20 crores being the estimate, let the Honourable Member for Labour immediately raise a loan for that amount with the consent of the Honourable the Finance Member. Let this Rs. 20 crores be immediately invested for building houses in the course of a few years with the same speed as the military have built quarters for the American Army and Air Force here. It would be possible to build all of them in less than a year provided the pressure which the Americans could bring to bear on the Government is also exercised by the Honourable Dr. Ambedkar on this Government. Then I say there will be enough housing accommodation within a year.

I am told the American forces insist on baths, cinemas, and all sorts of amenities wherever they go. I had it at first hand from one of the American officers. They insist on amenities even near the base of operations. If the same pressure was exercised by the Government of India on the employers or the Honourable Dr. Ambedkar brought the same pressure on his colleagues in the Government of India, there will be no dearth of labour. The worker goes where he gets good treatment and good wages but you cannot make bricks without hay.

I was sorry to see that Dr. Ambedkar thought the miners were jealous. I do not know who put that idea in his mind. When did he find that out? Were

[Mr. Jamnadas M. Mehta.]

these people more jealous than the ordinary husband? All husbands should be jealous if they love their wives. What is the harm in being jealous? Is that the reason for exploiting the husbands' wives? I do say that it was the worst reason that he gave for forcing the women to work under mines. I hope the Government will reconsider the position.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhamnadan Rural): This motion of adjournment ought to be considered an innocent motion inasmuch as it will support the women of India and this is perhaps not being realized either by the Member in charge of the Labour Department or by the Europeans in this country. It should not be easy to break an international convention. There ought to be very grave and cogent reasons for setting at nought such a convention and a convention which is dear and near to the heart not only of the men of India but also of the women of India. If my Honourable friend, Dr. Ambedkar, can assign very very cogent reasons for setting aside this convention and the ban which existed, it is quite possible that Members of this House may listen to him rather patiently. To send women underground may not be considered in Europe or in other countries to be heinous, but I consider it is the most heinous of crimes to send women underground in mines. Why! To say that men are not available in India is not correct. Men can be available for war and for anything that Government wants but here the pity seems to be that the move is to help the capitalists of India against the poor people. The payment of three annas a day is the most shameful payment which the capitalists adopt to pay the woman who works underground. Can anyone imagine that a woman can live with her children on three or four annas a day? It is an impossibility and for men, especially the members of this House, to condone such actions of the Government when the women of India are being insulted by being paid so little, is a sad commentary. Men labourers are available everywhere in the field and they are highly paid. Those very cultivators who work in their fields near Jharia and other mines can be available. But the policy seems to be to help the mine-owners and not the poor people of India. These women go underground because being very poor, they want to supplement the income of their families but it is impossible on such wages. At the same time, Sir, we have to consider that the womanhood of India and their health is the prime consideration. We are solicitous daily about the cow, the goat and other animals. Here we find that the womanhood of India is being crushed by very low payments and they are wanted to work underground even at the cost of their health. If the Government wants to help the miners, I know they can go from one province to another very easily and they can send men to work in the mines; but when the Government itself is prepared to support the mine-owners, nobody can help it. As I said, there is no difficulty for the Government to get men for the war. I see everyday in the stations hundreds and thousands of young boys and young men going from one place to another. Where is the difficulty in getting them? If instead of paying them 3 annas and 4 annas a day, you increase the labourers' wages, I am sure you can get any number of men from the whole country for working these mines. You say there is paucity of coal and paucity of this and that; but you can spend money and with money you can very easily secure labourers. I consider that it is a disgrace that the womanhood of India should be allowed to work on such a low wage and underground. I support the motion.

