

6th November 1944

THE LEGISLATIVE ASSEMBLY DEBATES

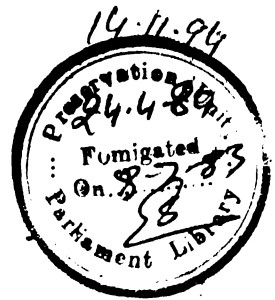
Official Report

Volume IV, 1944

(1st to 13th November 1944)

TWENTY-FIRST SESSION OF THE FIFTH LEGISLATIVE ASSEMBLY, 1944

Chamber Fumigated 18.10.73



LEGISLATIVE ASSEMBLY.

President :

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

Deputy President :

Mr. AKHIL CHANDRA DATTA, M.L.A.

Panel of Chairmen :

Mr. ABDUL QAITYUM, M.L.A.

Nawabzada MUHAMMAD LIAQUAT ALI KHAN, M.L.A.

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

Sir HENRY RICHARDSON, M.L.A.

Secretary :

Mian MUHAMMAD RAFI, Barrister-at-Law.

Assistants of the Secretary :

Mr. M. N. KAUL, Barrister-at-Law.

Khan Bahadur S. G. HASNAIN.

● *Marshal :*

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

Committee on Petitions :

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

Nawabzada MUHAMMAD LIAQUAT ALI KHAN, M.L.A.

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

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

Sardar SANT SINGH, M.L.A.

CONTENTS:

Volume IV—1st to 13th November 1944.

	PAGES.
WEDNESDAY, 1ST NOVEMBER 1944—	
Members Sworn	1
Starred Questions and Answers ...	1—30
Unstarred Questions and Answers ...	30—36
Statements laid on the Table ...	36—61
Death of Mr. Abdur Rasheed Choudhury	61—62
Motions for Adjournment <i>re</i> —	
Failure to supply adequate petrol to the Karachi Municipal Corporation—Disallowed ...	62
Failure to assure Termination of Services of the U.K.C.C. with the Termination of the War—Ruled out of order	63
Refusal of Permission for Publication of Correspondence between Mahatma Gandhi and H.E. the Viceroy—Disallowed ...	63
Government Communication describing Mr. Phillips, Personal Representative of President Roosevelt, as <i>Persona non-grata</i> —Disallowed by the Governor-General	63
Dismissal of Sardar Shaukat Hayat Khan, a Minister in the Punjab—Ruled out	63—65
Failure to apply in time for help for India to the U.N.R.R.A.—Ruled out of order	65—66
Failure to make proper arrangements to prevent destruction of A.I.C.C. Records at Allahabad—Ruled out	66
Misuse of the National War Front Organisation by Malik Khizar Hyat Khan Tiwana, Leader of the Punjab Branch—Negatived	66—68
H.E. the Governor-General's Assent to Bills	68
Amendments to the Insurance Rules	68
Notifications under the Destructive Insects and Beasts Act	69
Statements laid on the Table <i>re</i> —	
Net Earnings of New Railway Lines	70
Appropriation Accounts, Audit Reports, etc.	70
Objects on which the Aviation Share of the Petrol Tax Fund was expended	70—71
Amendments to certain Motor Vehicles Rules	71—74
Election of a Member to the Standing Finance Committee ...	74

	PAGES.
WEDNESDAY, 1ST NOVEMBER 1944—<i>contd.</i>	
Election of Members to the Advisory Board of Archaeology	74—78
Indian Rice Committee Bill—Introduced	78
Indian Patents and Designs (Temporary Amendment) Bill—Introduced	78—79
Public Debt (Central Government) Bill—Continued and Referred to Select Committee	79—80
Payment of Wages (Amendment) Bill—Introduced	79
Coffee Market Expansion (Second Amendment) Bill—Introduced ...	79
Insurance (Second Amendment) Bill—Introduced	79
Delhi Joint Water and Sewage Board (Amendment) Bill—Introduced	79
Factories (Second Amendment) Bill—Discussion on the Motion to refer to Select Committee not concluded	80—82
THURSDAY, 2ND NOVEMBER 1944—	
Starred Questions and Answers ...	111—84
Unstarred Questions and Answers ...	134—86
Motions for Adjournment <i>re</i> —	
Unsatisfactory Character of Railway Board Notification <i>re</i> revised Rates of Dearness Allowance—Disallowed	136—37
Failure to provide adequate Facilities for Safe Travel of Civilian Public—Not moved	137
Failure to check Epidemics like Cholera, etc.—Disallowed ...	137
Position of Indians in Natal under Natal Occupation Ordinance—Not moved	137
Death of Mr. Srideo Suman, an Exile from Tehri State—Disallowed by the Governor-General	138
Inadequate War Allowance for Non-Gazetted Officers—Not moved	138—40
Hunger Strike by Political Prisoners in Bhagalpore Camp Jail—Disallowed	140
Discontinuance on Racing Days of Restaurant Car on the Poona Express—Disallowed	140
Non-Representative Delegation to World Monetary Conference in America—Not moved	140

	PAGES.
THURSDAY, 2ND NOVEMBER 1944—contd.	
Motions for Adjournment <i>re—contd.</i>	
Central Provinces Government Servants' Aid to Conversion of Gonds to Christianity—Disallowed ...	141
Ban on Publication of <i>Panchangas</i> —Not moved ...	141
Forcible Entry by Police at the Lahore Meeting of the General Council of All-India Railway-men's Federation—Disallowed ...	141-42
Running of Competitive Road-Transport Services by Railways for Monopolising—Ruled out of Order ...	142-43
Stopping the Booking of Passengers to Nankana Sahib on Guru Nanak's Birthday Anniversary—Disallowed ...	143-44
Frequent Disallowance by the Governor-General of Motions in the Assembly requiring his previous consent—Ruled out of Order ...	144-45
Ill-treatment meted out to Mr. Ram Charan Agarwal by the Delhi Police—Postponed for next day ...	145
Death due to an Accident at Bakhtiarpur Junction Station—Adopted ...	145-46 & 164-75
Nomination of the Panel of Chairmen ...	146
Committee on Petitions ...	146-47
Presentation of the Report of the Public Accounts Committee ...	147
Motion <i>re</i> Food Situation—Discussion not concluded ...	147-64
FRIDAY, 3RD NOVEMBER 1944—	
Starred Questions and Answers ...	177-210
Unstarred Questions and Answers ...	210-13
Short Notice Question and Answer ...	213-14
Motions for Adjournment <i>re—</i>	
Ill-treatment meted out to Mr. Ram Charan Agarwal by the Delhi Police—Ruled out of Order ...	215
Failure to make Arrangements for carrying Haj Pilgrims to Hedjaz—Ruled out ...	215-17
Economic Sanctions against South Africa—Ruled out of Order ...	217
Failure to frame and enforce Rules under Reciprocity Act—Not moved ...	217

	PAGES.
FRIDAY, 3RD NOVEMBER 1944—contd.	
Motions for Adjournment <i>re—contd.</i>	
Appointments to Superior Revenue Establishment of Indian State Railways, Stores Department—Not moved ...	281
Refusal of Permission for Republication of <i>National Herald</i> and <i>Forward</i> —Not moved ...	218
Unconstitutional Conduct of Government in appointing Adjudicator in Trade Dispute between Shahdara (Delhi), Saharanpur Light Railway and its Employees, etc.—Disallowed ...	218-19
Sinking of the S. S. "Cormorant"—Disallowed ...	219-20
Inaccurate Government Reply <i>re</i> Government Contribution to Indian Labour Federation—Disallowed ...	220-21
Resolution <i>re</i> Protection of Mosques in New Delhi—Negatived ...	221-33
Resolution <i>re</i> Fifteen-year Plan prepared by Capitalists of India—Discussion not concluded ...	223-47
MONDAY, 6TH NOVEMBER 1944—	
Starred Questions and Answers ...	249-60
Upstarred Questions and Answers ...	260-64
Motion for Adjournment <i>re</i> Sind Government's Ban on Chapter XIV of Satyarth Prakash—Postponed ...	264-65 & 285
Election of a Member to the Standing Finance Committee ...	265
The Hindu Code, Part I (Intested Succession)—Petitions laid on the table ...	265-67
Motion <i>re</i> position of Indians in South Africa and East Africa—Adopted as amended ...	267-208
TUESDAY, 7TH NOVEMBER 1944—	
Starred Questions and Answers ...	309-41
Unstarred Questions and Answers ...	341
Election of Members to the Advisory Board of Archaeology ...	341
The Public Debt (Central Government) Bill—Presentation of the Report of the Select Committee ...	341
Statements laid on the table ...	341-57
The Factories (Second Amendment) Bill—Referred to Select Committee ...	358-75

	PAGES.		PAGES.
TUESDAY, 7TH NOVEMBER 1944—contd.		FRIDAY, 10TH NOVEMBER 1944—contd.	
The Indian Rice Committee Bill— Discussion on motions to refer to Select Committee and to circulate not concluded	375—82	The Muslim Personal Law <i>Shariat</i> application (Second Amendment) Bill—Motion to continue adopted	576
Motion for Adjournment <i>re</i> Sind Government's Ban on Chapter XIV of Satyarth Prakash— Negatived	382—95	The Code of Criminal Procedure (Amendment) Bill—Amendment of Sections 162, 438 and 496— Passed as amended	576—73
WEDNESDAY, 8TH NOVEMBER 1944—		The Hindu Marriage Disabilities Removal Bill—Discussion on the Motion to refer to Select Committee not concluded	578—604
Starred Questions and Answers ...	397—425	MONDAY, 13TH NOVEMBER 1944—	
Unstarred Questions and Answers ...	425—27	Member Sworn	605
Statements laid on the table ...	428—89	Starred Questions and Answers ...	605—47
Motion <i>re</i> Food Situation—Dis- cussion not concluded	439—74	Unstarred Questions and Answers	647—49
THURSDAY, 9TH NOVEMBER 1944—		Motion for adjournment <i>re</i> Failure to give relief to Weavers in Burbanpur and other places in the Central Provinces—Dis- allowed	649
Starred Questions and Answers ...	475—84	Election of Members to the Central Advisory Board of Education ...	649—54
Unstarred Question and Answer ...	484	Election of Members to the Indian Coconut Committee	655—58
Motion <i>re</i> Food Situation—Adopted as amended	485—537	Election of Members to the Stand- ing Committee for the Industries and Civil Supplies Department...	656—59
FRIDAY, 10TH NOVEMBER 1944—		The Indian Patents and Designs (Temporary Amendment) Bill— Passed	660
Starred Questions and Answers ...	539—73	The Coffee Market Expansion (Second Amendment) Bill— Passed	661—62
Unstarred Questions and Answers	574	The Delhi Joint Water and Sewage Board (Amendment) Bill—Passed as amended	662—64
Motion for Adjournment <i>re</i> surrepti- tious opening of private letters by the Postal Department— Ruled out of order	574—75	The Public Debt (Central Govern- ment) Bill—Discussion on the Motion to consider not concluded	664—83
The Code of Criminal Procedure (Amendment) Bill—Amendment of Sections 386 and 539-B— Motion to continue adopted ...	575		
The Indian Penal Code (Amend- ment) Bill—Insertion of new Section 93-A—Motion to continue adopted	575		
The Code of Civil procedure (Amend- ment) of Section 60—Motion to continue adopted	575		

LEGISLATIVE ASSEMBLY

Monday, 6th November, 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.

STARRED-QUESTIONS AND ANSWERS

(a) ORAL ANSWERS

BOMBAY EXPLOSION

105. *Dr. Sir Zia Uddin Ahmad: (a) Will the Honourable the War Transport Member be pleased to lay a statement on the table about the explosion that occurred in Bombay in the 3rd week of April, 1944?

(b) What are the estimates of damages to:—

(i) private property; and

(ii) the Government?

(c) Is it a fact that the Government have appointed a Committee to enquire into and investigate the causes of this explosion? Will the Honourable Member lay the report of the Committee of Enquiry on the table of the House, or at least give its summary?

The Honourable Sir Edward Benthall: (a) and (c). The first report* of the Commission of Inquiry, Bombay explosions, appointed by Government in their resolution No. 8-P(29)/44, dated the 2nd May, 1944, and the Government resolution* on the report No. 8-P(29)/44, dated the 12th September, 1944, are laid on the table.

(b) It has not yet been possible to arrive at a reasonably approximate estimate of the damage. All the claims in respect of damaged private property have not yet been received and information regarding damage caused to Government property is not yet complete. It may be possible to lay a statement on the table during the next session.

Mr. N. M. Joshi: Are Government aware that the last date for putting in claims by people who have suffered is the 30th October and that there are a large number of people, specially uneducated dock labourers who have gone to their villages and who will be unable to put in their claims before that date and do Government propose to extend the date for receiving claims from people who have gone to their villages?

The Honourable Sir Edward Benthall: The date has been extended to 30th November.

Mr. T. T. Krishnamachari: Has the question of financial responsibility of His Majesty's Government in this matter been fixed and some agreement come to?

The Honourable Sir Edward Benthall: I am replying to that question later on in the morning.

Mr. Manu Subedar: Have the Government considered the damage done to Municipal property, roads, drains, lighting and other equipment and the obsolescence of such property on account of the proposed town planning in the proposed area and whether Government will also recoup the Bombay Municipality for this damage?

The Honourable Sir Edward Benthall: I understand those claims are being registered, but I have not got details with me at present.

Mr. N. M. Joshi: As regards the extension of date for putting in claims, are Government aware of the fact that under the Workmen's Compensation Act, six months period is given to put in claims and that the Workmen's Compensation Act, after giving six months period, also gives discretion to the

*Not printed in these debates but a copy of each has been placed in the library of the House.—Ed. of D.

Workmen's Compensation Commissioner to waive this period and ~~waive~~ claims though they may be late?

The Honourable Sir Edward Benthall: I am not aware of the point. I have not given it consideration. But it is the Government's intention to avoid any avoidable hardship in this matter and I have no doubt that it will be looked into.

Dr. Sir Zia Uddin Ahmad: May I know what are the findings of the Committee about payment of damages as regards insured property?

The Honourable Sir Edward Benthall: The Government took action very soon after the event, sent representatives to Bombay and put out more than one Press notice setting out the arrangements come to.

Mr. T. T. Krishnamachari: Is the Honourable Member aware that the Indian Press generally and Indian public opinion has commented unfavourably on the Resolution of the Government of India on the interim report of the committee?

The Honourable Sir Edward Benthall: I am not aware of that.

Mr. T. T. Krishnamachari: Will the Honourable Member provide a day during this Session to discuss this matter in the House?

The Honourable Sir Edward Benthall: If the matter had been of great interest, I should expect there should have been a Resolution on the subject, but there were only two adjournment motions and they were not moved. There were only three questions on this subject and at this stage of the Session, it is difficult to allot any day for discussion.

Mr. T. T. Krishnamachari: The Honourable Member is well aware of the circumstances under which these adjournment motions were withdrawn.

Mr. N. M. Joshi: May I know if the Government of India will give publicity to the extension of the date for putting in claims and also to the fact that he mentioned that Government want to avoid all avoidable hardships in the case?

The Honourable Sir Edward Benthall: The answer to the latter part of the question is obvious from the Government's action already. As regards the first part, notice has already been given prominently in the Press.

Dr. Sir Zia Uddin Ahmad: In connection with the reply to my supplementary question, may I know if the insurance companies have agreed to pay for the damages of insured property along with the Government payment?

The Honourable Sir Edward Benthall: There has been considerable discussion on this matter, as a result of which the insurance companies should pay part of the damage, and the Government another part, all of which has been set out in the Press *communiqué*.

STRIKE BY ACCOUNTS CLERKS ON NORTH WESTERN RAILWAY

106. ***Dr. Sir Zia Uddin Ahmad:** (a) Will the Honourable the Railway Member please lay a statement on the table about the strike of the Accounts Clerks on the North Western Railway in August, 1944?

(b) What were the causes of the strike and how did it end?

The Honourable Sir Edward Benthall: (a) and (b). I lay a statement on the table of the House giving the required information.

Note stating the details regarding the strike of temporary clerks of the Accounts Department, N. W. Railway, from 29th July 1944 to 15th August 1944.

The temporary clerks of the Accounts Department stationed at Lahore, who draw pay in the scale of Rs. 30-5-50-5/2-80 with an initial start of Rs. 40 for the duration of the War, submitted a memorial dated 21st July 1944, asking that, in view of the increased cost of living and the inadequacy of the existing Dearness Allowance and foodgrain concessions they should be granted an initial pay of Rs. 80, in a revised scale of Rs. 80-10-280, with 100 per cent. Dearness Allowance for the duration of the War. The memorial ended with the remark that "if this moderate request" was not acceded to, they would take "some undesirable step".

2. The memorials were considered by the General Manager in consultation with the Financial Adviser and Chief Accounts Officer, North Western Railway, and on the morning

of 20th July 1944, the memorialists were informed through a Circular Notice that their demands were so obviously excessive that they could not be considered or recommended to the Railway Board and that if the memorialists adopted any unconstitutional methods, they would be liable to disciplinary action. They were also told that the Administration had already been taking steps to relieve the position and were always willing to consider reasonable requests and to adjust individual cases on their merits.

3. In spite of this, however, the temporary clerks (numbering 530) struck work at 12 hours on 29th July 1944 and left the office premises without permission. Later, they staged a demonstration and delivered speeches, first within and subsequently without the office premises.

4. On 4th August 1944, a Notification was issued in the N. W. Railway Gazette explaining that according to the policy of the Railway Board, revision of scales of pay could only be considered after the war and that, for the duration of the war, the policy was to grant compensation for increased cost of living through Dearness Allowance and grainshop facilities, both of which had been enhanced from time to time in consideration of the rise in prices. It reiterated the willingness of the Administration to consider reasonable representations and said that an examination was in hand of the repercussions on railway staff of the recent allowances and other improvements sanctioned for the ministerial staff of the Government of India.

5. The Financial Adviser and Chief Accounts Officer specifically made this position known to the memorialists through a Notice and verbally, and further assured them that if they returned to duty peacefully, there would be no victimisation. But the temporary clerks continued to remain absent and to gather together outside office premises, trying to enlist support from permanent clerks and to bring in temporary clerks of other Branches of the Railway. The permanent clerks of the Accounts Department also staged a "pen-strike" for half a day.

6. However, when again on 14th August 1944 a Notice was issued further assuring the temporary clerks that if they came back to duty, their absence would be treated as *dies non* for all purposes and that the question of relief both for temporary and permanent employees was under active consideration and recommendations which were considered to be adequate were being forwarded immediately to the appropriate authorities, they resumed work on 16th August 1944. Except 6 clerks who had not turned up by 4th September 1944 and were consequently discharged, all others joined.

7. Temporary clerks of the Divisional Accounts Office, Rawalpindi, (26 in number), followed the example of Lahore clerks and remained on strike from 12th August 1944 to 18th August 1944. All of them rejoined.

Mr. H. A. Sathar H. Essak Salt: With reference to part (b), the Honourable Member has not told us what is the cause of the strike?

The Honourable Sir Edward Benthall: I have been asked to lay a statement on the table which I did.

Mr. H. A. Sathar H. Essak Salt: Part (b) asks for a specific reply?

The Honourable Sir Edward Benthall: It covers both parts.

SIKH REPRESENTATION IN HIGHER POSTS OF THE SUPPLY DEPARTMENT

107. ***Sardar Sant Singh:** (a) Will the Honourable the Supply Member please state the number of posts under him carrying salaries between Rs. 500 and Rs. 750, Rs. 750 and Rs. 1,000, Rs. 1,000 and Rs. 1,500, Rs. 1,500 and Rs. 2,000 and above on the 1st of November, 1944, separately? How many of them under each category are held by (i) Europeans, (ii) Anglo-Indians, (iii) Christians, (iv) Muslims, (v) Hindus, and (vi) Sikhs?

(b) Since his reply to my question on the subject on the 4th August, 1943, will he please state the number of such new posts under each category which have been created, the number to which promotion was made, and the number of Sikhs promoted and recruited in order to equalise communal inequalities in higher posts so far as Sikhs are concerned?

(c) Will he please state the efforts made by the Department to see that the Sikh community is represented in higher posts in his Department?

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar: (a) and (b). The information required is being collected and will be laid on the table in due course.

(c) It is my constant care to ensure that Sikhs, in the same manner as other Minority communities, get a due share in all ranks of the Supply Department. The importance of observing the orders on the subject of communal representation is well understood by the heads of offices under my Department.

Sardar Sant Singh: I thank the Honourable Member for the answer. May I ask, if it is a fact that since the last reply was given there is a possibility of Sikhs in the higher grades and the communal proportion is made up by including the numbers which are in the ministerial or lower grade?

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar: I have asked for information. It is being collected. Probably the Honourable Member will repeat his question when I have laid that information on the table of the House.

COMMUNAL COMPOSITION IN HIGHER POSTS OF CERTAIN OFFICES UNDER POSTS AND AIR DEPARTMENT

108. *Sardar Sant Singh: (a) Will the Secretary for Posts and Air please state the number of posts carrying monthly salaries of Rs. 500 to Rs. 750, Rs. 750 to Rs. 1,000, Rs. 1,000 to Rs. 1,500 and Rs. 1,500 and above in (i) the Department of Posts and Air, (ii) the Indian Meteorological Department, (iii) the Civil Aviation Office, and (iv) the Posts and Telegraphs Directorate?

(b) How many posts under each category are held by (i) Europeans, (ii) Anglo-Indians, (iii) Hindus, (iv) Muslims, (v) Sikhs, and (vi) others?

Mr. W. H. Shoobert: (a) and (b). A statement giving the required information is laid on the table.

