

THE  
LEGISLATIVE ASSEMBLY DEBATES  
Official Report

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Volume III, 1944  
(28th March to 5th April, 1944)

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TWENTIETH SESSION  
OF THE  
FIFTH LEGISLATIVE ASSEMBLY,  
1944



LEGISLATIVE ASSEMBLY

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

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# LEGISLATIVE ASSEMBLY

Thursday, 30th March, 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. Vishnu Sahay, M.L.A. (Government of India: Nominated Official).

## STARRED QUESTIONS AND ANSWERS

### (a) ORAL ANSWERS

#### EMPLOYMENT OF WOMEN FOR UNDERGROUND WORK IN COLLIERIES.

701. \*Mr. K. S. Gupta: (a) Is the Honourable Member for Labour aware that Mr. Sorensen described the recruiting of women to work in coal mines in India as a "most serious and retrograde step"?

(b) Is it not a fact that the price of foodstuffs and other necessities of life have gone up four to five times the pre-war rates while wages in the majority of the collieries are now 50 per cent. above the pre-war rates?

(c) Is it a fact that women are allowed to work in coal mines because the required number of men are not available for working in the mines?

(d) Is it not a fact that amenities for service in collieries are far below the requirements of workers, which forced the men workers to seek service elsewhere for pay and prospect far superior to those of collieries?

(e) Is it not a fact that women are prohibited from working in collieries and for services underground (*i.e.*, mines other than coal) in the United Kingdom and the United States?

The Honourable Dr. B. R. Ambedkar: (a) I have seen press notices to this effect.

(b) I have no precise information regarding the rise in the cost of living in the coalfields compared with pre-war. Foodstuffs are provided for coalminers at concession rates.

(c) Yes.

(d) There is evidence that coalmining labour sought service on military works in the neighbourhood of collieries in preference to working in coalmines. As regards the amenities, I would refer the Honourable Member to part (e) of my reply to his question No. 273 on the 1st March, 1944.

(e) Women are not allowed to work underground in the United Kingdom. Women are, however, employed in some surface work in collieries. I have no information regarding the United States.

Mr. N. M. Joshi: May I ask whether it is a fact that the price of rice in pre-war days was 12 seers to the rupee and the present price charged in the coal areas for miners is 6 seers to the rupee?

The Honourable Dr. B. R. Ambedkar: I have no precise information on the point.

#### EMPLOYMENT OF WOMEN FOR UNDERGROUND WORK IN COLLIERIES.

702. \*Mr. K. S. Gupta: (a) Will the Honourable the Labour Member please state whether the shortage of coal is the reason for the Government of India to lift the ban on women working underground? If so, have Government taken into consideration that the price of human life is more precious than the production of coal?

(b) Does the Honourable Member know that such permission would not be tolerated for a moment in England or elsewhere?

(c) Is it not a fact that decent conditions of life and adequate wages are not available for workers in the Indian collieries?

(d) Is it not a fact that scientific extraction of coal is not available in India as in the United Kingdom and the United States of America?

(e) Does the Honourable Member know that subsidence of earth and explosions of coal gas are more frequent in Indian collieries than elsewhere for want of adequate precautions and existence of primitive methods adopted in extraction of the ore?

**The Honourable Dr. B. E. Ambedkar:** (a) The answer to both parts of the question is in the affirmative.

(b) Women are not allowed underground in coalmines in Great Britain. I have no information regarding other countries.

(c) As I stated in answer to the Honourable Member's question No. 274 on the 1st March, 1944, working conditions in mines have not been very satisfactory. Every effort is being made to see that conditions of life are improved and that adequate wages are paid.

(d) Mechanisation in Indian coal mines is not so far advanced as in the United Kingdom and the United States.

(e) Collapses or subsidence are not more frequent in Indian mines than in other countries where the coal seams are near the surface. Gas explosions are not so frequent in Indian mines as in coalmines of most other countries. Safety precautions taken in this country compare favourably with those adopted in any other country.

#### CONVICTION OF MR. PATHER IN DURBAN.

**703. \*Mr. K. S. Gupta:** (a) Will the Honourable Member for Indians Overseas please state why Mr. Pather, Secretary of the National Indian Congress of Durban, was ordered to pay a fine of £5 or seven days' hard labour?

(b) Is the occupation of a house in a European area by Mr. Pather an offence in the eye of law in South Africa?

(c) Did the Government of India make a protest for such an unjustified and unjustifiable punishment awarded to Mr. Pather?

(d) Is it not a fact that the Minister for the Interior openly stated that the Whites are not co-operating and accommodative as Indians are with regard to the settlement of the Indian question? If so, what is the action taken by the Government of India to bring pressure on the South African Whites?

**The Honourable Dr. N. B. Khare:** (a) and (b). Mr. Pather was convicted for a contravention of the provision of sub-section (1) of section 6 of the Trading and Occupation of Land (Transvaal and Natal) Restriction Act, 1943 under which it is an offence for an Asiatic to occupy, without a permit, any land or premises in any area proclaimed under the Act.

(c) No.

(d) As regards the first part of the question the Government of India have no information about the Minister for the Interior having made any such statement. They have, however, seen press reports that the Minister said that the Indians were willing to co-operate to the fullest extent and did not want further penetration, and that a section of the European population did not see any virtue at all in the Indian and was for all-out repressive measures against him.

As regards the second part of the question the Government of India can hardly be expected to bring any direct pressure to bear on the white subjects of another Government. As already stated in answer to previous questions, what action can be taken to bring pressure to bear on the Government of South Africa is actively under consideration.

#### CLOSING OF OPENINGS IN D. I. Z. AREA SQUARES, NEW DELHI.

**704. \*Sardar Sant Singh:** Will the Honourable the Labour Member please state the reasons for which openings on the corners and in the middle of the various squares in the D. I. Z. area in New Delhi were closed?

**The Honourable Dr. B. E. Ambedkar:** The reason for closing the passages was to prevent people from committing nuisance on them. This action was taken at the suggestion of the Public Health Department.

#### ELEVEN-YEAR COURSE FOR DELHI HIGH SCHOOLS.

**705. \*Sardar Sant Singh:** (a) Will the Secretary for Education, Health and Lands please state whether the eleven-year course in High Schools in Delhi has been put into force? If so, will this arrangement, combined with the three-year University course, be cheaper for students?

(b) What were or are the objections to introducing a twelve-year course in school and two years in the University, as is done in the United Provinces, etc.?

(c) Is it a fact that students who do not want to go in for University education are given a certificate after passing the tenth class examination in the universities in the United Provinces, etc.?

(d) Will the same system be followed in Delhi also? If not, why not?

(e) If a student does not want to continue studies at the university, will he not have to spend one more year and spend more money in getting through the eleventh class?

**Mr. J. D. Tyson:** (a) The New Higher Secondary Course has been introduced in many of the existing High Schools. It is difficult to say whether the new system with the three-year degree course at the University will be cheaper or not.

(b) In a University having only a two-year degree course, the students stay in the University for only about 18 months, excluding the vacations, and this leaves very little time for the Universities to leave their impress on the students nor can the students benefit adequately by their association with the University.

(c) Yes Sir, but the certificates are issued by the Board of High School and Intermediate Education, United Provinces, who conduct the High School Examinations.

(d) Yes.

(e) Candidates who do not desire to proceed to the University may appear at the School Leaving Certificate Examination conducted by the Board of Higher Secondary Education, Delhi, for students who have completed the ten year course at the High Schools.

#### ENGINEERING COLLEGE FOR DELHI.

**706. \*Sardar Sant Singh:** Will the Secretary for Education, Health and Lands please state whether Government propose to set up an Engineering College at Delhi, or raise the present Polytechnic Institution to the status of an Engineering College? If so, when? If not, why not?

**Mr. J. D. Tyson:** The Delhi Polytechnic will, in due course, provide advanced courses of technological instruction which will lead either to a Diploma corresponding to an Associateship of the Institute of Engineers or to an Honours Degree in Engineering or Technology. It is not possible, owing to war conditions, to say when these facilities will be available.

#### INCREASING NUMBER OF LEPERS.

**†707. \*Mr. Nabi Baksh Illahi Baksh Bhutto:** (a) Has the attention of the Secretary for Education, Health and Lands been drawn to the fact that the number of lepers in India from 150,000 in 1931 has multiplied to 1,000,000?

(b) What steps have the Government of India taken so far to check this scourge and the alarming increase in the number of lepers?

(c) Do Government propose to amend the Lepers Act of 1898 on the lines of the Indian Lunacy Act?

**Mr. J. D. Tyson:** (a) The 1931 census reported the number of cases of leprosy in India as about 150,000. The disease was not enumerated in the 1941 census. The Committee appointed by the Central Advisory Board of Health in 1941 were of opinion that owing to the peculiar difficulties in enumerating cases of leprosy the census figures would not give a true idea of the incidence of leprosy in the country and that on the average the incidence would be about 8 times as great as that indicated in the census figure. There is no evidence to show that there has been any considerable increase in the incidence of the disease since 1931.

(b) The executive and legislative powers necessary for dealing with the problem rest with the Provincial Governments and Legislatures. The question was considered by a Committee of the Central Advisory Board of Health in 1941, and a copy of its report is available in the Library of the House.

(c) The control of leprosy is a provincial subject, and legislation on the subject cannot be undertaken in the Central Legislature unless resolutions are

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

passed in accordance with the provisions of section 103 of the Government of India Act, 1935, by two or more Provincial Legislatures.

**NEGOTIATIONS BETWEEN INDIA AND UNITED STATES OF AMERICA RE LEASE-LEND AGREEMENT.**

†708. \***Mr. Nabi Baksh Illahi Baksh Bhutto:** Does the Honourable Member for Commerce propose to make a statement regarding negotiations between the Government of India and the United States of America on the possibility of an agreement under the lease and lend policy?

**The Honourable Sir M. Azizul Huque:** I am unable to add to the statement made by the Honourable the Finance Member in his last Budget speech to the effect that after preliminary discussions it was agreed to suspend these negotiations in view of the difficulty of determining India's post-war policy in certain respects at this stage.

**PROPOSED APPOINTMENT OF TOBACCO ADVISER.**

†709. \***Mr. Nabi Baksh Illahi Baksh Bhutto:** (a) Will the Secretary for Education Health and Lands be pleased to state when Government propose to appoint a whole-time Tobacco Adviser?

(b) What will be the qualifications of this Tobacco Adviser?

(c) Will the Honourable Member give an assurance to the House that an Indian will be appointed to this post?

**Mr. J. D. Tyson:** (a) As soon as a suitable officer becomes available.

(b) A degree in Agriculture or Natural Science, followed by the acquirement of expert knowledge and practical experience of the tobacco plant at every stage from the initial production of pure line seed, through planting, cultivation, manuring, protection from pests and diseases, harvesting, curing, grading, marketing, storage, processing, up to manufacture. The officer selected for the post must also be familiar with all the trade aspects of tobacco. Possession of expert knowledge, both agricultural and technological, is essential.

(c) Every effort will be made to find an Indian officer with the requisite qualifications and experience: but it will be necessary to send the selected officer abroad for training. Any arrangements made in the meantime will be purely temporary.

**LICENSED SALT DEALERS, ETC., IN BIHAR.**

710. \***Maulvi Muhammad Abdul Ghani:** Will the Honourable the Food Member please state:

(a) the number of licensed salt dealers in Bihar and the number of Muslim Licensees; and

(b) the number of licensed sugar dealers in Bihar and the number of Muslim Licensees?

**The Honourable Sir Jwala Prasad Srivastava:** (a) The Bihar Government are collecting the information asked for and it will be placed on the table of the House in due course.

(b) There are 178 licensed wholesale dealers in sugar, out of whom 3 are Muslims. Information regarding retail dealers is not readily available and will be placed on the table of the House when received from the Bihar Government.

**Maulvi Muhammad Abdul Ghani:** May I know what steps does the Honourable Member propose to take about the paucity of Muslims in the matter of licensing of sugar in Bihar. He has just said that there are 178 licensed wholesale dealers in sugar in Bihar out of whom only 3 are Muslims.

**The Honourable Sir Jwala Prasad Srivastava:** The power to grant licenses has been delegated to the Provincial Government and it is their look-out.

**Maulvi Muhammad Abdul Ghani:** Will the Honourable Member please draw the attention of the Bihar Government regarding such disparity?

**The Honourable Sir Jwala Prasad Srivastava:** So far as I am aware there is no rule for communal proportions being observed in such matters.

**Syed Ghulam Bhik Nairang:** Does not the Honourable Member realise that it is a regular scandal that out of 700 licensed dealers there are only 3 Muslims?

**The Honourable Sir Jwala Prasad Srivastava:** I am sure the Bihar Government have done the right thing.

**Maulana Zafar Ali Khan:** When the Provincial Government have done this obvious injustice it is the duty of the Government of India to see that justice is done.

**The Honourable Sir Jwala Prasad Srivastava:** There is no injustice.

**Maulvi Muhammad Abdul Ghani:** May I know from the Honourable Member whether in Bihar not less than 15 sugar factories are run by Muslims?

**The Honourable Sir Jwala Prasad Srivastava:** Possibly there is a paucity of Muslim sugar dealers.

**Mr. H. A. Sathar H. Essak Sait:** May I know whether my Honourable friend thinks that 3 out of 700 dealers is not an injustice? There must be some reason for this.

**The Honourable Sir Jwala Prasad Srivastava:** No, Sir, I do not know. All that I know is that the Bihar Government have done their best in the matter and they have not excluded Muslims, where available.

**Maulvi Muhammad Abdul Ghani:** Is the Honourable Member aware that hundreds of representations have been made to the Bihar Government and the Bihar Government is ignoring them?

**The Honourable Sir Jwala Prasad Srivastava:** I am not aware of it.

**Maulvi Muhammad Abdul Ghani:** Does the Honourable Member propose to refer the matter to the Bihar Government?

**The Honourable Sir Jwala Prasad Srivastava:** I have already said that the information has been called for from the Bihar Government.

**Maulvi Muhammad Abdul Ghani:** Thank you.

#### MONOPOLY FOR SALE OF STANDARD CLOTH IN SARAN DISTRICT, BIHAR.

711. **\*Maulvi Muhammad Abdul Ghani:** Will the Honourable Member for Industries and Civil Supplies please state:

(a) whether it is a fact that monopoly for the sale of standard cloth has been given to one man or one firm recently for the whole of the Saran district in Bihar?

(b) whether it is a fact that the said monopolist is a non-resident of the district;

(c) the arrangement which existed before the said monopoly was given and the number of persons engaged in such sale in the whole district; and

(d) whether it is a fact that the monopolist got the monopoly on his purchasing Rs. 60,000 worth National Saving Certificates or War Bonds; if not, for what consideration the said monopoly was given by the District Magistrate of Saran?

**The Honourable Sir M. Azizul Huque:** (a) No.

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

#### STEPS TAKEN TO HELP INDIAN AND NON-INDIAN ORPHAN REFUGEES.

712. **\*Khan Bahadur Mian Ghulam Kadir Muhammad Shahban** (on behalf of **Rai Bahadur Seth Bhagchand Soni**): Will the Honourable Member for Indians Overseas kindly inform what is being done with regard to the refugee:

(a) Indian orphans; and

(b) Non-Indian orphans now in India as regards their general welfare, education, and employment?

**The Honourable Dr. N. B. Khara:** Most of the orphans of both classes are being maintained in recognised non-official institutions to which Government gives grants on a *per capita* basis. Maintenance allowances are paid without obligation to repay. The question of the education and employment of these orphans on a long term basis is also under Government's active consideration. A special officer has been appointed and a census of orphans has already been initiated.

#### COMPLAINTS RE INSUFFICIENT STOCKS OF CERTAIN ESSENTIAL COMMODITIES.

713. **\*Khan Bahadur Shaikh Fazl-i-Haq Piracha:** (a) Will the Honourable Member for Industries and Civil Supplies be pleased to state whether stock

position of each commodity for which ceiling prices are fixed was taken? If not, how he proposes to ensure regular supplies of essential stuff?

(b) Have Government received complaints of insufficient stocks of certain essential commodities which have been purchased owing to reduction in rates? Have Government any intention of providing shipping facilities to provide normal stocks of certain types of consumer goods?

**The Honourable Sir M. Azizul Huque:** (a) No. When introducing Controls Government takes such steps as are practicable to ensure the maximum possible supplies of the articles to be controlled.

(b) No. Government are aware of the general shortage of consumer goods in the country and have accordingly taken such steps as are practicable for their increased supplies.

**TENDERS FOR LOADING, ETC. OF WASTE PAPER IN GOVERNMENT OF INDIA PRESSES, NEW DELHI AND ALIGARH.**

**714. \*Maulvi Syed Murtuza Sahib Bahadur:** Will the Secretary for Education, Health and Lands please state:

(a) whether the Utilisation Officer, Forest Research Institute, Dehra Dun, is the authority to call tenders for loading and unloading of waste paper in the Government of India Presses, New Delhi and Aligarh, in connection with pulp production, and that for the last one year he has not invited any such tender, and instead has given contract to a party, last year, without calling for any tender;

(b) whether it is a fact that certain parties in Delhi applied to the said officer for the abovementioned work but the officer did not call for tenders for the same even after a lapse of a year since the last call for tenders was made;

(c) if the answers to (a) and (b) above be in the affirmative, whether the Honourable Member proposes to look into the matter and let this House know as to why no tenders were called for and why the work of collecting waste paper was entrusted to a party without calling for tenders;

(d) whether the Honourable Member also proposes to see that tenders for this work are called for from the 1st April, 1944; if not why not; and

(e) whether rules permit the party to sell such waste paper in the local market; if not, why no action has been taken against the open sale of waste paper in the local market by the present contractor?

**Mr. J. D. Tyson:** (a), (b) and (c). Only two applications for a contract to collect waste paper from the Government Presses at New Delhi and Aligarh were received by the Utilisation Officer, Forest Research Institute. Tenders were not called for owing to there being insufficient time. The contract was given to a firm recommended by the Paper Production Commissioner.

(d) Tenders for collection of paper for the financial year 1944-45 will be called for, if waste paper is still to be collected from the New Delhi and Aligarh Government Presses.

(e) The contract with the firm in question permits the sale of "ream wrappers-mullet", which could not be utilised for repulping, and a deduction of Rs. 3-12-0 per maund in respect of this class of waste paper is made from the firm's bill for collection.

Statements of waste paper handed over to the firm for despatch are sent by the Presses to the Forest Research Institute and a careful check is maintained to see that no unauthorised sale of waste paper takes place.

**Maulvi Syed Murtuza Sahib Bahadur:** May I know why the Government did not propose to call for tenders when there were only two applicants? Is there any limit or restriction as to tenders?

**Mr. J. D. Tyson:** No. Last year they did not call for tenders. They set up this scheme at very short notice. Paper was very badly required and they wanted to go into production as soon as possible. They did not call for tenders and only two applications were received. But this year I have undertaken that tenders will be called for if waste paper is still required under this scheme. If tenders are called for, there will be no limit to the number of individuals or firms tendering.

**LABOUR UNREST IN KARACHI PORT TRUST.**

**715. \*Seth Yusuf Abdoola Haroon:** (a) Will the Honourable the Labour Member please state if his attention has been drawn to the memorandum issued by Kazi Mohamed Mujtaba, General Secretary, Sind Provincial Trade Union Congress, under the heading "A few facts about the labour unrest in Karachi Port Trust"?

(b) Is it a fact that 2,384 workers of the Karachi Port Trust have demanded the appointment of an adjudicator to look into their demands?

(c) Is it a fact that the Labour Welfare Officer of the Government of India had made certain recommendations after his visit to Karachi in July, 1943?

(d) If the reply to the above is in the affirmative, what action have Government taken or propose to take in the matter?

**The Honourable Dr. B. R. Ambedkar:** The Honourable Member for War Transport has agreed to answer this question.

**FILM PRODUCING LICENCES ISSUED IN PROVINCES.**

**716. \*Mr. Muhammad Hussain Choudhury** (on behalf of **Dr. Habibar Rahman**): (a) Will the Honourable Member for Industries and Civil Supplies be pleased to state how many film producing licences have been issued up-to-date to each of the following Provinces: (i) Bombay, (ii) Bengal, (iii) the Punjab, and (iv) Madras?

(b) What is the basic principle for issuing such licences, and what is the criterion of eligibility of such licences?

(c) Is it a fact that film producers who have not censored any film before the 16th July, 1943, are debarred from getting licence?

(d) Has there been any deviation from the principle in any case? If so, why?

(e) Does the Honourable Member know that, in Bengal, films are produced mostly by people who are not studio-owners? If so, how many licences have been issued to independent film producers of Bengal?

(f) Is the Honourable Member aware that applications for licences are very much neglected, and that repeated representations and reminders are not attended to for months?

**The Honourable Sir M. Azizul Huque:** (a):

Bombay	96
Bengal	33
Punjab	11
Madras	39

(b) Eligibility for a licence and Government's programme of licensing are governed by the following general principles:

(i) A producer who has produced a feature film and had it censored before 17th July 1943, is ordinarily regarded as eligible for allotment of raw film.

(ii) As the raw film stock in the country is limited and is being replenished at irregular intervals, eligible producers have been arranged in an order of priority on the basis of their past production record and the dates on which they had their pictures censored before the Raw Cinematograph Film (Control of Distribution) Order, 1943.

(iii) Cases of studio-owners who do not qualify under (i) and (ii) above are considered on their respective merits, provided they are known to have commenced shooting a feature film prior to the date of the Control Order. Similarly, cases of independent producers who do not qualify under (i) and (ii) above are also considered if there exist special circumstances.