Mr. Hooseinbhoj A. Lalljee (Bombay Central Division: Muhammadan Rural): Sir, I rise to support the adjournment motion that has been so ably moved. My surprise is that my Honourable friend the Labour Member, who is so well known for his sympathy with the down-trodden and the poor, should have been the gentleman who should have the misfortune—if I may say so with his permission—to allow women to work underground in the mines. I honestly feel that something extraordinary must have caused my Honourable friend to agree to such a proposal. We have heard many times from him tales and stories

and facts—most reliable facts—about how the down-trodden people in our country are being treated and what is going to be their future. In this case we ought to consider how it is that it has come about that ten years before now we agreed that women should not be allowed to work underground in the mines. The main reason has been not only the health of the women but also of the future generation that is to come—the health of that generation would be affected adversely and we would be creating in this world people who ought not to live. May I ask whether we have come to that stage that we should create a generation amongst us who will be not fit to live in this world for the next twenty years or thirty years? This was the great consideration that was placed before us at the International Labour Conference of the League of Nations. I represented the employers as their delegate at the International Labour Conference in Geneva in 1935, and it was at that session that we agreed that women should not be employed underground in mines. When we were discussing this matter, I remember very well that every country of the 52 nations that were present there were all in favour very much not only of this convention, but they were against the Japanese who would not ratify many of the conventions, and would not carry out even the ones they ratified or agreed to. I never thought then, when I was the employers' delegate and when I was placing the facts before the Assembly there, that our Government or our employers would ever care or would dare or would think of not carrying out the solemn promise that we had given; not only we, but I miss my friend the Honourable Member for War Transport and my friend, Sir Henry Richardson, who represented the employers association of Bengal whose representative I happened to be also when I was for the whole of India; and I was given a mandate from every one of them—I mean Bengal as also the employers in the Bombay Presidency, Madras and elsewhere,—that we should support that women should not be employed underground in mines under any circumstances. The position that we have to consider is, can we not get sufficient labour?

Mr. N. M. Joshi: Yes, by paying them well.

Mr. Hooseinbhoj A. Lalljee: My friend, Mr. Joshi, has pointed out and we know very well that for war purposes not only in the military but in the docks and in the textile industry and jute industry and in several other industries we can get men, we have been able to get men and we have been paying—not 6 annas or 8 annas, but two and three rupees per day. And we can work, not one shift or two shifts, but three shifts per day. Why cannot they arrange like this in the coal mines, I cannot understand. But whatever the condition, is the Government of India prepared to tell us today that they are going to create in the next generation a class of young people who will be unfit to live in this world? That is the point and here we have got to consider one more important question and that is this: a charge has been laid against the coalmine owners that they do not want to produce large quantities; it has been said and rightly said too that certain reserve seams are not being used and that many of the accessories are not there for working the mines; and above all I should like to know why it is that they are not prepared to arrange for getting those accessories. I say that if you pay them properly thousands and hundreds of thousands of labourers can be got. The wages that are being paid—fifteen rupees a month—I do not think my friend the Labour Member can consider that to be wages for any human being now in this world. Rice has risen by more than 200 per cent.; we can get cloth only at 400 per cent. more, and medicine is not available at all at any price; still you want people to work in the mines and create a generation without medicine, without food and without clothing. What are you doing? Even in the best of times it was held by the world at large that it is dangerous to get women to work in mines, not only for the women themselves but for their children that will be born. But in these times when these women are ill-fed and ill-clothed and no medicines, at this time you want them to work underground in mines. That is the point I wish to make. If women were working under these conditions I think it was the duty of the Government to stop them from working—ill-fed, ill-clothed and without any medicines.

[Mr. Hooseinbhoj A. Lalljee.]

It is said that the men working there want their wives with them. What has been happening all along for these ten years? Where were the women working all along? Did the men work or not? We want a clear answer to that. From 1935 to 1943 women were not working there. Did not men work there?