Statement showing the number of posts carrying rates of pay above Rs. 500 and their distribution community-wise

Monthly Salary	Total Number of posts	Euro-peans	Anglo Indians	Hindus	Muslims	Sikhs	Others
<i>Posts and Air Department (Secretariat)</i>							
Rs. 500—750	2	..	1	..	1	..	..
Rs. 750—1,000	..	..	..	..	..	..	..
Rs. 1,000—1,500	1	..	..	1	..	..	..
Rs. 1,500 and above	2	..	..	1	1	..	..
<i>Posts and Telegraphs Directorate</i>							
Rs. 500—750	10	1	..	7	2	..	..
Rs. 750—1,000	10	..	2	7	1	..	..
Rs. 1,000—1,500	5	..	..	3	2	..	..
Rs. 1,500 and above	13	8	1	2	1	..	1
<i>Civil Aviation Office</i>							
Rs. 500—750	5	1	1	3	..	..	..
Rs. 750—1,000	6	1	..	4	..	1	..
Rs. 1,000—1,500	2	2	..	..	..	..	..
Rs. 1,500 and above	4	4	..	..	..	..	..
<i>India Meteorological Department</i>							
Rs. 500—750	14	..	..	14	..	..	..
Rs. 750—1,000	6	..	..	5	1	..	..
Rs. 1,000—1,500	11	..	..	10	..	..	1
Rs. 1,500 and above	2	1	..	1	..	..	..
TOTAL	93	18		75 for Indians.			

Sardar Sant Singh: May I ask the Honourable Member if it is a fact that in the case of Superintendents, certain recommendations were made by the Departmental heads down below which included the names of some Sikhs, but those recommendations were overlooked and the claims of Sikhs were passed over in favour of junior men.

Mr. W. H. Shoobert: I am not quite clear as to what posts the Honourable Member is referring to in the posts of Superintendents.

Sardar Sant Singh: Superintendent of Post offices.

Mr. W. H. Shoobert: I am not at all clear either as to whether promotions or selections are referred to. In the original question the Honourable Member wants information regarding certain posts carrying certain salaries. If

the Honourable Member can be a little more specific, I might be able to give him some information.

Sardar Sant Singh: Is it a fact that the senior-most Sikhs are being superseded by men occupying sometimes 73rd place in the seniority list simply because they happen to belong to Muslim community and the senior-most men belong to the Sikh community.

Mr. W. H. Shoobert: My answer to that question is that it is not a fact that there has been any supersession simply because an officer belonged to the Muslim community.

Sardar Sant Singh: Will the Honourable Member give me an assurance that seniority will be considered in selection, as seniority is one of the factors which has to be taken into consideration along with efficiency?

Mr. W. H. Shoobert: I can assure the Honourable Member that seniority, which means general added experience, is certainly a factor which is taken into consideration when recommendations are made regarding promotions.

COMMUNAL COMPOSITION IN HIGHER POSTS OF THE RAILWAY BOARD

109. ***Sardar Sant Singh:** (a) Will the Honourable Member for Railways please state the number of posts carrying monthly salaries of Rs. 500 to Rs. 750, Rs. 750 to Rs. 1,000, Rs. 1,000 to Rs. 1,500 and Rs. 1,500 and above in the Railway Board?

(b) How many of these are held by (i) Hindus, (ii) Muslims, (iii) Sikhs, and (iv) others?

The Honourable Sir Edward Benthall: (a) A statement showing the information required by the Honourable Member is placed on the table of the House.

(b) The numbers by communities are shown in the statement.

Number and communities of officers on the scales of pay mentioned in part (a) of the question, in the Railway Board's Office.

Scale of Pay	Hindus	Muslims	Sikhs	Others	Total
Rs. 500—750	9	3	2	2	16
Rs. 750—1,000	5	1	..	2	8
Rs. 1,000—1,500	3	1	..	9	13
Rs. 1,500 and above	8	4	..	13	25
Total	25	9	2	26	62

COMPLAINT RE MANNER OF POSTAL INSPECTORS' SELECTION

110. ***Mr. Lalchand Navalrai:** Has the attention of the Honourable Member for Posts and Air been drawn to a contribution in the *Sind Observer*, Karachi, dated the 12th September, 1944, under the caption "Postal Inspectors Selection"? If so, what steps does the Honourable Member propose to take to remove the complaint regarding the actual selection by local officials by interview after the competitive examination instead of having the interview before the competitive examination?

Mr. W. H. Shoobert: Yes. Government have examined the proposal but do not see any reason to alter the existing rules.

Mr. Lalchand Navalrai: May I know what are the reasons for holding a competitive examination first and then holding an interview and then turning them out? Is it fair?

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

Mr. Lalchand Navalrai: Will it not be advantageous to hold the interview first and then hold the competitive examination, so that no time is lost and no unnecessary trouble is given.

Mr. W. H. Shoobert: May I explain to the Honourable Member that it would really be difficult to interview all the candidates before the examination for promotion to posts of Inspectors. They are a very large number

indeed and it would be waste of time for the Selection Committee to interview all candidates. Such an arrangement would entirely stultify the rules. It is a well known fact that in making selections for instance even to Indian Civil Service, the Federal Public Service Commission interview only those candidates who qualify themselves in the written examination. The same principle has been adopted in the case of examinations for promotions to Inspectors of Post Offices.

Mr. Lalchand Navalrai: May I point out that in view of the fact that there are large numbers of candidates for the examination, it would be advantageous to have the interview first and thus eliminate the candidates and restrict the number who sit for the written examination? Is that not a better course?

Mr. W. H. Shoobert: My reply to that is that although any men with good records and with five years service in clerical grades of the Department, are allowed to appear in the examination a great many of these men entirely fail to get anything like qualifying marks. Some of them might possess good personality and they might be selected to appear at the examination under the system proposed. With all due respect to the Honourable Member that system which he recommends would be entirely unworkable.

INDECENT REMARKS MADE BY AN S. T. E. TO A SECOND CLASS LADY PASSENGER

111. ***Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Railways be pleased to refer to the information contained in a cutting of the *Railway Herald*, Karachi, dated the 18th September, 1944, to the effect that on or about the 6th September, 1944, an S.T.E. Railway seeing a respectable 2nd class lady passenger going out of the train all alone approached her and made indecent remarks which made her angry and she threw at his head a vessel that she was carrying and also gave him a thrashing with her sandals?

(b) Is it a fact that this case is being hushed up? If so, who is responsible for such a conduct?

(c) What steps does the Honourable Member propose to take in this case as these days even veiled ladies travel all alone?

The Honourable Sir Edward Benthall: (a) I have seen the cutting of the *Railway Herald* referred to by the Honourable Member. The account is grossly inaccurate.

(b) and (c). The reply to the first part of (b) is in the negative. The second part of (b) and part (c) do not arise.

Mr. Lalchand Navalrai: If the information is inaccurate, may I know if the Honourable Member has got correct information?

The Honourable Sir Edward Benthall: I can merely inform the Honourable Member that the lady herself and her son contradicted the allegations regarding indecent remarks; they also contradicted the statement that the lady threw a vessel at the head of the Special Ticket Examiner, or that she gave him a thrashing with her sandals or otherwise. Both of them further maintain that the newspaper report is quite baseless and highly exaggerated and they made a statement duly attested by a Magistrate to this effect.

Mr. Lalchand Navalrai: But did this incident take place at all?

The Honourable Sir Edward Benthall: No, Sir; not in the terms mentioned.

ACCOUNTS OF POSTS AND TELEGRAPHS STORE AND DAIRY AT KARACHI.

112. ***Seth Yusuf Abdoola Haroon:** (a) Will the Secretary for Posts and Air be pleased to state whether it is a fact that there are serious complaints regarding the management and accounts of the Posts and Telegraphs Store and Dairy at Karachi?

(b) If the reply to (a) above is in the affirmative, what is the result of enquiries, if any, made by the Government?

Mr. W. H. Shoobert: (a) The Government of India have received no representation in this matter but they understand that the Director-General has made an enquiry in view of certain statements which came to his notice unofficially and is satisfied that the complaints are not justified.

(b) Does not arise.

COMMUNAL TREND OF ARTICLES IN *POSTAL SENTINEL*, KARACHI

†113. *Seth Yusuf Abdoola Haroon: (a) Is the Secretary for Posts and Air aware of the articles published monthly in the *Postal Sentinel*, Karachi, an organ of the All-India Postal and R.M.S. Union Provincial Branch, Karachi?

(b) If the reply to (a) above is in the affirmative, have the Government taken note that these articles are breeding communal hatred between the Hindu and Muslim Postal staff of the Sind and Baluchistan Circle? If so, what action do the Government propose to take in the matter?

Mr. W. H. Shoobert: (a) Yes.

(b) No; the second part of the question does not arise.

ANTI-MUSLIM ACTIVITIES OF THE ALL-INDIA POSTAL AND RAILWAY MAIL SERVICE UNION, PROVINCIAL BRANCH, KARACHI

†114. *Seth Yusuf Abdoola Haroon: (a) Is the Secretary for Posts and Air aware of the activities of the All-India Postal and Railway Mail Service Union, Provincial Branch, Karachi, against the Muslim employees of that Department, and persecution of the Muslim staff through its official organ *Postal Sentinel*?

(b) Will the Government call for the correspondence exchanged by this Union with the Director of Posts and Telegraphs, Karachi, to verify the statement made in (a) above?

(c) In case his reply to (a) above be in the affirmative, do the Government propose to take remedial steps in this direction?

Mr. W. H. Shoobert: (a) No.

(b) If a specific instance or instances of alleged persecution can be given, the suggestion will be considered.

(c) Does not arise.

EXTENSIONS OF SERVICE IN SIND AND BALUCHISTAN POSTAL CIRCLE

†115. *Seth Yusuf Abdoola Haroon: (a) Will the Secretary for Posts and Air please state if it is a fact that a number of postal officials of different categories are on extension of service in the Sind and Baluchistan Circle?

(b) What is the ground for granting these extensions?

(c) Are Government aware that these extensions are adversely affecting the promotion of younger deserving officials?

(d) If reply to (c) is in the affirmative, do Government propose to issue orders to cancel the extensions already granted?

Mr. W. H. Shoobert: (a) Extension of service has not been granted to any official in the Sind and Baluchistan Circle but some postal officials have been retained in service in certain categories beyond the age of 55 years.

(b) Under the rules, the officials in these categories should ordinarily be retained in service up to the age of 60 years provided they continue to be efficient.

(c) The matter is under examination.

(d) No.

ISHURDI-PABNA-SADHUGANJ RAILWAY PROJECT

116. *Mr. Akhil Chandra Datta: Will the Honourable Member for Railways be pleased to state if any action has been taken or is under contemplation for the opening of the Ishurdi-Pabna-Sadhuganj Railway project?

The Honourable Sir Edward Benthall: No action has been taken for the construction of the Ishurdi-Pabna-Sadhuganj Railway. This project will be considered along with others when the post-war plans for the area are being finalised.

BEGGAR NUISANCE AT RAILWAY STATIONS

117. *Mr. Manu Subedar: (a) Has the attention of the Honourable Member for Railways been drawn to the increasing and clamant beggary at all Railway stations in India?

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

(b) Have Government taken any steps since the war to ask Railway officials and the station staff to abate this nuisance?

(c) What steps do Government propose to take in future to prevent the hardship to passengers and the trespass on Railway property at the hands of beggars?

The Honourable Sir Edward Benthall: (a) to (c). Government are aware of the nuisance caused by beggars at railway stations and have issued instructions to Railway Administrations to take active measures in collaboration with the Government Railway Police to eradicate the evil.

Mr. Manu Subedar: Have Government instructed the station staff, that is all men on the station, ticketmen, cleaners and everybody else, to remove these people and stop them from annoying the passengers, that is, make it the duty of the whole staff and not merely of the railway police?

The Honourable Sir Edward Benthall: That is so, but the staff have other duties to attend to also.

Mr. T. T. Krishnamachari: May I ask when these instructions were issued?

The Honourable Sir Edward Benthall: The general rules were altered in 1941 to give the railways and the police greater powers in this matter. A letter was recently issued to the Provincial Governments; I have not got the date with me but I think it was about August.

Mr. T. T. Krishnamachari: Has the Honourable Member satisfied himself that any improvement in the position has been effected?

The Honourable Sir Edward Benthall: No, Sir. The evil continues and one of the troubles, of course, is the generosity of the public who encourage beggars and make it worth their while.

Sir Muhammad Yamin Khan: Who will see to the enforcement of these things in stations where there are no railway police?

The Honourable Sir Edward Benthall: The railway staff will do their best to do so, but, as I said, they cannot make it their sole occupation.

Mr. N. M. Joshi: Are Government aware that the public is generous to the beggars because Government have provided no place where their poverty can be relieved and they may be taken care of?

The Honourable Sir Edward Benthall: It is illegal for persons, whether they are in possession of a ticket or not, to solicit alms or subscriptions or charity in any part of the railway premises or trains.

Mr. N. M. Joshi: Therefore will Government take steps to establish some poor houses and pass legislation by which their needs will be provided for?

The Honourable Sir Edward Benthall: That is not a question for the Railway Department.

Mr. Sri Prakasa: Surely a part of the savings of the Railway Department can be set apart for a poor house like that?

The Honourable Sir Edward Benthall: We endeavour to stop this evil which, I understand, is the wish of the House, and therefore have made it illegal to solicit alms or charity on railway premises or trains.

SHIPPING AVAILABLE FOR CIVILIAN GOODS

118. ***Mr. Manu Subedar:** (a) Will the Honourable Member for War Transport be pleased to state the amount of shipping, as compared with the two years before the outbreak of the war, available for civilian goods in connection with (i) overseas trade, and (ii) coasting trade?

(b) What steps have Government taken to increase the tonnage available for these purposes?

(c) What is the basis on which available shipping space is assigned to various firms and various classes of goods?

The Honourable Sir Edward Benthall: This question concerns the Honourable Member for Commerce who will reply to the question in due course.

BOMBAY EXPLOSION

119. ***Mr. Manu Subedar:** (a) Having regard to the explosion in Bombay, will the Honourable Member for War Transport please state what steps Government are taking to secure the recoupment of the compensation moneys paid by them?

(b) What is the total amount of compensation either paid or estimated to be payable in connection with this explosion?

(c) Is it a fact that Government have not assisted in the rebuilding of this area and more particularly of the warehouses and other business buildings?

(d) Is it a fact that the explosion occurred on the 14th of April, 1944, and not a single building has been put up and ready for actual use after the lapse of six months in one of the most important business localities of Bombay, and that this delay is entirely due to the intransigence of the Defence Department in releasing building material?

The Honourable Sir Edward Benthall: (a) The matter is under consideration.

(b) It will not be possible to prepare an estimate till all the claims have been received, i.e., till after the 30th November.

(c) It is not a fact. Government have given the fullest possible assistance in the rebuilding of the damaged area. The reconstruction work in the docks undertaken by the Army authorities is proceeding according to plan and all the assistance asked for by the Port Trust has been and is being given. As regards the city area outside the port, the Bombay Government received 66 applications for reconstruction of godowns all of which have been dealt with and release of materials arranged by the controlling authorities concerned.

(d) The answer to the first part of the question regarding the date of the explosion is 'Yes' and the answer to the rest of the question is 'No'. In the port area reconditioning of warehouses and godowns is proceeding apace. In the Elphinstone Estate, several buildings have been reconditioned and in the city area outside the port, about 30 buildings have been erected and plans for reconstruction prepared for many more.

Mr. Manu Subedar: With reference to part (a) may I know whether the Government of India have written to His Majesty's Government and whether the War Cabinet have considered the question that the great losses involved in the accident are a direct responsibility of the Allied Nations and that the Government of India should be recouped?

The Honourable Sir Edward Benthall: Some very intricate legal and technical questions are involved which I should be in a better position to answer when they have received further consideration.

Mr. Manu Subedar: My question was, whether Government have written to His Majesty's Government on this subject, if there has been any correspondence, and if the matter has been brought before the War Cabinet by the representatives of India.

The Honourable Sir Edward Benthall: The matter has been raised with His Majesty's Government.

Mr. N. M. Joshi: Will the Government of India distribute copies of the Report to Members of the Legislature?

The Honourable Sir Edward Benthall: Yes, Sir: I have no objection. If there is a general wish I shall do my best to get copies produced for Members before the end of the Session, i.e., for those who may want them.

Mr. Manu Subedar: Will the Honourable Member assure this House that there has been no delay in the issue of materials to the Bombay Municipality who are putting up houses to house the de-housed population of this locality, and godowns. Not one godown is functioning today; more than six months have passed and not one godown has been completed for the trade. The Honourable Member has mentioned about the reconstruction work that is going on in the docks for the Army, I am talking of the civil population. Why are the Government so negligent with regard to the needs and requirements of the civilian population?

The Honourable Sir Edward Benthall: I entirely deny that Government are negligent or have been negligent in this matter. The Army, I understand, have done a great deal in clearing the Elphinstone Estate and a certain amount in re-roofing the grain market; and I think other buildings. Government set aside some iron and steel for the paft outside the Docks but they subsequently found that this iron and steel was not wanted at that time. I think it is a fact that no demands were received by the Bombay Government from anybody before September 1st, and I think this is an attributable fact that during the monsoon it is not possible to do building reconstruction. As I said in my answer, I think that all demands for materials have been adequately met.

Mr. Mannu Subedar: Will Government now and hereafter, at all events, be liberal in the issue of building materials for the construction of trade godowns and firms' offices as well as for the construction of residential buildings for the population which has been de-housed?

The Honourable Sir Edward Benthall: So far as I am aware, within the limits of the availability of supply, Government always have been liberal in this matter.

Mr. T. T. Krishnamachari: May I ask whether the Honourable Member is aware that the Government resolution on the interim report is a deliberate attempt at white-washing the responsibility of the representative of His Majesty's Government's War Transport Department in India, and if that would not mitigate against the financial aid that they expect to get from His Majesty's Government?

The Honourable Sir Edward Benthall: No, Sir.

COAL POSITION

120. *Mr. Mannu Subedar: (a) Will the Honourable the Supply Member be pleased to state the figures of the export of coal from India two years before the war and during each of the years after the outbreak of the war?

(b) Is it a fact that Indian coal was exported to Greece and other destinations in the Mediterranean?

(c) Is it a fact that convoy ships were supplied with Indian coal for their fuel requirements?

(d) How much coal was exported on account of the military from India during each of the years of the war?

(e) How much additional demand for coal has arisen in the country after the war, and for what purposes?

(f) What has been the increase in the consumption of coal by the Railways?

(g) How many factories in India, since July last, have been compelled to close down on account of the coal shortage?

(h) Are there any factories or class of factories which were asked to close down on the plea that they would not be given any more coal?

(i) Has the situation materially improved since the appointment of the Coal Controller? If so, in what way?

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar: (a) A statement showing coal exports from British India during the seven years 1937-38 to 1943-44 is laid on the table of the House.

(b) Yes.

(c) Coal burning ships in convoy which call at Indian ports are supplied with Indian coal as and when necessary.

(d) It is not in the public interest to disclose the amount of coal that was exported from year to year on account of military requirements.

(e) The average consumption of coal during the first three years of war was about two million tons more than the average for three years preceding the outbreak of war. This was largely due to the increased requirements of the Railways, the Defence Services and the Industries. Since 1943, the consumption of coal has shrunk. This is because of the fall in the output. Government have met the situation as far as possible by introducing coal rationing and various fuel economy measures, and by steadily reducing exports of coal.

(f) The average monthly consumption in 1943-44 exceeded that in 1938-39 by 122,000 tons.

(g) I regret I have no information. If the Honourable Member has any particular cases in mind I shall have them investigated.

(h) No factories or class of factories have been asked to close down solely on account of coal shortage. So far as the Re-Rolling Mills are concerned I would draw the attention of the Honourable Member to my reply to the supplementary questions asked by him on 1st November, 1944.

(i) I would draw Honourable Member's attention to the answer given by me in the Legislative Assembly on the 1st November, 1944, to parts (a), (b), (d) and (e) of Mr. Neogy's Starred Question No. 17.

Exports of coal from British India during the seven years 1937-38 to 1943-44

	Quantity (in thousands of tons)
1937-38	1,006
1938-39	1,321
1939-40	1,991
1940-41	1,915
1941-42	1,513
1942-43	326
1943-44	156

Mr. Mann Subedar: With regard to part (c), may I know whether coal supply to the Convoy Ships inside the Indian harbours is not included in the export figures?

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar: No, Sir. It is Bunker coal that is supplied. It is not included in the export figures.

DESIRABILITY OF RUNNING A MORNING TRAIN ON LUDHIANA-DHURI-JAKHAL LINE

121. *Sardar Mangal Singh: Will the Honourable Member for Railways please state:

(a) whether it is a fact that on the Ludhiana-Dhuri-Jakhal Line all the three trains, Nos. 411, 265 and 407, reach Ludhiana in the evening at 14-55, 19-10 and 22-00 and that there is no train which reaches Ludhiana before noon;

(b) whether the Honourable Member is aware that there was a morning train which used to reach Ludhiana at 10 A.M., the discontinuation of which has caused great inconvenience to the public; and

(c) whether he proposes to instruct the Agent, North Western Railway, that train No. 265 should be started from Jakhal at 5-30 A.M. instead of at 14-40 as before?

The Honourable Sir Edward Benthall: (a) The reply is in the affirmative so far as passenger trains from Jakhal to Ludhiana are concerned.

(b) Prior to 1st May 1944, there was a train which used to leave Jakhal at 5-15 and reach Ludhiana before 10-00 A.M. Government are, however, not aware that the change in the timings of this train has caused any inconvenience to the public.