(c) and (d). Yes. The reasons for deviation from the general rule are stated in the answer to part (b) of this question.

(e) Yes. 21 out of the total of 33 licences.

(f) No.

**Sardar Sant Singh:** May I know if after the passing of the orders of the 16th July, 1943, any new licenses were issued, and, if so, to how many persons?

**The Honourable Sir M. Azizul Huque:** I am not concerned with the issuing of new licenses. I am concerned with the distribution of film to those who had license before that date.

**Sardar Sant Singh:** Is it not a fact that on the 16th July, 1943, a license was prescribed for the issuing of films?

**The Honourable Sir M. Azizul Huque:** Yes, that is what I am saying. We are distributing films.

**PROPOSED CONVERSION OF CIVIL PIONEER FORCE INTO AUXILIARY PIONEER FORCE.**

**717. \*Mr. Piare Lall Kureel:** Will the Honourable Member for Labour be pleased to state:

(a) whether Government intend to convert the Civil Pioneer Force into the Auxiliary Pioneer Force; and

(b) if the answer to part (a) be in the affirmative, when do Government propose to convert the Civil Pioneer Force into the Auxiliary Pioneer Force, whether during or after the War?

**The Honourable Dr. B. R. Ambedkar:** (a) No.

(b) Does not arise.

**PAY OF PIONEERS IN CIVIL PIONEER FORCE.**

**718. \*Mr. Piare Lall Kureel:** (a) Will the Honourable Member for Labour be pleased to state if it is a fact that the pay of a pioneer in the Civil Pioneer Force is Rs. 15 a month only?

(b) Does the Honourable Member consider the present pay of a pioneer adequate under the present economic condition of the country?

(c) Do Government propose to increase the pay of the pioneers as they have done in case of soldiers in the Indian Army?

**The Honourable Dr. B. R. Ambedkar:** (a) The basic rate of pay of a Pioneer in the Civil Pioneer Force is Rs. 15 a month. If he is serving in a war area where a similar allowance is admissible to members of the Defence Services, he is allowed *batta* at the rate of Rs. 3-8-0 per month.

(b) Considering that a Pioneer in addition to his pay is provided with free rations, free accommodation, free uniform and equipment, the pay is adequate.

(c) The matter will be considered in respect of persons employed in a War Area.

**NON-PAYMENT OF ALLOWANCE TO TAILORS IN CIVIL PIONEER FORCE.**

**719. \*Mr. Piare Lall Kureel:** (a) Will the Honourable Member for Labour be pleased to state whether clerks, sweepers and washermen, attached to the Second Unit of the United Provinces Civil Pioneer Force get Rs. 5 each as allowance per month?

(b) If the answer to the part (a) above be in the affirmative, why is the same allowance not given in the case of tailors attached to the said Force?

(c) Does the Honourable member propose to remedy the grievances of the tailors in this respect?

**The Honourable Dr. B. R. Ambedkar:** (a) Owing to the difficulty of recruiting barbers, washermen and sweepers, Provincial Governments are allowed to grant those categories special trade allowance in accordance with the situation in the provinces in respect of each of the categories up to a maximum of Rs. 5 per month. It is open to the Provincial Governments to recommend a trade allowance in respect of categories other than those referred to above, including tailors.

(b) No recommendation has been made by the Government of the United Provinces for any special allowance being granted to tailors.

(c) The Government of India do not consider that any action is necessary.

**The Honourable Sir Jwala Prasad Srivastava:** May I make a little correction in my answer which I gave to a previous question, namely, question No. 710? I have just been told that I read out a wrong figure for the licensed dealers, Bihar. The figure that stands is 178.—that is the total number of licensed dealers, and three muslims are out of that. It is not 700 and something. It is 178.

## DISTRIBUTION OF CONTROLLED GOODS AMONG DEALERS IN ASSAM.

720. \*Mr. Ananga Mohan Dam: Will the Honourable the Food Member please state:

(a) what price per maund the Assam Government paid for purchasing wheat flour and *atta* from other Provincial Governments till the 31st January, 1944;

(b) if it is a fact that the Assam Government sold wheat *atta* and flour at a profit to wholesale dealers in the Province and fixed the following controlled rates for consumers till the 31st January, 1944: (i) wheat at annas 7 per seer, (ii) flour at annas 8 per seer, and (iii) *atta* at annas 8 per seer;

(c) if it is a fact that in Bengal, the Bengal Government fixed retail rates of (i) flour at annas 6 per seer, and (ii) *atta* at annas 5 per seer;

(d) if the answer to the above be in the affirmative, the reasons for such difference in price in the two provinces;

(e) if the Government of India propose to enquire whether the principle adopted by the Government of India with regard to the distribution of controlled goods among the dealers was strictly adhered to in Assam; and

(f) if it is a fact that local authorities at Sylhet announced that Rs. 1,000 will have to be paid by way of purchasing Defence Bonds by parties willing to be enlisted as licenced dealers?

The Honourable Sir Jwala Prasad Srivastava: An enquiry has been made from the Assam Government and the information will be laid on the table of the House in due course.

## MALARIA EPIDEMIC IN ASSAM.

721. \*Mr. Ananga Mohan Dam: Will the Secretary for Education, Health and Lands be pleased to state:

(a) what answers Government have received from the Government of Assam regarding malaria epidemic and mortality due to epidemic;

(b) the medical opinion regarding the type of malaria prevailing there; and

(c) if Government had sent any high officer to enquire into the condition of the village and the surrounding villages?

Mr. J. D. Tyson: (a) The Honourable Member's attention is invited to the information laid on the table of the House in pursuance of the promise given in reply to parts (a), (d) and (e) of his starred question No. 232, dated the 25th February 1944.

(b) It is mostly of the cerebral type.

(c) The Provincial Government had taken necessary action to deal with the epidemic. It was not considered necessary therefore to depute any Central Government Officer to make enquiries.

Mr. Ananga Mohan Dam: I myself went to the village Baniachung, the biggest village in the world. The Ramakrishna Mission workers and the Sylhet District Relief Committee volunteers collected statistics and they found about 10,000 cases of mortality up to 30th November last, whereas the reply of the Assam Government says 1,700 only. I think the Government of India should make an enquiry into the matter.

Mr. J. D. Tyson: I will pass on to the Assam Government for comment the figure which the Honourable Member has quoted.

## IRON AND STEEL RELEASED FOR CIVILIAN USE.

722. \*Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Industries and Civil Supplies please state:

(a) the quantity of iron and steel released for the use of civil population during 1942-43;

(b) the names of firms, local bodies or individuals supplied with iron and steel together with quantity supplied to every such firm, local bodies or individual persons during 1942-43; and

(c) the conditions for such supply?

The Honourable Sir M. Azizul Huque: (a) 1,51,420 tons of standard iron and steel.

(b) The information is not readily available and its collection would involve an amount of time and labour that would not be justifiable.

(c) No special conditions are attached to the supply of iron and steel, but a licence granted is subject to certain conditions which are stated on the licence. The chief of these briefly are: (i) that the licence is not transferable except in pursuance of the objects for which it has been granted; and (ii) that the licence may at any time be revoked or amended.

**Maulvi Muhammad Abdul Ghani:** May I know whether the Honourable Member has got figures of the number of individual persons?

**The Honourable Sir M. Azizul Huque:** This distribution of 1,51,420 tons of standard iron and steel is for the whole of India, and as such the number of individuals is a figure which it is impossible for me to ascertain.

#### EXPORT PERMITS POLICY.

**723. \*Mr. Govind V. Deshmukh:** Will the Honourable Member for Commerce please state:

(a) to whom export permits are given for export of goods from India;

(b) if any restrictions are put on exporters who have been exporters for a number of years, but who could not export during the war period, specially in 1941-42; if so, why;

(c) the number of exporters who are permitted to export for Iraq, Iran, Saudi Arabia, Persian Gulf, East Africa, Uganda, Zanzibar, Aden, Somaliland, Hedjaz, Egypt, Syria, Turkey, South Africa, Australia, Newzealand, Fiji and other Pacific Islands, Madagascar and Mauritius;

(d) how many of the exporters referred to above are Indians, Britishers, Colonials of the British Dominions and foreigners; and

(e) if it is a fact that export quotas of all commodities are sold by some of the exporters, to whom permission to export is granted, to those who are now real exporters?

**The Honourable Sir M. Azizul Huque:** (a) To established exporters.

(b) Exports are generally permitted up to the level of one's exports in a basic year which is, in many cases, 1941-42. Where it is proved that an exporter, who has long been in the trade, could not export in the basic year for reasons beyond his control, special consideration is given.

(c) and (d). The information is not available and cannot be collected without an expenditure of time and trouble hardly commensurate with the results.

(e) No. Export quotas are not transferable.

**Mr. Lalchand Navalrai:** May I know from the Honourable Member if there have been any cases in actual working in which the licenses have been given to those who had not been doing the work in 1941-42 but who were otherwise doing it?

**The Honourable Sir M. Azizul Huque:** I believe so.

**Mr. Lalchand Navalrai:** How many?

**The Honourable Sir M. Azizul Huque:** I cannot answer.

**Mr. Lalchand Navalrai:** May I know if anything in the shape of funds for the war front are taken from them before any licenses are given?

**The Honourable Sir M. Azizul Huque:** No, Sir.

**Mr. Govind V. Deshmukh:** I can understand if there is difficulty in collecting the information, but why did the Honourable Member say it was not available?

**The Honourable Sir M. Azizul Huque:** I said 'not readily available'.

**Mr. Govind V. Deshmukh:** Will the Honourable Member make an attempt to get it?

**The Honourable Sir M. Azizul Huque:** We have to understand that these export licenses are being distributed to hundreds of exporters in different parts of India, involving hundreds of commodities, numerous countries and different periods of time and my friend can easily imagine why the information is not readily available.

## ARRANGEMENT FOR IMPORT OF EGYPTIAN COTTON.

724. \*Mr. Govind V. Deshmukh: Will the Honourable Member for Commerce please state-

- (a) the arrangement prevailing regarding importing Egyptian Cotton;
- (b) the names of persons who went to Egypt to negotiate for purchase of Egyptian Cotton;
- (c) if any understanding was arrived at with the Egyptian Government and with British interests who were there; if so, the nature of the understanding;
- (d) if it is a fact that some old Egyptian Cotton was purchased, and that the same was not to be taken into account in the arrangement; if it is, then who the parties were to such a transaction, and the reasons for such an understanding between the parties; and
- (e) if the U.K.C.C. is buying Egyptian Cotton and offering through European Firms?

**The Honourable Sir M. Azizul Huque:** (a) India's purchases of Egyptian Cotton are regulated under a Controlled Purchase Scheme. Allocations are made to the various Mills requiring such cotton with due regard to their actual requirements and supplies available in Egypt, by the Deputy Chief Controller of Imports, Bombay, who issues the necessary import licences.

(b) (1) Mr. Ram Chandra, Chief Controller of Imports; (2) Mr. Kasturbhai Lalbhai; (3) Mr. P. C. Chaudhuri, Deputy Chief Controller of Imports.

(c) I regret it would not be in the public interest to furnish the information required by the Honourable Member.

(d) In the absence of a clear indication as to which old Egyptian Cotton and which purchases the Honourable Member has in mind, I regret I am unable to answer this part of the question. But if he is referring to purchases made before the 24th March, 1943, I may inform him that such purchases were treated as falling outside the scope of the controlled purchase scheme since these contracts were made before the issue of Government's communique warning importers against making contracts for the purchase of Egyptian Cotton without first making sure that import licences will be issued for the cotton so contracted for.

(e) Government are not aware of any purchases of Egyptian Cotton by the U. K. C. C.

**Mr. Govind V. Deshmukh:** Has the Honourable Member made any efforts to ascertain the information that is sought for in (e)?

**The Honourable Sir M. Azizul Huque:** Yes, Sir.

## EXPORTERS AND EXPORT QUOTAS OF TEA.

725. \*Mr. Govind V. Deshmukh: Will the Honourable Member for Commerce please state:

(a) the number of tea exporters from Calcutta, Bombay and Karachi in 1942 and 1943;

(b) to whom and how much export quotas are given;

(c) if it is a fact that permission for exporting tea to Egypt is mostly given to the U.K.C.C. either directly or indirectly; and

(d) whether any attempt is made to help with export permits *bona fide* Indian firms who have established connection with countries outside?

**The Honourable Sir M. Azizul Huque:** (a) Exports were allowed freely up to the 15th September, 1942. Statistics of the number of exporters from the ports mentioned are not available.

(b) By export quotas I presume what the Honourable Member has in view is the export licences granted under the Export Control Notification. With the imposition of prohibition on exports of tea on private account since the 15th September, 1942, these licences are issued only in respect of consignments exported under the Tea Block Purchase Scheme.

(c) No.

(d) In view of the stoppage of private exports, the question does not arise.

**Mr. T. T. Krishnamachari:** With reference to the answer to part (c), may

I know if there is any other agency which has got the monopoly of export. If it is not the U. K. C. C., is it the Ministry of Food in the U. K.?

**The Honourable Sir M. Azizul Huque:** We are under contract to supply the quantity of tea which is available for export from this country to the Ministry of Food.

**FILTH DEPOSIT NUISANCE AND OBSTRUCTION OF ROAD TO POST OFFICE IN JAMA MASJID AREA, DELHI.**

**726. \*Maulvi Muhammad Abdul Ghani:** (a) Will the Secretary for Education, Health and Lands please state if it is a fact that the Health Department of the Delhi Municipality has put up two *Dallaos* (filth deposits) on the road just on either side of the Juma Mosque on the North-west and South-west corners of the said Mosque and that the sweepings and filth of the ward remain so deposited for days and sometimes weeks together, thus rotting and giving out foul effluxion and bad smell quite unbearable at prayer times to the general public?

(b) Is it a fact that the public road, on which Juma Mosque P.O. is situated, is always blocked up by unserviceable motor buses and lorries belonging to *kabaris* having shops of motor accessories nearby?

(c) Do Government propose to ask the Delhi Administration to remove the said *Dallaos* on either side of the Juma Mosque as well as the obstructions caused to the Public Road on which the Juma Mosque P.O. is situated at an early date?

**Mr. J. D. Tyson:** (a) There are no municipal *dallaos* at the points indicated.

(b) and (c). The *Kabaris* occupying premises in this neighbourhood are apt to encroach on the pavement, but it is not correct to suggest that the public road is always blocked. The local authorities take appropriate action to deal with encroachments.

**Maulvi Muhammad Abdul Ghani:** Who will take action to remove these obstructions?

**Mr. J. D. Tyson:** I understand that the authorities concerned will take appropriate action.

**Maulana Zafar Ali Khan:** In order to form a clear idea of the conditions existing on these roads, will the Honourable Member pay a visit to the locality in question; and take immediate steps to remove the obstruction?

**Mr. J. D. Tyson:** I will pay a visit.

**Maulvi Muhammad Abdul Ghani:** Arising out of the answer to part (a) may I know whether the Honourable Member is prepared to inspect the locality and see whether the *dallaos* to which I have referred exist?

**Mr. J. D. Tyson:** I have said I would pay a visit.

**Mr. Lalchand Navalrai:** May I know from the Honourable Member if any stall-fee is taken from these persons?

**Mr. J. D. Tyson:** I have no information.

**WANT OF STORAGE FACILITIES FOR AGRICULTURAL PRODUCTS.**

**727. \*Mr. K. S. Gupta:** (a) Is the Honourable Member for Food aware that storage facilities for agricultural products are not available in India?

(b) Was there any demand from the public for the provision of such facilities? If so, was any heed paid to it? If not, why not?

(c) How many private houses have been requisitioned for storage facilities by the Government of India?

(d) Is there any definite plan to construct storage facilities at various centres of the country? If so, would it be laid on the table?

**The Honourable Sir Jwala Prasad Srivastava:** (a) (c) and (e). I assume that the Honourable Member is referring to storage for foodgrains. The Government of India attach great importance to adequate storage as a part of procurement operations, and are already examining the necessity for construction where local facilities are not sufficient.

(b) I am not aware of any such demand.

(d) None.

## UNSTARRED QUESTIONS AND ANSWERS.

### APPLICATIONS UNDER PAYMENT OF WAGES ACT AGAINST ILLEGAL DEDUCTIONS, ETC., BY RAILWAY ADMINISTRATIONS.

**222. Mr. Muhammad Azhar Ali:** Will the Honourable Member for Labour please state the number of applications in each year presented by persons referred to in Section 15(2) of the Payment of Wages Act, 1936, respectively, to the Authority since the 1st April, 1938, for directions against illegal deductions and delayed payment, respectively, by the Railway Administrations separately?

**The Honourable Dr. B. R. Ambedkar:** Government have no information regarding the number of applications presented by railway employees under section 15(2) of the Payment of Wages Act. The collection of the information required will involve an amount of labour which will not be justified by the results achieved.

### CASES OF INFRINGEMENT OF HOURS OF WORK FOR RAILWAY EMPLOYEES NOT COVERED BY FACTORIES ACT.

**223. Mr. Muhammad Azhar Ali:** Will the Honourable Member for Labour please state the number of cases of infringement of the Hours of Work for employees on Railways not covered by the Factories Act since 1931, and the action taken thereon?

**The Honourable Dr. B. R. Ambedkar:** Information is being obtained and will be placed on the table of the House in due course.

### FUNCTIONS AND DUTIES OF CENTRAL ELECTRICITY BOARD, ETC.

**224. Mr. Muhammad Azhar Ali:** Will the Honourable Member for Labour please state the functions and duties of:

- (i) the Central Electricity Board,
- (ii) the Delhi Central Electric Power Authority Board, and
- (iii) the Central Electric Power Control Board?

**The Honourable Dr. B. R. Ambedkar:** (i) The Central Electricity Board is the authority set up under Section 36-A of the Indian Electricity Act, 1910, for making rules under Section 37 of that Act.

(ii) The Delhi Central Electric Power Authority Ltd., is a private company and acts as a Central Organisation in Delhi Province for the generation or purchase in bulk of electric energy and for its distribution to bulk consumers, i.e., those who undertake to consume or to pay for not less than 500,000 units per annum.

(iii) The functions of the Central Electric Power Control Board are:

(a) to advise the Government of India regarding any measure of control to be applied to the supply of electricity by any public electricity supply undertaking;

(b) to administer such control, as may have been approved by the Government of India in the case of any public electric supply undertaking and, in particular, to issue permits for new supplies of electricity or for restriction of existing supplies in accordance with the general principles laid down by the Government of India;

(c) to collect such information from public electricity supply undertakings as it considers necessary in order to be in a position to advise Government regarding the necessities of control and as to the areas in which surplus electric power is likely to be available; and

(d) to collect such information as may be required to assist in co-ordinating the development and utilization of electric power on the best lines in furtherance of the general interests of the war effort and industrial development of India.

### ELECTRICITY CHARGES PAID BY CONSUMERS IN SHAHDARA DELHI.

**225. Mr. Muhammad Azhar Ali:** Will the Honourable Member for Labour please state:

(a) if it is a fact that (i) the Central Electricity Board, (ii) the Delhi Central Electric Power Authority Board, and (iii) the Central Electric Power

Control Board have supervision, power and control on the supply of electricity to Shahdara town;

(b) if it is a fact that the Pitkeathly Report recommended a uniform charge for current consumptions within the Province of Delhi;

(c) if it is a fact that the licence granted to the Upper Jumna Valley Electricity Company, Limited, for distribution of current to Shahdara town was on a date before the Pitkeathly Report; if so, the reasons for not amending the licence on the recommendations of that Report and reducing the charges from annas -/6/- per unit to annas -/4/- per unit; and

(d) whether Government propose to give the licence for distribution to a company whose service will be less expensive by inviting tenders; if not, why not?

**The Honourable Dr. B. R. Ambedkar:** (a) Assuming that the Honourable Member's reference to the supervision, power and control on the supply of electricity to Shahdara town, is in regard to the conditions and rates of supply, the authorities mentioned are not responsible in the matter.

(b) No.

(c) First Part—Yes. Second Part—The Report did not recommend that the licence be amended.

(d) Until such time as it is found possible to give a supply of energy to the Shahdara licensee from the Central Power House in Delhi, the rates which the Shahdara licensee is charging (and which are within the terms of his licence) cannot be regarded as excessive, and there can be no question of giving a second distribution licence to any person for this area.

#### ELECTRICITY CHARGES PAID BY CONSUMERS IN SHAHDARA DELHI.

**226. Mr. Muhammad Azhar Ali:** Will the Honourable Member for Labour please state:

(a) if it is a fact that the Upper Jumna Valley Electricity Company, Limited, pays the United Provinces Government for the supply at annas -/2/6 per unit;

(b) if it is a fact that the said Company charges the consumers of Shahdara town at annas -/6/- per unit;

(c) at what rate the Company calculate the operating charges; and

(d) the number of consumers in each year from 1939, together with the amount of expenditure in each year for the maintenance of services by the said Company?

**The Honourable Dr. B. R. Ambedkar:** (a) and (b). Yes.

(c) Government have no information.

(d) A statement giving the number of consumers is appended. The expression "expenditure for the maintenance of services" is not sufficiently definite to enable any figures to be given.

Year ending 31st March	Number of consumers.
1939 . . . . .	114
" " " " 1940 . . . . .	118
" " " " 1941 . . . . .	131
" " " " 1942 . . . . .	141
" " " " 1943 . . . . .	143

#### STUDENTS IN DELHI SCHOOLS AND COLLEGES RESIDING AT SHAHDARA DELHI.

**227. Mr. Muhammad Azhar Ali:** Will the Secretary for Education, Health and Lands, please state the number of students (boys and girls respectively) reading in Delhi schools and colleges but residing at Shahdara together with the name of the standard in which they are and the arrangements made for their conveyance in the morning hours during summer? If no arrangements are made, why not?