5 P. M.

Were the women fed by the mine owners? They did work somewhere, and still you got the coal. Within the last ten years—at the beginning of this war in 1939-40 we had so much coal that we could not remove it from the pit's mouth. We had such an abundance. These are things which you cannot deny and under no circumstances can any Government be justified in making women work under mines at this stage when they are ill-fed, ill-clothed and when there is no medicine available to them. Leave aside housing, leave aside sanitary conditions, but what about this ill-fed condition, no clothing, and you want them to work under mines! Whilst the world at large and you were a party to it that we would not allow them to work under mines ten years ago. I think the Government ought to tell us frankly that they have made a mistake, and I hope the Honourable the Labour Member will admit that there has been a great mistake. It has been a great mistake. Above all, I want to tell the Treasury Benches that by this action which has caused commotion all over the world and even in Great Britain who are more concerned with the war effort than my Honourable friend for Labour—they themselves protested against it and there is not a single word of justification in the British House of Commons for allowing women to work under mines. Can it ever be believed that you cannot get 20,000 or 30,000 labourers to work in the mines if you pay them Rs. 2 and 3 a day? And what is Rs. 2 or 3? My Honourable friend has been coming often to our city and he must have seen the docks with a number of people who are employed as extra labour, nearly 10,000 to 15,000, at the rate of Rs. 3 a day. The millowners are also employing such men. Why cannot my Honourable friend do it? Under no circumstances can we say that while we are fighting this war for creating a generation of people who shall be healthy and peaceful, we should be a party to create people who shall be weaklings or unfit to live, or that we can force women to work under mines, ill-fed and ill-clothed with the definite result that just after the war or even during the war we shall have thousands of children who would be not fit to live in this world. This is the serious position in which we are and we have to consider that deeply. I am sure that mine owners, who in 1935 told their delegate to support this proposition that women should not work under mines, will come forward to-day after ten years and tell the Government that something else should be devised or that they can do it. And I assure you that they can do it, and they can afford to do it. I hope and pray that this cruelty, not only to women who work under mines, but to the younger generation who will be borne by these women and are bound to be weak and ill, would be avoided.

Sir Henry Richardson (Nominated Non-Official): I think it is most apt that a lady like Mrs. Renuka Ray should plead in defence of her poorer sex in this House, and I congratulate her on the speech that she has made in doing so. I can agree with very much of what she has said, and we share the regret and anxiety that has occurred because of this reversal of a previous decision. You can call it retrograde, or anything else you like, for it is, in fact, applicable, and we are very sorry that it should have happened. But war necessity is such that coal, so vital a factor in all our efforts, is needed and everything that is possible must be done to give effect to necessary raisings. Certain things could possibly be done and which we would like to be done in addition to what has already happened. For instance, machinery which is automatic can produce more than hand labour in certain circumstances, and Government might very well consider importing machinery at a very early date. Then perhaps the Honourable Member for Railways could do something in regard to increasing raisings in the railway collieries. That is a very curious thing for me to plead after all that we have said in the past about the railway collieries, but there is a change of circumstances which necessitates that. The railway collieries have within their

resources quite a large amount of what is known in the trade as cheap and easily obtainable coal which I hope they will be making endeavours to produce. Then there is also the question of colliery owners. I did not quite catch what my Honourable friend, Mr. Joshi, said just now, but I think he mentioned some unwillingness on the part of owners to produce.

Mr. N. M. Joshi: I said that the present method of taxation, the present method of taxing profits does not induce owners to produce more.

Sir Henry Richardson: The Finance Member has given some incentive by way of exemption from Excess Profits Tax in the case of certain raisings, and that being so, perhaps Mr. Joshi and Mr. Jamnadas Mehta will persuade those owners to produce more coal, and in that case possibly women will not be needed. (Interruption by Mr. N. M. Joshi.) Then also there is the question of increasing the wages of the worker which has been mentioned. Unfortunately, it has been the experience of the trade that whenever wages of workers have been increased, it has the effect of reducing the raisings. That is the mentality of the worker. He wants only to receive a certain amount of money and after that he is not interested.

Mr. N. M. Joshi: Why don't they do it in Bombay, Jamshedpur, and other places?

Sir Henry Richardson: We are talking about mines, which is quite different from any other trade, and I wish that Mr. Joshi and Mr. Jamnadas Mehta would visit the coalfields and try and educate the worker that he should work not merely to get sufficient for his living but to put by something for the rainy day.

Mr. N. M. Joshi: Then why does he go to the military works?

Sir Henry Richardson: Because obviously military works above ground are very much more amenable to him than underground work. My point is that it does not matter how much you give him underground. He does not want to do more than a certain amount of work, because he is quite satisfied. That is a mentality which is bad.