(c) No, as it would entail the provision of an additional rake and engine, which, in the present day circumstances are difficult to provide.

Sardar Mangal Singh: With regard to part (b), does the Honourable Member think that Government is not aware that it has caused inconvenience to the public?

The Honourable Sir Edward Benthall: It is a question of greater convenience really. The Service, I understand, was changed in order to provide a better connection with five Main Line Mail trains thereby giving greater convenience to the public.

Sardar Mangal Singh: Does the Honourable Member realize that there are three trains reaching in the afternoon and none reaching in the morning?

The morning train used to bring litigants from a number of stations, and since this train has been discontinued, the litigants have to arrive one day earlier. Surely it has caused them great inconvenience and if the Honourable Member wants any representation, that can be sent.

The Honourable Sir Edward Benthall: Yes, Sir. But against that has to be set the fact that if the alteration had not been made, the passengers arriving in the middle of the night would have to wait till the afternoon. This matter is for the Local Advisory Committee and if the Honourable Member will arrange to raise the matter with them, it will undoubtedly be dealt with satisfactorily.

Mr. Sri Prakasa: Will the Honourable Member consider the desirability of discontinuing further trains in order to discourage litigation?

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

PROPOSALS FOR APPOINTMENT OF INDIAN CONSUL AT MOSCOW AND RUSSIAN CONSUL AT DELHI

121A. *Sardar Mangal Singh: Will the Foreign Secretary please state:

(a) whether there are any proposals under consideration for the appointment of an Indian Consul at Moscow, and Russian Consul at Delhi; and

(b) if the answer to (a) be in the affirmative, whether Government are in a position to assure the House that an Indian will be appointed to this post?

Sir Olaf Caroe: (a) No, Sir.

(b) Does not arise.

Sardar Mangal Singh: May I know if the Government of India has made any representation to His Majesty's Government about this matter?

Sir Olaf Caroe: No, Sir.

Mr. Badri Dutt Pande: Has there been any correspondence between the United Kingdom and the Indian Government on this subject.

Sir Olaf Caroe: No, Sir.

Mr. N. M. Joshi: May I ask whether the Government of India are aware of the fact that some questions were asked in the House of Commons about this, and whether Government propose to take any action in the matter?

Sir Olaf Caroe: I saw a press report of the question in the House of Commons. As far as I am aware, the answer was on the same lines as I have just given. Where the information came from, I have no idea.

UNSTARRED QUESTIONS AND ANSWERS

PROPOSAL FOR ALLOWING SECOND CLASS PASSES TO INSPECTORS AND ASSISTANT INSPECTORS ON STATE RAILWAYS

29. Sardar Sant Singh: (a) Will the Honourable Member for Railways be pleased to state whether the question of allowing second class passes to Inspectors and Assistant Inspectors in Indian State Railways, irrespective of pay, was under consideration of the Railway Board? If so, how was the same disposed of?

(b) Is it a fact that these Inspectors and Assistant Inspectors travel in Inter and Third Classes along with their labour? Does it not affect the discipline of the service?

(c) Is it a fact that some of the Assistant Inspectors of Works get Third Class passes on the North Western Railway, while the staff working under them such as Works Mistries, are given Inter Class passes?

(d) Is it a fact that these very Assistant Inspectors of Works issue and sign Inter Class passes, while they themselves are given Third Class passes?

(e) Do Government propose to revise pass rules with a view to do away with the anomalies referred to above and permit the issue of higher class duty passes to all Inspectors and Assistant Inspectors? If not, why not?

The Honourable Sir Edward Benthall: (a) Yes. The matter referred to was considered in 1941, when the Railway Board decided that there was no justification to depart from the rules in force on the subject.

(b) In some cases, yes. As regards the second part, the answer is in the negative.

(c) Yes, in two cases.

(d) One of the Assistant Inspectors referred to in reply to part (c) above is delegated with powers to issue and sign Inter Class Passes.

(e) No. The class of pass admissible to a Railway employee is determined by the pay he is drawing, and though this rule may, in rare cases, result in such anomalies, as pointed out by the Honourable Member, Government consider that on the whole the rule is sound.

DIFFERENCE IN SCALES OF PAY OF THE TWO CADRES OF TELEGRAPH MASTERS

30. Sardar Sant Singh: (a) Will the Secretary for Posts and Air please state if it is a fact that there is a huge difference in both the initial and the maximum pay of the two cadres of Telegraph Masters, i.e., the Station Service and the General Service?

(b) Is it a fact that the nature of duties performed and the responsibilities shouldered by both the classes of Telegraph Masters are the same?

(c) If the reply to (a) above be in the affirmative, are the Government prepared to remove the anomaly, or to explain in what respect do their duties and responsibilities differ?

(d) Is it a fact that the maximum pay of a Station Service Telegraph Master is less than the maximum pay of a General Service Telegraphist whose work the former supervises?

(e) Is it a fact that some General Service Telegraph Masters were transferred to Station Service at their request whereas similar requests of Station Service Telegraph Masters for transfer to General Service have been turned down?

(f) Why were the conditions of service relaxed in the case of General Service Telegraph Masters for transfer to Station Service and the same refused in the case of Station Service Telegraph Masters for transfer to General Service?

(g) If the reply to (a), (b), (c), (d), (e) and (f) be in the affirmative, will the Government consider the removal of existing discontentment amongst the Station Service Telegraph Masters (who constitute an important portion of the Supervisory staff) by transferring them to General Service? If not, why not?

(h) Do not the Government consider it necessary in the interest of efficiency of service that Station Service Telegraph Masters, like General Service Telegraph Masters, should have varied experience of different offices in different Circles prior to promotions?

(i) Will it not be fair that the scales of pay for both the categories of Telegraph Masters be the same except that those accepting transfers be granted house-rent allowance?

Mr. W. H. Shoobert: (a) There is a difference but it is not huge.

(b) Yes.

(c) There is no anomaly; the conditions of service of Station Service Telegraph Masters and General Service Telegraph Masters are not the same; their scales of pay are therefore different.

(d) Yes, but in certain cases only where it is unavoidable.

(e) The fact as stated by the Honourable Member is substantially correct.

(f) Because it was in the interests of Government to do so.

(g) Does not arise in view of the reply to part (f).

(h) No.

(i) No, because the conditions of service of General and Station Service Telegraph Masters regarding liability to transfer are not the same.

ABSORPTION OF STATION SERVICE TELEGRAPH MASTERS INTO GENERAL SERVICE

31. Sardar Sant Singh: Is the Secretary for Posts and Air aware of the Director General's letter No. A. 4-37/42, dated the 25th February, 1942, in which he expresses his inability for immediate absorption of Station Service Telegraph Masters into General Service? Will the Government state if they are prepared to absorb gradually? If so, when?

Mr. W. H. Shoobert: The reply to the first part of the question is in the affirmative. The reply to the second part is in the negative. The concluding part of the question does not arise.

DIVISION OF FRUIT VENDING CONTRACTS AT CERTAIN STATIONS ON NORTH WESTERN RAILWAY

32. Bhai Parmanand: Will the Honourable Member for Railways please state:

(a) if it is a fact that the North Western Railway Administration in April, 1940, divided the Fruit Vending Contracts of certain stations against the policy laid down by the Central Government *vis*:—"where contractors of any community have rendered long and satisfactory service the division of the contract should be unnecessary"; if so, the reasons therefor, and whether such divisions were also made on other State-managed Railways; if so, who they are;

(b) if it is a fact that the North Western Railway Administration in conformity with the said policy circulated a letter, No. 28-AC, dated the 17th June, 1940, to Divisional Superintendents stating therein that these contracts as and when fall vacant are to be granted to the original Fruit Vending Contractors; if so, how many since then have been granted to the original Fruit Vending Contractors; if none, the reasons therefor.

The Honourable Sir Edward Benthall: (a) No, and as far as Government are aware such divisions have not been made on other State-managed Railways.

(b) The reply to the first part is in the affirmative. As regards the second part, the fruit vending contract at Bhatinda which had been divided before the issue of the Railway Board's orders of May 1940, has been restored to the original vendor. The occasion for such restoration has not arisen at other stations where the contracts had been divided.

VACATION TO TRAIN EXAMINERS TRAINING SCHOOL AT JAMALPUR

33. Bhai Parmanand: Will the Honourable Member for Railways please state:

(a) if it is a fact that the school for training Train Examiners at Jamalpur on the East Indian Railway remained closed from the 1st day of May, 1944 to the 14th day of August, 1944; if so, the reasons therefor;

(b) if it is a fact that the staff of the said school was utilized in capacities outside the cadre of the school and their pay and allowances were charged against the school; if not, what the true fact is; and

(c) If it is a fact that for training students were detailed more than once for those periods by the respective Divisions but they had to come back without receiving any training; if not, what the true fact is; if so, the reasons for the unnecessary expenditure, and whether it was a practice to close the school for vacations in the past; if not, why the new procedure was adopted?

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

PRESS NOTES ON CONVICTION OF RAILWAY SERVANTS FOR CORRUPTION AND BRIBERY

34. Bhai Parmanand: Will the Honourable Member for Railways please state if it is the policy of the Central Government to publish press notes on conviction of Railway servants for corruption and bribery and not to publish or to refer in those press notes the admission of their appeals against those convictions and of their acquittals?

The Honourable Sir Edward Benthall: Press notes are published when convictions of railway servants are obtained but Government do not receive information regarding admission or acceptance of appeals till a considerable time has elapsed after the issue of the original press notes. Government will however attempt to publish this information when possible.

TRAVELLING ALLOWANCE PAID TO CERTAIN TICKET INSPECTING STAFF ON EAST INDIAN RAILWAY

35. Bhai Parmanand: Will the Honourable Member for Railways please refer to the Railway Board letter No. 822-E.G., dated the 22nd December, 1932, viz:—"While the Railway Board are convinced that there is no justification for paying the ticket-Inspecting or Examining staff mileage allowance as running staff, the Governor General has accordingly decided that as an *ex-gratia* measure the following scales of monthly consolidated travelling allowances should be sanctioned to such employees:—

Staff drawing less than Rs. 100	Rs. 35 per mensem ;
Rs. 100 or over but less than Rs. 200	50 per mensem ; and
Rs. 200 and over	65 per mensem ; "

and state the rate of the travelling allowance paid in each Division on the East Indian Railway to (i) Junior Inspectors, (ii) Senior Inspectors, and (iii) Chief Inspectors, appointed from the staff and who held permanent posts of Travelling Ticket Inspectors prior to the introduction of the crew system in Howrah, Asansol, Dinapur, Allahabad, Lucknow and Moradabad Divisions, respectively, and the reasons for the difference if any in the rate of payment in any Division?

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

INCREASE IN ALLOWANCES OF RUNNING AND OTHER STAFF

36. Bhai Parmanand: Will the Honourable Member for Railways please state:

(a) the rate of increase in the daily allowance of the staff other than Running Staff;

(b) the rate of increase in the daily or mileage allowance of the Running Staff; and

(c) the rate of increase in the daily (consolidated or *ex-gratia* measure) allowance for the Running Staff; and state the reasons for the difference in the rate of increase, if any, for the said staff since March, 1944?

The Honourable Sir Edward Benthall: The distinctions made by the Honourable Member in the various parts of this question are not very clear, and with your permission, Sir, I propose to deal with the question as a whole.

Railway staff, other than running staff, draw daily allowance for journeys by rail or absence from headquarters and mileage allowance for journeys by road. The rates of daily allowance have been increased by 33½ per cent. for inferior servants and 50 per cent. for subordinates and the rates of mileage allowance have been increased at different rates from 25 per cent. to 50 per cent.

Certain categories of staff like travelling Ticket Inspectors, Road Van Clerks and running Parcel Clerks draw consolidated travelling allowance at a certain rate and this rate of allowance has been increased by 25 per cent.

Running staff, which term includes railway servants like Drivers, Guards, Firemen, etc., who perform duties directly connected with the movement of running trains, draw running allowance, which, subject to certain limits, is treated as pay for all purposes. It has been recognised that a certain portion of this allowance is of the nature of a compensatory allowance and is analogous to T. A. given to other staff. It is considered that this portion does not exceed 25 per cent. of the running allowance. On this basis an increase equal to 10 per cent. of the running allowance for those who earn running allowance of Rs. 60 a month and under 6½ per cent. subject to a minimum of Rs. 6 for those who earn running allowance of Rs. 61 and above has been sanctioned. This gives an increase over the compensatory portion of the running allowance of 40 per cent. and 25 per cent. respectively.

The increase in daily and road mileage allowances was sanctioned from the 1st March 1944 and that in consolidated travelling allowance with effect from 1st May 1944 and that in running allowance from 1st July, 1944.

EXPENDITURE AND INCOME ON CHEAP SUPPLY TO RAILWAY SERVANTS SCHEME AND AMOUNT OF DEARNESS ALLOWANCE PAID

37. Bhai Parmanand: Will the Honourable Member for Railways please lay a comparative statement of the expenditure and income on the Cheap Supply to Railway Servants Scheme per head, together with the amount of dearness allowance paid per head in kind and in coin, respectively?

The Honourable Sir Edward Benthall: The figures for the half year ending September 1944 are as follows:—

	Rs.	A.	P.
The average wholesale cost of goods sold per employee per month	19	13	0
The average cost of retailing including freight, losses and all other overheads, per employee per month	1	3	0
Total average expenditure on the scheme per employee per month	21	0	0
Average receipt per employee per month	14	4	0
Nett cost per employee per month	6	12	0
Average retail cost in the bazaars of goods sold in the Railway shops per employee per month plus cost of retailing	22	8	0
Value of relief (dearness in kind) per employee per month	8	4	0

The Honourable Member will find the various rates of dearness allowance in coin per head notified in the Railway Department's notification No. E. 44-D.A. 11, dated 1st March 1944, as subsequently amended by notification No. E. 44-D.A. 11, dated 2nd October 1944, a copy of each of which is in the Library of the House.

MOTION FOR ADJOURNMENT

SIND GOVERNMENT'S BAN ON CHAPTER XIV OF SATYARTH PRAKASHA

Mr. President (The Honourable Sir Abdur Rahim): I have received a notice from Bhai Parmanand of his intention to move an adjournment of the House to discuss a definite matter of urgent and definite public importance, namely, the Sind Government's ban on the 14th Chapter of 'Satyarth Prakasha', which is a sacred book of the Arya Samajists throughout the whole of India.

Why was this ban imposed and when was it imposed?

Bhai Parmanand (West Punjab: Non-Muhammadan): I read it in yesterday's *Tribune*.

Mr. President (The Honourable Sir Abdur Rahim): Why was this ban imposed?

Bhai Parmanand: It was imposed under the Defence of India Rules for security of public peace.

Mr. President (The Honourable Sir Abdur Rahim): When was it imposed?

Bhai Parmanand: I think it was day before yesterday. I read about it in yesterday's *Tribune*.

The Honourable Sir Francis Mudie (Home Member): No ban has been imposed.

Mr. President (The Honourable Sir Abdur Rahim): Has the Honourable Member seen the orders of the Government?

Bhai Parmanand: I have seen the orders in the *Tribune*.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Does the Honourable Member know that a chapter out of that book has been banned?

The Honourable Sir Francis Mudie: No ban has been imposed by the Government of India. If someone else has imposed a ban, I have no knowledge of it.

Mr. Lalchand Navalrai: It is the Sind Government, but it applies to the whole of India.

Mr. President (The Honourable Sir Abdur Rahim): Is it not a provincial matter?

Sardar Mangal Singh (East Punjab: Sikh): Action is under the Defence of India Rules.

Mr. President (The Honourable Sir Abdur Rahim): Was the action taken under the Defence of India Rules?

The Honourable Sir Francis Mudie: The first I heard of it was when I got this notice at two minutes to Eleven. I enquired from my office and I was informed that no such order had been issued. The question has never even been before me.

Sardar Sant Singh (West Punjab: Sikh): Will the Honourable Member please make enquiries?

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): It is a matter on which he can take time and give a reply.

Mr. President (The Honourable Sir Abdur Rahim): Will the Honourable Member please find out and let me know?

The Honourable Sir Francis Mudie: I can find out. The position is this: that these bans are imposed if the local situation makes it necessary. This follows from the delegation of powers to the Provincial Government. It may be that the situation in Sind makes it necessary from the point of view of law and order and it is a question on which it is impossible for us to pass judgment.

Mr. President (The Honourable Sir Abdur Rahim): It is alleged that it is a sacred book of the Arya Samajists and a ban has been imposed on it and it is a matter of public importance. As objection has been taken, those who are for leave being granted please stand up.

(A count was taken.)

As not less than 25 Members are for leave being granted this motion will be taken up at 4 o'clock to-day.

ELECTION OF A MEMBER TO THE STANDING FINANCE COMMITTEE

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that up to 12 Noon on Friday, the 3rd November, 1944, the time fixed for receiving nomination for the Standing Finance Committee, only one nomination was received. As there is only one vacancy I declare Lt.-Col. Dr. J. C. Chatterjee to be duly elected.

THE HINDU CODE, PART I (INTESTATE SUCCESSION).

PETITIONS LAID ON THE TABLE.

Secretary of the Assembly: Sir, under Standing Order 78, I have to report that 134 petitions as per statement laid on the table have been received relating to the Bill to amend and codify the Hindu Law relating to Intestate Succession which was introduced in the Legislative Assembly on the 2nd March, 1943, by the Honourable Sir Sultan Ahmed.

STATEMENT.

Petitions relating to the Bill to amend and codify the Hindu Law relating to intestate succession which was introduced in the Legislative Assembly on the 2nd March, 1943, by the Honourable Sir Sultan Ahmed.

Serial No.	Number of signature	District or town or village	Province
1	123	Madhyananagar	Assam.
2	58	Sylhet	Do.
3	20	Do.	Do.
4	48	Do.	Do.
5	84	Do.	Do.
6	47	Do.	Do.
7	32	Do.	Do.
8	34	Do.	Do.
9	40	Do.	Do.
10	5	Darbhanga	Bihar.
11	15	Do.	Do.
12	10	Do.	Do.

Serial No.	Number of signature	District or town or village	Province
13	295	Darbhanga	Bihar.
14	5	Do.	Do.
15	6	Do.	Do.
16	6	Do.	Do.
17	61	Patna	Do.
18	176	Bankura	Bengal.
19	52	Do.	Do.
20	45	Do.	Do.
21	61	Bogra	Do.
22	147	Do.	Do.
23	443	Do.	Do.
24	70	Burdwan	Do.
25	104	Do.	Do.
26	68	Do.	Do.
27	23	Calcutta	Do.
28	36	Do.	Do.
29	42	Do.	Do.
30	53	Do.	Do.
31	55	Do.	Do.
32	132	Dacca	Do.
33	121	Do.	Do.
34	92	Do.	Do.
35	72	Do.	Do.
36	40	Hooghly	Do.
37	62	Do.	Do.
38	99	Do.	Do.
39	70	Do.	Do.
40	29	Faridpur	Do.
41	28	Do.	Do.
42	846	Do.	Do.
43	111	Do.	Do.
44	64	Do.	Do.
45	108	Jalpaiguri	Do.
46	20	Do.	Do.
47	85	Jessore	Do.
48	143	Do.	Do.
49	56	Do.	Do.
50	66	Do.	Do.
51	12	Do.	Do.
52	61	Khulna	Do.
53	33	Do.	Do.
54	59	Do.	Do.
55	20	Do.	Do.
56	181	Malda	Do.
57	94	Do.	Do.
58	7	Do.	Do.
59	63	Midnapore	Do.
60	17	Do.	Do.
61	19	Do.	Do.
62	64	Murshidabad	Do.
63	113	Do.	Do.
64	174	Do.	Do.
65	71	Do.	Do.
66	71	Do.	Do.
67	71	Do.	Do.
68	27	Do.	Do.
69	118	Dp.	Do.
70	183	Do.	Do.
71	116	Do.	Do.
72	16	Do.	Do.
73	233	Do.	Do.
74	103	Do.	Do.
75	125	Do.	Do.
76	62	Do.	Do.
77	113	Do.	Do.

Serial No.	Number of signature	District or town or village	Province
78	123	Murahidabad	Bengal.
79	124	Do.	Do.
80	24	Do.	Do.
81	30	Do.	Do.
82	62	Do.	Do.
83	49	Mymensingh	Do.
84	30	Do.	Do.
85	193	Do.	Do.
86	65	Do.	Do.
87	165	Do.	Do.
88	56	Do.	Do.
89	125	Do.	Do.
90	40	Do.	Do.
91	98	Do.	Do.
92	73	Do.	Do.
93	44	Do.	Do.
94	86	Do.	Do.
95	132	Do.	Do.
96	149	Do.	Do.
97	42	Do.	Do.
98	64	Do.	Do.
99	71	Do.	Do.
100	30	Do.	Do.
101	15	Do.	Do.
102	114	Do.	Do.
103	53	Do.	Do.
104	37	Do.	Do.
105	46	Do.	Do.
106	116	Do.	Do.
107	80	Do.	Do.
108	762	Do.	Do.
109	70	Do.	Do.
110	148	Do.	Do.
111	107	Do.	Do.
112	392	Do.	Do.
113	11	Do.	Do.
114	85	Do.	Do.
115	96	Do.	Do.
116	66	Nadia	Do.
117	78	Noakhali	Do.
118	171	Do.	Do.
119	67	Do.	Do.
120	47	Pabna	Do.
121	194	Do.	Do.
122	70	Do.	Do.
123	28	Do.	Do.
124	543	Do.	Do.
125	114	24 Parganas	Do.
126	280	Rajshahi	Do.
127	197	Rangpur	Do.
128	114	Tippora	Do.
129	59	Dhu Garu, etc.	Do.
130	46	Dhanigram, etc.	Do.
131	99	Jogpai, etc.	Do.
132	32	Gogra, etc.	Do.
133	30	Salikha, etc.	Do.
134	102	Marupduha, etc.	Do.
G. Total 13,075			

MOTION RE POSITION OF INDIANS IN SOUTH AFRICA AND EAST AFRICA.