**Mr. J. D. Tyson:** The information called for is being collected and will be supplied to the Honourable Member in due course. As regards the latter part of the question the attention of the Honourable Member is invited to the reply given to his unstarred question No. 156 on the 22nd March 1944.

## PROSECUTIONS UNDER WHEAT CONTROL ORDER.

**228. Mr. Muhammad Azhar Ali:** Will the Honourable the Food Member be pleased to state:

(a) the number of prosecutions effected in British India under the Wheat Control Order issued under sub-rule (2) of Rule 81 of the Defence of India Rules;

(b) the number of prosecutions effected in British India under Rule 94 (c) of the Defence of India Rules; and

(c) the result of each such prosecution?

**The Honourable Sir Jwala Prasad Srivastava:** (a) and (c). A statement is laid on the table.

(b) None.

Statement, showing the number of prosecutions and convictions effected in British India under the Wheat Control Order, as far as available.

Name of province.	Number of prosecutions.	Number of convictions.
Bombay . . . . .	99	41
Bengal . . . . .	61	19
Punjab . . . . .	54	43
Sind . . . . .	47	2
U. P. . . . .	24	21
Madras . . . . .	2	2
Delhi . . . . .	1	..
Total . . . . .	288	128

## MOTION FOR ADJOURNMENT.

## ATTACK BY WAR TECHNICIAN STUDENTS ON THE PROCESSION OF VILLAGERS AT RAJAMPET.

**Mr. President** (The Honourable Sir Abdur Rahim): Mr. K. S. Gupta has given notice for the adjournment of the business of the House to discuss a matter of urgent public importance, namely, the failure of the Government to take proper and adequate precautions and measures to safeguard the lives and limbs of peaceful citizens of the country from the inroads of War Technicians of Rajampet, Cuddapa District, where one man died and five were injured as the result of an attack on the procession of villagers by the War Technicians in their uniforms and armed with *lathis*.

This is an affray which took place between the students of the War Technicians Hostel and some villagers. I find from the paper, from which the Honourable Member has gathered his information, that the matter is *sub-judice*. The matter is still under judicial investigation.

**Mr. K. S. Gupta** (Ganjam *cum* Vizagapatam: Non-Muhammadan Rural): But the students are arrested.

**Mr. President** (The Honourable Sir Abdur Rahim): But they have been arrested in connection with this very affray.

**Mr. K. S. Gupta:** Yes.

**Mr. President** (The Honourable Sir Abdur Rahim): Then the matter is under judicial investigation and there was no necessity for the Honourable Member to rush with this adjournment motion.

**Mr. K. S. Gupta:** Adequate precautions and measures ought to have been taken.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member ought to know that any matter which is under judicial investigation cannot be discussed here.

## ELECTION OF MEMBERS TO THE DEFENCE CONSULTATIVE COMMITTEE.

**Mr. President** (The Honourable Sir Abdur Rahim): I have to inform the Assembly that the following Members have been elected to the Defence Consultative Committee: (1) Mr. Hoosainbhoj A. Lalljee. (2) Mr. Jamnadas M.

[Mr. President.]

Mehta, (3) Mr. Govind V. Deshmukh, (4) Sardar Bahadur Captain Dalpat Singh, (5) Mr. Amarendra Nath Chattopadhyaya, and (6) Khan Bahadur Mian Ghulam Kadir Muhammad Shahban.

**RESOLUTION RE REFORMS COMMITTEE FOR BALUCHISTAN—contd.**

**Mr. President** (The Honourable Sir Abdur Rahim): Further consideration of the Resolution moved by Nawabzada Muhammad Liaquat Ali Khan on the 1st March, 1944.

**Sardar Mangal Singh** (East Punjab Sikh): Sir I have carefully listened to the speech which the Honourable Nawabzada Muhammad Liaquat Ali Khan made in support of the Resolution which is now before the House. I have also considered carefully the arguments which he advanced in justification for his proposition. I have also considered the arguments which could reasonably be advanced for or against this proposition. After having considered all these aspects, I have no hesitation to fully support this Resolution. The request is a modest one. The Resolution is very carefully worded and the Mover of the Resolution took precautions that no objections could be legitimately raised against it. The issue before the House is simply this. The Resolution asks for the appointment of a Committee to investigate and to find out what steps could be taken or should be taken to associate the people of Baluchistan with the administration of that province. Now, Sir, with that proposition no one in this House or outside, who has any pretensions for democracy, could take any objection. Here is a part of British India, which has been under the administration of the Government of India for the last three-quarters of a century, and what is the position there? Educationally, that tract is very backward. The literacy there is hardly 1.6 per cent. The people are governed under primitive conditions, under harsh laws, by harsh methods and by harsh officers. The Honourable the Mover of the Resolution has certainly made out a very strong case and it will be difficult for the Government to come forward and say 'No' to it. I am aware of the objections which will probably be raised from the Government side. This House is not unaware about this question. This question has already been brought before this House several times and we know the familiar objections from the Government Benches. The first objection is that it is a small area.

**Mr. N. M. Joshi** (Nominated: Non-Official): You do not know what the objections are because the Government Member has not yet spoken.

**Sardar Mangal Singh**: On previous occasions they have said so.

**Sir Olaf Caroe** (Secretary, External Affairs Department): It is not a small area but it has a small population. The area is very large.

**Sardar Mangal Singh**: So far as the area is concerned, it is more than 54,000 square miles. Surely, it is bigger than some of the European countries and even some of the Dominions, if I may say so. Then, Sir, the population is also, I think, more than 6 lakhs. I am talking of the British Baluchistan plus the Agency area and not of the States.

Objection, Sir, can be raised that the Agency area is separate. May I submit that when the Government of India and the British Parliament are taking steps to merge small States into bigger States in order to improve the administration, why could they not take steps to join the Agency area with the proper British Baluchistan. That is a point which the Committee would consider. If necessary, the Committee could recommend that that area be included in the proper British Baluchistan.

As regards the population, about which my Honourable friend has interrupted me, surely it is 6 or 7 lakhs and these people have been kept so far, during a period of three-quarters of a century, under primitive conditions and it is high time that something should be done for them. It does not matter if their number is less than a million.

Another argument which may be put forward is that the people are backward. People are said to be so much ignorant that if you ask any man in

Baluchistan, "Who is your God?", the reply would be, "Ask my Sardar". That was given as an argument against the introduction of reforms. Now, Sir, I put it to the Government Benches whether it is a justification for the refusal of reforms or whether it is a very good justification for them, and it strengthens the case of my Honourable friend, the Mover of the Resolution. If the condition of these people is so hopeless and if there is so much ignorance, then who is to blame for it? What has this Government, the civilised Government, done to spread literacy and to enlighten these people who have been under their administration for the last 75 years? That is a justification on my side to press for the reforms and not on the Treasury side to refuse the reforms.

The Honourable the Mover of the Resolution mentioned some of the laws which are being administered by courts and which are so revolting that no civilised Government would tolerate them. There are no civic amenities and no education; the administration of justice is hopeless; and the Indian Penal Code does not work there. There are other laws, such as the Frontier Crimes Regulations and so forth which are applied there: so much so that girls are sold away before their birth and this uncivilised custom is recognised by the British courts. I submit, Sir, there is ample justification for the introduction of reforms in Baluchistan and the modest request of the Honourable Mover of the Resolution should be accepted by the Government and a Committee should be appointed which will go into details. If there is any objection, if there is any real difficulty, it is the job of that Committee to consider and find a solution. If the Resolution demanded immediate introduction of reforms, the Government could have raised some difficulty or other, but here is a request for an opportunity to examine what steps should be taken in this direction. I do not think there can be any Honourable Member either in this House or outside who can say 'no' to such a modest request.

I see certain amendments are tabled for this Resolution. My Honourable friend, Mr. Deshmukh, has moved an amendment.

**An Honourable Member:** It has not yet been moved.

**Sardar Mangal Singh:** I am glad that the amendment has not been moved.

**Mr. Govind V. Deshmukh** (Nagpur Division: Non-Muhammadan): It may yet be moved.

**Sardar Mangal Singh:** I will submit for the consideration of my Honourable friend that this is not the proper time to discuss such a matter. Moreover, the points which he wishes to raise may not be liked by the Hindus and the Sikhs of Baluchistan, in whose interest he seeks to move that amendment. My humble suggestion to the Hindus and the Sikhs of Baluchistan would be that they should completely identify themselves with this freedom movement. They should consider themselves as Baluchistanis first and anything else afterwards and they should cultivate the good will and friendly relations with their Muslim brethren, for that is the best form of protection. As regards the question of safeguards for them, I will not raise any new point. I think, my Honourable friends of the Hindu community in this House should be content that the minorities in Baluchistan should get the same safeguards or similar safeguards which the minorities get in other Provinces in India. This is a position to which the leaders of Muslims in Baluchistan or the leaders of the Muslim League will have no objection. This will not raise any new difficulty. We should all see that that unfortunate 'no-man's land' gets some relief and that that portion is put on the same footing with other Provinces. I remember, Sir, that when reforms were asked for for the North-West Frontier Province, similar objections were raised and for a long time reforms were withheld from that Province. But when reforms were introduced, the Ministries of that Province have worked efficiently, at least not in any way less efficiently than of any other Province.

**Major Nawab Sir Ahmad Nawaz Khan** (Nominated Non-Official): They are still fighting there.

**Sardar Mangal Singh:** The Ministers in the Frontier Province, in spite of party affiliations, have not hesitated to take proper steps, though unpopular.

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to enforce law and order in that Province. I, therefore, submit that the House should accept the Resolution and the Government should agree to the appointment of a Committee and steps should soon be taken to place Baluchistan on the same footing as other Provinces. Sir, I support the Resolution.

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadan Rural): Sir, I move:

"That for the original Resolution the following be substituted:

"That this Assembly recommends to the Governor General in Council to appoint a Committee with a majority of the elected Members of the Central Legislature on it to recommend the following reforms in British Baluchistan:

(a) as to educational sphere by establishing a full-fledged college and compulsory primary education;

(b) as to revenue and judicial administration of the Province by taking suitable measures;

(c) as to allowing unrestricted representation in courts by advocates and pleaders both local and those from outside;

(d) as to giving joint electorate franchise in municipalities and local boards; and

(e) as to such other amenities suitable to the life in British Baluchistan."

Sir, let me at the outset make it very clear to the House that I am not against any advance in reforms being made in British Baluchistan. I know much of British Baluchistan. It is a Province adjacent to Sind. If my Honourable friend, Nawabzada Muhammad Liaquat Ali Khan, will excuse me, I may at once say that what he said in his speech all relates to former days when he visited Quetta. He does not know the recent happenings.

**Nawabzada Muhammad Liaquat Ali Khan** (Rohilkund and Kumaon Divisions: Muhammadan Rural): What is your recent experience?

**Mr. Lalchand Navalrai**: I am giving my recent experience to the House. Of course, as I said just now, I am in support of advancement, but before I put my case, I have to say, even though it may cause a little pain, that I do not approve of the treatment which the Congress gives to this Resolution.

I know they are also for advancement but they should not continue the policy, of which they are accused, namely, of placating the Muslims. We are trying to come nearer to each other in all matters, but in matters which are detrimental to Hindu interests they should give up that policy. My point is that the Congress should not help the Muslims in getting Pakistan in Quetta. Let them get reforms suitable to the time. I know my Honourable friend, Nawabzada Liaquat Ali Khan, has capacity to put his case eloquently and with ability but my experience is that he also puts his case sometimes very cleverly, and that is what he has done now. My objection to the Resolution is this: it wants a committee, to which I have no objection. But it is vague. It wants the committee to recommend that certain steps should be taken, but what steps are they to take and what reforms do they want? The speech of the Mover cannot be pointed out for that purpose; the Resolution should give details of the reforms which are wanted.

Then, Sir, I will say that only Quetta is not Baluchistan. Quetta hill is British Baluchistan. In urban Baluchistan there are five towns. In the census report for 1941 the urban population is given as 7,411 males and 6,186 females, totalling 13,597. In the rural areas which comprise the scattered country on the hills, the males are 1,84,615 and females 1,57,992, totalling 2,42,607. As regards numbers of Hindus and Muslims in Quetta and some small towns the Hindus are 1,500 and Muslims 500, and the Christians are 7,750. It is a scattered hilly country originally inhabited by wild people and nomads.

Even now the Baluchi is a hot-headed man and has no compunction to kill on the least provocation. Their domestic and social life is peculiar. They are jealous to protect the fidelity of their women. They commit *Karo-Kari* murders which means that they kill the woman and her paramour at once. They take revenge even after years.

Sind is the adjacent province where there are, of course, Baluchis. They are also governed there by their tribal laws. They owe implicit allegiance to their Sirdars; the *jirgah* regulation applies to them and they are satisfied with that justice.

I can support this from personal experience because I conduct their cases in Sind. There arises settlement of their civil as well as criminal disputes and

It is only when it is considered expedient by the Deputy Commissioner or District Magistrate that they are tried by *jirgah*, and my opinion is that that should continue.

Quetta is a cosmopolitan and modern town. My Honourable friend said the roads are bad. I have seen them very recently and they are wide and there are Malls and buildings with good sanitation, etc. Still I do not grudge any improvements. Let there be more education and sanitation.

The British Government exclude those Pakistanis who go to Quetta to disturb the peace there.

I am in favour of reforms and, therefore, I have put forward my amendments.

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

**Mr. Lalchand Navalrai**: Sir, I have finished. I think my amendment should appeal to the Congress Party as well as the Muslim League. I have put into the amendment all that I had to say and if my Muslim friends accept these they will later on get all that they want. Sir, I move.

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

“That for the original Resolution the following be substituted:

“That this Assembly recommends to the Governor General in Council to appoint a Committee with a majority of the elected Members of the Central Legislature on it to recommend the following reforms in British Baluchistan:

- (a) as to educational sphere by establishing a full-fledged college and compulsory primary education;
- (b) as to revenue and judicial administration of the Province by taking suitable measures;
- (c) as to allowing unrestricted representation in courts by advocates and pleaders both local and those from outside;
- (d) as to giving joint electorate franchise in municipalities and local boards; and
- (e) as to such other amenities suitable to the life in British Baluchistan.”

**Mr. Abdul Qaiyum** (North-West Frontier Province: General): **Mr. President**, 12 Noon. I rise to oppose the amendment and to support the original Resolution. I expected considerable opposition from the Government side, through the Honourable the Foreign Secretary, but I did not expect it from unexpected quarters. My Honourable friend, Mr. Lalchand Navalrai, said that he did not approve of the policy of the Congress Party, because in his opinion the Congress Party is not mindful of the Hindu interests, and that by our conduct in supporting this Resolution our friend thinks that we are supporting the cause of Pakistan, namely, the partition of India. I am afraid that the amendment moved by my Honourable friend, if carried, will have the exact effect which he wishes to avoid. After all, Mr. President, if people here grudge a very ordinary measure of reform, which is long overdue, to the people of Baluchistan, what would be the reactions of the people of Baluchistan? I think that people who are anxious to see a strong, united and free India should support wholeheartedly the widest possible measure of reform for Baluchistan, so that these people are inspired with faith and belief in a common centre for the whole of India. But if even ordinary reforms which are long overdue are going to be whittled down or circumscribed, then it should not cause the least surprise if those people become resentful and think of walking out of the United India which we all have so very much at heart.

Mr. President, the present Agent General in Baluchistan, Sir Aubrey Metcalfe, and the present Foreign Secretary, Sir Olaf Caroe, were part of an administration in the Frontier Province of the pre-reform days which was exactly like the one they now have in Baluchistan. There we had the same *jirga* system, the same customary law, which was supposed to be administered in accordance with equity and good conscience, but in actual practice those who were responsible for administering it always took care to adjust equity and good conscience even with inhuman custom which prevailed; claims based on such antiquated custom were being decreed and enforced by British administrators. These officers were anxious to perpetuate a state of affairs in my province, namely, the Frontier Province, very much like those now obtaining in Baluchistan. They tried to oppose all measures of reform, and they opposed it to such an extent that in the year 1930 we had a great upheaval

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in the Frontier Province. The Government was faced with considerable difficulty and they had to suppress a very powerful and popular upsurge. I hope that by their attitude of denial of political rights to Baluchistan, it is not the intention of the Government of India and those who are administering that unfortunate province on their behalf, to see the same history being repeated in Baluchistan. The present Foreign Secretary—who served in the Frontier Province and left a good name for his efficiency and integrity—also for the fact that he was a no-changer because he did not want any change of any kind—in his own time saw the Frontier Province cast off that mediæval system and emerge as an autonomous Governor's province on a level with the rest of the Indian provinces. I have not the least doubt that now that he is responsible for the administration of Baluchistan, I hope that in his own time we will see Baluchistan emerge from this state of mediæval feudalism which the British are seeking to perpetuate.

Mr. President, what is the state of affairs in Baluchistan? It is stated that the population of Baluchistan is about six lakhs; it has got a very small population. But may I remind the Honourable the Foreign Secretary that the Dominion of Newfoundland—even though its area is twice the area of Baluchistan but its population is half that of Baluchistan, enjoys complete and absolute freedom. It was remarked by some one from the Government side that British Baluchistan is a small place just big enough to be a Tehsil in the Punjab or in the United Provinces . . . .

**Mr. J. D. Tyson** (Secretary, Department of Education, Health and Lands): May I ask my Honourable friend if Newfoundland is a dominion now?

**Mr. Abdul Qaiyum:** It may not be a dominion. Anyway it has got absolute freedom, and would you agree to give the same measure of freedom to Baluchistan? The province of Coorg, which has got an area of 1,598 square miles and a population of about 1,63,000, has got a Legislative Council since 1924 of fifteen elected members. Now, if it is possible to have a full-fledged Legislative Council for a small miniature province like Coorg, and to concede and grant the utmost measure of freedom for a small community like you have in Newfoundland, on what principles of justice, equity and good conscience can you withhold the same measure of reform from the people of Baluchistan.

Sir, it is contended that Baluchistan is a small province equal to a Tehsil of Punjab or the United Provinces. May I know where is the fun in having such an expensive administration for that unfortunate area, an administration in which the majority of officers are very highly-paid British officers: You have a Judicial Commissioner, and a Revenue Commissioner, you have Political Agents and Assistant Political Agents, you have Superintendents of Police and Superintendents of Education and you have all the paraphernalia of a full-fledged province already in action. If it is such a small area as that, there was no need to have such a thing as expensive administration.

The state of law in Baluchistan is far from satisfactory. British Baluchistan has been divided into two areas—one is area A, and the other is area B. Out of about 54,228 square miles of area in Baluchistan, about 200 square miles come under area A and in this 200 square miles you have some sort of regular civil and criminal courts, but even there the unfortunate natives of Baluchistan in civil matters are governed by the *jirgas* which are very oppressive and tyrannical and unjust. As far as area B is concerned, you have the entire area ruled by a *jirga* system, that is council of elders, and you have the customary law which is very antiquated, which is opposed to all modern principles of jurisprudence, which is primitive in the extreme, and which is oppressive and very hard on the people who have to put up with it. And then, who are these *jirga* members? The *jirga* members are very ordinary people without any education. They put their thumb impressions and pass sentences of imprisonment, even a sentence of transportation for life can be passed by these illiterate people. The other day, my Honourable friend,

the Deputy Leader of the Muslim League Party, stated in the course of his speech that they could pass a sentence of death and the Honourable the Foreign Secretary got up and said, 'No', and corrected him, by saying that 'they could only pass a sentence of life imprisonment—14 years'. But may I ask. Can you entrust the lives and liberties of British citizens to illiterate, inefficient and corrupt *jirga* members who can award sentences up to 14 years' R. I., from which there is no right of appeal. As far as I remember you can only have a right of revision to the Honourable the Agent to the Governor General.

Then, they have such a vicious system like "blood" money supposing a man is killed. According to the latest information I have received from the *Anjuman-i-Watan* headquarters in Baluchistan, Rs. 2,000 is the price and I am told that out of that Rs. 500 goes to the Government. But if a Sardar is killed then Rs. 14,000 or more is the blood money. You have a sort of caste system even in murders. If a poor man is killed it is so much: if a rich man is killed then it is so much.

**Mr. Lalchand Navalrai:** Is there the *jirga* system in the North-West Frontier Province?

**Mr. Abdul Qaiyum:** It has practically been wiped out.

**Mr. Lalchand Navalrai:** It does exist.

**An Honourable Member:** Isn't it that the Congress introduced this?

**Mr. Abdul Qaiyum:** I think whatever the Congress Government did the League Government is adhering to.

Some people have been turned out of Baluchistan without trial. I can give you the case of Sardar Ajit Singh who has been externed from that Province for an indefinite period and is now in Rawalpindi and there is the case of Abdur Rahman Khan of Bugati tribe.

The condition of women under this inhuman *jirga* law which is being decreed, enforced and upheld by the British administrators is really terrible. A woman is in the position of a mere chattel. She is owned by her father and her father's collaterals while she is unmarried. After marriage she becomes the property of her husband and her husband's collaterals. If she becomes a widow and contracts a marriage, then the heirs of the husband are entitled to receive the price for that woman, and decrees for this are being passed by British administrators and enforced by them.

Not only this, in cases of suspected infidelity, it is the custom in the Mari and Bugati tribes that the husbands or their collaterals kill the unfortunate woman, and then they go for the co-respondent. Sometimes they do not go so far as to kill him. They are content to receive the price for the murdered unfortunate woman, and this also is being enforced by the administration there.