Then something has been said about the question of the raisings from European collieries. Mr. Mehta—I am sorry he is not here—in one of those what he calls 'sweet speeches' made certain sweeping allegations. He said that the workers ran away from us and he personally was not interested to come and see the welfare arrangements we have made. Well, I can only say that in certain companies with which I have been connected, and doubtless in others, much has been done. It is untrue to say that the conditions are bad. There are very good housing conditions. There are facilities for schools and for hospitals. We keep doctors there. I do not say that this is all that is necessary. There is much more to be done but it is quite untrue to make the sweeping allegations which Mr. Jamnadas Mehta made and I think he is quite wrong to accept the word of other people and not come and see for himself. I shall be very pleased to show him round any time. I do not say that those conditions apply all over the coal fields. They certainly don't but they do apply in very many cases.

Then the point was made once again about European owners not wanting to raise coal. There is some truth in that in this way. At the present moment and for some three years past, many of the mines of India have been producing at a terrific speed and their resources have been and are being depleted at a rate which is beyond all precedent. The profit from those raisings is not going towards depreciation of the assets of the company but is going into the pockets of the Government in the form of excess profits tax. Therefore it is quite true to say that it would be better from that point of view if we did not produce. But we do not produce from that point of view. It is merely from the war effort point of view that we wish to produce.

One thing more. This question of women in mines under this latest ordinance or rather rule is optional. We are not forcing the women to go underground, as Mr. Hooseinbhoy Lalljee pointed out. (Interruption.) If Mrs. Ray

[Sir Henry Richardson.]

is correct in saying that ten thousand have gone down, it shows that they like it.

An Honourable Member: Starvation.

Mrs. Renuka Ray: It is the duty of the State to see that they do not go down.

Sir Henry Richardson: I want to make it quite clear that in ordinary conditions we certainly would not like this. We are all against it and anything that can be done to alleviate it will have our full support. It is not a thing we like. We are not for it and in ordinary peace time, these conditions would certainly never be tolerated. But in war time conditions it is necessary. Women in England are not working in mines. But they are doing much that is as bad as it is for women working in mines in this country. So, with these few words, I want to make it quite clear that we shall be unable to support Mrs. Ray's adjournment motion.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): I had no intention whatsoever of taking any part in this debate but after listening to my friend, Sir Henry Richardson, I cannot help making a few observations. My friend has just made one point. I am sorry I do not see eye to eye with him there. I do not think there will be much credit to the war effort or to the European companies if we accept that that is the position. He said that European companies are not producing more coal on account of one big reason and that is, if more coal is produced and more profit is made, the Government will take away the bigger share of that.

Sir Henry Richardson: May I just interrupt for a moment. The point I made was that it did not pay us to do it but we are doing it.

Sir Muhammad Yamin Khan: The point is that they would not work more.

Sir Henry Richardson: We are willing to.

Sir Muhammad Yamin Khan: Their point is whatever profit they make will go into the pocket of the Government and that is why they do not produce more coal. I think that is not real war effort. For the real war effort, it does not matter whether it pays or not. We have to do it for the sake of the war and we must go on doing as much as we can. The railways are paying so much for the coal, which they never did and still they are doing it. They are running so many carriages which are absolutely unfit, which would never be allowed on the lines. Those coaches are running on the lines which were rejected. There are many lorries which are out of date but are being used. People are suffering in many ways, which they never did before but still on account of the war, we have to put up with it. Simply because the companies will not be able to make a profit of one crore but only fifty lakhs, they do not want to work more. That is not a proper justification for opposing this proposition. If the companies can only make less profit after paying income-tax and excess profits tax, they should be content with it.

Sir Henry Richardson: They are.

Sir Muhammad Yamin Khan: Even though they may not be able to put so much extra money into their pocket and the extra money will go into the pocket of Government, still it will be helping war effort, if the coal is produced in larger quantities. The more the coal is produced the more the railways will run and more factories will work. The poorer people will find more employment and the whole country will benefit. I do not think it will be patriotic to think in terms of rupees, annas and pice, when it is a question of life and death for nations and for the principles for which we are fighting. We should ignore the fact that we are getting a little less because we want to win the war.