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

"That the position of Indians in South Africa and East Africa be taken into consideration."

[Dr. N. B. Khare]

This motion relates to both the cases—South and East Africa. With your permission and indulgence of the House, I would like first to deal with the position in East Africa although I realise that the House is at the moment more exercised over the position of South Africa. I am doing so because in connection with the Resolution moved by the Honourable Mr. P. N. Saprú and accepted by Government at the last Session of the Council of State a detailed discussion took place on the position created by the East African Government's temporary restrictions on the immigration of Indians. I do not repeat here the history of these immigration regulations up to the last Session of the Council of State. If any of the Honourable Members desire further information on any matter of detail I will be only too glad to furnish it later on.

In February and March of this year certain regulations were sprung upon us more or less as a surprise by the Colonial Governments of Tanganyika, Kenya and Uganda. The regulations disallowed the entry of non-natives into these colonies without a permit from their Government. They are to apply without any discrimination to all non-native immigrants and are a purely temporary wartime measure. Normal residents in the colonies are however exempted from the scope of the regulations provided they have not been absent from the colonies for more than two years from the date of the enforcement of these regulations.

When first received, these regulations appeared to be of a comparatively innocuous character. They appeared to be only an extension of the restrictions on the issue of passports which had been introduced in December 1942 without any popular objection, for keeping down the floating population of the colonies as a wartime measure. We had no reason to presume that the measure contemplated interference with the free movement of Indians who are normal residents or have vested interests in those colonies.

Soon after the introduction of the regulations, protests however poured in from East African Indians as well as Indian organisations interested in East Africa. We have made repeated representations to the Colonial Governments and brought to their notice the facts and considerations urged in the various representations received from Indian leaders and also disclosed in the course of the debate in the Council of State. The present position arising out of the representations that have met with some response so far, is as follows:

(a) The Colonial Governments have agreed that entry permits will be granted to all *bona fide* residents of the colonies even though they may have been absent from the colonies for more than 2 years from the date of the enforcement of the Regulations.

(b) The Secretary of State for Colonies after consultation with the three Colonial Governments has now given us the assurance—through the Secretary of State for India—that the Regulations in question in all the three colonies are purely for meeting war-time conditions and are not intended to be permanent.

We realise that the public apprehension that these Regulations are a prelude to a further attempt to the permanent exclusion of Indians from the colonies is understandable. This aspect of the matter has a historical background. The Regulations were also sprung as a surprise on the Indian community and the Government of India was much hustled in the matter. For the present, however, there is no reason to question the genuineness of the assurance that has been given to us that the Regulations will not be made permanent. I can only assure the House that Government shall keep a vigilant eye on all future developments and step in to take remedial measures as soon as there are indications that the Regulations are being prolonged unduly. We have also taken up with the Colonial Governments any hard cases in which permits have been refused and I am glad to say that we have been successful in securing permits in certain recent cases.

I should however inform the House that in any case we are not resting content with the assurance received so far. We have urged upon the Colonial Governments that there are no valid reasons why normal residents of the colonies should even have to submit to the necessity of obtaining permits for

returning to their homes or for looking after their interests in the colonies. We have also forwarded to the Secretary of State for India copies of the debates in the Council of State and have urged most strongly that the following action must now be taken by the three Colonial Governments:

(a) All normal residents (including their families and dependents) in the colonies as well as Indians possessing vested interests in the colonies should be immediately exempted from the operation of the Regulations irrespective of their periods of absence from the colonies.

(b) Such new personnel as has to emigrate to the colonies to replace or reinforce the business staff of the Indians should be immediately exempted from the operation of the Regulations.

(c) Even as regards other entirely new entrants the Regulations should be withdrawn as soon as possible.

In any case the Regulations should not be renewed after the expiry of their present term. We have urged the Secretary of State for India to take up our representations with the Secretary of State for the Colonies and move the Governments of the three colonies to reconsider the whole matter and take immediately the action proposed by us.

As the number of new immigrants has been automatically reduced by war-time conditions particularly by shipping difficulties, we have concentrated on having the ban on the movements of the normal residents removed. We expect that all normal residents, irrespective of their period of absence from their colonial homes, should be able to obtain permits for return automatically. Government will be grateful if any cases where difficulties are experienced are brought to our notice.

We are awaiting a further reply from His Majesty's Government and I can assure the House that the matter will continue to receive our closest and most vigilant attention. The Regulations have been enacted for one year for the present and that period is due to expire within the next three or four months. The Government of India would make every possible effort to prevent the extension of these Regulations. We are much handicapped by the lack of an agent in these colonies and I shall be grateful if gentlemen like my Honourable friend Mr. Hooseinbhoj Lalljee and his colleagues always keep us informed of any developments regarding which they may have any information. I hope, Sir, that the House will be satisfied that we have done all we could and that we are not likely to relax the pressure that we have continued to exert on the Colonial Governments.

An amendment has been moved asking us to apply the Reciprocity Act to East Africa as well by my Honourable friend Mr. Hooseinbhoj Lalljee, who is, if I may say so, an expert on these matters. I want to state here, Sir, that we have achieved something so far through negotiations and we are hoping for some good results through the correspondence which we have begun through His Majesty's Government. It is not therefore very proper to apply the Reciprocity Act to East Africa at this stage. I would, however, assure the House that I will not shirk or flinch for a single moment if that necessity unfortunately arises.

Sir, now I will come to the position in South Africa which is exercising our minds for the last sixteen months or more since I have taken up this office. The House will recall that in February this year when my Honourable friend Dr. Deshmukh tabled an adjournment motion to discuss the Indian question in South Africa I told the House that nothing would be lost and something might be gained by postponing further discussion of the matter on that occasion. I hope the House will accept my assurance that when I made that statement I had good reasons to hope that the Union Government were making genuine efforts for a settlement of the question which might be acceptable to us.

In March, the Union Government appointed a Judicial Commission which had been foreshadowed in the speech of Mr. Lawrence, Minister of the Interior, introducing the Pegging Bill. Mr. Justice Broome was appointed Chairman and two leading Indians were appointed as members of the Commission. The terms of reference to the Commission were: -

[Dr. N. B. Khare]

To enquire into and report upon matters affecting the Indian community of the province of Natal, with special reference to housing and health needs, civic amenities, civic status and provision of adequate residential, educational, religious and recreational facilities, and to make recommendations generally as to what steps are necessary further to implement the uplift clauses of the Cape Town Agreement of 1927, and as to all matters affecting the well-being and advancement of the permanent population of Natal.

The local Indian community was on the whole inclined to give this Commission a chance. About this time we also had information that Field-Marshal Smuts was going to receive a representative deputation of the Natal Indian Congress. We did not wish to impede the course of these negotiations. We have always been opposed to any statutory measure of segregation of Indians but, in view of the long-standing and deep-seated racial friction prevailing in the country, we did not desire to stand in the way of a compromise being worked out which the local Indian community might accept voluntarily.

I had, however, noted the intense feeling on the subject which the House had given expression to. Soon after the House dispersed in the first week of April, we therefore made it perfectly clear to the Union Government that Indian opinion would not be satisfied except by concrete action and unless the discussions, which had been initiated between the Union Government and representatives of the Indian community, resulted, within a reasonable time, in some solution acceptable to us, we would be compelled to take counter-measures. The House will recall that a public announcement was made by the Union Government on the 19th April that an agreement had been reached by them with the representatives of the Natal Indian Congress. The announcement was to the following effect:

"Discussions took place as the result of representations made by Indian Congress to find an alternative method of controlling occupation of dwellings in towns and boroughs in Natal to that adopted under the Pegging Act. It was agreed that the situation would best be met by the introduction of an ordinance into the Natal Provincial Council. This ordinance would provide for the creation of a board consisting of two Europeans and two Indians under the chairmanship of a third European, who would be a man with legal training. The object of the legislation would be to create a machinery for a board to control occupation by licensing of dwellings in certain areas, and application of Pegging Act in Durban will be withdrawn by Proclamation on passing of this ordinance."

This agreement was reached on the 18th April and has been known as the Pretoria Agreement. On the 19th April, His Excellency the Viceroy also received a message from Field-Marshal Smuts, which, we thought, clinched the agreement. This message has already been published in the press, but I may perhaps reproduce it in the House. It runs thus:

"At meeting on April 18th, between Prime Minister and Minister for Interior and representative of Natal Indian Congress it was unanimously agreed that legislation be immediately introduced into Natal Provincial Council to provide for a joint board of five consisting of two Europeans and two Indians, with a European chairman, whose functions it will be to license the occupation of dwelling in area within borough and town in Natal. On passing of ordinance the application of the Pegging Act in Durban will be withdrawn by proclamation. This agreement provides a fair solution of trouble which has arisen in connection with the Pegging Act and will, I trust, be as welcome to your excellency as it has been to me."

According to the terms of this agreement, the Licensing Board of mixed composition was to control residential occupation in areas when the question of racial proximity arose. Apart from this control and regulation of future juxtapositional residential occupation of Europeans and Indians, there were to be no further restrictions on Indian interests in land. All restrictions other than this contained in the Pegging Act were thus to be withdrawn. In particular it was made clear that there was to be no restriction on the right of Indians to acquire properties of any kind in the country.

The agreement had the approval of an overwhelming majority of the working committee of the Natal Indian Congress. Only 14 communist members out of a body of 81 dissociated themselves from the agreement. On the whole opinion in India also favoured giving the agreed compromise a chance to work. Our immediate demand was that an alternative solution acceptable to both sides

should be found early and that unless this was done the Pegging legislation should be repealed, or, if that would take time, the areas affected by it should be deproclaimed. We felt that the agreement went far to meet this demand. We did not regard the solution embodied in the agreement as ideal, but as it was accepted by a majority of the local Indians and as, for the first time, the Union Government also accepted the principle of dealing with such matters by voluntary agreement in preference to statutory compulsion, we acquiesced in the agreement and decided to give it a chance.

By the end of April, however, reactionary European elements in Natal began to organise opposition to the agreement. We immediately took steps to draw the attention of the Union Government to the attempts made in this connection to go back on the Pretoria Agreement. About the middle of May, the prospects of legislative implementation of the agreement appeared to be more hopeful. Information, however, reached us that the legislation was not likely to be introduced before August and we conveyed to the Union Government our uneasiness at this delay. The European agitation did not abate, but went on hardening progressively. The demand of the Europeans was that the provision for the control of acquisition of property which exists in the Pegging Act should also be incorporated in the Ordinance. In the first week of June we therefore again conveyed strong representations to the Union Government. A definite improvement followed soon after. The Occupation Control Ordinance, the draft of which was approved by the Natal Indian Congress, was published in the official gazette and was put down for consideration before a special session of the Provincial Council on the 19th June. We had also a further reassuring message from the Union Government that the passage of the Ordinance would be expedited.

On the 19th June the Ordinance was, however, only referred to a Select Committee after the first reading. This was a definite set-back to our hopes and we did not fail to urge on the Union Government our demand for expediting the legislation without any radical alterations.

Field-Marshal Smuts had left for London on the 21st April. In order to leave Field-Marshal Smuts free to deal with the European opposition we decided not to hustle the Union Government. The hopes we entertained about Field-Marshal Smuts using his personal influence did not, however, materialise. He returned to South Africa on the 1st July from the Prime Ministers' conference and visited Durban in the last week of July. It soon became clear that he was not prepared to deliver the goods, presumably with a view to avoiding a split in his ministerial party over the ordinance. About the 1st September we therefore addressed further representations and made it clear that we would not brook further delay. We were then given an assurance that the draft Ordinance would be taken up for consideration on the 17th October. Having waited so long, we decided to wait a few weeks more.

On the 17th October the Select Committee's report which was unanimous, was presented to the Provincial Council and the House is aware of the developments that have occurred since then. The draft Ordinance as amended by the Select Committee contained radical alterations and contravened the Pretoria Agreement in several important respects. Let me explain the general position in plain language.

Under the Pegging Act occupation and acquisition of "any land or premises" could be allowed only on a permit issued by the (Union) Minister of the Interior. Under the Pretoria Agreement and the original Natal Occupation Ordinance, which was drafted in conformity with its terms, only occupation of any dwelling for residential purposes required a license to be granted by the licensing board (Occupation Control Board) of mixed composition. All other restrictions on occupation and all restrictions on acquisition contained in the Pegging Act were to be withdrawn. Under the amended Ordinance occupation and acquisition of residential properties can be allowed only on a licence issued by the licensing board. The provision for the control of acquisition of residential property is

[Dr. N. B. Khare]

thus a definite departure from the Pretorial Agreement and the original draft Ordinance.

Licensing Board's control (of occupation and acquisition of residential property) is to be extended immediately to boroughs and townships throughout the province. Under the Agreement and the original Ordinance this control was to be extended to local bodies other than the Durban borough only on the recommendation of the provincial licensing board. Under the Agreement and the original Ordinance in granting licenses for occupation the licensing board had to make allowance for, *inter alia*, natural residential expansion of either racial group into contiguous streets, roads or localities. This is omitted from the amended Ordinance under which licensing boards will have to take into account the views of local bodies and any scheme of town planning adopted or contemplated by them. This provision is obviously designed for facilitating the carrying out of plans of racial zoning. The amended Ordinance thus departs from the Agreement and the original Ordinance in these respects also.

It is true that the amended Ordinance provides for agreement being reached by the majority of rate-payers of the two racial groups regarding occupation and acquisition of residential and other properties by each group. The licensing boards will not exercise any control over occupation of residential properties in areas regarding which such agreement is reached. A majority of European rate-payers is not, however, likely to be a party to an agreement which does not make for the largest measure of segregation of the Indian population. A majority of Indians is also unlikely to be a party to such agreement. In practice, therefore, such agreement is not likely to be reached in most places. The net result would thus be that the jurisdiction of licensing boards will extend to most, if not all, boroughs and townships.

In the face of these radical alterations the Union Government have made the amazing statement that the amended Ordinance does not go back on the spirit of the Pretoria Agreement. Although not surrendering their inherent right, the Indians agreed, in deference to the thoroughly unreasonable sentiment of the European community, to the regulation of occupation of property for residential purposes in urban areas where the question arises of Indians living in close proximity to Europeans. I should state for the information of the House that on the eve of the Agreement in April the Natal Indian Congress presented to Field-Marshal Smuts a memorandum setting out their demands. In response to a request made by the Congress for exchange of letters embodying the terms of the Pretoria Agreement this memorandum, read with the Union Government's public statement of the 18th April, which I have already

12 noon quoted, was confirmed as the Pretoria Agreement in a message sent by Senator Clarkson, Minister of the Interior, to Senator Shepstone. Field-Marshal Smuts' telegram of the 18th April to His Excellency the Viceroy also referred to control of only *occupation* as the object of the Agreement. The original draft Ordinance which had the concurrence of Indian representatives and was published in the Provincial Gazette on 2nd June, also provided for the regulation and licensing of *occupation* only. The new provisions regarding control are also to be extended immediately to boroughs and townships throughout the Natal Province except a few to be excluded by administrative action. The House will thus see that the control of acquisition and some of the other provisions obviously involve a violation of the Pretoria Agreement. We also understand that the amended Ordinance is to be one of a number of measures for a comprehensive long-term programme of town extension and racial zoning. A new provision is being made by a housing board ordinance under which the housing board to be set up should have the right of pre-empting properties offered for sale to Indians in European quarters. From the new measures it also appears that the Union Government are now not willing to await the results of the labour of the Broome Commission which has been still investigating this very problem of better housing facilities for Indians.

Field-Marshal Smuts may have his political difficulties, but we have always understood that the Union Government's concurrence in the Pretoria Agreement connoted as a necessary corollary their guarantee to ensure the enactment of implementing legislation. Had they the will to honour their pledge, it would have been quite open to the Union Government to have the necessary legislation enacted by the Union Parliament. I should tell the House that we have not failed to urge upon the Union Government this alternative also. They have, however, disregarded our representations in this respect.

The Pegging legislation, though applicable to the whole province, has been actually enforced only in the borough of Durban so far. Being temporary we had some hope that segregation would not be made a live issue in the rest of the province. The control of occupation which the Pretoria Agreement and the first draft of the Ordinance provided for was also to be actually applied only to the borough of Durban, though it was applicable formally to other parts of the province. The revised Ordinance is, however, to be brought into force, and the full apparatus of licensing board to be set up *ab initio* in the entire province. The right of unfettered acquisition which was to be restored by the Agreement is now thrown overboard. The new measure is therefore more far-reaching and retrograde in several respects than the Pegging Act. Far from using their influence to provide an alternative solution of the limited racial problem in the borough of Durban, the Union Government have now gone back on the Pretoria Agreement and presented us with a scheme which only reveals a concerted plan for the wholesale segregation of Indians in the entire province of Natal. I should state for the information of the House that, apart from an Anti-Asiatic Clause in certain transfers of properties between Europeans, there were no restrictions in the Natal Province on the right of Indians to occupy and acquire lands prior to the Pegging legislation of 1943. The Durban borough has the largest concentration of Indian population. The only two other urban centres with any considerable concentration of Indian population are Pietermaritzburg and Ladysmith. Neither in the two latter centres nor in any other areas (except, of course, Durban borough) has an issue been made of the question of Indian penetration. The amended Ordinance has thus been sprung as a surprise on the Indian community. The House is aware that the Indian community has rejected the amended Ordinance as entirely unacceptable to them in view of its contravention of the terms of the Agreement. The House is also aware that the third reading of the Bill was passed in the Natal Council on the 1st of November. It is now due for presentation to the Governor General for his consent.

This is the history of the efforts we have been able to make since the last Session of the House to secure the withdrawal of the Pegging legislation. I have made a detailed statement, even to the extent of boring the House, to facilitate a proper appreciation of the position now reached. I hope the House will agree that I have maintained incessant vigilance over the interests of our ill-fated countrymen in this dominion and have done all we could with all the limitations and difficulties under which our Government have to work. The House is aware that the chronicle of the sufferings, hardships and above all the humiliation of our countrymen in South Africa is long and tragic. I gave a detailed account in the statement I made in the House on the 30th. July last year. I therefore felt that all possible resources of negotiation and compromise should be exhausted. While pursuing this course, we have, as already explained by me, made it perfectly clear to the Union Government that unless a satisfactory solution were evolved, we would have no alternative left to taking counter-measures. This latest attempt at racial segregation of Indians is but one of the many discriminatory measures which have been forged by the Union Government to keep fresh perpetually the brand of racial inferiority on our nationals in the country of their adoption. The House is aware that our nationals have been voteless in South Africa for many years. Although these major grievances of Indians remain untouched, we decided to give the Pretoria Agreement our moral support and did our best to maintain an atmosphere favourable to its implementation.

[Dr. N. B. Khare]

Our forbearance has been misunderstood and measures are now about to be placed on the statute book which, according to all the information we have had, will seal the fate of our countrymen for generations to come. Honourable Members have no doubt read in the Press the impassioned appeal made to the Natal Provincial Council the other day in this connection by Mr. Kajee, the redoubtable leader of our oppressed Nationals in South Africa.

The House will no doubt ask me—what shall we do now? I would like to put the same question to the House. I know the persistent demand from all sections of the House and repeated throughout the length and breadth of India is that we should retaliate. Let me tell the House at once that the Government of India as a whole, and in this I include all my Honourable Colleagues and His Excellency the Viceroy, have been as amazed as the House and our countrymen at the Union Government going back on an Agreement into which they solemnly entered with the Indian community. The Government of India share in the fullest measure the indignation and resentment which this exhibition of racialism on the part of a fellow-member of the British Commonwealth has created in this country. Sir, we all have our own views on the political status and future of our country as a member of the British Commonwealth, but so far as this attack on the honour and self-respect of our country and nationals is concerned, I think I can say with confidence that there is absolutely no difference of opinion as regards what we all feel about it. With all the defects of our political status as a unit in the British Empire and with all our quarrels with His Majesty's Government in this connection, I believe that the overwhelming majority of our countrymen think that during this global war we should stand by the Commonwealth; or else we may be thrown out of the frying pan into the fire. Mr. Gandhi, also, Sir, has come down from his high pedestal, has suspended the civil disobedience movement and is now prepared to advise the Congress to offer the fullest co-operation with the Government, in this war on radically altered and much attenuated conditions. I believe it is this general instinct which has led the thinking elements of our countrymen to adopt a truce in our internal political warfare and not to do anything to impair the contribution of two millions of our fighting men,—who have been acclaimed throughout the Commonwealth as constituting the largest voluntary army in the world,—towards the emancipation of the civilised world from Fascist tyranny. The Union of South Africa is also a constituent part of this Commonwealth.

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): Is the Honourable Member sure that the Union Government is also within the Commonwealth?

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

Sir Syed Raza Ali: I thought it was not.

The Honourable Dr. N. B. Khare: We draw that inference. They have, however, thought fit to cast to the winds the interests of the civilised world and to wage to the bitter end a racial warfare against the nationals of a fellow member of the Commonwealth, many of whom have shed their blood in preventing the extension of the ravages and devastation of this war to their very country.

Sir, the United Nations are fighting this war against what they call Hitlerite principle. It is an irony of fate and a tragic situation that the country which is supposed to be doing so is applying the same Hitlerite principles to our nationals although we have a common object. Sir, our patience is now completely exhausted and the whole nation is in a mood of desperation.