Now it is stated that after all the people of Baluchistan do not want a change. How are we to judge that? You have no representative institutions there. I am told that at very large public meetings, the political bodies and associations in Baluchistan, like the *Anjuman-i-Watan*, the *Ulamas*, the Muslim League and the Muslim association, have one and all demanded that this inhuman system should be done away with. One of the first acts of the reformed Frontier Province was to do away with the customary law and to bring in a Muslim personal law which is far more advanced than the most modern of laws.

Then there is another terrible practice which prevails. Some people are brought and detained in concentration camps which are called levy lines. No charge is framed against them. The political officials in outlying districts carry out their social engagements, while these people are locked up in these concentration camps. Judged by all these standards, the British administration in Baluchistan is an autocracy of the worst type. It is a military regime. It has a very black record in the case of education. In the case of local bodies, you do not have a single elected Municipality. You do not even have a single District Board. The Foreign Secretary may give figures to show that literacy is 10½ per cent. But you have to see behind them. There are a very

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large number of troops in Baluchistan and there is a very considerable immigrant population. If you exclude these you will find that as far as literacy goes, it will hardly be 1·6 per cent. in the case of the natives. This is the achievement of 75 years of enlightened rule of the British people who are supposed to be fighting this war for democracy and freedom of nations; for the freedom of Burma, Singapore and other far away places. This is the record which they have. This is a very black record, indeed. I am told that the figures for literacy among the natives of Baluchistan were:

In 1911	.	.	.	.	.	.	.	9 per thousand
In 1921	.	.	.	.	.	.	.	14 do.
In 1931	.	.	.	.	.	.	.	15 do.

Now if you exclude the Army and the immigrant population you get a very poor percentage as far as education is concerned.

Then there is one thing to which I wish to draw the pointed attention of the House and the country. It is this. The people who advocate reforms for Baluchistan, people who try to organise the men of the province into associations, in order to obtain reforms for themselves, people who have a progressive outlook, they are hauled up under this Frontier Crimes Regulations and they are given very long and deterrent sentences. A very large number of workers belonging to the *Anjuman-i-Watan*, a nationalist body, which stands out for complete Provincial Autonomy in Baluchistan, have been prosecuted time and again and have been awarded deterrent and inhuman sentences. It was in the years 1930 and 1934 that Abdus Samad Khan, the well-known leader of this movement, was sentenced under Section 12 of the Frontier Crimes Regulations to 2 years and 3 years R. I., respectively. You are not allowed to be . . . .

**Sardar Sant Singh** (West Punjab: Sikh): On what charge?

**Mr. Abdul Qaiyum**: Because he wanted autonomy, the very thing which my honourable friend, Mr. Navalrai, wants to circumscribe by deleting the portion about Provincial Autonomy, and giving them a local body here and another there, and incidentally justifying the position taken up by British that India is not fit for freedom. 'We will give them reforms in driblets and postpone it as long as we can'!

**Mr. Lalchand Navalrai**: But that gentleman was sentenced for causing trouble.

**Mr. President** (The Honourable Sir Abdur Rahim): Order, order. Let the Honourable Member proceed.

**Mr. Abdul Qaiyum**: I think that this resolution is long overdue and the reform in Baluchistan is also long overdue. The Resolution is a modest one. All that it asks for is a Committee of enquiry to suggest reforms and I hope that the European Group, who are opposed to all measures initiated by this side, will on this occasion, not adhere to their policy and support wholeheartedly this very reasonable Resolution and prove that sometimes the exception proves the rule.

**Mr. Hooseinbhoj A. Lalljee** (Bombay Central Division: Muhammadan Rural): I rise to support the resolution moved by my honourable friend, Nawabzada Liaquat Ali Khan. I do not think anybody in this House can have the least objection in the form in which the Nawabzada has moved the Resolution. I wish he had been able to make it still more complete by saying that the Baluchistan people should have the same Government as that exists in India at present. So long as India has got this constitution, I do not see why there should be any distinction between the peoples of one part of India and of another part of India, and the people in the world at large. It is only for the last 200 years that the British have been here. Before that everybody in different parts of India had his own government and the world went on. After that, we have been told, and many a time, that the mission of the British people in this country is to raise the standard of the people, to give them justice, to make them more civilised and in fact for that they call themselves trustees. May I ask, Sir, whether at any time anything of that kind

has been accepted by the people of India? They have not accepted that position. However, let us see what the British people have done for people in places like Baluchistan up to now?

My Honourable friends have placed before you facts as to how justice is being administered there. On the one hand, we find that British could tolerate this sort of justice in a part of India, on the other, the most surprising thing is that Americans would not tolerate even the British justice as existing in England for such of the Americans who are in England. The British Government have undertaken that in England where exists the Privy Council and the High Courts they will not dare to try Americans. That is the position, and unfortunately this country has also been made to agree to this, that an American gentleman, soldier or otherwise, in this country, shall not be tried by any of our courts as well here. See the difference between the two classes of people. The Americans will not look to even British justice as existing in England. Could any self respecting people tolerate that for a minute and we have agreed to that position. We have come to that. I say the American or any one has no right to demand such a thing—that Americans coming to my country or coming to London and creating disturbances, or committing a guilt should not be tried by British courts anywhere. They have no faith, and they have no confidence in the British courts. You are proud of the Americans as being the most civilised nation, as being the leading people in the world, but they have no faith in your justice. It has come to that. A very simple demand in this Resolution has been made to the Government—namely to give people their rights and to establish courts of Justice in Baluchistan, or in the alternative, to agree to follow the *Shariat* law which had been in existence on that side for years before the British went there. Even that is being denied to Indians of Baluchistan. It is an intolerable position, and I do not know how such a position the British Government can justify for so long and even now. I hope that after this Resolution is passed, the Government Benches will immediately declare that they do want that every subject of His Majesty the King Emperor will have the same British justice as in England or at least of the same type that we are having at present. This is but fair, and every Indian who owes allegiance to His Majesty the King Emperor as a matter of right can demand it and must have it. Mr. Lalchand Navalrai has said that the Congress has sympathy with these people, and that they have little sympathy with the Hindus. It is but right and fair that the Congress should have real regard for the condition of the down-trodden or the backward, and then and then only can they really claim to have the confidence of the people. The Congress has got still a great deal to do in that respect, but they have been moving in that direction, and I feel that my Honourable friend should congratulate them on that instead of saying that their attitude is not correct.

**Mr. Lalchand Navalrai:** Why don't you ask the Hindus to curse them?

**Mr. Hooseinbhoj A. Lalljee:** Why?

**Mr. Lalchand Navalrai:** Because I have told you.

**Mr. Hooseinbhoj A. Lalljee:** I will never be a party if any class of people says that they should have better treatment or greater preference than any other class of people, whether they belong to Baluchistan, or to the depressed classes or even an European. Every person must now have an equal status and equal right. When we claim rightly that this country should have an equal footing with that of any other civilised country, then certainly the people of Baluchistan being part and parcel of ours they must have that right. We have one clear example. Everywhere in Iran, Iraq, Yemen, Hedjaz, etc., they are all Arabs and other Asiatics and they have their own rule and the mode of Justice, etc., although many times many people have claimed to become their guardians and trustees. They have attempted to become, and may still be attempting to become trustees to civilise them. But I had been there. They are quite happy, and very nice, and the way in which they administer justice is more or less according strictly to the *Shariat*, and they are quite all right. But to create *jirgas*, of the type that my Honourable friend, Mr. Abdul Qaiyum, has described, is not at all giving them any justice, and I may say that is

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something creating tyranny over those poor people. So far as education and medical relief are concerned, I must say that we ourselves on this side must also be ashamed for having allowed such a deplorable condition to prevail. Why should we not have moved in this matter earlier with some force is a matter for which we ought to blame ourselves as much as the Government. We have brought so many matters before this House, a little riot here a little riot there and so on, but six lakhs of people are being treated in a manner which is anything but desirable. We must admit we have failed to strongly press Government up to now. I am sure my European friends do not also like the treatment that is being accorded to them or that the condition in which six lakhs of human beings in a part of India, owing allegiance to His Majesty the King Emperor, live, should be continued any longer. Mr. Lalchand Navalrai talked about allowing unrestricted rights to advocates and pleaders and the establishment of courts. I surely welcome that. In fact, I do not know why this most influential community in the whole of India, namely, the lawyers, in all the Legislatures should have allowed their rights to have been overruled in a province in India. Lawyers are here, there and everywhere, in political field, in Government or in other places, and I do not really know why my friend did not bring this grievance to notice before if he was really so sincere. I hope now he is really sincere if not because Baluchistan is to have reforms but because he wants his right, and particularly because those rights have been exercised by all people.

There is one thing more to which I should like to draw the attention of the House and it is this. Everywhere every people do demand that they should not be taken or kept into custody without due trial. It is on account of this principle that the British justice had for long been held in great regard. It is because of that kind of British justice and of the right given to people to have also their civil claims adjudicated by competent Judges that the British Government had been claiming to have done something for India. This was the only strong ground on which they could justify somewhat their Government for 100 years in this country. I must admit that I could never have thought that there really exists in Baluchistan a peculiar sort of justice than in the whole of India and that that kind was being administered. I could never think that European gentlemen often in charge in that province could have allowed that sort of Justice which would allow women to be sold and paid for or made to pay for in the manner which has been described today here. I am ashamed and I confess that this side of the House also is guilty. I cannot still believe that British officers who have been brought up in England and also in other parts of British India, could say with a clear conscience that such a thing could be allowed anywhere in any part of the world. Wherever there is injustice, the British people have put themselves forward to set it right. This sort of thing is going on there for long as my friends have said and, therefore, I think the less said the better. I hope that the British and Indian Governments in their own interests and for the good name and honour that should be established, with regard to giving justice and liberty, will at once now do something and if they would not do anything it would be better, that they must leave Baluchistan to the Baluchistan people and allow them to arrange their country as their neighbours do and as they think best. With these words, I support the Resolution.

**Mr. N. M. Joshi:** Sir, I rise to support this Resolution. At the outset I would like again to enter a protest against the conduct of the Government of India in not being helpful in the discussion of Resolutions before the House. Sir, already five speakers have spoken on this Resolution and we do not yet know what attitude the Government of India is going to take up on this subject. We are, therefore, at a disadvantage in discussing this matter. I would like you, as the guardian of the rights of this Legislature, to help us by taking up the matter with the Government of India, as regards the practice which the Government of India is following in not taking part in the middle of the debate. I would like you, Sir, if the Members of the Government of India do not change their practice, to take up the matter with His Excellency the Governor General,

the head of the Government of India, and put the matter right. We protest against this practice of the Government of India.

**Mr. President** (The Honourable Sir Abdur Rahim): I have on several occasions brought it to the notice of the Members of the Government that it is desirable, when a discussion of this kind takes place in the House, that they should take part at a reasonably early stage in the debate and let the Honourable Members know what the views of the Government are.

**Mr. N. M. Joshi**: After this support from you, I shall deal with the subject matter of this Resolution. It is a well known fact that Baluchistan has not got a large population. The population is small and from that point of view it is not equal to the other provinces in India. It is also a fact that the people of Baluchistan have been kept less advanced than the people of other provinces in this country. Educationally they are kept backward. From the point of view of the judicial system, they are backward. Baluchistan has not even got one college, let alone a university. The judicial system is very crude and ante-diluvian. I do not know what argument the Government of India is going to use and what attitude they are going to take regarding this subject, but I feel that the proposal made by the Muslim League is very reasonable and very moderate and modest. They are only asking for the appointment of a committee to make recommendations as to how the people of Baluchistan can be associated from the constitutional point of view with the administration. It cannot be an argument to refuse this request that the people of Baluchistan are backward. My own feeling is that if people are backward, either educationally or in other matters, it is an argument in favour of their being given political rights and self-government. In the first place, self-government is the birth-right of every people, and from that point of view even though the people of Baluchistan may not be very numerous and they may be backward, they must have some kind of self-government. I shall go further and say that the backwardness of the people is an argument in favour of granting self-government to them. We have seen the results of the lack of self-government. The Government of India is ruling over these people for a long time. They have kept the people educationally backward. They have not improved the judicial system and they have not made any improvements in other matters. Therefore, I feel that the only way of securing improvement is to change the system and to give the people the rights of self-government. As a matter of fact, that has been the experience of various other countries. They were given self-government first and then that resulted in the improvement of the educational system, in the expansion of education and in improvement in other matters. In England you know, Sir, that free and compulsory education came after the people were enfranchised. 'We must educate our masters'—that was the slogan in Great Britain. After the rights of self-government were given, the ruling classes thought that it was dangerous not to educate the people. From both these points of view, the rights of self-government must come first and then the improvements in other matters will come. I, therefore, support the Resolution and I hope the House will support it.

**Mr. J. D. Tyson**: On the main Resolution, my Honourable friend in front of me will reply: but as one of the arguments adduced in support of the Resolution has been the educational backwardness of Baluchistan, I wish to say something on that aspect of the case. It has been said in this House that not a single primary school exists in Baluchistan.

**An Honourable Member**: Who said that?

**Nawabzada Muhammad Liaquat Ali Khan**: Worth the name.

**Mr. J. D. Tyson**: I did not hear the phrase 'worth the name'. When I took down those words, I was astonished that such a statement should come from my friend who is usually well informed. There are in actual fact 85. I do not say for a moment that 85 is an adequate number, but there is a world of difference between not a single primary school and 85.

I shall confess at once that Baluchistan is backward in education, but I hope to show that for the education that there is Government have taken a lead in providing it, especially outside Quetta. In 1940-41, Government embarked

[Mr. J. D. Tyson.]

on a three-year scheme for the improvement of education in Baluchistan and they provided for the three-year scheme 9½ lakhs of non-recurrent expenditure. The scheme was to cover such items as—I have got all five items here—building and equipping a higher secondary school at Quetta with intermediate classes. That has been done.

**Nawabzada Muhammad Liaquat Ali Khan:** How much did it cost?

**Mr. J. D. Tyson:** Just over three lakhs. (*An Honourable Member:* “How much for the building?”) This is for non-recurrent expenditure—buildings and equipment. Now, Sir, I am informed that there are 90 students in the Intermediate stage there. 90 divided by 4, not even allowing for wastage, would not justify raising that school to a degree college at present. We should like to see 40 in each year, which would give us 160, or better still, 50 in earlier years, to allow for the wastage.

**Mr. Lalchand Navalrai:** Can you tell me how many of them are Hindus and how many Muslims?

**Mr. J. D. Tyson:** No, I cannot say that.

**Shrimati K. Radha Bai Subbarayan** (Madura and Ramnad *cum* Tinnevely: Non-Muhammadan Rural): Could the Honourable Member tell me if there are any girl students in this college?

**Mr. J. D. Tyson:** I am not quite sure, but I do not think there are girls in that college.

Then, there was a building and equipment for a first class boys' primary school at Quetta, Rs. 94,000. Then, there was a project for land, buildings and equipment for a girls' school at Quetta at a cost of 2½ lakhs. That, Sir, I am free to admit, has not materialised. The land was acquired and the compound wall has been constructed, but the building could not be constructed for lack of building material. We cannot get round that difficulty. The scheme also included buildings and equipment for a boys' High School at Fort Sandeman and that has been done. Finally, there were building grants to private schools in Quetta of 2 lakhs. The private schools are in the same difficulty that we have been in for the girls' school and they have not been able to make much progress. So, altogether we provided 9½ lakhs for non-recurring expenditure under that scheme and of this sum it was not possible to utilise just over a lakh and a half.

During those years there was also a steady increase in recurring expenditure. The expenditure in 1939-40 from Government on Education was 4.66 lakhs and in 1941-42 it was 9.15 lakhs. In the same period the man teachers in Baluchistan have risen from 283 to 342. It is not much, but it is some progress. The number of woman teachers had increased from 49 to 77. In 1939-40 Government bore 77.9 per cent. of the total expenditure on Education there. In 1941-42, the share of the Government had risen to 82.3 per cent.

**Sir Cowasjee Jehangir** (Bombay City: Non-Muhammadan Urban): What do you mean by Government?

**Mr. J. D. Tyson:** The Central Government provides all the money. So, I maintain that, while there is nothing for us to be complacent about on the Government side about the state of education there, Government have taken a lead. It is slow progress but it is progress and it is progress in spite of the war. But, I think, for the purpose of the debate on this Resolution the real point is not whether the state of education there is backward but whether the people of Baluchistan have done anything for themselves or shown any desire for education.

Now, Sir, Baluchistan has been divided in this House into two parts—the Government administered area and the tribal area. For the purposes of my argument I will divide it into two parts—Quetta and the rest. In Quetta, which is inhabited, I believe, very largely by non-Baluchis or domiciled Baluchis—people from other provinces very largely—there has undoubtedly been a willingness to provide for education,—a willingness on the part of all the principal communities there. But what is the position outside Quetta? I am

told that educational progress in Baluchistan outside Quetta has had almost to be forced on the people by Government. Their apathy and sometimes actual opposition have been a very serious obstacle. There has been hardly any voluntary effort whatsoever outside Quetta City. I have a list of the schools that have been put up, partly or wholly by voluntary effort and, I think, they are all in Quetta. I have not the name of a single school which has been put up by voluntary effort outside Quetta. If there is any wish now in the country districts outside Quetta for education—and I sincerely hope that there is—I think it is due entirely to Government and they are entitled to the credit for awakening that wish. But I am very doubtful if, in fact, the desire for education has yet spread very far in the country districts. I am told that in the case of the primary schools, of which, as I said, there are 85 already, a great deal of ground work has still to be done by Government officers to get the people to take interest and agree to let their children join them. Now, Sir, if that is the position, what is the argument that can be founded in favour of the present Resolution on the ground that my Honourable friend, Mr. Joshi, has just put forward—that the backwardness of the people is an argument for self-government? If we have to force education on them from the side of Government, how will education spread any better by giving these people control? I am dealing with it only from this narrow point of view—of getting education advanced in Baluchistan. If an administration was set up, such as is envisaged in this Resolution, and if it were controlled from Quetta, the people in Quetta would still have to force education on the people of the country districts as the present Administration has to do. If, on the other hand, the administration were itself controlled by the people of what I might call the back blocks, I think the chances are that education generally, even in Quetta, would suffer a setback. It seems to me, therefore, that the backward state of education in Baluchistan, where Government has, as a matter of fact, taken the lead and has done most of what has actually been done, supplies no argument in favour of this Resolution.

As a reference has been made to agriculture, I will say again that, although Government has done a good deal for the fruit growing industry in Baluchistan, we are not at all complacent about the help given to agriculture in that area. But there, again, I do not see that the backwardness of agriculture is any argument in favour of the present Resolution. If we compare the amount of assistance given to agriculture in Baluchistan with that given under the Ministerial Government in the neighbouring province, I find that in Baluchistan 7 annas per head of the population is paid as against 3 annas in the North-West Frontier Province. In Baluchistan the expenditure per hundred acres is Rs. 55-8-0 and it is Rs. 27 in the North-West Frontier Province. I would maintain, therefore, that, although in those two respects Baluchistan, and especially the education of Baluchistan, is I regret to say, backward, that fact, in the circumstances of Baluchistan, supplies no argument in favour of this Resolution.

**Sardar Sant Singh:** Sir, I rise to support this Resolution. I am glad that the Secretary for the Department of Education, Health and Lands has made a frank confession of the backwardness of the education in Baluchistan. He has given us some figures of the amounts spent. From these figures I find that these amounts have been spent more upon the buildings of schools and colleges than upon imparting actual education. This has been the policy followed in India. Wherever the expenses on education incurred by the various Governments are given, we find that most of them are incurred on buildings. This is not the case in Russia where the buildings are not so much insisted upon, but the imparting of education to the children is a primary consideration. We find in India buildings get the primary consideration at the expense of actual imparting of education or instruction to the pupils. However, Sir, the position taken up in this Resolution is a very modest one as has been described by my Honourable friend, Mr. Joshi. Two amendments have been tabled to this Resolution.

**An Honourable Member:** Only one amendment has been moved.

**Sardar Sant Singh:** I said 'tabled' or given notice of. Both the amendments accept the principle underlying the Resolution.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member can only refer to the one amendment that has been moved.

**Sardar Sant Singh:** Very well, Sir. The amendment which has been moved by my Honourable friend, Mr. Lalchand Navalrai, accepts the principle underlying the Resolution. If it differs at all, it only differs in detail, as to what the function of the Committee that may be appointed should be. If he restricts that, he cannot say he is against the principle of the Resolution. The Resolutions, as presented in this House, are as we know in the form of recommendation to the Governor General in Council and the Governor General in Council is not bound to accept the Resolution in its entirety. If the principle is accepted, I think the House should be satisfied that steps are being taken to introduce reforms in Baluchistan. However, Sir, I take exception to the sentiments expressed by Mr. Lalchand Navalrai on the question of *jirgah* administration and that it gives satisfaction to people who are tried by *jirgah*. Probably it is the satisfaction of the same sort which a convict gets when he is undergoing imprisonment for a number of years because he cannot help it.

**Mr. Lalchand Navalrai:** The Honourable Member may have that experience.

**Sardar Sant Singh:** They have been getting this satisfaction for the last several years.

**An Honourable Member:** They have been getting for centuries.

**Sardar Sant Singh:** My Honourable friend says they have been getting it for centuries. If there have been camouflages in the name of civilization in the institutions introduced in this country, one of the most atrocious camouflages and one of the biggest frauds is that of *jirgah*, which when translated into English means Council of Elders. But who are these elders? Are the elders taken on the *jirgah* or are only those who win the goodwill of a particular official taken on the *jirgah*? They get into the *jirgah*, not because of their age, not because of their experience, not because of their wisdom or reputation for wisdom in the locality, but because they are in the good books of the official. If they are taken in simply because they happen to satisfy a certain Secretary of a Government Department, then you cannot call it a council of elders. The word 'council' itself will be a misnomer and it is a great fraud upon the people of other countries to tell them that *jirgah* is a council of elders. It has never been a council of elders.