Sir Henry Richardson: May I just interrupt? I am sorry that the Honourable Member has misunderstood my point, in spite of my trying to explain it. I quite agree we must do everything we can. We shall continue to do so. I was merely saying that it did not pay us to do it but still we are doing it.

Sir Muhammad Yamin Khan: I am sorry if I have misunderstood the Honourable Member. My only point was that the work should not be stopped or lessened because it does not pay. There is no question of payment now-a-days. It is the question of life and death. And when it is a question of life and death, you do not see whether it pays you or not. Suppose a man has fallen ill. Ordinarily, he would not like to give the fee to the doctor, but when it is a question of life and death, he will certainly be prepared to give all his money to save his life. It may not be paying you at all; you must be content with even 1 per cent. If you invest your money into the bank, you won't get more than 3 per cent. Then, why should wait till you make a profit of 20 or even 30 per cent. Whether it is paying or not, is only a comparative statement. But you cannot pay income-tax unless there is a profit. If you are afraid that the Government will take away a huge amount if you make a big profit, then make a lesser profit.

Now, the point is whether women should be allowed or should not be allowed to go underground. I was shocked to hear when Mrs. Ray said that a miner gets only Rs. 14 a month. The woman worker who works on the surface is paid only 3 annas a day and when she goes underground she has the temptation of getting 5 annas per day. I must take it that these figures are correct because they have not been challenged. That being the case, how can the Honourable Member justify these wages? How much do you pay to your ordinary servants, to your bearer, to your *chaprassies* and other ordinary workers who do not run the risk of their lives? These miners work under conditions which are very taxing and yet you pay them so little. You cannot expect them to stay at their work. They will certainly go away if they can get 20 or 30 or even 40 rupees a month. In order to induce man labour, you must pay them good wages and you can employ their women on the surface. Their loading and unloading work is certainly a hard work. My Honourable friend, Sir Henry Richardson, said that women in England are doing hard work, but they are doing it only on the surface. Let these women also do hard work on the surface, and loading and unloading the wagons is certainly a hard work. Sir, I whole-heartedly support this motion.

The Honourable Dr. B. R. Ambedkar (Labour Member): Sir, I am happy that our Lady Member thought it fit to bring forth this adjournment motion. I am glad because it gives me an opportunity to explain to the House a matter which has been weighing very heavily on my mind. I do like to say at the very outset in order that the House may understand my feelings in the matter that I do regard this decision of the Government of India as a great misfortune. I am not happy about it. All that I am saying is that given the circumstances in which the Government of India was forced, I do not regard that this is a mistake on our part. I think the House will understand the distinction that I am making.

The debate to which I have listened has rather impressed me that the lines on which most of the Honourable Members have spoken have been mostly of a humanitarian character. They have been, in my humble judgment, greatly removed from what I would call the plane of reality. And when I speak in this debate, I propose to stick to what I call the realism of the situation. I would also like to say that many points have been brought in during the course of the debate as though they were the points on which the decision of the House was called for. I would particularly say that reference was made to the wages prevalent in the coal mines. Reference was also made to the prevalence of unfair welfare conditions in the coal mines and I shall have something to say about them in the course of the observations that I will make. But I think I am justified in saying that having regard to the terms of the motion, these are rather incidental matters and not matters on which the House is called upon to record its judgment.

Having made these preliminary observations, the first point that I would like to make is that some Honourable Members have given to me the impres-

[Dr. B. R. Ambedkar.]