I may now inform the House that we have already told the Union Government in the plainest and most unequivocal terms, that the Government of India now hold themselves free to take such counter-measures as they can. Had our nationals been really accepted and treated as full citizens of the country of their adoption—towards the growth and prosperity of which they have made vast contributions—the attitude of the Union Government might have been intelligible. In view, however, of their latest exhibition of callousness the Government of India

cannot possibly divest themselves of their moral responsibility for the welfare of their nationals in this ill-fated country. They, therefore, refuse to be a helpless spectator of the decision of the Union Government to relegate the large and progressive Indian population in Natal to a position of permanent inferiority.

On a former occasion I have told the House that the surgeon's knife will have to be applied if and when necessary. I may inform the House that we have therefore already issued a notification applying to the Union of South Africa the Reciprocity Act, passed by this House last year. This notification imposes on South African citizens of non-Indian origin the principal disabilities from which Indians suffer in South Africa. The imposition of a few other disabilities is under consideration and a decision will be taken immediately. So long the Government of India have only gone on holding out threats of counteraction and I am glad to be able to say that we have made at any rate a beginning in action.

I note, Sir, that two of the Honourable Members have also suggested the recall of the High Commissioner and enforcement of economic sanctions. I would want a little more time to take a decision on the question of the recall of the High Commissioner. I hope the House will accept my assurance that the presence of our High Commissioner in South Africa is of some advantage to our nationals there. I personally believe that his recall will be a great tactical blunder. Honourable Members will agree that a decision on this matter requires the most careful consideration; but I have no intention of taking any unduly long time over it.

Sir Syed Raza Ali: I do not want to interrupt my Honourable friend, but may I know whether the High Commissioner gave evidence before the Provincial Council of Natal or before the Select Committee set up by that House? As the Honourable Member knows, the Select Committee is empowered in South Africa to take evidence. Did the High Commissioner give evidence?

The Honourable Dr. N. B. Khare: I believe he did not.

Sir Syed Raza Ali: Why not?

The Honourable Dr. N. B. Khare: That is my information. I have no other information.

The Government of India have also been considering most actively the question of enforcing economic sanctions. This is a step the repercussions of which require the most careful consideration. The fact that I am not able to make an immediate announcement on this measure does not mean that I or my colleagues have approached it in any spirit or hesitancy or pusillanimity. A comprehensive and as up-to-date as may be possible examination of the implications of the commercial relations between the two countries is essential and we would want a short time for it. Here, again, I can assure the House that I have no intention of delaying unduly our final decision. We are striving to reach a decision as soon as possible and our decision will be announced immediately after it is taken.

None of us is in a position to forecast what the possible effects will be of the action that we have already taken and the measures which we have under active consideration. Some may criticise that the action taken is nothing else but a rubber nipple without the milk. Our counter-measures may or may not have any effect on a member of the Commonwealth whose racial arrogance has been raised to white heat even during the gravest crisis in the throes of which the Commonwealth is now involved. After all is said and done, Sir, we cannot get away from the fact that politically and internationally our position is weak. The Union Government have some experience of what the weak and the oppressed can do for resisting injustice. Indians were practically cajoled into proceeding to South Africa, generations ago, for the exploitation and development of the country by the white settlers. The extent of their contribution towards the growth and prosperity of that country is well-known to the world; yet a fellow-member of the Commonwealth has thought fit to choose this moment to forge a plan of segregation of Indians which will, in the words of Mr. Kajee, "establish on generations yet unborn racial animosities and prejudices which are the seeds of conflict and war". We must declare throughout

[Dr. N. B. Khare]

the Commonwealth and the civilised world, in the plainest and most unequivocal terms, that we are determined not to submit to this racial arrogance, and weak as we are and limited as our powers are, we shall resort to all such overt acts as are open to us to give shape to our determination. The civilised world must know how those at the helm of the affairs of a country in the Commonwealth who are so loud in their professions about a beatific post-war world order are treating the nationals of a country whose relative contribution towards the world war is second to that of no other country fighting side by side with the United Nations. Sir, if the professed war and peace aims are true and if really this war is being fought for the liberation of humanity from thralldom, it is inevitable that all people of this world must get their Sovereign equality and under these conditions any discrimination based on race or religion or colour or caste must disappear throughout the United Nations. The Union of South Africa may laugh in their sleeves because our counter-measures may misfire or fall flat, as they may. But our determination and action to resist this insult to our honour will not rest and end here. Hatred and arrogance can only beget counter-hatred and counter-arrogance.

Sir, it has fallen to the lot of a medico, as my humble self is, to inoculate the body-politic of India with the anti-toxin of retaliation. I hope it will generate sufficient resistance in her to fight against this virus of racial arrogance and animosity wherever it may be. The nation-wide determination for retaliation will go on smouldering for years and through generations to come. Someday or other—and we are all hoping that it will be sooner than later—India will come into her own and be in a position to take more effective action against those who persist in assailing her national honour and self-respect. Our efforts to resist such insults will certainly attain fruition then.

Sir Syed Raza Ali: May I ask the Honourable Member whether the rules that the Government of India were to make under the amended Reciprocity Act have been published by them?

The Honourable Dr. N. B. Khare: A notification has been issued by the Government of India in the *Gazette Extraordinary* but the rules have not yet been published.

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): Have they been made on all the points?

The Honourable Dr. N. B. Khare: On most of the points.

Sir, these questions show how deep the feeling of resentment in this country is. It was suggested in some quarters that since one of the reasons why the British Government went to war against the Boers in South Africa in the early part of this century was the bad treatment they were giving to Indians there, the British Government should now repudiate the Dominion Constitution conferred upon South Africa and appoint a Royal Commission to enquire into the maladministration and the injustices done by the South African Government against Indians, Africans and even against Europeans. It is not for me to suggest measures to be taken by His Majesty's Government. They claim to be our trustees and I am bound to say that no trustee in the world can afford for any length of time to watch with supreme indifference and supineness, while his ward is being insulted and assaulted for the very simple reason that in the very process of natural evolution, as time goes on, the ward is bound to attain the status of an independent entity himself. Sir, I move.

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

"That the position of Indians in South Africa and East Africa be taken into consideration."

All the amendments will be moved first and then discussion will proceed on the original motion as well as the Amendments.

Dr. G. V. Deshmukh (Bombay City: Non-Muhammadan Urban): Sir, I move:

"That the following be added at the end of the motion:

'and having considered the matter, this House is of opinion that the Government of India should forthwith exercise the Powers under the Reciprocity Acts (*viz.*, Act IX of 1943 as

amended by Act XXII of 1943) against the Nationals of South Africa's Union not being of Indian origin and should immediately recall the High Commissioner for India in South Africa'."

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

"That the following be added at the end of the motion:

'and having considered the matter, this House is of opinion that the Government of India should forthwith exercise the Powers under the Reciprocity Acts (*viz.*, Act IX of 1943 as amended by Act XXII of 1943) against the Nationals of South Africa's Union not being of Indian origin and should immediately recall the High Commissioner for India in South Africa'."

Mr. Hooseinbhoj A. Lalljee (Bombay Central Division: Muhammadan Ruarl): Sir, I move:

"That the following be added at the end of the motion:

'and because of the continuous racial discrimination policy against Indians adopted by the Union of South Africa and by the East African Governments of Kenya, Uganda and Tanganyika, this House is of opinion that the Government of India should forthwith enforce Economic Sanctions against those countries and exercise the powers under the Reciprocity Acts (*viz.*, Act IX of 1943 as amended by Act XXII of 1943) against the Nationals of those countries'."

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

"That the following be added at the end of the motion:

'and because of the continuous racial discrimination policy against Indians adopted by the Union of South Africa and by the East African Governments of Kenya, Uganda and Tanganyika, this House is of opinion that the Government of India should forthwith enforce Economic Sanctions against those countries and exercise the powers under the Reciprocity Acts (*viz.*, Act IX of 1943 as amended by Act XXII of 1943) against the Nationals of those countries'."

Dr. Govind V. Deshmukh: Sir, I move:

"That in the amendment proposed by Mr. Hooseinbhoj A. Lalljee, after the word 'Nationals' the following words be inserted:

'not being of Indian origin'."

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

"That in the amendment proposed by Mr. Hooseinbhoj A. Lalljee, after the word 'Nationals' the following words be inserted:

'not being of Indian origin'."

Dr. G. V. Deshmukh: Is there any time limit for speeches?

Mr. President (The Honourable Sir Abdur Rahim): There is no time limit, unless the House wants it.

The Honourable Sir Sultan Ahmed (Leader of the House) Sir, the House will remember that it has got to adjourn at four of the clock to discuss the Motion for Adjournment. So we have very limited time. I think all Parties ought to decide among themselves as to how much time should be allotted to each speaker, otherwise, I am afraid there will be tremendous difficulties at the end.

Mr. President (The Honourable Sir Abdur Rahim): Just now it has been suggested to me by the Whip of the Congress Party that fifteen minutes be fixed for each speaker.

Sir Syed Raza Ali: It seems to me that it is too early to fix a time limit now. It may be that it will be necessary to enforce the time limit later on. It is true that today we have to finish this debate at four of the clock because we have to take up the Adjournment Motion. We have got two hours. Further, I hope the Honourable the Leader of the House will consider whether, if this Motion is not finished today, he can give us 1½ hours or two hours some other day. This is a most important debate. That is all I can say. Public opinion should not be stifled on a question of this character.

The Honourable Sir Sultan Ahmed: There is no question of stifling the debate. I consulted Party Leaders and they agreed with me that a day be allotted for this debate. I simply point this out to show that there is no question of stifling the discussion. The House has to take up the Adjournment Motion at four o'clock. Nobody suggested to me that there should be another day allotted for this Debate, otherwise, I would have suggested that there might be a reduction in the period for the Food Debate. We might

[Sir Sultan Ahmed]

allot two days for the South Africa Debate and one day for Food, just as you like. Otherwise you will have to be satisfied with this.

Sir Syed Raza Ali: We can continue this on some other day.

Dr. G. V. Deshmukh: Sir, I do not want to take up more time than is absolutely necessary on this painful and shameful subject. Sir, I am sure the speech of the Honourable Member in charge is very encouraging but I own to mixed feelings in moving this motion. I admit that there is a sense of frustration in this motion, not only a sense of frustration that I have in my mind but combined with a sense of frustration there is also a feeling of resentment at the injustice done to my countrymen in a place which has been developed mainly by their labour. At the same time I must say that I am not sorry that the South African Union has raised this question at the present time, because while the fight for freedom is going on they have raised an issue which will settle the position of India and of the Asiatic nations in the framework of the so-called Commonwealth of Nations. At the same time, combined with these I cannot resist a sense of shame at the weak-kneed policy of this mighty Government of India, the flabbiness of spine, the procrastination and the laziness with which.

An Honourable Member: Have they any spine?

Dr. G. V. Deshmukh: There is a spine but there is flabbiness in it, although this mighty Government is run by a warrior Viceroy at its head.

Sir, this question of South Africa is a very painful one. You will remember that Natal, the plague-spot of all this trouble, has been developed by Indians, and that the Natal administrators have themselves admitted that but for Indian labour and but for Indian hands the prosperity of the colony could never have been produced. You will see how painful the subject must be to their countrymen on the floor of the House today. It is astonishing that the Government of India should have kept such a childish and blind faith in these people of South Africa in expecting that deputations and round table conferences or agreements and promises made by these people will be kept by them. First a labourer went to develop this colony; then to give comfort to these labouring people a small petty trader from India followed him. Naturally after a certain time this poor trading class amassed a certain amount of competence and wealth with which they managed to acquire a certain amount of property in the colony. But you will find that right from the beginning, as soon as their purpose was served, this white population of South Africa could not resist the temptation of having the whole of the profit to themselves, reducing the Indian by whose efforts the whole prosperity was achieved to a state of slavery and what in euphemistic language may be called the policy of segregation. This policy of segregation is not new; it is stamped on the policy of South Africans right from the beginning. It may have been camouflaged by many words and by the attempt of the South African to reduce the Indian there to a state of poverty by means of restrictions on licenses, charging a certain fee on trade licenses, etc. This attempt was made to reduce the petty trader so that he may not own any property. What is the meaning of the ordinances and regulations which forced the petty trader to have licenses only under penalties and that he shall not carry on trade on the proclaimed land,—the so-called gold law of South Africa? You can even see that right from the very beginning these people had no other object in view except gold and wealth and nothing else, nothing of the honourable sentiments that should exist in the hearts of ordinary human beings. How was this labour which produced this prosperity in Natal at the beginning treated subsequently? The same labour after a certain period was tried to be replaced by the so-called white labour policy. So far as labour is concerned, so late as your Pretoria Agreement this white labour policy was enforced; and if the labour that produced the prosperity of the colony was tried to be replaced by a white labour policy, I have no hesitation in saying that so far as the South African policy with regard to the Indians in South Africa is concerned, it is a white

leper policy. It is nothing but a disease, as odious as leprosy, which is afflicting the Indian community in South Africa. How are we going to fight it out? My Honourable friend the Member in charge is a medico and he should understand that in the medical line inoculation is not the only way of treatment. Inoculation is a very slow process which may or may not succeed, according to the vitality of the individual in which it is inoculated. We know the vitality of this country as it is governed by a foreign power, by a white Government; it is a white Government in spite of the presence of my countrymen on those benches. Does he expect this inoculation treatment to succeed? No, Sir; there are other treatments in medicine and one of them is the surgical treatment. Whenever you find a foul festering part of the body, the only way is to cut it out and I hope. . . .

The Honourable Dr. N. B. Khare: I have done both.

Dr. G. V. Deshmukh: I shall be very happy when it sees the light of day. We have had too long of promises, of rules being made, the Reciprocity Act having been passed, and so on; but I am not nourished on the faith that whatever the Government members say in this House will be carried out or is going to be carried out.

The Honourable Dr. N. B. Khare: They have been already applied.

Dr. G. V. Deshmukh: I will take the assurance of the Honourable Member that all these have been applied. But, as I said, with all the efforts of my valiant friend I do not think he will be able to succeed in bringing any of the measures that he would like to. Therefore, Sir, what I propose for this festering sore of the so-called Commonwealth of Nations is not a slow policy. We have had enough of this. I say this festering and foul sore has to be disposed of, so far as we are concerned, as soon as possible. We have tried all the different methods. The wars came and the wars seem to be passing away; we may be approaching the end of the war. But during all these periods what has been the attitude of these South Africans? To reduce us economically to a condition of slavery and, so far as the Asiatic races are concerned, to segregate us and to brand on our brow the perpetual mark of slavery. I should have very much liked my Honourable friend to persuade his Government to take the same steps as were taken in the case of another European nation who had the impertinence and the inhumanity to go down to Africa for another brown or black nation, to bomb it from the air, to take their lands and their property; and I am proud to say that that Italian nation was knocked out by Indian regiments and Indian regiments alone. Can my Honourable friend say that this Government will ever be prepared to knock the stuffing out of these South African races and will ask his Government to send Indian regiments to drive some sense into the heads of these South African people? Will he be able to do so? If not, why not? On lesser pretexts than these, wars have been declared between nations. Even at the time of the Boer War we know one of the Home Secretaries said that it filled him with indignation to see the treatment meted out by the Boers to the Indians in this colony. I say there have been worse provocations than what the Boers gave to the Indians, in a part of the Commonwealth by the white part of that Commonwealth in this affair. And yet my Honourable friend knows that he cannot do anything. And if he cannot take these measures what is the good of telling us that they will be able to do this and do that? I wish very much, and I would pray, that the Indian Regiments which knocked the cuts out of the Italian Nation, which took out macaroni out of Mussolini, might be sent down to South Africa, and then you will not have the Pegging Act, you will not have the Pretoria Agreement, you will not have the Capetown Agreement, you will not have the Control of Occupation Act, you will not have the Regulation of Residences Act. Nobody will dare to challenge what part of Africa we occupy, when we occupy and what we occupy. We would have got it by spilling our blood and yet what are the South Africans talking about? South African colonials owe everything to Indians. In 1914—18, I myself treated Indian officers who had been to South

[Dr. G. V. Deshmukh]

Africa to help the South Africans to retain South Africa for these colonials. Have not we known that even in this war India has helped the colonials to retain South Africa, and yet we have to keep quiet? Why? Our blood is valuable for this Commonwealth, our labour is valuable; but our dignity, our honour cannot be upheld by this Commonwealth, and, I am very sorry to say, by this weak-kneed Government of India. That being the case, I think we are perfectly justified in suggesting the measure that we have suggested. After all, if we cannot send our armed forces to drive sense into the heads of those people who treat us with indignity and dishonour, the least we can do is to show our disapproval. My Honourable friend says, "withdrawing the High Commissioner would be very bad tactics". Pray how is it going to be bad tactics? What purpose has this Commissioner served? So far as the popular opinion goes, he has served like a post-office box. You can put correspondence into that box.

An Honourable Member: Ask Sir Raza Ali if it is not so.

Dr. G. V. Deshmukh: Is it worthwhile to incur these expenses? I am not really bothering about the expenses. Where the question of honour and dignity of our country is concerned, I am not concerned with the expenses at all. What I say is this. What purpose does this High Commissioner serve? I know that the appointment of the High Commissioner started from the time of the so-called Capetown Agreement, but, Sir, the South African colonials, as I have said, have no sense of honour, leave aside the sense of dignity and humanity. I remember, Sir, a long time ago, after the last war, I happened to read a speech made by their statesman, General Smuts, before the Scientists of British Medical Association, and I thought that there was the philosopher statesman who will guide the destinies of the Union, or wherever he could govern, on the lines of humanity and philosophy. But his philosophy seems to be all fraud, and I doubt whether his humanity may not be for getting rid of all the non-White population. This General Smuts who has the reputation of being a philosopher and statesman guarantees to the Indians that so far as the liberty is concerned that will be saved. And then he does not do anything to fulfil that promise although he is, the Prime Minister in power. Instead I find that when a provincial council brings forward measures for segregation of Indians he has not got even the courtesy to receive an Indian Deputation. These are the doings of that philosopher-statesman on whom we have to rely. I would request my Honourable friend, Dr. Khare, not to rely on the professions and promises—whatever they may be—of these colonials because the history is very painful on this subject.

Sir, I will give you an example to illustrate my point. We had a parliamentary franchise in Natal. That parliamentary franchise was taken away with specious reasons and Municipal franchise was substituted. At the time when an attempt was made for this substitution what was the argument used? The argument used was that if you do away with parliamentary franchise you will have municipal franchise and you will be able to look after your community and society much better. I may mention for the information of this House that this parliamentary franchise was taken away in 1896. They said, in fact, that giving away of parliamentary franchise would strengthen the arrangements for sanitation and health of the Indian community. The parliamentary franchise was taken away on this pretext, and yet in 1925 the municipal franchise was also taken away. Then, Sir, they promised that if you agree to the limitation of immigration then the poll tax will be removed. It was in 1913-14 when our Indian leaders agreed to the limitation of immigration of Indians. But in spite of all that the poll tax was not removed. It needed a passive resistance movement to remove it. With regard to emigration again, after the Capetown Agreement, our Indian leaders agreed, in their childish faith and simplicity, to the emigration of colonials from this Union, in the hope that those who would be left over there—and this was the promise which was given—would get better facilities. Their future generation will

be better educated and the economic condition of those Indians will be better and there will be uplift of the Indian community in South Africa. What happened? Our representatives agreed to this emigration. The result is that this has been utilized for isolating these Indians in South Africa.

In this morning's paper I find an advice given by one of the responsible South-African gentleman. It is this:

"Look here you Indians, 80 per cent. of you are born in South Africa; only 20 per cent. are Indians here; your interests are not with them. Why do you look to the Indians outside? You had better approach us and accept all our conditions, then we will see what we can do to make you comfortable and happy."

The result of this emigration has been to isolate the South African Indians from Indians at large so that it has become easier for them to destroy the Indians after division. Sir, I do not want to go into all the details, but the point is this: you are dealing with a very fraudulent Government in South Africa which has no sense of honour, not even for their pledges. What is your Commissioner going to do by just remaining there? During all these years that we have been having our Commissioner in South Africa, he has been able to achieve absolutely nothing. Instead he is looked down upon as somebody who represents.

An Honourable Member: Nobody.

Dr. G. V. Deshmukh: I would have been satisfied if he had represented nobody, but he represents a population which can be dishonoured, which can be trampled upon, which can be degraded. This is the kind of population that he represents. It is a constant reminder to the South Africans and a humiliation to us Indians at the way that our nationals are being treated in South Africa but it is an encouragement to the colonials that here is a Commissioner of a downtrodden people on whom we can trample upon. The Commissioner as he exists is a sign symbol or an emblem of the degradation of the Indian people at large and the sooner you remove him the better. It will be for the good of the honour of this country and what is more the South African people will know that now you are in earnest, that now you have not the same imbecile faith either in their Government or professions.

I am not one of those who say withdraw the Commissioner from South Africa and leave the field open for South Africans. Our experience of this withdrawal and leaving the field open for our opponents has been very bitter. I say that this withdrawal must be accompanied by aggressive tactics, by an attack, and that attack, we can have by the economic sanctions that we are in a position to impose.

Sir Syed Raza Ali: The rules have not been published yet!