**An Honourable Member:** They themselves call it a council of elders.

**Sardar Sant Singh:** That is the translation of the word '*jirgah*'.

**Mr. Abdul Qaiyum:** Do they speak English?

**Mr. Lalchand Navalrai:** Then what will you call them?

**Sardar Sant Singh:** If my Honourable friend is satisfied with the administration of justice by a *jirgah*, then would he himself like to be tried by a *jirgah*?

**Mr. Lalchand Navalrai:** Please come to Sind and have yourself killed.

**An Honourable Member:** Call it arbitration.

**Sardar Sant Singh:** Arbitration is entirely different from the so-called council of elders. Recently, there has been a great protest raised in Mianwali district when a certain section of people were committed to a *jirgah* for trial. The point was raised in the Lahore High Court, and the High Court pronounced that this system of administration by *jirgah* did not apply to certain communities in Mianwali district. The undertrials were happy to be out of it.

**Mr. Lalchand Navalrai:** It applies to Baluchis only and not to others.

**Sardar Sant Singh:** Recently there was an attempt to apply the *jirgah* system of administration to Mianwali district. I do not want to waste the time of the House by answering these interruptions. Let me now come to the regular courts of justice, because they are important from this point of view.

What happens in these regular courts of justice? There is the Judicial Commissioner, of a very inexperienced type, given the highest power which a Judge of a High Court enjoys in other Provinces. When a case which has the slightest tinge of politics comes before him, the accused are not entitled to have counsel of their own choice. My Honourable friend, Mr. Lalchand Navalrai, referred to my case recently. I applied for permission to appear in that case. The principle was accepted by the Government of India when it passed the Legal Practitioners' Act and amended it later on, that every advocate of any Province has the right to practise in the lower courts of other Provinces, while in the other High Courts, the permission of the Chief Justice is required. The High Courts, as a matter of course, grant the permission. My friends from Patna or Bombay often come and practise in the Punjab without any difficulty at all. But here, permission was refused to me. Why? Not in the interest of the local bar, which is a limited bar consisting of about six or seven persons, of whom two had already been engaged in that case. The two who are already engaged in that case advised my client to get an advocate from outside because none from the local bar could muster enough courage to cross-examine Captain Hill and the lady who played an important role in the case. So, permission was refused not in the interest of the local bar, but in the interest of Captain Hill. The question was put by my Honourable friend, Mr. Lalchand Navalrai and the reply was . . . . .

**Mr. Lalchand Navalrai:** On a point of personal explanation, Sir. I understand. . . . .

**Sardar Sant Singh:** I am not giving way.

**Mr. President** (The Honourable Sir Abdur Rahim): Order, order. The Honourable Member cannot interrupt in this way. He can give his explanation afterwards.

**Sardar Sant Singh:** These are the questions and answers:

"Mr. Lalchand Navalrai: With regard to part (c) what are those merits, on the consideration of which advocates from outside are allowed or not allowed?

Sir Olaf Caroe: They have reference to each particular case that comes up, and one could not say without looking into the record of that case, I should imagine.

Mr. Govind V. Deshmukh: As regards (d) there is a reference to a Counsel who applied. May I know on what grounds his application was rejected?

Sir Olaf Caroe: I am unable to reply without referring to the record of the case.

Qazi Muhammad Ahmad Kazmi: May I know whether the merits are political merits or knowledge of law?

Sir Olaf Caroe: It is strange to suggest that the Courts consider these matters on political merits."

I challenge him if he sends for the records, he will find that they were political considerations that prompted the Judicial Commissioner to refuse permission. It was a recent case. Captain Hill was to be cross-examined. He was the prosecutor in that case. The local lawyers were all afraid to cross-examine Captain Hill and expose him. That was the reason which prompted the Judicial Commissioner to refuse permission for any outside advocate who would be naturally bold enough to expose Captain Hill. Now, Sir, this is the sort of regular trial in which justice is administered.

May I tell the House another thing? Judicial officers attending social functions refuse to come to court and at the same time when a person wants them to hear his case, they send that person to what is called 'Levy's lines' in order to rest in concentration camp till the return of the judicial officers after leisurely attending the social functions. May I tell this House that it is the regular practice in Baluchistan that if a compromise is suggested by the presiding judicial officer and if it is not agreed to by one of the parties, then the party not agreeing to it is sent to concentration camp till such time as the party agrees and then the case is taken up and decided on compromise. This is the sort of justice that you administer . . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member must address the Chair.

**Sardar Sant Singh:** This is the sort of justice that is administered in Baluchistan today. May I ask my Honourable friends of the Nationalist Party if they would tolerate such a treatment in any civilised society?

**Mr. Lalchand Navalrai:** Read my amendment.

**Mr. President** (The Honourable Sir Abdur Rahiin): Order, order. The Honourable Member must not go on interrupting like this.

**Sardar Sant Singh:** You accept the principle underlying the Resolution. I give credit to you for the amendment.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member must address the Chair.

**Sardar Sant Singh:** May I suggest to the House, Sir, is there a man living in 1944 who will submit to such sort of justice being administered in a part of the country which he calls his own? Is this an age when women should be treated or should be allowed to be treated as mere chattel? My friends

**I F. M.** say this is the system of the place and the Baluchis themselves do not express a desire for reforms. But the pamphlet that we have got about Baluchistan and which has been circulated to us clearly shows that the desire is there. But supposing there is no desire, do you not claim to be trustees for civilising the people, and does not that claim prompt you to put forward these reforms which you know are called for? Why should you depend on this House to ask you to do it? And when you are asked to do it there is no justification for any Government which claims to be civilised not to accede to that request. Therefore I suggest that the House should unanimously pass this Resolution, including my friends of the European Group. We have appealed to them several times and more often than not we have failed. But this is a humanitarian Resolution and in the name of humanity I appeal to them to compel their administration, even if unwilling, to adopt immediately some steps to introduce reforms in Baluchistan.

**Maulvi Syed Murtuza Sahib Bahadur** (South Madras: Muhammadan): Sir, I rise to whole-heartedly support this Resolution. In doing so I want to make the task of Government light by bringing to their notice what transpired when the question of reforms for the North-West Frontier was introduced by me some years ago in this Assembly. Before the introduction of that Resolution a committee was formed, similar to the one now asked for, with the consent of Government. They went round to important places on the North-Western frontier, drew up a report, and my Resolution was based on that report which was favourable to the cause of the people of that frontier. It was then a very burning question. I was a member of the Swaraj Party. A deputation of Hindus and Sikhs of the North-Western frontier waited upon the late lamented Leader of the Swaraj Party, Pandit Motilal Nehru, and requested him to compel me not to move that Resolution. He at first rejected their request on the ground that if they as a minority could oppose these reforms, the same argument could logically be advanced by Muslims who form the minority in other provinces. So the deputation was not received by him. Then they approached the Deputy Leader of the Swaraj Party, Lala Lajpat Rai, who said he would bring round Pandit Nehru to his side. I do not know what happened but another meeting of the Swaraj Party was convened and a Resolution was passed calling on me not to move that Resolution. I said it was unjust and I was not going to abide by their decision. I had not come on the Swaraj Party ticket but had joined them because it was the most advanced party. I remained an unattached Member though my sympathies were and still are for Swaraj. Sir Denys Bray was then the Foreign Secretary; old Members who worked with him know something about his literary capacities. He knew Persian very well and whenever he met me he used to speak to me in Persian. He upheld our view and was prepared to grant our request because it was based on cogent and logical grounds, and the Resolution was passed. The then Leader of the House and the Home Member said publicly that no Member of Government would vote either for or against the motion and others were left alone to vote as they liked. Several people told me that the Resolution had no hope of being carried through but I relied on God and the sense of justice of the House and it was passed.

In the present case also I will remind Government that the circumstances of Baluchistan are similar. The *jirgah* system is known to Mr. Abdul Qaiyum Khan and the Sikh Members who have spoken. I also know it because I have visited Quetta and other places in Baluchistan and also some important towns in the North-Western Frontier. Therefore, I have some experience of it. To solve the problem there the modest request which can be easily responded to by Government is that a committee should be constituted to go into the facts and make recommendations. Afterwards we can discuss the matter and, if necessary, reforms may be given.

As far as Coorg is concerned, I know something about it. My great-grandfather was war minister of Mysore and Coorg and being a Madrasi I know that country very well. Even recently I was there at Mysore to preside over an important meeting and I think my Honourable friend, Sami Venkatachalam Chetty, was also there. Because Hindus and Sikhs form the population of Baluchistan you are not prepared to give them reforms nor appoint a committee which will go into these questions and draw up a report for or against these reforms. If you are not prepared to grant this even, what is the use of calling yourself a democratic Government? They pride in calling themselves a democratic Government, but in reality it is not. Please excuse me for attacking the Government like that: they pose themselves as democrats, but in reality they are aristocrats of the first rate.

**Sardar Mangal Singh:** They are autocrats and hypocrites.

**Maulvi Syed Murtuza Sahib Bahadur:** Autocrat they are, but I cannot say whether they are hypocrites also because that has got something to do with the heart and I cannot say what they have there at heart.

Sir, in this connection, take the example of Coorg. It has got only a population of 1,16,000—may be it is 1,17,000 now—and they have got an autonomous Government there. Why? Because there are European planters and you have given them a full measure of reform—that is the reason. I hope my Honourable friend, Sir Ramaswami Mudaliar, will bear me out when I make that statement that because there are European interests involved in Coorg, they have given them a Council.

Now, Sir, if my Honourable friend, Mr. Tyson, stands up and says 'so far as educational and agricultural advancement are concerned, we have given this and that'. You know there is a Persian couplet which is so apt in this connection:

“*Chamcha zadi Chamcha zadi, Halva ko*”

“I am seeing again and again in the jar, but where is the *halva*?”

Lakhs and lakhs of rupees have been spent on education and agriculture in Baluchistan but what is the net result of that expenditure. If there is no outcome of all that, that is to say, if there is no *halva*, then what is the use of all that expenditure. (Interruption.) If anybody wants to ask me any question, I am prepared to answer.

**An Honourable Member:** *Halva!*

**Maulvi Syed Murtuza Sahib Bahadur:** Yes, every one of us is fond of *halva*! So we want *halva* for Baluchistan. . . .

**Nawabzada Muhammad Liaquat Ali Khan:** And not only spoons!

**Maulvi Syed Murtuza Sahib Bahadur:** . . . for Hindus, Sikhs, Muslims, Christians, whoever they may be in Baluchistan. I do not know why our friend, Mr. Lalchand Navalrai, entertains doubts and suspicions about the integrity, and honesty of purpose of Mussalmans.

**Mr. Lalchand Navalrai:** We have seen examples of that in Sind.

**Maulvi Syed Murtuza Sahib Bahadur:** If anybody behaves foolishly in his province, it does not mean that all Mussalmans are that way. You have no reason, no justification to say so and you have made out no case at all in favour of your amendment.

**Mr. Lalchand Navalrai:** I have.

**Maulvi Syed Murtuza Sahib Bahadur:** It is no use saying, 'I have'. You have not.

[Maulvi Syed Murtuza Sahib Bahadur.]

Sir, I do not want to take more time of the House. I would say that the Government should remain neutral as pointed out by my Honourable friend.

**Dr. P. N. Banerjea** (Calcutta Suburbs: Non-Muhammadan Urban): They should accept the Resolution.

**Maulvi Syed Murtuza Sahib Bahadur**: Yes. But if they want that it should be voted upon, they should remain neutral.

**The Honourable Sir Sultan Ahmed** (Leader of the House): Sir, I wish to make a statement. A desire has been expressed by a number of Members of this House that His Excellency the Commander-in-Chief might come and make a statement on the war situation. I, therefore, got in touch with His Excellency and he has agreed to come and make a statement tomorrow—that is the only day during the next few days which suits him—provided there will be no debate on it. Tomorrow being the non-official day for Bills, I have consulted all the Leaders of the Parties and they have agreed that His Excellency may come and make a statement.

**Mr. Abdul Qaiyum** (North-West Frontier Province: General): What time?

**The Honourable Sir Sultan Ahmed**: Immediately after questions.

**Dr. P. N. Banerjea** (Calcutta Suburbs: Non-Muhammadan Urban): The Honourable the Leader of the House has just stated that His Excellency the Commander-in-Chief will make only a statement, but if it is only to be a statement we can read it in the newspapers. I think we should be entitled to ask him questions in order to make that statement useful; I think it is desirable that we must ask questions. Let there be a secret Session, if necessary.

**The Honourable Sir Sultan Ahmed**: That is entirely a matter for the House to decide. His Excellency has agreed to make a statement provided there will be no debate on it. (Interruptions.)

**Mr. President** (The Honourable Sir Abdur Rahim): Order, order. The Leader of the House has informed the Honourable Members that His Excellency the Commander-in-Chief has agreed to make a statement tomorrow provided there is no debate on it. I also take it that there are no questions to be asked. Does the House agree to that?

**Nawabzada Muhammad Liaquat Ali Khan** (Rohilkund and Kumaon Divisions: Muhammadan Rural): We have no objection to this course.

**Dr. P. N. Banerjea**: No useful purpose would be served.

**Mr. President** (The Honourable Sir Abdur Rahim): Does the Honourable Member object?

**Dr. P. N. Banerjea**: I do not object.

**Mr. President** (The Honourable Sir Abdur Rahim): Tomorrow is fixed for non-official Bills. There are, I suppose, Members who are interested in those Bills. If they also have no objection to a part of the time being taken up by the Commander-in-Chief, then His Excellency might make a statement after Questions Hour. Is there any objection to that?

**Maulvi Muhammad Abdul Ghani** (Tirhut Division: Muhammadan): If you would kindly permit the House to sit a little later tomorrow . . .

**Mr. President** (The Honourable Sir Abdur Rahim): That is another matter. I cannot make any promise about that now.

**Syed Ghulam Bhik Nairang** (East Punjab: Muhammadan): Sir, may I point out one thing? Mr. Kazmi, who has got the lion's share of non-official Bills for tomorrow, is not present in the House . . .

**Mr. President** (The Honourable Sir Abdur Rahim): If all the Members who are present are agreeable that will suffice.

**The Honourable Sir Sultan Ahmed**: The Commander-in-Chief will make a short statement.

**Mr. President** (The Honourable Sir Abdur Rahim): If the House does not see any objection to some time being occupied by the Commander-in-Chief's statement, although it is a non-official (Bills) day tomorrow, he will make his statement after the questions.

**Some Honourable Members**: We have no objection.

**Mr. President** (The Honourable Sir Abdur Rahim): Tomorrow after the questions the Commander-in-Chief will make a statement.

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. Govind V. Deshmukh**: The Resolution that has been moved by the Mover, if it be taken for granted that it pleads for what he has referred to in his speech, namely, that six lakhs of people are entitled to human treatment, that they should receive the type of education as is given in other parts of India, and if they demand the same kind of justice as is being administered in other parts of India, and if the demand is also that they should be uplifted economically like other parts of India, then there can be no objection by anybody in this House. Who would not like to have human treatment for the people of Baluchistan, particularly for the women, whose case has been put forward. They are nothing short of chattel. They belong at present, as was pointed out by the Deputy Leader of the Congress Party, before marriage to their fathers and brothers and after marriage to their husbands and their collaterals. No one in this House will agree that this sort of treatment should continue towards the women. Well, how is this to be achieved?

**Mr. Lalchand Navalrai**: Have the Members of the Treasury Benches quitted?

**Mr. Govind V. Deshmukh**: Then who can believe that an improvement can be brought about in the condition of women without a change in the law that is administered in this particular province? That also means that there must be judges well trained in law to administer that justice. Therefore, there can be no objection to this demand and the system should be such as to command the respect of all civilised persons. As regards the uplift of the people, agriculturally and economically, who is there who would not desire that the condition of the province should be improved? So far as these demands are concerned, there can be no objection from anybody.

My friend, Lalchand Navalrai, in his amendment does not say that there should be no improvement in the condition of the administration of this province. In his speech he may have referred to the *jirgah* and other things, but in his amendment he also stated, if you will look to part (b)—“as to revenue and judicial administration of the province by taking suitable measures”—that he wants improvement in law and its administration. There is nobody in this House who would like that the present system of judicial administration should continue. Everybody wants improvement and, as I have said, so far as those particular four demands are concerned for the six lakhs of people, nobody can object to them.

The point is, and that is the reason why I had tabled an amendment but did not move it, that the Resolution itself is a very comprehensive one. According to me it aimed at a constitution for this province and that constitution as will appear from the wording in this resolution was like this. They say that this province of Baluchistan should be after the association of the people of Baluchistan with its administration, so constitutionally administered as to be on the same lines as any other province in British India. To me it meant that they wanted provincial autonomy, and I took it that it was so, because there was a reference in the speech of the Mover to a Resolution in 1939 for provincial autonomy that was moved but negatived. I was told, just a little time before, that the demand at present is what is mentioned on page 11 of this pamphlet which is called “Baluchistan case and demand” and that does not include provincial autonomy. That having been brought to my notice and as I was given to understand that the case did not go further than this, I agreed not to move my amendment.

Let it not be said that the Nationalist Party as a whole did not wish to go to the extent that the Mover of the Resolution wants the House to go. I welcome this Resolution, therefore, not merely as one which was intended to

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redress the peculiar grievances which were referred to, but for another reason also, and I hope that whenever there is an opportunity the House will settle such problems with the help of the Members in this House and not with the help of outsiders: I welcomed it because this particular constitutional question was being solved on the floor of this House with the help of the majority of the elected Members and I thought it would be a very good precedent hereafter to follow this particular procedure which we are following for the purposes of solving constitutional and national questions.

Then, Sir, I may say this, that it is one of the good signs (and I hope this will continue) that all the Parties, particularly the two majority Parties, wish to settle all their differences on the floor of this House. I, therefore, welcomed this Resolution because of the machinery it provided for carrying out the particular purpose the Muslim League Party have in view. Of this particular machinery, I hope, the House will make use hereafter and continue to solve all their constitutional problems.

Now, Sir, there is one thing to be said about part (d) of the amendment of Mr. Lalchand Navalrai. In the speech of the Mover of the Resolution, not only have general grievances been referred to, namely, that education should be promoted, that the administration of justice should be improved and that there should be an uplift economically and agriculturally, but they also wanted elected municipalities and elected district boards. I am not against all this and neither is my friend, Mr. Navalrai, against it. He does not say that this particular province shall not enjoy the privilege of having its own municipality and district boards as other provinces. But what he says is this that the machinery for election of these members shall be joint electorates. So far as this particular part of it is concerned, I am in agreement with him. It is one of the good signs as a result of our past experience that one has come to that conclusion, at least I have—I will refer to certain passages in reports of persons who have sat on several committees where they have advocated this system of joint electorates for purposes of election. According to them that is the only system by which different parties would mix together and would begin to know each other's needs and wants. Otherwise, both parties would be pitched in different camps, they would never come together, and a sort of division would be perpetuated. I wish to refer to the Indian Central Committee. At page 41, they say:

"The majority of us regard the principle of communal electorates as inherently vicious and unsound. We desire to see them abolished throughout India as soon as possible. We are prepared to recommend the retention of communal electorates only in exceptional circumstances. Where circumstances render it unlikely that a minority will obtain adequate representation without special protection, we would generally reserve seats for them in joint electorates. We would at the same time leave the members of a minority free to contest seats in the general constituencies over and above those reserved for them."

This is what I had proposed in my amendment, which for reasons given, I have not moved. Then at page 111 the opinion of the then Governor of the Punjab is cited. He was examined and he gave his opinion:

"Disastrous as open disturbance may be, sinister as are its effects in prolonging the alienation of rival communities, it is not the whole of the problem, perhaps not even its gravest feature. My reference is rather to the fact that in every sphere of life and activity, in social matters, in almost every question of administration, in the management of local affairs, in the conduct of education, even in the current discussions of questions of law and justice, the communal question intervenes. The cause is, I am aware, deep-seated."

The opinion is mentioned in the Indian Statutory Commission's Report. This is what they say:

"The Montagu-Chelmsford Report fully discussed the question of communal electorates. It declared that they were opposed to the teaching of history; that they perpetuated class division; that they stereotyped existing relations; and that they constituted 'a very serious hindrance to the development of the self-governing principle'."

Speaking from my own personal experience, let me say what the result of such communal electorates has been. In my province, formerly when there were joint electorates we used to come together and know each other's demands and wants. Unfortunately, from the time separate electorates were introduced

in my province, I found that communal riots took place when elections were about to take place. It was not merely a solitary incident. Two very bad riots took place between Hindus and Muslims when the elections were to take place. That is one part of it. Then we found that even in the same community, for instance, take my community, Hindu—when there are separate electorates, the person who is a rank communalist and may have nothing to his credit in public life, but cries aloud that religion is in danger, he has a chance to succeed and not a person who has got broad views and who is likely to promote the interests of both the communities. Every community tries to send a man who is most backward, who, shall I say, speaking of my own community as well as of every community, is a rank communalist. Because what happens is this. Supposing there is an individual who has a lot of public work and sacrifice for years to his credit, and he stands for election, and there is another man who has nothing to his credit. . . .