sion that the Government of India was never serious with regard to this Convention of preventing women working underground to which they had given their consent in the year 1939 and had within four years withdrawn from it. Sir, I would like to make a few observations on the point in order to put the matter in the right perspective. The House will recall that the Government of India had accepted the principle of prohibiting women working underground long before the Convention came into existence. The matter, so far as my study of it goes, was first debated in the year 1923 when the Government of India brought in a Bill for the amendment of the Indian Coal Mines Act. I would like to remind the House that the original purpose of the Bill was a very limited one. It was a purpose merely to introduce safety measures in coal mines, but when the measure was taken to the Select Committee, the Select Committee in its judgment thought that the Government of India ought to go forward and take a bold step and claim powers in the Act in order to prohibit the working of women underground. In the Select Committee the Government of India accepted the principle. Not only did the Government of India accept the principle but they framed regulations with the definite and deliberate object of eliminating women labour from working underground. As the House will know, the Government of India had laid down a definite programme of annual decrease in women underground. So much so, that two years before the ratification took place in this House, we had, under the policy of the Government of India, no woman labour working in the mines at all. Sir, that fact was referred to by the Honourable the Mover of the Motion. But I was sorry to find that she did not draw the obvious inference which I think I may legitimately draw that the Government of India, long before the convention came into existence, has been very definitely of the opinion that women should not work in the mines and has taken definite steps to bring that state of situation to a close.

The Government of India has been blamed for lifting the ban now on the supposed ground that there has been no justification. I must confess that I was rather surprised at a statement of that kind. Sir, I would like to point out to the House two considerations, and I would beg of the House to consider whether the two points that I am placing before them do not constitute what I regard as an emergency. Sir, the lifting of the ban on women working underground has a direct reference to coal. That is an indisputable fact. I would like the Honourable Members of the House to consider whether coal could not be called a strategic material, not strategic from the narrow military sense of the term, that is to say, the prosecution of the war depends upon coal, but I think it is a strategic material from every point of view. I ask the House to consider whether it is not a strategic material from the standpoint of the industry, I would ask the House to consider whether it is not a strategic material from the standpoint of transport, whether it is not a strategic material from the point of civil consumption. We are not dealing, I want to emphasise this fact, with an article the use of which we could avoid at our option. It is a thing which we must have, and I submit it is a thing which we must have before we have food or before we have anything else. That is one point I want the House to consider. The second point that I want the House to consider is this. Would it have been possible for the Government of India to wait until the situation had righted out itself. I know very well, as most Honourable Members know, that coal would have been produced in the ordinary course. It may not have been produced in 1943, it may not have been produced in 1944, but it may have been produced in 1945. But the question which I would like the House to consider is this: is it a case in which we could wait? Is it a case in which we could allow the natural course of things to take its place? Sir, I make bold to say that this is one of those cases which is of such urgent and immediate importance that steps may be taken and a Government which does not take the steps to right the situation immediately is not a Government worthy of its name. Therefore, let us not forget that we are dealing with an emergency and the

lifting of the prohibition from allowing women to work underground is not an idle act or a wanton act on the part of the Government, but is an act which is amply justified by the facts and circumstances of the case. Therefore, Sir, the conduct of the Government must be judged in the light of the emergency. I would request Honourable Members to judge the conduct of the Government in the light of these two circumstances only: has the Government failed to do something which it ought to have done, has the Government done something which it was needless for it to do? My submission is that judging it in the light of these two considerations which I have mentioned, I have no hesitation in saying that the Government's action is perfectly justified.

My Honourable friend, Mr. Joshi, said that this was a convention which could not have been broken. I agree that it is one of those conventions which does not contain a clause for its own suspension. But I have no hesitation in saying that every nation has got a right to break an international convention or an international treaty under certain circumstances. That has been a well established principle of international law. I am glad to say that in the debate that took place at Geneva in 1940, in the Governing Body, that was more or less the general opinion. Sir, could we have avoided taking steps that we have taken? I should like to detail to the House some of the circumstances which have led the Government to take this measure. There is not the slightest doubt that shortage of coal was due to shortage of labour. That is a circumstance, which I think, is beyond dispute. Now, Sir, the shortage of labour was due, according to the examination which Government made, to three causes. First of all, there was the grow-more-food campaign started by the Government of India, there was the opportunity of increased employment on military works. Any one who dispassionately considers employment in coal mines as against the results of the grow-more-food campaign and the increased opportunities for employment in military works can well understand why there should have been shortage of labour in coal mines. Sir, it is quite clear that in the present circumstances, where prices of food grains are rising so rapidly, the grow-more-food policy should attract people to agriculture. If people who have been working in coal mines and who, as every one knows, are purely agriculturists, if they are drawn to grow-more-food policy, it would be a matter of no surprise. Similarly, the military works with their increased earnings attract these people. But, Sir, there is one other circumstance which although I know that some Honourable Members who have spoken have made very light of, it is none-the-less a reality. In the first place, it is quite clear to every one that work under coal mines is the most uncongenial work, even dangerous. Nobody likes it and any workman who finds an opportunity to work on the surface is bound to take the earliest opportunity to leave the coal mines. The grow-more-food campaign and the military works are those works which provide an opportunity to the coal miner to obtain what I call less dangerous and more congenial piece of work. The second thing is, I will repeat it again, that both in the grow-more-food campaign as well as in the military works, the coal miner has the advantage of both earning himself and also having an earning for other members of his family.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has one minute more.