Dr. G. V. Deshmukh: My suggestion is to apply surgical methods of hacking and cutting as soon as you can. I hope he will succeed in applying them quickly to this problem of South Africa. I do not believe in this policy of withdrawing merely. We have suffered very bitterly by it. Whatever the qualifications of it may be from the ethical point of view, from a worldly point of view if we withdraw this Commissioner I want to send down our economic sanctions to South Africa. I know our wishes cannot be carried out. We would very much like the Indian regiments who have already wiped out one nation, the Italians, to be sent round to South Africa. But I know that that is not possible. If that is not possible let us do what we can in our power. I hope, Sir, that the economic sanctions will be applied as soon as and as quickly as we can. Let no base thoughts of trade or profit influence us where the honour of our country is concerned. I know some will say that the balance of trade is in favour of India and that we should not lose the profit. We will also be told that the population of 200,000 will be in a very bad way if we do not export grain to that country. I say that these considerations do not matter with me. They do not even matter with this Government when the question of honour comes in. We lost a trade four times or ten times as large when this Government declared war on Germany and other European nations without consulting us. That time we silently did forego all this profit and that was when this war was declared. The Government can

[Dr. G. V. Deshmukh].

rest assured that it has the full support and backing of the people of India. We have done all we can. We have tried every method from representation to delegation, pacts and agreements. None of these has succeeded. Now, Sir, our countrymen outside are looking to us to support them in a point which concerns the honour of our country. As I said, do not let any mundane base considerations of profit and other ordinary considerations influence us, but let us prove to the world at large, especially at a time when the war is being fought, when the position of coloured nations is at stake, when the position of coloured nations is such that in spite of all the high-sounding phrases, in practice, if this war means that we Asiatics are to be doomed to perpetual slavery then we must thank the South Africans for raising the issue at the present time. But I will not be satisfied merely by thanking the South Africans. Let us show we can oppose. Let us show that we can compel our Government to oppose if it is a question of honour of Asiatic nations in general, of our position in a Commonwealth, and in India in particular.

I commend my amendment to the House and I hope Sir that there will not be any Member here who will oppose it because it concerns the honour and dignity of my countrymen outside.

Mr. President (The Honourable Sir Abdur Rahim): I may now inform the House that it has been arranged with the Parties that the leaders or chief speakers of Parties will have half an hour and the other speakers twenty minutes. Otherwise the discussion cannot be conveniently finished.

Mr. H. A. Sathar H. Essak Sait (West Coast and Nilgiris: Muhammadan): The adjournment motion may be put off till to-morrow.

The Honourable Sir Sultan Ahmed: That question I have to discuss with the Mover of the motion. With your permission he will ask the House to allow him to move it to-morrow. He is not here just now.

Mr. Hooseinbhoj A. Lalljee: I must thank the Commonwealth Relations Member for the lucid and brave speech he has made. The very fact that today it is our Indian Member who has made bold, after so many years, to point a little finger at a big nation is a great thing for India. It is a great thing for Indians who have been in East and South Africa suffering humiliations worse than anyone else in this world. They have suffered far more than the people of Europe for whom this war is raging.

Sir, with regard to East Africa, let me point out to my friends here certain facts and figures to prove to the hilt that this insidious move of the East African Government shows the prevalent mentality in that country to treat the Indians there in as light a manner as possible. What was the reason given for limiting the Indians entry into East Africa? The reason was that owing to the exigencies of the war—(after it had lasted for four years)—we do not want a large influx of Indians into the country because of the food situation and because of the housing problem. That is the reason given and we

1 P.M. have proved to the Department of Overseas that this plea is nothing but a false one put forward by these Governments.

East Africa, Sir is well known to be one of the granaries of the world. Then you have to consider that so far as East Africa is concerned it is an acknowledged fact that we have been there since the 14th century. It is also an acknowledged fact that until 1811 not a single European soul ever reached there. In 1866 when Sir John Kirk went there he said that the entire business of the place was in the hands of Indians. It was only in 1895 that the British Government took over the administration there and it is now hardly fifty years.

You must have read the history of the highlands and the low lands but the most important thing to note is this. For so many human beings have all these things been done? There are in Kenya 40,000 Indians and the number of Europeans (I do not say Britishers) is 17,000. It is for these

17,000 Europeans that the whole of East Africa and the highlands and every thing else must be reserved. People talk of humanity and civilisation. I do not find my friend Mr. Griffiths here. I would ask him to put these figures to the public in his National War Front propaganda. Now what do these Europeans want? They want for themselves all the highlands and there should be no Indians there, and, further more, at the sacrifice of not less than 80 lakhs of the native population there. The European population there includes South Africans, Germans and Italians. The South Africans are 46 per cent. in the Parliament and they have been saying that if they got another 4 votes they will have drawn the Union Jack and make treaty with Germany. These are the people with whom my European friends, the Britishers, are co-operating to drive away the 30,000 Indians from there. The number of Indians that go to East Africa is hardly 4,000 a year and for these 4,000 the plea put forward is that there is no housing and what is worse that there are no foodstuffs! 17,000 tons of foodstuffs are being exported from East Africa every year but for these 4,000 poor Indians none is available.

This law has been brought forward against those people and yet my friend, the Honourable Member, would say that they have at his representations at least considered that those people who were there in East Africa and had come here but could not return within two years, were not going to be barred.

The Honourable Dr. N. B. Khare: I have not said so at all.

Mr. Hooseinbhoy A. Lalljee: They were barred and I will put it that he has succeeded in inducing these great 17,000 Europeans to allow them to return. But even so far as the family members of those who go there are concerned, they have to take a special permission and my Honourable friend has said that he is trying his level best to have this removed and that actually he has succeeded in two cases. Annually about 4,000 for last 2 years, go there and about 30,000 return. Those are the official figures. For just therefore these 1,000 Indians the East African Europeans cannot find the food, though they can export as much as 17,000 tons every year to different parts of the world.

Now, take Tanganyika and Uganda. In Uganda, according to historical records, the Indian population was 13,026 and the European population was 2,001 and for this number Uganda must be kept for them. In Tanganyika, Indians are 23,000 and the Europeans are 1,500 and still the latter do not want any Indians to go there and the excuse is there is a food shortage. Who can believe this? Who can tolerate this situation? Is there any honesty in the plea? It amounts to reminding us: "You Indians are fighting for the freedom and liberty of others in the world, but fight for your own self first and get your liberty and rights. First fight for your own status and for your own honour. We are going to teach you by this treatment this lesson because you have not learnt it up to now." On the eve of the Boer War Lord Lansdowne, the then very responsible Minister, declared: "Among the misdeeds of the South African Republic I do not know that any fills me with more indignation than its treatment of our Indian subjects". Has the situation changed now? Is it not worse than ever it was before? So far as East Africa is concerned what right have these people to make all these rules? They say "we have taken upon ourselves the responsibility of being trustees of these 30 lakhs of East African natives". But the fact is that not a single representative of theirs anywhere has any voice. They are represented by a reverend priest gentleman in the legislature. This position, the Europeans say, is in the natives' own interest and that is the only justification they can offer. The British went there in 1866 but it was not until 1895 that anybody except India bore the expenses of the administration and of the army of occupation there. It was the Government of India that was paying. See your own records. Indians have paid the cost of the administration for solid forty-eight years from their own purse, because they were there and were told that it was a legitimate charge on them. Even today if a census were taken the number of Britishers there would be a few hundreds out of 17,000 Europeans.

[Mr. Hoosseinbhoy A. Lalljee]

All this is being done in the name of capitalists, or rather in the name of all these European vested interests; and once my friend the Honourable the Commonwealth Relations Member allows this action against India to remain and to go on, I assure you it will not be for one year—it will ever remain there; and therefore in my amendment I have said—and I am very sorry to say, perhaps many members have not been able to understand my real motive in saying therein that I want sanctions to be applied against the East African Governments. Who are the East African Governments? My Secretary of State for the Colonies—I say 'my' because I am part and parcel of British Government, they being in the British Empire and not in the Commonwealth dominions, and I do want to apply sanctions if you can boldly do so against all Britishers who are governing the provinces or states of Kenya, Uganda and Tanganyika and if it pleases you, against even the British Government; if the British Government is not going to withdraw these orders but insist on them, I think it is but fair and right that we should see that the sanctions and the Reciprocity Act are applied. Under the constitution of 1935 we cannot make any discrimination against Britishers; neither are they entitled to do so; but so far as the commonwealth is concerned, I think they are separate. But surely the colonial Governments are not separated; and if the British Government through the Colonial secretary allows discrimination against Indians, I say we can demand of the Secretary of State to ask in the British cabinet for sanctions against the British people there who are ruling these East African Governments of Kenya and Uganda and Tanganyika. Why do they allow this? Will they allow us to do that? They will not; and in all fairness for a few people why should they? It is but fair and right that we should adopt not only the provisions of the Reciprocity Act but also the sanctions. Let it be known that we are prepared for it. As my Honourable friend, Dr. Deshmukh, has said, we have sent out 2 million people to fight for the liberties of somebody else and only for the cause of humanity; and surely, if not today, when all these soldiers return here and come back from Rome, Italy and from Berlin with success, they will feel ashamed of themselves—they will not care for a few acres of land that you may give them, if they know that in East Africa and Natal and such places they and their Kith and Kiu are being treated worse than Hitler has treated the peoples of Europe. The South African Indian people have said openly, as my friend the Honourable Member for Commonwealth Relations has quoted, it is 'Hitlerism' within the British Empire that is going on in Africa.

I hope I have made it clear that it is no use now asking them to remove those disabilities and wait for another year to pass. I represent the East African people and I have a mandate from them. The Honourable Member has got a telegram and we have also got telegrams: we are prepared for the sanctions. Let them dare use against us. Let us see how these 17,000 Europeans will be able to see that we will not be allowed to enter and stay in that country which has been our country for four hundred years while they have been there for hardly forty or fifty years. We want the Honourable Member to take that stand and to declare this clear position. I am sure for these 17,000 people the British people in the British Isles would not like this policy to be adopted. If the facts are placed before the British common people I am sure they themselves will call upon those in power there not to do this sort of thing and create bitterness and hostility in India against them. With regard to South Africa I will not take up much time—I will only say that there again you have got to consider seriously the promises that General Smuts has made from time to time. This is the fourth time that that gentleman, if you can call him a gentleman at all, has rescinded from his promises. Very recently we got a wire from him to our Viceroy: they are both soldiers. The word of a soldier to a soldier is considered to be much more than that of a diplomat to a diplomat. But here we hear from the Honourable Member's mouth that he has given this undertaking and he has broken this undertaking.

within four months. This is the class of people with whom we have to deal. Here are 2 lakhs of people, and if they are going to treat them badly, we shall certainly insist upon our Government to declare war against them, our soldiers are already in the field:

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

Mr. Hooseinbhoy A. Lalljee: Not only that; if it comes to that for the time being, we can get our people home; we have got today about 7 lakhs of European foreigners and 3 lakhs of European prisoners in India and we are made to look after them. We have never raised the question of shortage of food for them, we never raised the question of restriction, in spite of famine in Bengal, in spite of every difficulty, and in spite of their inhuman treatment to us. Now, Sir, we do not want our Indians to go to South Africa and East Africa any more and be disgraced there until we are strong enough to fight Europeans there. The Treasury Benches have given the right lead and I am sure they will boldly play their part in this respect and will accept my amendment and the House also will be good enough to accept it.

The Honourable Sir Sultan Ahmed: Sir, the Honourable Mr. Bhai Parmanand desires that his motion of adjournment may be taken up tomorrow in order to enable the present discussion to be finished today; we have no objection; and if you, Sir, will kindly give another half hour after five o'clock, I think we will be able to finish this debate and we shall be very grateful.

Mr. President (The Honourable Sir Abdur Rahim): Very well. I believe there is no objection on the part of any one if the adjournment motion be taken up tomorrow. I shall be prepared to sit till half past five today to dispose of this motion.

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

The Assembly reassembled after Lunch at Half Past Two of the Clock, Mr. Abdul Qaiyum (One of the Panel of Chairmen) in the Chair.

Sir F. E. James (Madras: European): Sir, the Honourable Member for the Department of Commonwealth Relations made a full statement this morning on the position of Indians in South Africa and in East Africa and, as I understood him, invited the House to offer him any advice or suggestions which they might wish to make. I shall not deal with the question of East Africa. I shall, therefore, confine my remarks to the position in South Africa and I may say, at the outset, that we fully support the powerful remonstrance which the Honourable Member has directed to Union Government of South Africa.

Sir, we welcomed the Pretoria Agreement, although we did not like the principle of statutory segregation. It appeared to us that this agreement which resulted in the withdrawal of the Pegging Act, laid down that there will hereafter be no statutory prohibition against investment, and that only occupational juxtaposition would be controlled and that by a Board of which half the members, excluding the Chairman, would be Indians. That seemed to us a fair agreement, a compromise which the Indian community there should be complimented upon in reaching. But the Residential Regulation Draft Ordinance as it has now emerged from the Select Committee of the Natal Legislature, to my mind, goes very much beyond the Pretoria Agreement in scope and in application and in the machinery which it proposes to set up. The House must also remember that it has been made quite clear in the debate in the Natal Legislature that this measure is only one part of a group of comprehensive measures covering the whole field of economic and social relationships between Indians and Europeans in Natal and indeed between other racial groups in that province.

Now, Sir, the Pretoria Agreement was the result of bilateral negotiations sponsored by the Prime Minister of the Union. The Residential Regulation Draft Ordinance and its attendant measures are the result of unilateral and

[Sir F. E. James]

provincial action. The House must know that the Indian community is not represented in the Natal Legislature, though I understand that a representation by one of the leaders of the community was heard at the bar of the House in the form of a petition. But apart from that, the Indian community was at no time consulted between the issue of the first draft of the ordinance embodying the Pretoria Agreement and the emergence of the Ordinance from the Select Committee with all the modifications and changes which I have mentioned. I understand, I think I am right in saying this, that at no stage was the Indian High Commissioner consulted about these changes.

Now, Sir, quite apart from the merits of these measures—and there may be more merit in them than appears at first sight—we feel that this is not the way in which an important and valuable minority should be treated on matters which vitally affect their own interests. Certainly it is not the way to lay the foundations of racial harmony throughout the Union. Indian reactions to this are, to our minds, fully justified.

I have observed from quotations in the papers that South African European opinion, particularly in Natal, seems to consider it quite improper for India to take any interest in the matter at all. This section claims that the Indians of Natal belong to the Union, and should therefore look to the Union for their protection; and that it is improper for them to look beyond the Union to the Government of India. Well, Sir, if that be the case, then the Indian community should be granted the municipal and Parliamentary franchise that it once had but which was taken away from it. There will never be any racial harmony in the Union as long as important racial groups are excluded from every form of political representation and denied representation even on local and municipal bodies. These are rights which are fundamental to any minority or any community in any country, and as long as these are denied to Indians in any part of South Africa there will be trouble not only in the Union but also between India and South Africa. Without representation, to whom can the Indian community in South Africa look, if not to the mother country. If they are obliged to do this in the absence of representation in the country of their adoption, what can India do to help them except to remonstrate, if that fails, to boycott and, if that fails, to impose such sanctions as lie within their power. I know that many sections of the European population in South Africa are moved by fear of economic exploitation and ultimate domination by the Indian community and it would be unwise for any one trying to appreciate this problem to under-estimate that fear. I believe that fear is wholly groundless, but in any case it would be largely removed if the Indian community felt that they had a future in the Union and were not denied their elementary rights. No minority problem can ever be solved by sending the Minority to Coventry in the political sense, and that is what the Union of South Africa has done to date as far as the Indian community is concerned.

Now, Sir, the various amendments before the House call for three measures. First of all the application of the Reciprocity Act, secondly the recall of the Indian High Commissioner and thirdly the imposition of economic sanctions. The first measure has been or is in process of being carried into effect. The recall of the High Commissioner is justified by the way in which he has been treated in these present measures. But I think that if the House decided to recommend his withdrawal, they should realise that that measure would at best be an expression of severe disapproval, which no doubt other parts of the Empire and other countries outside the Empire will understand. Speaking individually, I am uncertain as to the wisdom of this course. But if that course is demanded by Indian opinion, we will certainly not oppose it. The third measure is the imposition of economic sanctions, and here, I must say at once that the Party for which I speak, are not in favour of that measure being taken at present. We are not prepared to agree to any measure which might jeopardise any part of the war effort. The House will no doubt realise that India and South Africa are at present supply bases not only for India

and for Britain, but also for the United Nations generally; and we fear that the imposition of economic sanctions, which really means the opening of economic warfare as between these two great supply bases, would most definitely interfere in certain particulars with the war effort.

Sir Syed Raza Ali: For instance.

Sir F. E. James: I will give one instance, and that is the importation of wattle bark from South Africa.

Sir Abdul Halim Ghuznavi (Dacca *cum* Mymensingh: Muhammadan Rural): We can get it from other countries.

Sir F. E. James: Wattle bark is one of the most important items of imports from the Union.

Sir Abdul Halim Ghuznavi: It is being replaced here and now.

Sir F. E. James: Before referring to this matter, I have taken the trouble to make some very careful enquiries and I understand the Supply Department conducted an enquiry into the possibility of using other materials for this essential purpose. The result of that enquiry is that no other materials were possible. In other words, no substitute can be used for this particular process. I made it my business to find confirmation of that during my recent visit to one of the great leather industry manufacturing centres in India.

Sir Syed Raza Ali: Is it not a fact that as a result of the enquiry by the Supply Department, it was ascertained that *babool* bark gives as good results as the wattle bark.

Sir F. E. James: I cannot enter into a technical discussion on this subject. I am advised by those who are in a position to know that India cannot at the moment do without wattle bark without very serious injury to war production in this country.

I am trying to explain to the House that while under normal circumstances, we should perhaps take a different view of the question of economic sanctions, we cannot now do other than oppose any measure which would interfere with the efficient prosecution of the war. We take the view that the early and successful termination of the war takes precedence over everything else, even over a quarrel of this nature, which is so injurious to the best interests of the Commonwealth. Therefore I felt it my duty to make that perfectly clear.

Mr. T. T. Krishnamachari (Tanjore *cum* Trichipopoly: Non-Muhammadan Rural): Is the Honourable Member assured that his feelings are reciprocated by any section of the European public in South Africa?

Sir F. E. James: That question hardly arises here. I think my Honourable friend had better address his remarks to that particular section of the population in South Africa.

Mr. T. T. Krishnamachari: Then my Honourable friend's concern appears extremely one-sided.

Sir F. E. James: I think the House will appreciate a plain statement from me and that is what I am endeavouring to make as to our particular attitude. If there had been any other consideration which had moved us, I would have mentioned it, but that being the main and sole consideration which we have in opposing this particular suggestion of an Honourable Member in this House who has moved his Amendment, I hope I have made that very clear. Sir, it is indeed tragic for any one, who believes in and cares for what he believes to be the opportunities of freedom and of liberty which are still to be found in the British Commonwealth of Nations to have to contemplate the present relationship between the Union of South Africa and India. It is all the more distressing because the spokesmen of the Union Government have again and again reaffirmed the principles which were laid down in the Cape Town Agreement of 1927, which for some time was looked upon by South African Indians as their *Magna Charta*. I was reading only this morning a report of the debate on that agreement in which Field-Marshal Smuts took a prominent part and this is what he said:

"Whatever might be the formal position of the agreement today, the policy embodied in that agreement for giving Indian people in South Africa a square deal and every oppor-

[Sir F. E. James]

tunity for progress should never be abrogated. The Government were bound to carry out that policy and Indians should not be made to feel that they were outcasts. The country must be fair to the Indian people as regards land holding, housing schemes and all the amenities and rights to which civilised people were entitled."

One has only to appeal to that statement to realise how far the policy of the Union Government and of the Provincial administration of Natal has departed from that high ideal.

Sir Syed Raza Ali: Can my Honourable friend give the date of that debate?

Sir F. E. James: Soon after the completion of the Agreement in 1927. If any voice can reach South Africa from this Chamber, I suggest to the Field-Marshal, to the Provincial legislature, to the Parliament of the Union, that this House should appeal to that declaration and claim the fulfilment of the promise then made.

Sir Syed Raza Ali: Sir, we are considering the motion of my Honourable friend Dr. Khare and the various amendments to it under very dark shadows of a great blow that has befallen our people, a blow the like of which I cannot readily remember since the year 1909 when the constitutional reforms associated with the names of Mr. John Morley and Lord Minto were introduced in India. I welcome the manly, courageous and lucid statement made by the Honourable Member in charge, Dr. Khare. We should never forget that under the shadow of this great blow it is our duty not to let our ranks be divided and it is our duty to take every section of this House as far as possible with us. It seems that possibly one of the objectives, in any case, of the Union Government is to provoke us into saying harsh and nasty things against them. If one were to examine carefully the speeches that have been made in the Union during the past ten days, one could not help coming to the conclusion that not only have they injured our people, the domiciled Indian community in South Africa, but they are insisting on adding insult to injury. In the course of my speech I will read out a few brief extracts to show as to what the mentality of the White settlers in South Africa is. But let me make it quite clear that since the people of this country have no active voice in the counsels of Government, we should guard against using harsh language. One must remember that harsh language, as a rule, is used by those who are powerless, who cannot do anything, who have no strength and who have no self-reliance. Unfortunately, we and our countrymen suffer from all these things, but I put it to this House, if I may, whether it would serve any useful purpose to use unnecessarily harsh language without taking our courage in both hands and putting into practice the measures, which are reasonable and consistent with the assertion of self-respect against the Union nationals.

The history of our relations with South Africa is very sad. I do not want to go into that history, but one thing, with your permission I would certainly say and it is this. It seems that no pact, no agreement, no contract come to between India and South Africa can ever be binding on the people of South Africa.

Mr. Hooseinbhoy A. Lalljee: Let us make an appeal to them so that they may carry out their order. That is what we are advised.