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

**Mr. Govind V. Deshmukh:** I will finish this instance and then stop. It is easy for the other man to say, when a question of social reforms arises, 'look here, religion is in danger'. Though he may not be following it himself. So the person who has so much public work to his credit will not stand a chance, and he has seldom stood a chance of success. Same is the case with the other community. What happens is this. The reactionary person has a chance of coming in, and all social progress here or in any community is stopped. If one wants to have really progressive men, men with broad sympathies and broad views, who will be in a way benefitting the community as a whole and the country as a whole, it is very necessary that the system of joint electorates should be introduced. I will give one more instance and then finish. Two members of the Muslim community, both of whom were my friends, were standing. One of them belonged to a particular section in their community and the other one to another section. Out of the two one was for years in public life, had a lot of sacrifice to his credit and was a man of broad views. When the time of electoral campaign began . . .

**Mr. Deputy President** (Mr. Akhil Chandra Datta): The Honourable Member's time is up.

**Mr. Govind V. Deshmukh:** . . . the one who had nothing to his credit said, so and so is against *Kurbani* and religion is in danger. He cited a passage from one of his opponent's speeches. The other person found that his community was against him. He was a lawyer and, he said, "Of course, it is true. I was against *Kurbani*, but at that time what I had in my mind was this—*Kurbani* of the cow. You can have *Kurbani* of the bullock". So, you see that the man who had such advanced views had to become a reactionary. . . .

**Mr. Deputy President** (Mr. Akhil Chandra Datta): The Honourable Member's time is up.

**Mr. Govind V. Deshmukh:** Only two minutes more, Sir.

**Mr. Deputy President** (Mr. Akhil Chandra Datta): No.

**Sir Cowasjee Jehangir:** Make a *Kurbani* of yourself.

**Mr. Govind V. Deshmukh:** I won't make a *Kurbani* of myself. I make your *Kurbani*. I am not a fellow who will commit suicide myself: I will kill others if it becomes necessary. I support this part of the amendment, that is, (d) of Mr. Lalchand Navalrai. I do not think that anybody can have any objection whatever. Whatever objections other persons may have. . . .

**Mr. Deputy President** (Mr. Akhil Chandra Datta): The Honourable Member must conclude his speech now.

**Mr. Govind V. Deshmukh:** Sir, I have concluded.

**Major Nawab Sir Ahmad Nawaz Khan:** I am very glad to see the combination which is working, for the last few days, between the Congress and the Muslim League, and I heartily wish that that combination may grow into a permanent unity which will be very good for the country, and for which H. E. the Viceroy, the leaders and all patriotic people in India are wishing, suggesting and working.

**An Honourable Member:** But you try again the old game of divide and rule.

**Major Nawab Sir Ahmad Nawaz Khan:** My Honourable friend, Nawabzada Liaquat Ali Khan, who knows that I always admire him for his moderation, has put his Resolution in such a pleasant form that it seems to be unobjectionable and very acceptable. Before I oppose or support this Resolution I wish to say a few words to remove any doubt on his part or that of other Members of the House. It was in 1930 during the first Round Table Conference, when I was in England by chance, that I had written in the *Times* of London and the *Morning Post*, an article proposing and supporting the demand for full fledged reforms for the North-West Frontier; the reforms had not been given to that province at that time. Also I proposed and supported the demand to separate the Sind province from Bombay and to give that province full reforms, and that Baluchistan should be made like other provinces of India. Therefore it is my old desire which has been today put forward by my Honourable friend Nawabzada Liaquat Ali Khan but I wish to say this. (*Cries of 'Oh'.*) It is always the 'but' which clears the whole thing and it is only for my 'buts' that the other Members of the House are delighted to hear me. I have listened to the arguments advanced by my friends, Mr. Abdul Qaiyum Khan, Nawabzada Liaquat Ali Khan and Sardar Sant Singh. They have pointed out some defects in the administration of the Baluchistan province and they referred particularly to the *jirga* law. The law itself is good if it is properly administered. Every law generally is for the good of all of us but when dishonest and corrupt persons administer any law, even a good law will be turned into a bad law. I challenge my friends to prove what are the defects of the *jirga* law itself. At one time, I agreed cent per cent. with those who said that those who administer this law are corrupt, dishonest and who are they? It is we Indians. (*Interruption.*) Hear me first. Have some patience. I am as patriotic as you are. (*An Honourable Member: "Why don't you come over to this side."*) I have heard your arguments all quietly and you must have some patience to hear what I am going to say.

**An Honourable Member:** We have known you for a long time.

**Mr. Deputy President** (Mr. Akhil Chandra Datta): Let the Honourable Member proceed uninterrupted.

**Major Nawab Sir Ahmad Nawaz Khan:** I was so disgusted with this corruption. I do not mean corruption for the sake of money. Lots of recommendations and lot of pressure by the Maulvis, by the priests and by the other parties was going on in the *jirga* system. When Major Hill was Deputy Commissioner of Dera Ismail Khan in 1918, I respectfully went and told him that I refuse to be a member of the *jirga*. Since then I have not been nominated as a *jirga* Member though I am the premier Peer of the North-West Frontier Province and although the *jirga* laws are there but for my refusal you will never find my name on the *jirga* list. I explained to him what were the defects and he said 'All right, Nawab Sahib'. I quite agree with all the defects and the criticism and other things which have been said. I know more than that. I here challenge anybody to prove that law a bad one. I will ask him: Whose fault is it if a good law is misused. It is the fault of those who want to entangle the people. Where there is no legal proof, they want the thing to be entrusted to the *jirga* but the *jirga* law does not say this. When people know that there is no judicial proof according to the Indian Penal Code or the Criminal Procedure Code, then, through people, *jirga* member, if honest, can know many things privately and if you want justice to be done, what better law can you have than that? Sir, if the law is administered by persons who are honest and not corrupt there is no complaint at all. I know it often told that people come and tell them 'If you don't do this or that, you will go to Hell'. What can a Deputy Commissioner do. I don't say that all European or Indian Deputy Commissioners are angels or like that but human beings commit many mistakes. Throughout my life, I was never told by any Deputy Commissioner that any injustice should be done. It was my own colleagues who were going to do that. I was so much disgusted with the whole thing, that I liked to remain aloof. I ask my friend, Mr. Abdul Qaiyum. He comes from the N. W. F. P. He seems like others, disgusted of the usual jealousy, the party politics, and how the law is adminis-

tered there, though there are full-fledged reforms in that province. Why is this *jirga* law still going on in the N. W. F. P. The Prime Minister of N. W. F. Province is a Muslim Leaguer and the Muslim League members here in this House want this law to go, then why they do not ask him? But why is it kept in the N. W. F. P. which has got a Muslim League ministry. If the law is bad for Baluchistan and it is defective, why is it administered in the N. W. F. P. And who administers it. It is the Muslim League. If the Muslim League thinks it is such a bad law, why don't they stop it in the N. W. F. P. at once. I am not criticising the Muslim League Party in the House. They are my co-religionists. I have great regard for them but for the sake of argument, I ask them if the *jirga* law is a bad law as they say in this House then, why is it administered in the reformed province of N. W. F. P. (*An Honourable Member*: "Ask the Government.") The Government have nothing to do with it. You have a full fledged ministry in that province. The law still exists there. I ask why *jirga* law is not abolished in the Punjab? My friend, Sardar Sant Singh, has not tried to remove this law from the Punjab. I quite agree with the views expressed that this law is used unjustly and harmfully owing to dishonesty, corruption and enmity. I accept your condemnation from this point of view of this law. I ask only one question. Why is that law administered still in the provinces like the N. W. F. P. and the Punjab where you have full-fledged Muslim League ministries. Why has not the Muslim League stopped that law from working. It is working in the Mianwali district and it has even stopped the power of the High Court of the Punjab. We have heard the praise of the Punjab Ministry from His Excellency the Viceroy in his speech in this house and why is this law allowed there by the Unionist Ministry? I have told you that I have already washed my hands to work under *jirga* law. I have never become a member of that. I ask if the law is so damnable and bad, why is it allowed to work in these two provinces? If Sardar Sant Singh would have been here. I would have put him this question. Why should he not put his own house in order before he attempts to put the houses of others in order?

Time is very short and there are many other things to say. It is thought by certain persons and classes that those provinces where there are no reforms have a grievance and those provinces where there are reforms are better off. Though I am in favour of reforms yet I will say, to remove all doubts of my friends, that the reforms are not a panacea for all our troubles. If you don't have one kind of trouble in a reformed province, you have some other kind of trouble. Conditions are not very peaceful. Take the U. P. No less a person than Mr. Jinnah, our Qaid-i-Azam, has complained about the U. P. administration when the Congress Ministries were working. People are not always happy in the reformed provinces. In my own province, ask Mr. Abdul Qaiyum (I wish he become Sir Abdul Qaiyum) whether the people are happy under the present reforms. They say that when there was no reform, that time was very good. These are hard

3. P. M. facts. When the Congress Ministry was there, the Muslim League was complaining that it was bad for the Muslims, who were badly treated. Now, when the Muslim Ministry is there, there is the same hue and cry from the public, who say that injustice is being done. They say that a certain Minister is favouring this man here and another Minister is favouring another man there. But if you compare the real peace and prosperity of the poor people, in some parts of the province it is bad and in other parts it is worse. So, please do not think that by granting the reforms, all the difficulties will be automatically removed. There will then be troubles of another kind. Sir, there is an Arabic proverb: "*Kullu jadidun lazizun.*" It means that everything new, whether good or bad, is liked by the people. So, the people of Baluchistan are very anxious to have these reforms, whether they are good or bad for them. But as long as the interested persons do not get the same form of administration as prevails in the neighbouring province, they will go on trying for it.

Now, the intention of my Honourable friend, Nawabzada Muhammad Liaquat Ali Khan, is that Baluchistan should have the same form of Government, whether it is good for that province or not, as the other provinces of India have. I give my full support to it. But if he wants that the Inquiry Committee should be

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set up now when the war is on, then I oppose it. I may inform him that in 1922 when an Inquiry Committee was set up to inquire into these very things in the North-West Frontier Province, there was a great upheaval in that province. There were several parties and they were opposing each other. Things went so far that brothers were fighting against brothers and relations against relations. For two or three years, normal life, was very much upset. My request, therefore, to him is, and I know he is a very reasonable and moderate gentleman, that this Committee should be appointed after the war and not during the war. If this Committee is appointed after the war, it will be easy for the tribesmen to participate in it. At present, as His Excellency the Viceroy has said, the only thing that the Government should think about is the successful prosecution of the war. If this Committee is appointed now, it will divert the attention of the province from the war. I am not against the appointment of the Committee. I only want its postponement.

Sir, Sardar Sant Singh has now come and, with your permission, I will ask him about the *Jirga*. Why does he not try to remove the *Jirga* law from the Punjab?

**Sardar Sant Singh:** We have got a High Court ruling. It does not apply there.

**Major Nawab Sir Ahmad Nawaz Khan:** In practice, I see it being worked every day. The Punjab High Court has given many rulings and it has been complained in this very House that the High Court of the Punjab has been paralysed by the executive.

**Shrimati K. Radha Bai Subbarayan:** Sir, I support the Resolution moved by my Honourable friend, Nawabzada Muhammad Liaquat Ali Khan. The cause of women is very close to my heart and I am distressed to hear of the sad condition of women in Baluchistan. I agree with my Honourable friend, the Mover, that this is the darkest blot on the British administration in this part of the country. The status of women in a country has now become the criterion by which the Government of that country is judged in the world of today, and Baluchistan shows how weak is the claim of the British Government that it is civilised and that it is fighting to save freedom and civilisation. It is amazing how complacently the Government admit the continued existence of cruelties and injustices to women in Baluchistan and do not care to show that they are making any strong effort to improve their condition. The Government profess great respect for and loyalty to His Majesty the King of Great Britain and yet they do not hesitate to do a great deal of harm or permit such harm being done to humanity in the name of that innocent Monarch.

The Resolution states that the proposed Committee should recommend as to what steps should be taken to associate constitutionally the people of Baluchistan with the administration of that province. I would respectfully point out to my Honourable friend, the Mover, and this Honourable House, that, while this subject is being considered, the question of granting equal rights of citizenship to men and women should receive its due attention. This is particularly important as in Baluchistan the women have been labouring under many serious injustices and have been suffering hardships during all these years. It should not be relegated to a future date or, as is sometimes suggested, left to be dealt with or not by any Legislature that may be established there. It is as important as any subject that concerns the welfare of the province and it should be considered along with other questions. I believe that full participation in public life by men and women is essential for the progress not only of women themselves but also of the country in general. I do not mean that women should abandon their homes, but that in addition to their home life, they should have opportunities to fulfil their civic rights and duties. It is only by this means that it will be possible to develop a healthy civic spirit in the country compatible with home life.

Two of the main points of this principle of equal rights of citizenship are: Firstly, the franchise. Franchise for women should be such as will give them

an adequate voting strength in elections to all statutory bodies. Secondly, all services and professions should be open to women on equal rights. Only the other day, the House of Commons declared that men and women should have equal pay in the teaching profession and even the great Churchill suffered a defeat on this point by one vote just as the Government here did on a more important matter a few days ago. Franchise by itself is a factor of great educative value and I am sure it will not only enable the women of Baluchistan to secure reforms necessary for their welfare but also rouse their interest in the general progress of their province. They must be as keen as women in the rest of India are, that their children should have proper facilities for receiving good education and for living in clean and healthy surroundings with sufficient food and clothing.

Sir, I think the North-West Frontier Province, in spite of what my Honourable friend, the Nawab Sahib opposite has said, is an example of what progress can be achieved if responsibility is given to the people to manage their own affairs. In 1932 when I visited that province while serving on the Indian Franchise Committee in company with my Honourable friends, Dr. Ambedkar and the Commerce and Supply Members, the Government of that day told the Committee that they were not prepared to recommend franchise or seats on the Legislature for women as the women in that province were in a very backward condition and did not approve of coming out from the seclusion of their homes. But to their great embarrassment and to the pleasant surprise of the Committee a Muslim lady who combined, sincerity and ability appeared before the committee to demand the vote for women. She defended her views clearly and logically when these were exposed to cross-examination and thereby aroused the admiration of our Committee and the local Franchise Committee. Even in tribal areas which I had the privilege to visit, in spite of the refusal of the Government to give me permission to do so, I found that women were intelligent and were anxious to know what was going on in the world outside their homes. I was impressed when some of them discussed with me the implications of dyarchy which was just then being introduced in that Province. In fact the elections to the new Legislative Council were then taking place, and I learnt that Muslim women had come out of *purdah* to picket the polling booths, as they agreed with the view that the dyarchic constitution did not give real power to the people of the Province. Several representative women visited me and informed me that the women of that Province wanted schools and colleges for the education of girls and facilities for proper medical help to women. Within twelve years women in this province have made remarkable progress. I think that if any body who is interested in the advancement of women has opportunities to examine conditions in Baluchistan, she will have similar experience. Women there, are in a backward condition because of the present laws and customs prevailing there, but if they are permitted to voice their feelings, I have no doubt that they will be able to represent their case with reason and logic.

My Honourable friend the Nawab Sahib opposite mentioned that there are certain laws still in force in the Frontier Province similar to those existing in Baluchistan. If that is so, it should be an argument for giving as speedily as possible full responsible Government to the people to manage their own affairs. The longer you delay to give it the more difficult is it to achieve progress in a province by reforming ancient laws and customs which are harmful to certain sections of the people. I agree therefore with my Honourable friend Mr. Joshi that the backwardness of Baluchistan is itself an argument in support of the proposal to give constitutional reforms to Baluchistan.

Sir, I have great pleasure in recommending this Resolution to this Honourable House.

**Dr. P. N. Banerjee:** Sir, I rise to support this Resolution, the demand made in the Resolution is so modest and so reasonable that I do not think many words are required from me to commend it to the House. Sir, if reforms are granted to all other parts of India, I do not see why they should not be given

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also to Baluchistan. Sir, I find that my Honourable friend, Mr Lalchand Navalrai, moved an amendment to this Resolution. I do not think that this amendment goes contrary to the spirit of the Resolution. He merely emphasises certain points with regard to which he perhaps felt somewhat keenly. The fact of the matter is that we, the Members of the Nationalist Party, were so busy with other things that we had no time to discuss this Resolution at a Party meeting. So, my Honourable friend, Mr. Lalchand Navalrai, felt himself entitled to move this amendment. But I do not think that his amendment goes against the spirit of the Resolution. With these words, I support the Resolution.

**Sir Cowasjee Jehangir:** Sir, the debate that has taken place here today sends my memory back to the days when a distinguished countryman of the Deputy Leader of the Congress Party, a gentleman of his own name, the late Sir Abdul Qaiyum, put up a great fight for Provincial Autonomy for his Province, the North-West Frontier Province. He was persistent and consistent in his advocacy for reforms when they were being refused in the Round Table Conference. I will take the liberty of repeating a little story which that distinguished Indian related to a full Session of the Round Table Conference at which the Prime Minister of England presided and which story, I believe, obtained for his Province the reforms they have obtained. The story is this. When his turn came, the late Sir Abdul Qaiyum got up and said:

"Mr. Prime Minister, I come from a small Province in the north of my country which you perhaps have not heard of. But I come here to plead their case. In doing so, I will tell you a little story, Mr. Prime Minister. There is a fable in my country that we, were very big trousers, but if there is a flea in that trouser, however great the man may be, however strong and powerful he may be like you, Mr. Prime Minister, unless you get rid of that flea out of your big trousers, you will have no peace, and I propose to be that flea in your trousers unless and until you give reforms to my Province."

It was that story, I believe, that made the British Government give N.-W. F. P. the reforms they today enjoy and over which my distinguished friend, who is now no more with us, was the Prime Minister. Now, who is the flea in the trousers for Baluchistan? I see no Baluchi here, because I understand no Baluchi is allowed to come to this House to represent his Province. That is indeed strange. We have representatives from some other small parts of India which happen to be under the Government of India. There is no one from Baluchistan. To take their place we have two main parties in India to join hands in demanding reforms for Baluchistan. I have read this Resolution very carefully, and I see in it nothing with which we can disagree. Therefore, I was rather pained and surprised that after all on a harmless Resolution like this, we should hear something about Pakistan or Hindustan or any other 'istan'. There is nothing about that in the Resolution. This is a plain straightforward demand for constitutional reforms in a part of India which is very backward and which today stands in the same place as N.-W. F. P. stood in 1930. They were refused reforms, but they obtained it through the advocacy of the man who went to represent them. Today Baluchistan stands in the same position, but it has even a better case. And the point I desire to place before you today is that self-government in this country must come, if not today or this evening, at least tomorrow morning. Then how can you leave Baluchistan in the position in which it is today when tomorrow arrives? What are you going to do with Baluchistan when there are further reforms in this country? Who is going to administer Baluchistan? The Central Government? I cannot conceive of such a position. I shall not go into controversial topics but a Central Government of some sort there must be. Therefore the time has arrived when steps must immediately be taken,—I am not going to describe what those steps should be,—to see that Baluchistan is in the very near future placed in a position where it will fit into the great scheme of reforms that must take place in India in a very short time. And, therefore, the position of Baluchistan today becomes more urgent than the position of the North-West Frontier Province in 1930. That is why I suggest that Government should take up the matter in right earnest. I do not mean to say that in war time we

should do anything that would upset the Province, but I say that proposals should be ready for putting into execution when the time comes,—and it will come soon, I see it coming quicker than ever,—when a big step forward will have to be taken in India. And unless you start immediately you will find certain parts of India, and specially Baluchistan, not ready for you when that event arrives.

Now, Sir, I have talked about that flea in the trousers. A little booklet has been placed in my hands and I find that that flea is Qazi Mohammed Isa. He has summed up his demands in 14 points. I do not know whether they are his demands or those of the Muslim League; at any rate, there are 14 points. And I do not think any one can contest any of those points, considering the position of Baluchistan today. I am not going into the question of percentages of population; let us not go into these controversies. If on every possible occasion we go on into the controversies of percentages of population and what should be done, we will do nothing at all; we will always quarrel. And since we see some signs of these quarrels being put into cold storage, let us not bring them up just now but examine these 14 points. There are one or two points which I admit some of my Honourable friends may contest. . . .

**Mr. Govind V. Deshmukh:** Not you?

**Sir Cowasjee Jehangir:** No, personally I do not contest any one of these 14 points; I see nothing wrong in any one of them, and I think we should impress on Government to go ahead with these points. They are quite reasonable and put in very wide terms. That we should get on with the problem is the only issue before us. How we should get on with it is another matter and a more difficult matter. Whether it should be a committee with a majority of this House or not, I am not quite certain; and I think the Mover of the Resolution will admit that there can be difference of opinion as to the constitution of the committee. Whether there is a committee or not, the main issue with which I am in complete agreement is that a move must be made immediately. How that move is made is another matter. That is the main issue which I strongly support.

**Some Honourable Members:** The question may now be put.

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

“That the question may now be put.”

The motion was adopted.

**Sir Olaf Caroe:** Sir, before I deal with the substance of the Resolution before the House I would just like to say that it was from no lack of courtesy to the House that I did not rise earlier; but feeling that many Members wished to speak and were overtaking one another in their anxiety to speak I was anxious to hear what was said, in courtesy to them, in order that possibly I might be able to give some replies. And also it must be remembered that in a rather special subject such as Baluchistan it is not very easy to have two Members on the side of Government speaking on the substance of the matter. I too, Sir, in common with many other Members who have spoken, am greatly encouraged by the feeling that this is a real, positive and constructive debate with which more than one Party in the House has seen fit to associate itself. For I feel, if I may say so, that that indicates that this is a question which is being approached from a national and not in any sense from a sectional angle.