The Honourable Dr. B. R. Ambedkar: I am sorry, Sir.

Mr. President (The Honourable Sir Abdur Rahim): I have no discretion in the matter. The Honourable Member should conclude.

The Honourable Dr. B. R. Ambedkar: That being so, Sir, there has been a shortage of labour.

I should like to refer to two other points which I think it would be necessary for the House to take into consideration. The first thing is that Government have certainly not gone headlong in this matter as though it was a matter of no consequence. I should like to tell the House that Government have proceeded with great caution. Its first notification applied only to the C. P.

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and did not apply to the whole of the coal area. It was in November that Government thought that a case had arisen for extending the notification to Bengal and Bihar, and it was only in December that Government extended the notification to Orissa. We have also taken care to see,—and this is an important point,—that women shall be paid the same wages as men. It is for the first time that I think in any industry the principle has been established of equal pay for equal work irrespective of the sex. We have also taken care that women shall not be required to work in a gallery which is less than 5½ feet. The House will also remember that these notifications are of a very temporary character, and I want to emphasise this point. We have not said that these notifications will last during the period of the war; we have kept the matter absolutely fluid; we are in a position to revoke them at any time that we like and that we can. And I should like to tell the House that we regard this as a purely emergency and temporary measure. We are also doing one other thing in order to shorten the period of the notification. For instance, we are instituting a labour camp where we are recruiting male labourers to be sent to the coal mines. We are taking another measure in order to shorten this period, namely, to employ what we call Labour Supply Committees in order to furnish the contractors who are working on military works for labour so that workers will be released for coal mines.

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

The Honourable Dr. B. R. Ambedkar: Sir, if you will give me one minute

Mr. President (The Honourable Sir Abdur Rahim): I am afraid I cannot. The rule is somewhat peremptory.

The Honourable Dr. B. R. Ambedkar: The House will therefore see that this is a purely emergency measure and Government have no intention of continuing it a minute longer than the necessities of the case require.

Mrs. Renuka Ray: Sir, I had hoped that after the debate the Honourable the Labour Member would assure us that the withdrawal of the ban on underground women labour was wrong and that he would take immediate steps to withdraw the notification that has been issued. But I am extremely sorry and disappointed to find that he has not considered it necessary. He suggested two points for consideration; "have the Government failed to do something which they should have done", and, "have they done something which they should not have done." I think in both these cases the answer must be, Yes. They have failed to do something which they should have done. When they discovered that there was a shortage of labour it was not the withdrawal of the ban on women labour underground that was necessary but to see that the conditions and wages in mining areas were made sufficiently attractive to draw men labourers there instead of encouraging women to go underground. Secondly, have they done something that they should not have done? Can there be any other answer to this question except an affirmative? They surely realise themselves, and the world realises, that they have done something which infringes every moral code in which we believe today, in sending women into one of the most dangerous,—the Honourable the Labour Member himself said 'dangerous' and 'uncongenial'—occupations that you can think of. So from both points of view the Government action was wrong.

The Honourable Dr. B. R. Ambedkar: Sir, I should like to tell the Honourable the Mover that the Women's Conference

Mr. President (The Honourable Sir Abdur Rahim): Order, order; the Honourable Member is not giving way.

Mrs. Renuka Ray: He has said that due to the "Grow More Food" campaign and increased pay in military construction works, labour has been taken away from mining areas to other areas. When occupation in mining areas is uncongenial it is the duty of Government to see, if they want a greater output of coal, that labour is attracted by the payment of higher wages and improved conditions in those areas.