Sir Syed Raza Ali: Yes. I know the significance of the word "appeal". I know what it is. As a matter of fact, I do not want to lecture some of my Honourable friends here, but that is a function which I have always loathed. But may I put it to my Honourable friend Mr. Hooseinbhoy Lalljee what else can you do except taking such little action as may be open to you under the provisions of the Reciprocity Act and supplemented by appealing to the people of South Africa? What else is left to you? There has been some talk of war, army, invasions and all that sort of thing, but does it really amount to anything? Does it really mean anything? Let us, if I may say so, eschew using those terms because they are not likely to add to the respect in which we might be held by the people of South Africa. It is the weak who always

brag. A strong man, a powerful man or a nation never indulges in this sort of thing. What I was going to say is this that we were faced with a very similar situation in the year 1924 when General Smuts was the Prime Minister. He was defeated in the general election of that year and with him was shelved the Class Areas Bill that his Government had introduced in that year. General Hertzog succeeded him as Prime Minister in 1925 and a similar Bill was introduced by his Government. Then, a deputation was sent out in the time of Lord Reading by that Viceroy and the result was the protracted negotiations between this deputation and the representatives of the Government of South Africa. The only question that we had to consider then was this and it is most important to concentrate our attention on that.

The people of the Union Government say that all this large Indian population is a population which we cannot assimilate, which will never make South Africa its own home, which will never conform to our civilisation, our standard of living and our ways and manners. Therefore, this is a foreign element. What are we to do with them except to drive them out which we propose to do through the instrumentality of the Class Areas Bill? That question was very carefully gone into and the result was this. The suggestion made by the representative of the Government of India and the Delegation that was sent in 1927 to that country was this, "If this is your fear, why can't you absorb the small Indian population, in any case not a very large population, that is there. The Government of India and the people of India have absolutely no objection to the domiciled Indian community conforming to the European standard of living and adopting European methods and manners. You assimilate this population and let this population for all practical purpose become an integral part of the population of South Africa."

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): What about their colour?

Sir Syed Raza Ali: Colour is a problem which even Europe has not been able to solve, much less can we aspire to do the same.

And on that basis a compromise was arrived at in the Cape Town agreement, and to that agreement everybody was a party including
3 P.M. General Hertzog and his followers. And so was Field-Marshal Smuts who was the Leader of the Opposition at that time. After that many songs were sung in honour of this Cape Town agreement and a debate followed. General Smuts not to be outdone by any speaker on the Government Benches made a speech to which reference was made by my Honourable friend Sir F. E. James. My point is that that was, so far as it appeared, the final settlement of the Indian question in South Africa and yet it seems that in South Africa no sanctity attaches to agreements and treaties or contracts made between two Governments. If that is the mentality of the people and Government there, all I can say is this that it is really almost useless to try to obtain the goodwill of the people of that country since it is impossible to obtain that goodwill in any circumstances.

Now, Sir, in enacting the Pegging Act the Union Government gave the go-by to the basic principles underlying the Cape Town agreement, and attention was drawn to that. Now they have gone much further and by the Natal Council adopting the Residential Property Regulation Ordinance they have made that law applicable to all the townships and boroughs in Natal where mostly Indians reside. Here I will put my European friends on their guard, because this Ordinance is the result of the anti-Indian agitation of not the African settlers or the Dutch or Boer settlers but of the Britishers who form 95 per cent. of the population of Natal. They should be on their guard because they are in a way on their trial. This unfortunate Ordinance, this repulsive, objectionable and offensive Ordinance, which has given the greatest offence to India and one of the objects of which seems to be to humiliate Indians not only in South Africa but also in this country, is the result of the endeavours of the Britishers, pure Britishers, who have settled in Natal. Let the European Group vote any way they like, but let me tell them again this. There is a

[Sir Syed Raza Ali]

feeling in South Africa,—and my Honourable friend Dr. Khare may take note of this,—that the Government of India and the Europeans who are doing business in India are in their heart of hearts not in support of the Indian demand with reference to the amelioration of the grievances of Indians in South Africa, but that they are forced to lend their outward support to it because they do not want to show to the public that even on such an important question where the Europeans in India and the Government of India should be with the people of India, vital differences of opinion obtain between us and the Government of India and the Europeans settled in this country. That is really their feeling, and I think it is the duty of the Government of India and of my European friends, if they will listen to my words, to make it quite clear that they are not offering mere lip sympathy to the Indian people and the domiciled Indian community in South Africa in their hardships and trials but that they are as much convinced about the justice of the Indian case as we Indians ourselves are. The moral issue involved is one which can be decided in only one way. Of course, in the last war one of the slogans, according to Germans was that might is right and according to the Allies it was the other way, that is, right is might. That same question is being fought out again on the battle-fields of Europe and Asia and it was fought out on the battle-fields of Africa. But whatever may be the position of the other parts of the British Commonwealth there is not the least doubt that, so far as South Africa is concerned, might was right before, might is right today, and I am afraid if General Smuts, for whose attainments and abilities I have the greatest respect, were allowed to have his own way, might will be right in South Africa so long as he is at the helm of affairs there. I am sorry to say that but the facts are there. As I pointed out, the issue is a moral one; I put it on moral grounds.

Mr. Chairman (Mr. Abdul Qaiyum): The Honourable Member has two minutes more.

Sir Syed Raza Ali: I was told I would be allowed 30 minutes.

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, he is the chief spokesman on behalf of the Muslim League Party and according to the understanding arrived at he may be given half an hour.

Mr. Chairman (Mr. Abdul Qaiyum): If the Deputy Leader of the Muslim League Party gives his time to him I have no objection.

Sir Syed Raza Ali: People are so excited and feelings are running so high that my friend Mr. Kazi in giving evidence on behalf of the Natal Indian Congress at the bar of the House straightaway charged the Government of South Africa with adopting the methods and mentality of Hitler. That is very harsh and hard language to use, but knowing the country and its conditions as I do I dare not disagree with Mr. Kazi's description. The economic, social and political condition of Indians is known to this House and I will not go into all that. But the position is that the Cape Town agreement has been given the go-by; legislation the like of which has never been passed by any territory comprised in the British Commonwealth of Nations against another territory has been adopted by South Africa against people who have no vote, who have no free right of trading, who are subjected to numberless disabilities. That being the case, is it not the duty of all the countries forming the British Commonwealth of Nations to take up India's cause, because I am quite clear that if this matter is allowed to go any further, and if no compromise is found between these two countries, this might mean the death-knell of the British Commonwealth of Nations. Look at the implications and consequences. It is impossible for you to maintain the British Commonwealth of Nations if one part of it enacts legislation against the people of another part. This would, in all likelihood, lead to a declaration of war. So those who hold the idea of British Commonwealth of Nations dear should never lose sight of this aspect of the question.

My Honourable friend, Sir Frederick James, just pointed out why he was opposed to the last item of the Resolution. He made it quite clear that if economic sanctions were enforced, they would lead to interference with war effort. May I ask my Honourable friend, Sir Frederick James, does he expect us Indians to be more loyal than the King? Does he expect us to have greater regard for the solidarity of the British Commonwealth of Nations than these English settlers in Natal have had for it? Does he really contend that while Natal should be allowed to do anything it likes against the Indian settlers we Indians should never lose sight of the fact that the war is going on? Yet if the war is going on, that war is likely to affect South Africa also. Whether the Commonwealth loses or wins—and I am very happy that all the signs are that we are going to win,—whatever might be the result of war, that would affect both the countries equally. So far as the Commonwealth business is concerned, both India and South Africa can sink or swim together.

May I say a word to my Honourable friend, Dr. Khare? I am glad that the Government of India have at long last decided to apply the Reciprocity Act to South African nationals. All I can say is that the action is too late by just 11 to 12 months. What the Government of India ought to have done in November 1943, they have done on the 4th or 5th of November 1944. The real point, as I have said, is that the South African people believe that the Government of India, after all, will not support the people of India in seeking the removal of Indian grievances in South Africa wholeheartedly. That is their belief. Therefore, it is unfortunate that the action which the Government of India is going to take is belated.

There is another thing: My Honourable friend, Dr. Khare, is not ready even with his rules which incorporate the sanctions that can be enforced against the South African nationals. I do not know how long those rules will take to be published, but that is his real weakness. His attention was drawn twice and again both in this House and in the meetings of the Immigration Committee. Today there is some hope that these rules will be published 'in the near future', though I do not know what that really means.

It is rather difficult to embark upon a detailed examination of the various parts of the amendments, but one thing I would like to say is this. I do not think any section of this House should agree with the Government in the view that it is not necessary to recall the High Commissioner. I will, in a few words, expose the position taken up by the Government. You are enforcing economic sanctions. One of the economic sanctions would be that wattle bark and some other things should not be allowed to come to India and certain other things should not be exported from India to South Africa. That is really an economic warfare and that is a tremendous business. The Government of India are going to swallow the camel but they want to strain at the gnat, namely, we will take economic sanctions all right but we are not prepared to recall the High Commissioner from the Union. That is a sad mistake.

Mr. N. M. Joshi (Nominated Non-Official): They will send him back.

Sir Syed Raza Ali: That makes it much worse. What I mean really is this. If you are in right earnest, if you want to enforce the economic sanctions, really, honestly and straightforwardly, that very moment India's relations with South Africa will become strained. It simply cannot be helped. Then having endeavoured to inflict a larger injury on South Africa, you are considering the question of not injuring South Africa's susceptibilities too much by recalling the High Commissioner. Sir, this is an absurd position. This is a position which no man with a grain of common sense will be prepared to take.

Sir F. E. James: May I ask if the Government have said that they have decided to impose economic sanctions?

Sir Syed Raza Ali: It is an open question. I am saying that if it is decided it becomes necessary to recall the High Commissioner . . .

Mr. Chairman (Mr. Abdul Qaiyum): The Honourable Member has one minute more.

Sir Syed Raza Ali: Either don't enforce economic sanctions, or if you do you must go all out for it. Otherwise you will be making yourself a laughing-stock of people in that country. Sir, there is a saying in English: "Willing to sound but afraid to strike". That will be applicable to us if we try to enforce sanctions without making up our mind to recall the High Commissioner from South Africa.

Mr. Chairman (Mr. Abdul Qaiyum): Honourable Member's time is up.

Sir Syed Raza Ali: I am finishing, Sir. The position is very sad but it is a question of India's honour. I know that in spite of doing all that we have been discussing we might fail yet, but it is a question of India's honour and it is the duty of every Indian to do what he can to vindicate India's honour even if such vindication results in some injuries being inflicted on our people in South Africa. Sir, I support.

The Honourable Sir Sultan Ahmed: Mr. Chairman, it was never my intention to intervene in this debate but a very admirable speech by Sir Frederick James, which contained three sentences, necessitate my getting up in my seat. One sentence which I think will be read with great concern by the people of the country was when he said "India should appeal to the Union Government and the Provincial Government of Natal.....". Sir, he does not realise perhaps that this momentous issue is an issue of sentiment, honour, and self-respect;—I further go and say—even of principle because four-fifths of His Majesty's subjects are Indians. After all that has happened in South Africa to which he made reference himself in his speech, he asks us to appeal to these Governments. I submit to the House that it is a most extraordinary request. I wish Sir Frederick James would ask His Majesty's Government and his own people in this country to appeal to their countrymen in South Africa to be reasonable, to be sensible and not ask us to appeal.

Sir F. E. James: May I rise to a point of explanation? I think my Honourable friend, the Leader of the House, misunderstood the purport of my remarks. I certainly did not recommend that this House should appeal either to the Union Government or to His Majesty's Government. What I did say was that if any words of mine from this House could reach those quarters, may those quarters be reminded of the solemn pledges they had given in the past which were now being disregarded. I submit, Sir, that is quite different.

The Honourable Sir Sultan Ahmed: Most certainly it is different. But I heard the word 'appeal'. (*Several Honourable Members:* "Yes, he said 'appeal'".) Anyhow I would make a request to Sir Frederick James to call meetings of the European community in different centres in India and then appeal to his countrymen in South Africa to behave. Sir, Sir Frederick James said that war efforts will suffer if certain steps were taken by the Government of India. I do not know whether those steps will be taken or not. That is a matter entirely for the Honourable Member in charge of the Commonwealth Relations Department. On-behalf of the Government of India he has made the position clear. But I do not understand the meaning of throwing on us this sentence: "War efforts will suffer". Of course they will suffer but who is responsible for this? (*Several Honourable Members:* "The Union Government") Are we responsible? Sir Frederick James himself has given us a good certificate. If South Africa is responsible for this then I suggest to the United Nations—twenty-five nations in the world apart from India—to go to South Africa and tell South Africa that they have to be reasonable.

Dr. G. V. Deshmukh: Smash them. Segregate them.

The Honourable Sir Sultan Ahmed: Sir Frederick James said that India cannot do without wattle bark. Let me tell him that India can. Indian can do without it for the simple reason that nine-tenths of its population do without hoots and shoes and if the remaining one-tenth have to walk bare-footed without shoes or boots, they will be prepared to do it.

Dr. G. V. Deshmukh: Let the South Africans bark!

The Honourable Sir Sultan Ahmed: I suggest to Sir Frederick James that he must appeal to His Majesty's Government to get wattle bark from whatever source they may and bring it into this country, if war efforts suffer. The position is that if the matter is not settled and if the Government of India decide to take economic sanctions which they haven't yet decided surely this wattle bark will not stand in the way. We will go to His Majesty's Government. We will go to the United Nations, every one of them, to secure wattle bark from any place that they can find so that the war efforts of the United Nations may not suffer.

Mr. Govind V. Deshmukh: Unless we know in what spirit this legislation is taken by the South Africans we will not be on the right lines so far as this debate is concerned. In the words of Mr. Mitchell, the Chairman of the Select Committee "the revised draft ordinance would go hand in hand with proper town planning and controlled development, and—mark these words,—in conformity with South African tradition that separation of races is very necessary and to that end town planning can be associated with the Residential Property Regulation Ordinance administratively". The main idea behind any legislation that is enacted in South Africa is that the Indians will be segregated from the whites and it shall be mostly a white man's country. In other words, there is one race which wants to suppress the other race. In a few words one race wishes to persecute the other race. I do not know when Hitler will be defeated and finished but the spirit of Hitlerism is gaining ground. Although Hitler is at present in Germany his spirit is abroad and I have not the least doubt that so far as this colony is concerned it is gathering momentum. If we remember this, then we can understand that it would be useless to appeal to His Majesty's Government. The Government of India have from time to time spoken about their representations through the High Commissioner to the Union Government of South Africa but they have not been heeded to. As a matter of fact, my friend Sir Raza Ali was not wrong when he said that there is a belief that this Government is not in earnest. Public opinion has been very strong but the Government has been slow to move. I dare say that today the words that have fallen from the Leader of the House will dispel that belief. If we see the history of this Legislature for the last four years we will find questions and adjournment motions relating to this subject and they have always said: look here, there is only one way for us, the representation and what can we do? When this Government said we have made representations and we do not possess any sanctions, this House gave them the Reciprocity Act and yet they were most loath to enforce that Act. In connection with that adjournments have had to be brought up frequently. The last was in February 1944 brought by me to which reference has been made by the Honourable Member.

Well, Sir, at that time they put faith in Field-Marshal Smuts. They said that he was a strong man, that our Viceroy, himself a Field-Marshal, was dealing with another Field-Marshal in South Africa and that a soldier's word will always be respected. At that time Sir Raza Ali reminded us of a prophecy and his warning certainly proved prophetic today. He said: "Do not put your faith in General Smuts" and he quoted passages after passages how Field-Marshal Smuts had gone back on the words which he had pledged himself to. Still the Government of India gave Field-Marshal Smuts a chance and if he had followed the debates in this Assembly he would very well have thought that at least to disprove the words of Sir Syed Raza Ali, who had himself been in South Africa, he should rise to the occasion and keep to his pledged words.

I do not wish to go into the details of this Legislation, this Ordinance. The Honourable Member mentioned the Pretoria Agreement with which, he said, we were all satisfied. As a matter of fact I was to a certain extent thinking that the Government of South Africa was changing its attitude. I thought it was taking Indians into their confidence and whatever legislation or ordinance will be passed by them, Indians will be associated with it or consulted as to the lines on which they should proceed. But we have found out

[Mr. Govind V. Deshmukh]

to our great disappointment that we were, really wrong in thinking so. Sir, in view of the admissions of the Honourable Member, it is not necessary for me to analyse the several clauses of this ordinance. I may perhaps refer to one instance in which the South African Government have tried to go back on their promise, and have made a somersault. There was a Reconstruction Committee which made a recommendation that there cannot be economic watertight compartments, i.e., one race cannot be segregated from the other and the two races will have to get on together. The Commission stated:

"Your Commission believes that the population of Natal cannot be divided into economic watertight compartments based on racial lines. That is to say if economic prosperity is to be established for the whole community, then in its view, the laws of economics must be allowed as free a play between the different racial groups as they are between individuals in each group."

In contradiction to this the Residential Property Regulation Draft Ordinance proposes to restrict the free play of economics by controlling acquisition of residential property and land by Indians. This is the latest instance which shows how these people can go back on their own pledged words. In other words we were hoodwinked and we were fools till now to believe them. Let it be said to the credit of the public that they have not acted foolishly, but it was the Government of India who have always acted foolishly till their hands were forced very recently. It was of course heartening and encouraging to hear just now the sentiments expressed by the Leader of the House. I am very pleased at the attitude which he has taken and I am more happy to see that he has gone a step further, the Honourable Member says: "What are we to do. There is a war on and we must stand by the United Nations. Does it mean that we alone of all the United Nations must bear the brunt of the war in spite of the indignities heaped upon us." May I ask: does it mean that we must put up with everything and anything so that European civilisation may be saved and Indian civilisation and Indians themselves may go to the dogs? Does it mean that all other communities and races which enjoy the European civilisation should alone prosper and others should be annihilated. Now it seems to me that our prospects are very gloomy, if we do not start on the war path now. Let us think of this. If we help them to win the war and peace comes, who would sit round the table in the Peace Conference? Field-Marshal Smuts will be there. He has always been attending round table conferences and peace conferences and his words count, because he has received the best certificates from British statesmen like Mr. Churchill. His voice will be most potent. I am afraid there will be no peace after this peace conference. It will no more be a problem of Indians *versus* South Africans. It will be a question of Coloured races *versus* White races; and what better could Hitler or Japan desire than this situation. It would prove a very good weapon for them. Hitler would say, "See how you are treating the coloured races. What face have you to say that I shall not persecute the Jews. In what way are you better than me when there is so much persecution of one race by another within your own dominions". What kind of peace can there be with such conflicting interests between the coloured and white races. If this question is not amicably and satisfactorily settled (let this go to His Majesty's ears) there is very little chance not only of winning the peace soon but every prospect of prolonging the war. And peace that comes will only be a superficial peace which is likely to erupt any moment.

We were told that our Viceroy was a soldier and Field-Marshal Smuts was another soldier. We were asked to believe in the words of a soldier. We thought that one soldier would stand by his word and if he did not the other soldier would see to it that his words are respected. What was it that was said by Field-Marshal Smuts in his telegram? He said: "This was really a fair arrangement and we hope hereafter matters will be finally settled." He said in his telegram:

"The Natal Provincial Council is going to provide a joint board of five consisting of two Europeans and two Indian members under the chairmanship of a third European whose

function it would be to create a machinery for a board to control occupation by licensing of dwellings in certain areas and application of Pegging Act in Durban will be withdrawn by Proclamation on passing of this ordinance."

Here he has gone back on a settlement which was according to him fair and what trust can we put in a soldier's word now?

Nawabzada Muhammad Liaquat Ali Khan: Not a soldier's word but a Field-Marshal's.

Mr. Govind V. Deshmukh: It was asked by my Honourable friend what shall we do now and he said that he had put this Reciprocity Act into force. Very good, though you have done it at a very late stage. I myself had moved an adjournment motion about a year before that the rules should be ready and the Act should be put in force. But we were asked to put our trust in Field-Marshal Smuts. But we have now realised we have been betrayed; the confidence which you placed in your negotiations with Field-Marshal Smuts was a misplaced one. Now even it is not too late to mend matters. But you are halting in enforcing the Reciprocity Act. Now that you have struck, strike hard; go to the full length. I cannot understand this halting manner. Either declare war or do not declare war. But this halting position I cannot understand. If you wish to engage in a fight, then unless you throw your full force, whatever little action you take will recoil on you. I do not know what the Government of India feels like, but if you ask any person who has been engaging in fights of any kind, he will tell you to go full length—otherwise do not strike at all.

The Honourable Dr. N. B. Khare: But you are not one like that!

Mr. Govind V. Deshmukh: I am going to do that; I have done like that throughout my life—go full steam ahead. All my life whenever I have engaged in a fight I have gone full length, whether in my school days or later. As a matter of strategy, therefore, I say, go with your full strength and strike at your opponents. I say if any of these Members of this Government were to appear before a selection board of the G. H. Q. every one of them would be turned down: they would not be considered fit.

The Honourable Sir Sultan Ahmed: You will be turned down also!

Mr. Govind V. Deshmukh: No. Psychologists and psychiatrists will tell you that you are unfit to lead this country and to protect the interests of this country. You possess a defeatist mentality. You vacate those seats and we will take them over and then show you what we can do. Therefore, I am telling you, do not be so helpless. When you said you were helpless and could not do anything we gave you the Reciprocity Act which you were most unwilling to wield.

Sardar Sant Singh (West Punjab: Sikh): That is past history.

Mr. Govind V. Deshmukh: What I say now is, enforce this Reciprocity Act. You merely say something about acquisition of property and disposing of property. How does it affect them? You must apply this in every day matters—in the case of travel for instance. These people may not desire to acquire any property here and have no property here, but they have to travel every day: why do you not put these restrictions the same way as they do? Enforce all South Africans to put on badges saying they are South Africans so that it may be known to all of us who they are: force them to wear such badges and tell they cannot use our railways: prohibit them from travelling on our railways. So far tram cars are concerned, I hope my friends will urge that the municipal authorities are concerned with preventing South Africans from travelling on their tram cars; that is a matter of everyday occurrence; I hope my words will reach them. You will realise that it will have a psychological effect.