I do not wish, as I have done it before, to deliver any kind of lecture to the House about the constitutional differences in Baluchistan or to weary the House in that way. There is one thing I must say and it is a very important thing. The wording of the Resolution shows that the general belief in this House, and perhaps outside it, is that Baluchistan is just a part of British India, a very backward part of British India. Except for one very small narrow corridor which represents the old Afghan route from Kandahar to the Indus Valley, Baluchistan is not British. Baluchistan, omitting the States, is almost entirely tribal area. Now any party or any interest which is discussing or thinking of this matter with which I have myself great sympathy, the

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political advancement of Baluchistan, must take this point into account. There is a feeling sometimes that India is divided into British India and Indian States. That, of course, is not the case. There are these large and most important vital tribal areas, particularly on the north-west of India. It is a historical accident and to some extent an administrative convenience that the north-west frontier tribal areas,—the Tirah, Waziristan, Malakand and the rest of them and the Baluchistan tribal areas,—are separately administered by different administrations, in so far as they are administered at all. But they are in essence the same. I have said before in this House that most of Baluchistan with which the administration in Quetta has direct dealings is Pathan and not Baluch at all. It is merely a continuation of the Pathan belt which stretches right down from Chitral in the north to as far as Quetta; and it has not been, and is not now, the policy of Government to force any of these tribes to become parts of British India. In none of these areas are there any police for one thing; they find their own levies. In a few of them some revenue is raised. On none of them do we enforce the full rigour of British Indian courts, as was suggested by my Honourable friend, Sardar Sant Singh. That is because they do not want it. Not yet. They may want it one day. But is it not a closer approach to the real sense and principle of democracy to try to work for the inclusion of all these tribes in the India of the future on a basis of local autonomy and local institutions without forcing them into the mould of British India? That seems to me to be a very high ideal and one which may be achieved with patience.

Now, Sir, I think that in courtesy to Members that have spoken on this Resolution, I should turn to some of the points in their speeches. The Honourable the Mover was most gracious in admitting one or two misunderstandings which appeared in his speech and I do not want to say any more about that, except on one that he was a little unfair to the distinguished officer who holds the position of Judicial Commissioner. . . .

**Nawabzada Muhammad Liaquat Ali Khan:** I meant the District Judge. I am sorry I said Judicial Commissioner.

**Sir Olaf Caroe:** That is even more gracious of you. I will drop that point.

**Nawabzada Muhammad Liaquat Ali Khan:** But you agree about the District Judge?

**Sir Olaf Caroe:** I do not know about the District Judge, and I cannot say.

A great deal has been said about the judicial system and against the *jirga* system. I agree with much of what my Honourable friend, Mr. Abdul Qaiyum, said and what I understood to be behind what he said—namely that *jirgas* cannot be worked alongside regular courts in British India. The difficulty is that the two systems cannot work side by side; the two systems are like oil and water and cannot work together. They did not work in Peshawar; but they do work in places where there are tribes—places like Tirah, Malakand and Waziristan and so many other places in the tribal territories. The *Jirga* is the thing which the tribes understand. I do not condone a great deal of tribal custom, particularly as regards women, and the effort of officers who have anything to do with the administration of these tribal customs is to soften hard and harsh and unpleasant and out-of-date tribal customs to the greatest possible degree. For instance, in a matter of custody of women, the courts would never give effect to a *jirga's* decree to effect the transfer of the custody of a woman against her will. Never. And again and again at all points, they are doing their best to soften the harshness of the tribal code which is on occasion extremely harsh, as it is in many communities of this kind. Nevertheless that wise man, Sir George Cunningham, wrote to me not long ago that in his considered judgment after many years of work on the North-west he was inclined to think that the tribal sense of honour and general sense of conduct was higher possibly in the tribal areas than it was in British India. Some of

their ideas are anachronistic, some of them are inhumane, nevertheless according to their own lights they are a great people—the Pathans.

Sir Cowasjee Jehangir said that he could not possibly envisage a future in which Baluchistan would be administered by the Centre. I am not going to enter into arguments, but it seems to me that the whole of this Frontier on the north-west is co-ordinated and one. The landward defences of India have got to be firmly held whatever the future of India. The tribal areas on the north-west are one of the points where vital strategic necessities are at point and I myself cannot foresee a future in which something other than a provincial administration would not be responsible. I think perhaps some Members of the House have been misguided by the knowledge that the North-west Frontier Province has got provincial autonomy, but the North-West Frontier Province at no point touches foreign territory—at no point extends as far as Central Asia. That tribal territory is under the control of the Centre just as Baluchistan is.

My Honourable friend, Mr. Abdul Qaiyum, to whom I am grateful for an extremely generous reference to myself, told me that I was a die-hard in so many words. I hope, Sir, that I am not. I have very much at heart the future of the Pathan and the Baluch races in the greater India that is to come. And I hope that what I can say today will give some indication to those who rightly press for the advance of these areas that Government is not neglecting planning for that future. There is a great difference between the turn of Quetta and the rest of Baluchistan. Quetta is in a very real sense almost only a cantonment. It has grown up to its present size because of the large aggregation of troops who are collected at that strategic spot, and it is full of traders and full of businessmen and also, when things are not so difficult as they are at present, it is full of holiday-makers who go there from the Punjab and Sind and other places to get cool. Its population is not *mulki*, it is not indigenous, and to a very large extent it consists of a community that comes in from outside. The Honourable the Mover made the practical and constructive suggestion that the time had come when an elective system should be introduced into the Quetta Municipality. I cannot follow him where he says that Quetta is an insanitary town. I can say that probably it is one of the cleanest towns in India and I hope when the elections are introduced this committee will not follow the way of so many other committees and be superseded, suppressed,—even by Congress Governments!

**Major Nawab Sir Ahmad Nawaz Khan:** In the North-West Frontier Province four or five municipalities have been superseded.

**Sir Olaf Caroe:** It is the general policy of Government which has existed for many years—and it is idea of this House also—that the elective system should be introduced into local bodies, and I agree that the time has more than come when it should be introduced in Quetta. The Agent to the Governor-General is at present examining the question and measures are being taken to get a move on in that direction.

The difference between Quetta and the rest of Baluchistan is probably already clear from what I have said before. But I do emphasise that any party which associates itself with this idea that representative institutions must be introduced into tribal areas. . . .

**Maulana Zafar Ali Khan** (East Central Punjab: Muhammadan): Is Quetta a foreign territory?

**Sir Olaf Caroe:** Quetta is constitutionally a part of Kalat State, but it is leased by treaty from Kalat State on a more or less perpetual lease. But there is no reason that I can see why in a territory of that kind the elective system for a local body should not be introduced.

Sir, before my Honourable friend interrupted, I was speaking of the rest of Baluchistan. It has been suggested in many quarters that a form of representative institutions ought to be introduced among these tribes. I should like to say in Pushtu—though the House would not understand—what I feel

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the tribes would themselves say, if a Committee from this House were to go down and say to them, 'Look here, what about elections?' I think they would say in their soft Pushtu of the south.

*"Muzh pah jirga bandi der sha pohezhu, lekin da rata uwaya chih da Council Mouncil tsa shai dai?"*

That is to say, when translated: "We understand our jirge business well enough. But what is all this Council business? Tell us." I do not think it would be possible in any sense to try to form constituencies in tribal areas, many of which are not even occupied. Parts of Kakar, Khorasan and the Achakzai Toba and other parts of Baluchistan are not even occupied—there are no posts, and the tribes are completely *azad*. It would be no more practical to do it there than in places like Waziristan. I do not think any party is seriously urging Government to introduce an elective form of Government in Waziristan. The party to which the Mover has the honour to belong has, as pointed out before, on several occasions expressed the gravest doubt about the whole system of British parliamentary or representative institutions, or whatever you like to say. "Western democracy is totally unsuited for India and its imposition on India is the disease of the body politic". "The Englishman must dismiss from his mind the experiments tried in Canada and Australia where the foundations of government are suited to the genius of the people, who are mainly British in stock." Well, I have no doubt that those quotations are recognised. I am not saying that in order to score a debating point. I have this matter tremendously at heart and so have Government. I would ask the House seriously to consider if the Pathan and Baluch tribes have not already got their own form of local autonomy, which echoes the ideal which I suppose Mr. Jinnah had in his own mind when he condemned the application of British electoral institution to India.

Some very fine genuine words were once said in my hearing in this House and I would like to read them out:

"The democracy that we object to is what the British people and the Indian Government want to thrust on our heads. We want the intellectual, saintly, religious and spiritual democracy which Islam teaches. We are not thinking of majority rule and minority rule, but of that form of democracy which we can reconcile conscientiously with the rights of others.

Fine words. Let us think what would happen if we were to repeat those words to these tribes. They are very fine men. They look at you straight. No slave mentality about them. Wouldn't you find an echo?

Well, if it is agreed that any British form or British Indian form of representative institutions is not quite the thing for the tribes of Baluchistan, what can we do? We must advance, I agree. I think we can follow the lead which the Mover of the Resolution has given us. One of the things that he said, and very rightly too, was: Why is it that Baluchistan is not represented here? Now, Sir Baluchistan is an area far the largest of the tracts or areas or countries which the Centre administers, much larger than Delhi, much larger than our old friend Coorg, or even Panth Piploda. It is even much larger than the tribal areas of the North-West Frontier Province or the tribal areas of Assam. It is an expensive area as many members have pointed out, and it must be an expensive area because it is a strategic area where the interests of Government and of India are tremendously engaged, and it ought to be represented. I have the authority of the Governor General to say that when a vacancy occurs, he is quite willing to consider the nomination (it must be by nomination at the present stage) of a representative from Baluchistan to the Central Legislature. That would teach Baluchistan, or begin to teach, what parliamentaryism means.

**Sir Muhammad Yamin Khan** (Agra Division: Muhammadan Rural): Why not create a vacancy? Ask somebody to resign.

**Sir Olaf Caroe:** Now, Sir, I have only one word to say before I sit down. I am not dealing with education. My friend behind me has dealt with it far more adequately than I could ever hope. What I should like to conclude by

saying is that the North-West Frontier which includes Baluchistan (it is one problem), will always be a matter of the most tremendous import to India and a question which requires treatment with the utmost gravity and understanding and not as an arena for political manoeuvrings of any kind. It is only in so far as parties in this country can stand together to deal with these questions of security and defence that the picture we see in our minds of the Greater India emerging in the future will be set in a firm frame, and that is a point which I would beg the House to mediate on most closely and carefully. I feel too that there is a better chance of our carving and setting that frame if these tribes are brought into the Indian orbit (they are already in the Indian economic orbit and to a large extent in the Indian political orbit) on a basis of local autonomy and not by being forced into the mould of British India. Then, Sir, we shall have a position in—

“A land

Where faction seldom gathers head,  
But by degrees to fulness wrought  
The strength of some diffusive thought  
Hath time and space to work and spread.”

And in Baluchistan there is plenty of space.

On those lines, Sir, I must oppose the formal side of the Resolution which asks for a Committee of this House to go round Baluchistan. You are in the middle of a war. It is only a little more than a year ago that Baluchistan was threatened when the Germans were in the Caucasus. It is a point of India about which there was the utmost anxiety. The honeymoon on the East must not blind us to the old love on the West. We must not forget India's western bastion. But I hope that what I have said, both about the representation of Baluchistan in the Central Legislature and the introduction of an elective system into the Quetta Municipality will go a long way to satisfy those who, I again repeat, so rightly desire the advance of this territory hand in hand with the rest of India.

Sir I have done.

**Nawabzada Muhammad Liaquat Ali Khan:** Before I deal with the speech of my Honourable friend who has just sat down, I should like to say a few words about the amendment which was moved by my Honourable friend, Mr. Lalchand Navalrai and the speech of the Nawab of Dera. (Interruption.) My Honourable friend, Mr. Lalchand Navalrai, is, in fact, in favour of the proposition which I had the honour of placing before the House on the 1st March. The difference between him and me is that, while I leave the whole field for survey and recommendation, he wants to narrow it down to certain points. I think he will agree with me that it will be wrong for this Honourable House to restrict either the terms of reference or the discretion of a committee of the kind which I have demanded. This is neither the occasion, nor is this Resolution for the purpose of supporting the claim for Pakistan. I think Mr. Lalchand Navalrai was unnecessarily alarmed. As the Deputy Leader of the Congress Party put it,—no, I think it was my Honourable friend, Sardar Mangal Singh,—whatever constitution there may be the minorities in every part of India, whether they are Hindus, whether they are Muslims, whether they are Sikhs, whether they are Christians, will have to be adequately protected against any kind of injustice. So, I think my Honourable friend, as I stated just now, was unnecessarily alarmed as far as the interests of the minorities in Baluchistan were concerned.

Now, I listened to the speech of my Honourable friend, the Nawab of Dera, with great attention, but I must say that I always prefer his silent views to vocal ones. I think it is a pity that sometimes he breaks out into giving vocal expression to his views which are excellent when they are silent. My Honourable friend stated that the *jirga* law in itself was excellent, but he agreed with the rest of the House that the manner in which it was being administered and the people who were administering it were rotten—I think I

[Nawabzada Muhammad Liaquat Ali Khan.]

am right. So he himself provided an argument for the retention of the *jirga* laws in the North West Frontier Province and the Punjab, if there are any, because in these provinces the administration is done not by the External Affairs Department but by the representatives of the people.

**Major Nawab Sir Ahmad Nawaz Khan:** Excuse me, please . . .

**Nawabzada Muhammad Liaquat Ali Khan:** I am afraid I cannot give way, because I have got only 15 minutes. I welcome my Honourable friend's silent views in preference to his vocal ones. (Interruption) I am sorry, I have got only 15 minutes and I have to deal with at least two more speeches. I am sorry I cannot give way. Now, Sir, I hope I am interpreting him correctly when I say that he is in favour of giving reforms to Baluchistan on the same basis or on the same footing as in the rest of the country—I hope I am right.

**Major Nawab Sir Ahmad Nawaz Khan:** Yes, on one condition that after the war a committee should be appointed to know the wishes of the people.

**Nawabzada Muhammad Liaquat Ali Khan:** It is not so very long ago,—I am really pleased to see that my Honourable friend has acquired some wisdom during the last three years, when he did totally oppose any reforms of any kind to Baluchistan.

**Major Nawab Sir Ahmad Nawaz Khan.** No.

**Nawabzada Muhammad Liaquat Ali Khan:** What he stated in 1940 was this. He gave all the reasons. He said that the people did not want reforms, these were not suitable for the people of Baluchistan, and his conclusion was, therefore, "I oppose the Resolution in the interests of the people". And the Resolution, Mr. Deputy President, was for the introduction of reforms on the same basis as they existed in the rest of India. However, I will not waste any more time on it.

**Major Nawab Sir Ahmad Nawaz Khan:** If people change their views, I must . . .

**Some Honourable Members:** Order, order.

**Nawabzada Muhammad Liaquat Ali Khan:** Now, I come to the speech of my Honourable friend, Mr. Tyson. He admitted that education was backward in that province. He said that there were anyhow 85 primary schools. Then he told us that in 1940-41 the Government of India embarked on a three-year scheme for the advancement of education in that province and sanctioned a sum of 9 lakhs for the purpose. Then he told us how that sum was spent. One and a half lakhs have not yet been spent there and the rest of the amount has been spent on putting up buildings and constructions. In his opinion advancement of education takes place if you spend money on brick and mortar. I beg to differ from him. That probably is the view of the Government of India, but that certainly is not our view.

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

Then, while proving his case that education had advanced in Baluchistan he told us and gave us figures that in such and such year the number of teachers was, I think he said 200 and something, and now the number of teachers is 300 and something. It would have been more to the point if he had given us the number of pupils, not the number of teachers. The number of teachers in a province does not mean advancement of education in that province as the number of students would. Then, as regards agriculture, he admitted—I must say he was frank about it, but he was asked to put a defence in favour of a very weak case, so he did his best. He said, agriculture, we admit, is backward, but if you take the expenditure *per capita* then in Baluchistan it is 7 annas per person and in the North West Frontier Province it is 3 annas. Therefore, that is an argument in favour of the advance of agriculture in Baluchistan. I am afraid I do not see any logic in that contention. My Honourable friend gave figures and statistics

Mr. President, there are three kinds of lies—lies, damned lies and statistics, and the Government of India always depend on statistics.

Now, I come to the speech of my Honourable friend, the Secretary for External Affairs. I am sorry that he has not said a word about the Resolution which I had the honour to place before the House. I did not ask in this Resolution as to what kind of democracy should be introduced. I was very careful in the choice of my words, although English is not my mother tongue. I did not say, "on the same lines", I said, "on similar lines". As to how the people of Baluchistan are to be associated with the administration in that province "on similar lines" as it is done in other parts of India. I did not say that there should be a Legislative Assembly of the type which exists here at the centre or in any province. All that I wanted was that the people of Baluchistan were being treated not as human beings but as wild beasts, and should be treated as human beings and they should be associated with the administration of their own province. My Honourable friend went into big questions of democratic parliamentary system of governments, Pakistan, defence of India, and all the rest of it. It is, Mr. President, a well known British device that when they have no arguments to oppose a case, they always make vague and indefinite assertions. They always put forward formulas and

4 P.M. I have already said what the people in the East think about their formulas and my Honourable friend's speech was nothing but so many phrases grouped together and formulas which really have no bearing on the question under discussion. He told us that he had the authority of His Excellency the Governor General to announce to the Honourable Members of this House that when a vacancy occurs His Excellency would be gracious enough to nominate a person from Baluchistan to be a member of this House. Sir, I do not know whether my Honourable friend thought of the interest of the nominated members of this House. Nearly one million people will be praying day and night that a vacancy may occur among the nominated non-official members of this House. Now, Sir, I really think that it was not very fair to the Nawab Sahib of Dera, for instance, that he should have announced this concession with such a condition. He told us that the Agent to the Governor General in Baluchistan was considering the question of having the elective system in the municipality of Quetta. Now, I do not know, Mr. President, what will be the decision of the Agent to the Governor General and what sort of elected municipality they will have there but my past experience shows that if and as long as the Britishers can manage it they will see to it that the people of Baluchistan do not really have any real voice in the administration of their own province.

Then, Sir, when I was speaking on the last occasion, I had mentioned that the *jirga* had the power to pass a death sentence and my Honourable friend at that time had stated "No, they can only sentence a man to 14 years' imprisonment".

**Sir Olaf Caroe:** They cannot sentence him. The officer can, on a *jirga* finding.

**Nawabzada Muhammad Liaquat Ali Khan:** Since then I have made inquiries and here is a case. Mr. J. G. Acheson, who is, I believe, Resident in Kashmir now, when he was Assistant Political Agent, Kalat, one day while in the company of his father-in-law, was attacked by two local men, wounding the father-in-law in the arm. The *jirga* which sat under the supervision of the Political Agent, Kalat, awarded the death sentence to the two criminals. The sentence was duly confirmed by the Honourable the Agent to the Governor General and carried out. Now, I want to know—I really do not know what to call it—whether this is not a travesty of justice—to put it very mildly. What else is it? Two men were sentenced to death and the sentence was carried out because they had attacked a person who was wounded in the arm. I put forward this case before this House for what it is worth. If I am wrong in my facts I shall welcome a correction by the Honourable the Secretary for External Affairs.

**Sir Olaf Caroe:** I never heard of this case.

**Nawabzada Muhammad Liaquat Ali Khan:** I would request the Honourable Member to make inquiries. I think he would find that what I have stated is probably correct. It may be that I am wrong but I shall always be glad to know that I am wrong, because I would hate to think that two people were hanged for the offence of wounding a Britisher and injuring him in the arm.

**Mr. Abdul Qaiyum:** A man in my province was hanged for not even injuring him, under the Murderous Outrages Act.

**Sir Olaf Caroe:** That is under the Frontier Murderous Outrages Regulation, under which the death penalty can be given for a fanatical outrage. The *jirga* does not sit there. A Sessions Judge has to try the case. I am very interested to hear about this case, which I never heard of before. Mr. J. G. Acheson is a friend of mine. I never knew that he had a murderous attack.

**Nawabzada Muhammad Liaquat Ali Khan:** The attack was on his father-in-law.

**Sir Olaf Caroe:** I shall certainly make inquiries. It may be that it was in an Indian State. I do not know.

**Nawabzada Muhammad Liaquat Ali Khan:** Anyhow, I related this case in order to prove further the proposition which I had placed on the last occasion that the way in which justice is administered in that province is most objectionable and most uncivilised. I am glad that my Honourable friend has not challenged any of the facts which I had placed before this Honourable House on the last occasion. In other words, he pleads guilty to all the charges which I had levelled against the administration of Baluchistan. He does not say that the laws are different to what I have stated. He does not say that their administration is different to what I had stated on that occasion. He has himself admitted that, of course, there is no elective system. I have dealt with the progress of education in that province.

Now, Sir, as the Government could not find any valid excuse to oppose such a modest proposition as is before the House, they have taken up this excuse that during the war it would be terrible if a committee of responsible Indians visited Baluchistan and started making inquiries as to how those people should be associated with the administration of that province. I commend this observation of the Honourable the Secretary for External Affairs to the Honourable Indian Members of the Executive Council. A committee, to be appointed by the Government, is not trusted that it could go to a province like Baluchistan, where the war is thousands of miles away, to make inquiries as to how the people of that province could be associated with the administration of that province. He told us a lot about the tribal area and British Baluchistan. I would like to know—does he include the Agency area in the tribal area also or the agency area is different to the tribal area?

**Sir Olaf Caroe:** For administrative purposes, the Agency area is treated in the same way as the tribal area and so is British Baluchistan. The bias which my Honourable friend gave to the whole question in his first speech was that, because the Census Report says so, British Baluchistan is just the same as the tribal area. It is the other way round. The whole mass of Baluchistan is tribal and the little bit of British Baluchistan and the Agency areas is treated on tribal lines.