These are the two points that he made and I do not think there is anything else that really calls for a reply.

My Honourable friend, Sir Henry Richardson pointed out that coal-owners do not want to increase the output of coal during this period as it is not profitable. This is surprising in view of the fact that it is needed for war effort. But my Honourable friend, Sir Yamin Khan, has already answered that appropriately. I should like to make one point that if all other considerations fail Government could at least approach the coal owners and either insist that wages be raised or if coal owners cannot be induced to do that, Government who is the largest buyer of coal—as Government buys 50 per cent. of coal for Railways—can compel this by either raising their own tender rates which are very much below the civilian consumption rates and insisting that the extra amount received goes to pay the wages of mine labourers, or do it by any other means they think fit. There are so many ways in which it can be done; why should it be considered so necessary and vital that women should be sent underground in order to ensure that the war effort should succeed. No other country has considered this necessary, not even Britain where coal mines abound.

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

"That the Assembly do now adjourn."

The Assembly divided:

AYES—23.

Abdul Ghani, Maulvi Muhammad.
Azhar Ali, Mr. Muhammad.
Banerjee, Dr. P. N.
Choudhury, Mr. Muhammad Hussain.
Datta, Mr. Akhil Chandra.
Deshmukh, Mr. Govind V.
Essak Sait, Mr. H. A. Sathar H.
Habibar Rahman, Dr.
Ismail Khan, Hajee Chowdhury Muhammad.
Joshi, Mr. N. M.
Kailash Bihari Lall, Mr.

Krishnamachari, Mr. T. T.
Lalchand Navalrai, Mr.
Lalljee, Mr. Hooseinbhoy A.
Liaquat Ali Khan, Nawabzada Muhammad.
Mehta, Mr. Jamnadas M.
Nairang, Syed Ghulam Bhik.
Neogy, Mr. K. C.
Ray, Mrs. Benuka.
Siddique Ali Khan, Nawab.
Yamin Khan, Sir Muhammad.
Yusuf Abdoola Haroon, Seth.
Zafar Ali Khan, Maulana.

NOES—41.

Ahmad Nawaz Khan, Major Nawab Sir.
Ambedkar, The Honourable Dr. B. R.
Azizul Huque, The Honourable Sir M.
Benthall, The Honourable Sir Edward.
Bewoor, Sir Gurunath.
Bhagchand Soni, Rai Bahadur Seth.
Caroe, Mr. O. K.
Chatterji, Mr. S. C.
Dalal, Dr. Sir Ratanji Dinshaw.
Dalpat Singh, Sardar Bahadur Captain.
Gwilt, Mr. E. L. C.
Habibur-Rahman, Khan Bahadur Sheikh.
Haidar, Khan Bahadur Shamsuddin.
Hutchings, Mr. R. H.
Imam, Mr. Saiyid Haidar.
Inskip, Mr. A. C.
Jamael Alikhan, Kunwer Hajee.
James, Sir F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Khare, The Honourable Dr. N. B.
Krishnamoorthy, Mr. E. S. A.
Kushal Pal Singh, Raja Bahadur.
Lawson, Mr. C. P.

Maxwell, The Honourable Sir Reginald.
Miller, Mr. C. C.
Muazzam Sahib Bahadur, Mr. Muhammad.
Mudaliar, The Honourable Dewan Bahadur Sir A. Ramaswami.
Ogilvie, Mr. C. M. G.
Piare Lall Kureel, Mr.
Raisman, The Honourable Sir Jeremy.
Richardson, Sir Henry.
Roy, The Honourable Sir Asoka.
Shahban, Khan Bahadur Mian Ghulam Kadir Muhammad.
Spence, Sir George.
Srivastava, The Honourable Sir Jwala Prasad.
Stokes, Mr. H. G.
Sultan Ahmed, The Honourable Sir.
Thakur Singh, Capt.
Trivedi, Mr. C. M.
Tyson, Mr. J. D.
Zahid Hussain, Mr.

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 9th February, 1944.