**Nawabzada Muhammad Liaquat Ali Khan:** I quoted from the Census Report. I said that the Census Report stated that the distinction between British Baluchistan and the agency territory is, however, only nominal. For practical purposes they are one and the same.

**Sir Olaf Caroe:** Agency territory means both the tribal areas and the areas leased from Kalat State. They are one and the same. But the point is they are treated as tribal areas and not as though they were part of the Punjab.

**Nawabzada Muhammad Liaquat Ali Khan:** This is really a peculiar treatment. The Agency areas and the tribal areas are the same and yet they are treated as Baluchistan.

**Sir Olaf Caroe:** It is the other way round.

**Nawabzada Muhammad Liaquat Ali Khan:** Is British Baluchistan treated as a tribal area?

**Sir Olaf Caroe:** That is right.

**Nawabzada Muhammad Liaquat Ali Khan:** Then, in British Baluchistan must be happening the same things as are happening in tribal areas.

**Sir Olaf Caroe:** That is broadly correct.

**Nawabzada Muhammad Liaquat Ali Khan:** It is no credit to the Government. I have shown what happens in the tribal areas and the agency areas and I have also shown the type of justice that is administered in both these areas. As a matter of fact, I was giving the Government credit which they really do not deserve now. I was making a distinction between the agency area and the British Baluchistan and in my statement I had said that in British Baluchistan the method of administration of justice is different to what it is in the agency area, but I am now informed that the British Baluchistan is treated in the same manner as the agency area. Sir, I do not know whether this Government should be proud that an administration like that should exist today in any part of the country which is called British in any sense of the word.

Sir, the Resolution is a very modest one. As it was moved nearly a month ago and as some of the Honourable Members of the House might have forgotten its wording, I would like to read it out to the House in the hope that on account of the modesty of the demand which has been put forward and also because of the facts that have been placed before this Honourable House, the House would, in spite of the opposition of the Government, support it unanimously. The Resolution runs thus:

"That this Assembly recommends to the Governor General in Council to appoint immediately a committee, with a majority of elected Members of the Central Legislature on it, to recommend as to what steps should be taken to associate constitutionally the people of Baluchistan with the administration of the province on similar lines as in other provinces of British India."

Sir, I commend my Resolution to the acceptance of this Honourable House.

**Mr. President** (The Honourable Sir Abdur Rahim): I will put first the amendment moved by Mr. Lalchand Navalrai. The question is:

"That for the original Resolution the following be substituted:

"That this Assembly recommends to the Governor General in Council to appoint a Committee with a majority of the elected Members of the Central Legislature on it to recommend the following reforms in British Baluchistan:

- (a) as to educational sphere by establishing a full-fledged college and compulsory primary education;
- (b) as to revenue and judicial administration of the Province by taking suitable measures;
- (c) as to allowing unrestricted representation in courts by advocates and pleaders both local and those from outside;
- (d) as to giving joint electorate franchise in municipalities and local boards; and
- (e) as to such other amenities suitable to the life in British Baluchistan."

The motion was negatived.

**Mr. President** (The Honourable Sir Abdur Rahim): I will now put the Resolution itself. The question is:

"That this Assembly recommends to the Governor General in Council to appoint immediately a committee, with a majority of elected Members of the Central Legislature on it, to recommend as to what steps should be taken to associate constitutionally the people of Baluchistan with the administration of the province on similar lines as in other provinces of British India."

The motion was adopted.

#### RESOLUTION RE PROTECTION OF MOSQUES IN NEW DELHI

**Sir Muhammad Yamin Khan** (Agra Division: Muhammadan Rural): Sir, I have been authorised by Mr. Nabi Baksh Illahi Baksh Bhutto to move his Resolution. Sir, I move:

"That this Assembly recommends to the Governor General in Council that, in order to keep in proper repairs and to protect the mosques situated in New Delhi, he should be pleased to take the following steps:

- (a) instruct the Department concerned to allot all those bungalows in the compound of which mosques are situated only to the Muslim employees of the Government, who should be instructed not to obstruct or stop their Muslim servants or visitors from saying prayers in such mosques; and

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(b) instruct the Department concerned and the New Delhi Municipal Committee that they should give permission, without delay, on presentation of applications by the Muslims for the repairs of, or restoration to, the old position or rebuilding with some altered designs of mosques situated either in the compound of any Government bungalow or on any place surrounded by Government or Municipal property."

Sir, I do not want to take much time of the House because the whole scheme is really put in the Resolution itself. In a very brief way, I will explain why I move this Resolution. In the last July Session, in one of the bungalows on the Asoka Road a mosque fell down. It was later on known that a minaret or dome fell down of the mosque in 9, Asoka Road. It was leaning on the trunk of a tree, and when the tree was cut down by the P. W. D. officials, the building was damaged. This question came up before the House and certain matters were debated and some kind of controversy arose. It was not desirable that the Muslim public should feel that the Government of India is not sympathetic towards them that they are interfering with their religious observances and that they are stopping the Muslims from saying their prayers in religious buildings, in mosques which never changed their face from being mosques. Legally it is true that no mosque can ever be sold. The Government may want to take forcible possession of any land adjoining a mosque, but the site on which the mosque itself is situate never changes its character. It still remains a mosque. Neither a mosque, nor a church, nor a temple, nor a Gurdwara can change its feature. All these things must remain the same, as places of worship, no matter whether the property around is sold. Even if anybody calling himself the proprietor of a mosque tries to sell it, it is *ab initio* void and wrong. A Committee consisting of several Members of this House has been exerting for a long time their pressure on Government that they should recognise that no mosque had been sold. But the Government wanted to give money in lieu of certain lands which appertained to the mosques, but that money was not taken by the Committee because it was never ascertained whether it was the price which the Government wanted to give in lieu of the lands and so that money is lying with the Government of India still for a very long time past. Therefore this question whether the Government has purchased any property comprising the mosque or not has never been considered by the Muslim public. I feel that the Government of India should not come into this controversy, and I think the Government of India as representing all the communities must safeguard the interest of all communities, and they should not allow the religious buildings of any community to get into disrepair or deterioration or allow them to fall down simply without repairs or to place them beyond the reach of the public who might themselves want to get them repaired. If the public offer themselves to repair any religious building, the Government should give facility.

Sir, I have known that out of all the bungalows reserved for Members of Council, there is one bungalow in which there is a mosque and that bungalow has always been allotted to one of the Muslim Members of the Executive Council. In that bungalow, the late Mian Sir Fazl-i-Husain used to live, and afterwards, Sir Muhammad Zafrullah Khan used to live and now it is occupied by the Honourable the Leader of the House. That mosque is being looked after properly. I see that people can get into it, they are given facility to offer their prayers. Of course, the occupant himself being a Muslim Member he says his prayers there. Others also have access to go and say their prayers there. The same facility I want to be given in the case of all mosques which happen to be situated in the compounds of other bungalows. I do not want that the Muslim community and the Government of India should be at daggers drawn on this question. I do not want bad blood to be created between the Muslims and the Government of India on this issue. As far as religion is concerned, as far as safeguarding of religious institutions are concerned, I want peaceful and friendly relations should subsist between the Muslims and the Government of India and these feelings should continue without being embittered. It may be that through some involuntary action on the part of the

Government, the public might get offended, the Government never meaning it and such cases also should be avoided and it is only to give effect to that intention that this Resolution is brought. The only effective way in which the happenings in 9, Asoka Road could be avoided, the only effective way in which many of the difficult problems could be solved—such problems are still existing and negotiations are still going on between the Department of Education, Health and Lands and some Muslim Members of this House—the only possible way is what is embodied in this Resolution that these bungalows—I do not suppose they are more than 15 or 20—should be allotted to Muslim officers. I can easily imagine that there will always be enough number of Muslim officers forthcoming to occupy such bungalows. There may be one difficulty, which I can realise from the Government point of view, namely, that a certain bungalow which may be available for a particular officer or a particular class of officer, a Muslim officer of that class may not be available for the purpose. For instance, if there is a bungalow which according to the classification should go to a Deputy Secretary, a Muslim Deputy Secretary may not be available to occupy it. Or there may be four or five bungalows which are classified to be allotted to Assistant Secretaries. There may be only two Muslim Assistant Secretaries, with the result that two other bungalows may have to remain vacant if the rules are strictly followed. But these are minor difficulties which can be overcome easily. I think the Estate Officer has made certain rules that a bungalow of a particular type carries a certain rent and it should be allotted to officers from a certain grade to a certain other grade. It is not a fixed rent, but it is charged according to the salary of the officer who is drawing a certain minimum and a certain maximum. I will take a concrete instance. Supposing there is a house to be allotted to an officer getting a salary between Rs. 1,500 and Rs. 2,000 only. Supposing you have got an officer drawing Rs. 2,200. That officer may say, "I do not want to live in this house because it only allows a man getting up to Rs. 2,000 to live there, I am getting Rs. 2,200". I do not think there can be any objection for the Estate Officer to say that that officer should live in that house until he reaches a maximum of Rs. 2,500. I do not think there is any objection to this course. He may be charged the maximum rent for that house. This may be only for a short period until another officer who is eligible to occupy the house under the rules is available. With a little adjustment anybody can work out the rules easily. I do not see any serious administrative difficulties in the working of rules if they are suitably altered here and there. But I do realise there may come in some difficulty in allotment. That, of course, I would not mind; in that case the house may be allotted to a Hindu or European officer, but on the clear understanding that he would not obstruct any one from saying his prayers. But it may be said that no officer would like to have a stream of people in his compound coming to say their prayers who may want to assert their rights in that way. But I think this will never happen. It may happen only if that officer tries to stop people from coming in in which case they may want to assert their rights. But if only he allows his servants or some neighbour's servants or some other people to come and have their wash and say their prayers, nothing will happen; with a little bit of toleration there will be no difficulty. And I hope that all officers of the Government of India, to whatever community they may belong, have toleration enough to allow people to pray to God in whatever manner they like. You can pray to God in different ways, and I have myself joined congregations in Christian churches and prayed to God. After all the prayer is to God and it does not matter who conducts it. So, I think with a little toleration there should be no trouble, even if non-Muslims live in these houses. The number of these bungalows is after all not large. I think the number of officers in the Government of India including the General Headquarters will be about one thousand of whom about 200 will be Muslims, and there are only 15 or 20 such houses which can be filled by them easily. I shall be satisfied if the Honourable Member for Labour Department says he will abide by the terms of this Resolution unless there is some great difficulty. If a Muslim is not

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found for the house, only then should it be given to a non-Muslim and that also only temporarily. I would not mind that.

The second part of the Resolution relates to the Education, Health and Lands Department. There are some mosques of which the surrounding lands have been purchased by the Government of India and certain mosques have so far remained unrepaired, because the public have a feeling that they cannot take bricks, mortar and labour, etc., over Government land for repairing those mosques. There are several cases like that even near this Assembly building. On Feroze Shah Road where these new quarters have terminated there are several mosques under which there are canals. I know some generous friends of mine wanted to get these mosques repaired and reconstructed provided sanction was obtained from the Municipality and the Government of India. But I know of one case where a novel kind of thing has happened. There is a little mosque on the corner of Western Court on Queensway which has been there for many years. My friend, the late Sir Muhammad Yakub and I lived in the same compound on Queensway in adjacent bungalows. When the Assembly met there used to be Ramzan and we found lots of people coming to say their prayers there. But the space was very limited. There is a *chabutra* on this side and that side, all belonging to the mosque. Some of us tried to collect money to enlarge this building because we found there was a real and genuine desire for it. Of course, no one would like to build a mosque which would not be used and there are so many lying about without being used. But we were satisfied in this case that there was a genuine desire. An application was made; some architect freely drew up a site plan and elevation plan. An application was put in and we tried to collect money, but the plan was rejected by the New Delhi Municipality, whether at their own instance or at the instance of the Local Government or the Education, Health and Lands Department I do not know. But I understood it was on account of some order passed by the Education, Health and Lands Department that nothing extra would be allowed and no more area will be allowed to be covered than exists at present. This is a very funny state of things. If the land belongs to the mosque and people want to enlarge it without asking you for any further land I see no harm in it. After all the land was taken by force; it was acquired and not sold. Still with regard to the remnant left you say that no rebuilding will be allowed because this will cover more area than there is at present. This is a funny and a novel idea. I think it is a highly objectionable attitude which can ever be taken by anybody in a matter like this and this can never be supported by this side of the House. The public as a whole will be absolutely against any such rules which may be framed and applied in New Delhi or anywhere else. I want that our full right to construct in any way we may like and whatever we may like on our land should remain with us, provided it does not contravene municipal laws and bye-laws. Especially in the case of building mosques all possible latitude must be given. When you have purchased all the land round-about—you have built the Western Court and so many other nice buildings—and there is small mosque which was meant for the village which existed there, why should it continue to exist there for the people who are living in the modern world? And if the people concerned have got money and land, there is no reason why they should not be allowed to build it according to their own wishes. I am not asking you to lend any money for its reconstruction; I am only asking you for permission to let us build it as we like provided it does not go against the municipal bye-laws. In the case of mosques, no hard and fast laws should be applied because mosques are not residential buildings where we require 1/3rd or 2/3rd to be left open, and so on. Therefore, such obstacles should not be placed in the way of those who apply for new construction or repairs to be carried out in old mosques. The Government or the New Delhi Municipal Committee should see that such applications are forthwith granted.

Then Sir, people should be allowed to build mosques in any design they like. I am told, Sir, that some people went to see the Chief Commissioner of

Delhi in connection with repairs to a certain mosque—I have only heard this story; I have got no authority—and he said that while he was prepared to give his permission for carrying out the necessary repairs, he must insist that the architectural design must remain the same as existed in the old mosque. I must say that I would agree to the maintenance of architectural beauty if it were in the case of those buildings which have got any historic value and which come under the category of those monuments which are protected by Government. For instance, I would not like to make any alteration—structural or otherwise in details—in the mosque which exists in the Old Fort; this mosque was built by Sher Shah and has got a great historic value. Similarly, there are other mosques and monuments which must be preserved and I agree that their architectural beauty must not be tampered with because it shows us even today to what heights the people of India had risen; through these monuments we can see what was done during the time of Tughlak and Khilji dynasties and Mughal period, and during the period of Akbar, and so on. I do not want to make any alterations—even in detail—unless it is possible to conform to the old design and carry out the necessary repairs on the same lines. But what is the sense of enforcing the same laws in the case of those mosques and old buildings which have got no historic or architectural values. If any portion of such old buildings is to be preserved it may be indicated by your Director of Archæology and we will keep it intact but the other portion may be allowed to be rebuilt. Sir, I have seen myself in Palestine the famous mosque—Masjid-i-Aksa. It was built by Solomon, but later on certain portions of it were demolished by Christians and they built a church there—this church is in the same compound where there is Solomon's temple, in one corner. And you find that there still exist some portions of the original wall of the temple, although all the rest has been altered by Christians—Romans. This building was later on taken by Arabs but the whole thing is still preserved and is intact. Christians are allowed to say their prayers there in any manner they like—of course they are not allowed without a pass to go over the dome.

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

**Sir Muhammad Yamin Khan:** I am going to finish, Sir. I am sorry I have taken more time than I intended to. Sir, I would like to know the attitude of both the Departments which are concerned in this matter. I would also like to know whether they are prepared to accept this Resolution or not. If not, will they accept it with any modifications or reservations. Sir, I move.

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

“That this Assembly recommends to the Governor General in Council that, in order to keep in proper repairs and to protect the mosques situated in New Delhi, he should be pleased to take the following steps:

(a) instruct the Department concerned to allot all those bungalows in the compound of which mosques are situated only to the Muslim employees of the Government, who should be instructed not to obstruct or stop their Muslim servants or visitors from saying prayers in such mosques; and

(b) instruct the Department concerned and the New Delhi Municipal Committee that they should give permission, without delay, on presentation of applications by the Muslims for the repairs of, or restoration to, the old position or rebuilding with some altered designs of mosques situated either in the compound of any Government bungalow or on any place surrounded by Government or Municipal property.”

There is an amendment in the name of Seth Yusuf Abdoola Haroon.

**Seth Yusuf Abdoola Haroon** (Sind: Muhammadan Rural): Sir, I move:

“That for the original Resolution the following be substituted:

“That this Assembly recommends to the Governor General in Council that in order to protect and keep in proper repairs the mosques situated in New Delhi area, he should be pleased to take the following steps:

(a) instruct the Department concerned to allot those bungalows in the compounds of which mosques are situated subject to the stipulation that no obstruction should be offered to their restoration or to the use of such mosques by Muslims for offering prayers therein: and

(b) further instruct the Department concerned and the New Delhi Municipal Committee to give all facilities, assistance and necessary legal permits to such Mussalmans as come forward to repair, restore or rebuild any existing mosque in New Delhi area.”

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

“That for the original Resolution the following be substituted:

[Mr. President.]

"That this Assembly recommends to the Governor General in Council that in order to protect and keep in proper repairs the mosques situated in New Delhi area, he should be pleased to take the following steps :

(a) instruct the Department concerned to allot those bungalows in the compounds of which mosques are situated subject to the stipulation that no obstruction should be offered to their restoration or to the use of such mosques by Muslims for offering prayers therein; and

(b) further instruct the Department concerned and the New Delhi Municipal Committee to give all facilities, assistance and necessary legal permits to such Mussalmans as come forward to repair, restore or rebuild any existing mosque in New Delhi area."

**The Honourable Dr. B. R. Ambedkar** (Labour Member): Sir, this Resolution falls into two parts—part (a) and part (b). I am concerned with part (a) only. Part (b) will be dealt with by the Honourable the Secretary for Education, Health and Lands Department. Part (a) with which I am concerned makes two recommendations. One is that the Government should undertake to allot bungalows with mosques in their compound to Muslim employees of the Government of India. The second recommendation is to instruct the occupants not to obstruct the restoration or the use of such mosques for offering prayers by anyone who cares to come and offer prayers there.

I would like to say that I am sorry that I cannot accept either of the two recommendations. I do so not because I do not appreciate the sentiments which have moved my Honourable friend to table the Resolution but because of the inherent difficulties which are involved in the acceptance of this Resolution.

Taking the first part of the Resolution, my Honourable friend, Sir Yamin Khan, said that the Government had already allotted or reserved a particular House for an Honourable Member who happens to be a Muslim. I believe he referred to this in order to support his plea that the principle had already been accepted. Sir, I would like to state categorically that that is a mistake. No house is reserved for any Honourable Member. It happens to be an accident that the house to which he referred has been occupied by a Muslim Member. But I have not the slightest doubt that should there happen to be a vacancy in that house, which I hope not, it will be open to any Honourable Member next senior to him to claim that house irrespective of the question whether the Honourable Member is a Muslim or a non-Muslim.

**Sir Muhammad Yamin Khan:** But a *purdah* wall has also been built.

**The Honourable Dr. B. R. Ambedkar:** That is another matter. I am dealing with principles.

Therefore, the Government of India has not accepted the principle. I am going to point out to my Honourable friend that so far as the present times are concerned, it is quite impossible for the Government to accept any such rigid principle.

Sir, what does the acceptance of the principle mean? It means two things. It means that the Government should undertake to serve a notice on non-Muslims who are occupying the sort of bungalows which are the subject-matter of this Resolution and to have them vacated. That would be the consequence if the Government accepted the Resolution.

The second consequence of the acceptance of the Resolution would be this: supposing there was a vacancy in such a bungalow, and that an officer to whom such a bungalow could be allotted happened to be a non-Muslim who was called by Government from outside to stay in Delhi, and whose presence was absolutely necessary; under the circumstances Government should not allot the accommodation to him. Sir, my humble submission is that that is an impossible condition; and in view of the present circumstances, when there is such tremendous paucity of accommodation, and when officials who are called here have to live in hutments and in all sorts of improvised accommodation, for Government to adopt a rule of this kind would be—I do not wish to say,—a dog-in-the-manger policy. My Honourable friend can easily realise that this is not a thing which can be accepted by Government in the present circumstances.

Coming to the second part of the Resolution which asks Government to put certain restraints upon the occupants, I am sorry to say that that also is bound

to create great difficulties. Sir, it is quite well-known that a landlord is entitled to put certain restrictions on a tenant. But I have no doubt that my Honourable friend, Sir Yamin Khan, will agree that the landlord can put such restraints upon a tenant which are intended primarily for the preservation of the premises. I have not got time to go into this in any detail. But the sort of restrictions which my Honourable friend desires Government should impose upon the tenant are not justifiable on the ground that they will not be for the preservation of the premises.

Now, Sir, I come to the second difficulty. What would be the position of the tenant who is subject to this kind of stipulation. Sir, I have no doubt and I feel quite certain that I am not exaggerating the matter, that if I were to introduce the kind of stipulation which is mentioned in the Resolution that every man, whether he is Muslim or Non-Muslim, should open his compound to anybody who wants to come and say his prayers, will be nothing short of destroying the privacy of the premises and to convert it, if I may say so, into a *musaffir khana*. I have no doubt about it that it would be very difficult to impose such a stipulation on a non-Muslim tenant, and I have not the slightest doubt in my mind that it would be difficult to impose a similar stipulation on a European occupant. But I venture to suggest that even a Muslim occupant would not very readily consent to the kind of stipulation which my Honourable friend wants me to impose. It is quite apparent that my Honourable colleague who is occupying premises of the kind mentioned in the Resolution, with all his religious proclivities, would not allow a crowd to enter his compound to say prayers.

Sir, I am sorry that for the reasons I have mentioned, and I think my Honourable friend will agree that they are not reasons of a temporary character, I am unable to accept this Resolution.

The Assembly then adjourned till Eleven of the Clock on Friday, the 31st March, 1944.