Mr. Chairman (Mr. Abdul Qaiyum): The Honourable Member has one minute more.

Mr. Govind V. Deshmukh: They will be made to know what India means, and they will be treated in like fashion. As regards this High Commissioner, from the summary of his speech which my friend gave in the last debate in March, it would appear that the High Commissioner has done nothing except

[Mr. Govind V. Deshmukh]

transferring letters which he receives and sending a summary of something or other this side. The people in South Africa for whom you wish to speak and whose interests you wish to protect have said "We do not want him". They know their own economic interests better. They say "Apply the economic sanctions". It is not you who are going to suffer; they are ready and they say "enforce the economic sanctions". With what face can you say "No."? They are the people who want it and they are going to live in that country. Therefore, whether it is by way of reimonstrance as Sir James has said or whether it is by way of enforcing some sanctions and expressing our greatest displeasure and saving our High Commissioner from the most humiliating position in which he is placed. . . .

Mr. Chairman (Mr. Abdul Qaiyum): The Honourable Member's time is up.

Mr. Govind V. Deshmukh: One minute, Sir. They must be saying "What is the use of this High Commissioner here? What can he do? He has been representing. . . .

Mr. Chairman (Mr. Abdul Qaiyum): The Honourable Member must conclude his speech.

Mr. Govind V. Deshmukh: I will finish in five minutes.

Mr. Chairman (Mr. Abdul Qaiyum): I am afraid the time is up. There is an arrangement with Parties to that effect.

Mr. H. A. Sathar H. Essak Salt: As the chief spokesman of his Party, he gets half an hour, Sir.

Mr. Chairman (Mr. Abdul Qaiyum): If he gets half an hour, then I think the debate will not conclude.

Sir Abdul Halim Ghurnavi: Mr. Chairman, I will not take more than five minutes. After the speech which we have had from my Honourable friend, Sir Sultan Ahmed, we are fully satisfied with the attitude which the Government intends to take. He has told us very plainly what we can expect from the Government. As a business man, I would like to mean business. Time is money. Do it now. The only weapon Government has got in hand to teach these fellows a lesson is the economic sanction. Impose the economic sanction at once without delay, and then recall the High Commissioner, and note how the trick works. Unless Government does that, mere taking of time, talking in this House and explaining to us that Government is very much annoyed and aggrieved and want to do whatever it can, will not have any effect. Government must proceed in a business like way. Delay will be suicidal. Apply economic sanctions: Recall the High Commissioner. That is the only thing that Government should do, and nothing will prevent Government from getting what it wants. What is the use of retaliation? There may be 204 South Africans in India. What is the property they hold in India? Nothing at all. Whereas we have got 2 million Indians there in South Africa. . . .

The Honourable Dr. N. B. Khare: Two lakhs, not two millions.

Sir Abdul Halim Ghurnavi: Anyway 2 lakhs as against 204. This is the only effective weapon. If Government delays, then, take it from me that it will spell disaster. Now is the time. Do it now. Sir, I support the amendment.

Sardar Sant Singh: Sir, I will not take the time of the House for long. I congratulate the Honourable Member in charge of the Commonwealth Relations and my congratulations go more heartily to the Leader of the House for the Churchillian speech he has made in the House for the first time. The tone of that speech is clear enough to indicate that the Government of India is quite serious. I will not address much words to the Government of India, but I am afraid there are two other parties to address. One is South Africa. So far as South Africa is concerned, the tragic word has been spoken and war has been declared upon South Africans by the Government of India. Today's *Hindustan Times* must have been read by the Honourable Member—where the *Natal Mercury* has chosen to hold out serious threats both to the residents

in South Africa and to the Government of India as well. The paper points out that "the only course left open" to the two lakhs of people—Indians who are resident there—is to go down on their knees and ask for the mercy of the South African Government. The *Natal Mercury* has said that if the Reciprocity Act is to be applied, there will be reprisals. I personally wish that there be reprisals. We will welcome such reprisals. It is only then that we shall be able to hit back more effectively against them. This will also enable us to hit at the Imperialistic system to the great advantage to India.

Now, the third party whom I wish to address is His Majesty's Government. We now know that the Government of India is serious in this matter. We know also that they are in earnest. But after all is said and done, we cannot forget that the Government of India is a subordinate Government, getting their cue from His Majesty's Government. If Mr. Churchill is true to his word and is sincere about what he wrote about the part played by Indians in the development of South Africa—the well known passage from his book has been quoted several times on the floor of this House—we are sure that Mr. Churchill's Government will sanction all the measures which the Government of India will demand from them. I am sure that the Churchill Government would not compel the Government of India to lose in this war which has been declared from Delhi against South Africa.

I will say one word more and finish. Let not any impression go abroad that we retraced the steps which we have taken. The Leader of the House has rightly said that if the war effort is affected thereby, the responsibility is that of the 45 United Nations and not the responsibility of the Government of India. If the South African Government have declared war and the war effort suffers, the responsibility will be of those who have declared the war and it is for the United Nations to bring South Africa to its senses. With these words, I will finish my speech.

Mr. N. M. Joshi: Sir, the speeches of the Honourable Member for Commonwealth Relations and the Leader of the House are a pleasant surprise and at the same time an encouraging sign. They show that a grave situation has been created by Field Marshal Smuts' action, by going back on his plighted word in the Pretoria Agreement. Unfortunately, Sir, this is not the first time that the South African Government has gone back upon its word. They promised in the Cape Town Agreement that they would put forth greater efforts to raise the standard of life of the Indian citizens in South Africa. The South African Europeans complain of the lower standard of life of the Indian people in that country but it is the South African Government which is responsible for keeping the Indians on a lower standard of life. They did not give them much education. They spent ten times more on European education than on the education of the Indians. They did not give Indians the full benefit of the labour laws and the social security legislation which they have. Therefore it is not for the South African Europeans to complain of the lower standard of life of the Indian and of the unfair economic competition. I therefore feel that the struggle that our countrymen are making in South Africa is fully justified and we from this Legislature should give them every support that we can. I am glad that the Government of India has been led into some action on this occasion. They have delayed action too long but when they act it is for us to recognise that at least they have done the right thing. In this connection I feel that some Members wrongly take the view that the application of the Reciprocity Act is retaliation. I do not think it is retaliation. It is placing both the South Africans in India and the Indians in South Africa on the same terms. There is therefore no retaliation in the application of the Reciprocity Act. This is reciprocity and not retaliation.

My Honourable friend Sir F. E. James said that the European Group does not approve of the economic sanctions on the ground that they may come in the way of the war effort. The Honourable the Leader of the House has pointed out that we Indians need not assume the responsibility and the monopoly of helping the war effort, while others can do anything they like to

[Mr. N. M. Joshi].

hamper the war effort. I therefore feel that the Europeans in this country will join the Indians in helping the struggle which the Indians are making in South Africa.

There is the question of the recall of the High Commissioner. Personally I feel that if we apply the Reciprocity Act and if we also apply the economic sanctions the question of the recall of the High Commissioner becomes a nominal one. He will have to come back to India, whether they send him back or we ask him to come back. I feel that the Government of India should act boldly.

I was somewhat sorry to hear from the Honourable the Commonwealth Relations Member that he feels that his powers are limited. Let him not feel that. It is wrong for him to feel that. The Government of India does not consist of the subordinate officials. They are the Government of India and if they unitedly exercise their influence with the British Government, they need not feel that their powers are limited. If they once feel that their powers are limited, then they will not be able to help our countrymen either in India or in South Africa. I therefore suggest to him very humbly—let him not feel that his powers are limited. He can depend upon the support of this House and the people of this country, if he does what the people want. I feel that the Government of India should act boldly and take courage in both hands and then I have no doubt that this matter will be settled satisfactorily. I support the amendment proposed by my Honourable friend Mr. Hooseinbhoj Lalljee.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Sir, the history of the relations between the White settlers in South Africa and the Indian settlers is one of the most dismal chapters in world history. Indians were invited, persuaded and cajoled to emigrate to South Africa and they helped in a very large measure to build up the prosperity of that country. But as soon as this object was achieved, injuries and insults were heaped on Indians one after another. Indians made appeals, submitted representations and pledges were given and solemn agreements were arrived at; but no sooner were these pledges given and solemn agreements made, they were thrown to the winds, and the attitude of the White settlers in South Africa grew from bad to worse as one day succeeded another.

Now, what is the attitude of the present Government? Their attitude has assumed the worst form. This attitude would not have been taken up by South Africa if the British Government had raised its little finger on behalf of the sentiments of 400 millions of the Indian people. But the British Government did not do anything to help us. Now, the question is: What shall we do? We are left to our own resources; and I am not sorry for that. We are struggling for freedom and unless we are able to exercise our own rights and to utilise our own resources to the fullest extent, we shall never be fit to gain freedom.

Sir, what, then, are we to do? What are the different methods which are open to us at the present moment? My Honourable friend Sir Frederick James, who is a very pleasant-mannered gentleman, in a half-hearted speech suggested that we should remonstrate and make appeals. But he made it clear that that was not his own view, but the view of the European Group. I am very sorry for the European Group. They are supposed to be the lovers of freedom, but in this case what do we find? We find that they are a party to humiliations being heaped upon India. They have not ever lifted their little fingers to help us, although they enjoy all the benefits, the rights and privileges of Indians.

Mr. Hooseinbhoj A. Lalljee: Much more.

Dr. P. N. Banerjee: Yes, much more; I stand corrected.

Now, what are the ways open to us to deal with the present question? Last year the Reciprocity Act was passed and we have been told by the Honourable Member for Commonwealth Relations—I do not know whether

that title is an appropriate one, because we are not yet in the Commonwealth and still we have a Commonwealth Relations Member—that the Reciprocity Act had been put into force and a Notification had been published in the Gazette. This was done only two days ago. Better late than never. But what more can we do? We can enforce economic sanctions as rigidly as possible. There are some who doubt the efficacy of these economic sanctions, but it appears to me that the question of gain or loss does not arise when the honour and prestige of a nation is involved. Therefore, let us not hesitate to apply economic sanctions with the fullest rigour. It has also been suggested that the application of economic sanctions would impede war-effort, but that is not, as has been pointed out by the Honourable the Leader of the House, our responsibility. That is the responsibility of the British Government and their Allies. We are not intending to hamper the war-effort, but if through their action or inaction war-effort is impeded, we are not to blame.

Lastly, the question is whether we should recall the High Commissioner or not. It appears to me to be placing ourselves in a most humiliating position to retain our representative in South Africa when all sorts of indignities and humiliations are being heaped upon our countrymen in that place. Therefore, we should not have the least hesitation in recalling the High Commissioner. And as my Honourable friend Sir Syed Raza Ali points out, the High Commissioner has not been able to render any substantial assistance to the Indian community in South Africa. Why should we, therefore, hesitate to recall the High Commissioner. If we recall the High Commissioner, we will vindicate the honour and prestige of this country. We shall tell all people that we do not want our Representative to be there to be humiliated. We will raise the prestige and honour of our country and we shall also be able to raise our heads high before the world. For these reasons I support the amendment which has been moved and I hope that quick and immediate action will be taken in all these respects.

Nawabzada Muhammad Liaquat Ali Khan: Mr. Chairman, this is not the first time that the question of degradation of Indians in South Africa has come up for discussion before this Honourable House. This is not the first time that it has been brought home to us, Indians, that a slave country has no place in this world anywhere. I feel that the time for speeches is over. All these speeches in the past have done some good by bringing home to the Government of India the true sentiments and the real feelings of the peoples of India, as has been evident from the two speeches that have been made by the two Honourable Members of the Government. I have not heard any speech made by anyone who has tried to whittle down the effect or minimise the consequences of the new ordinance that has been passed in South Africa. Therefore, it is evident that with regard to the injurious effects of that ordinance there are no two opinions in this House. The view that the European Group has taken with regard to this motion is that while they deplore what has happened in South Africa, they feel that the application of economic sanctions or the withdrawal of the High Commissioner will not be in the interests of the British Empire.

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

I am purposely not using the words "war effort" but I am using the words "British Empire". Sir, this is not the first time that whenever we, on this side of the House, have raised any question which is of vital importance to the peoples of this country, we have been confronted with this war and the consequences which any action might have on its prosecution. I say, Mr. President, damn your war efforts, and damn the British Commonwealth of Nations, if my position in that Commonwealth is to be that of hewer of wood and drawer of water. I am interested in your Commonwealth only to the extent that I enjoy the same freedom, the same privileges and the same rights as every free man in this

[Nawabzada Muhammad Liaquat Ali Khan]

world is entitled to enjoy. But if my helping you to maintain that Commonwealth means degradation to my people, abroad, then I say, the sooner this Commonwealth of British Nations vanishes the better it would be not only for India but for the peace of the world. Sir, what is the use of deceiving the people by expressions like 'Commonwealth' and so on? To me it seems that the meaning which is attached to the word 'Commonwealth' by the White races is that the wealth of the world is their common property. That is the only meaning that they wish to put on the word 'Commonwealth'. My Honourable friends of the European Group feel that you might not be able to put sufficient pressure by the methods which have been adopted. I say, yes. We might not. But if a country is impotent, if a country is not free, then does it mean that it should take lying down all the insults that may be heaped on its nationals in any part of the world? I am not free to declare war on South Africa, but I am certainly free to do as much damage to South Africa as I possibly can.

Sir, my Honourable friend the Member in charge of the Commonwealth Relations—I think he should ask the name of his Department to be changed—has told us that the Government of India have applied the Reciprocity Act. Sir, it is good as far as it goes. But without the application of economic sanctions, it is no use your taking this action. I entirely agree with my Honourable friend Mr. Deshmukh that unless and until you are in real earnest about this matter, you should not have taken this action, because if your intention is only to show to the people of this country that the Government of India have done something, then I think, by this action of yours, you have done incalculable harm to our nationals in South Africa. It will only irritate the whites without affecting them in any way. The action which is required to be taken should be such as would affect South Africa, materially and financially. I go further and say, Mr. President, that the United Nations have made India their base, main base for operations in the East. The Government of India should tell His Majesty's Government that it is a fit case for their intervention and if His Majesty's Government are not able to put pressure on the Government of South Africa, then this Government, if it has any responsibility to the people in this land, should tell them that India will not be able to give any further help in the prosecution of this war. These are the methods by which you can bring it home to those people as to what India really feels, not by the method of applying half-hearted measure, known as the Reciprocity Act. I submit that even if, after the application of Reciprocity Act, there was no demand from this side of the House for the recall of the High Commissioner in South Africa, the Government of India in their own interest and in the interest of that man who is there as your High Commissioner should recall him. When a country is hurt, when a country is insulted, this is the first action that any free country takes, namely, to recall its representative from that particular country. I submit, Sir, that under the circumstances, it is not only futile but it is degrading to keep the representative of the Government of India in South Africa. Sir, I would go further and say that if the Government are really in earnest, the Honourable Member in charge of the Department should come forward asking for the amendment of this Act, the Reciprocity Act. Section 5 says:

"Any direction made by the Central Government under section 3 imposing disabilities in respect of entry into India or travel or residence in British India upon persons domiciled in a British possession shall not, until the expiry of six months after the termination of the present hostilities, apply to any person domiciled in that British possession, who is a member of the armed forces."

I say, Sir, I do not want any South African to be in this country whether he is in the armed forces or otherwise. A man who belongs to a nation which day in and day out is treating my people inhumanly has no right to be in my army or in my country, and therefore I suggest that the Honourable Member should in view of what has happened come forward asking for the amendment of this Act. We do not want anybody here to protect our country.

How can they protect the country of a people whose nationals they are treating in this disgraceful manner? Sir, I again appeal to the Government, you have taken some action, do not any longer be half-hearted about it. Go ahead full speed and you will have the support of every man, woman and child in this country.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): Mr. President, Sir, in rising to support the amendments that have been moved as regards the consideration of the question now before the House, I am deeply gratified to find at the terms in which that Resolution has been accepted, at all events, by the non-official Members of this House, barring the European Group, and supported not in half-hearted, but full-throated language even by the Leader of the House. The question now before the House is indeed a very old issue, even before the times, Sir, when you were the Leader of the Opposition in this House. Ever since 1870, I find it recorded by a Commission, then appointed for the purpose of investigation into the conditions of Indians in Natal, that the majority of the white colonies are opposed to the presence of free Indians as rival and competitor in agriculture or commercial purposes. That, Sir, is the beginning of this disgraceful story. That was the infection that spread to the Transvaal in the course of some three or four years thereafter. And thenceforward it has happened in the history of this country that those who were domiciled in foreign lands the Government of this country has found itself entirely impotent to protect. Indeed reference has been made to the new denomination of the Member in charge of this particular measure. At one time I was familiar with the words "Member for Indians Overseas". I thought that was good enough, neutral enough and respectable enough. But to call him the Commonwealth Relations Member is an innovation against which I wish to emphatically protest. For it is perfectly true, as I once pointed out in this House, even more than what my Honourable friend the Deputy Leader of the Muslim League Party said today, that of all the countries in this world as I look round the only "common wealth", the wealth that is common property of all those who wish to exploit is poor India. Every other country has a special wealth of its own. You cannot enter it, you cannot leave it, you cannot trade in it, much less can you ever be a citizen of it. That is the condition of the legislation of all the countries of this world except this poor country in the hands of this present Government after a period of 150 years and after the experience which they have had with reference to the Indians as they are being treated overseas.

Sir, so far as the Indians overseas are concerned, the problem of South Africa has now raised a much larger issue than the mere issue of the Pegging Act under suspension or the Pretoria Agreement or the manner in which it has now been broken. The issue now raised is, what is going to be the position of Asiatics as they are described in the Pegging Act, and particularly the Indians, in the future of the world? And that is the way in which I want this issue to be considered by the Government of India, unless they are prepared to tell the House, which I hope they are not prepared to do, that in future whatever happens in this war, whoever wins or whoever loses,—and I trust the Britisher hopes to win, the position so far as Indians are concerned is going to remain exactly the same *vis-a-vis* Britain and *vis-a-vis* the rest of their colonies, let alone the foreigners. If that is the position which we are going to get, all the eloquent words that are here uttered with reference to post-war reconstruction and post-war arrangements had better not be uttered in this House at all, if indeed all that post-war reconstruction means is that they are going to reconstruct India in order that Britain may still remain in the same dominant position by exploiting this land. Therefore it is that I can well understand the position that my Honourable friend Sir F. E. James has taken up. He has had the temerity to tell this House, "Look here, there are two things which you have got to consider. One thing is, what will you do for wattle-bark?" I suppose my Honourable friend

[Mr. Bhulabhai J. Desai]

knows that India tanned hides and not wattle-bark, long before that word was known to this land. But he could not do any better. I myself looked down the list of exports and imports of India and I venture to say that South Africa will be less able to do without India than India without South Africa. So that let him understand that this kind of half-hearted and feeble effort to remind Indians of the position in which they are is not going to last any long; that if they belong to this land, if they wish to be settlers in this land and to be called neighbours of this land, their attitude will have to alter here and now and immediately; that it is not merely a question of economics any longer, it is a real question of freedom and equality in the brotherhood of mankind. And if we are not going to occupy that position, then,—to quote the words of my Honourable friend Nawabzada Liaquat Ali Khan,—“what does it matter to us what happens in this war? It is all very well to frighten us, as used to be done at one time, by saying, ‘Oh, what will happen to you if we lose?’” But what will happen to you if *you* lose? Have you considered that problem and have you considered the position today, of not allying yourselves with Indians in every question that concerns the Indians in the complete and fullest manner? That is the appeal I make again after several years to my friends of the European Group. But the question is not merely addressed to them, it is addressed to His Majesty's Government. At present, on account of the large issue that has arisen,—and in a way out of evil cometh good,—it is just as well that General Smuts, the show-boy of Mr. Churchill throughout the period of this war, has been quoted, and he has had the temerity to tell us what can be done and what cannot be done. Sir F. E. James failed to quote the rest of the speech which General Smuts made, and I will quote the last words there:

“White South Africa” (*W-h-i-t-e*) “is big and strong and honest enough to do justice to all races and all colours and we shall do so,”—(*Mark these words*)—“and we shall do so taking into consideration our known attitude of separatism in housing work circles and associations.”

No greater insult could have been offered to the Indians who have made at all events Natal what it is. Figures are known to this House. There are 195,000 domiciled Indians in Natal alone today as against 205,000 Europeans. Therefore it is that—though there are only 20 thousand in the next colony, eleven in the third and nine in the Orange Free State,—we know exactly what the issue is. The issue is not one which is merely confined to Natal in its effect and in its consequences; and hence it is that it is up to us to consider the question of where we stand today. When we, for instance, said in this House some years ago that the war was declared against our will and against our consent we were told “Oh, that is all very well, but we have done so to protect you”. If this is what is meant by protection, if what is meant by protection is that South Africans are to be encouraged, that all countries where Indians reside are to be encouraged, that they are to be pampered, that they are to be flattered and fattened in order that we may bleed and fleece for them,—they are very much mistaken. The time has now come when we must recognise and realise what our position is going to be after the war. It is not a question of saying, “Oh, yes, on some future distant day we shall declare you a dominion”. The time has now come to recognise the issue as a living issue here and now. And hence it is that from many other places we have demanded that in so far as the freedom of India is concerned, it is a matter of declaring here and now. India is being made the basis of operations and the question is not merely whether or not the Indians in South Africa will be allowed to buy or occupy land in particular areas. That is merely a test of the question. You are aware of what has happened in the history of that unfortunate South African legislation, apart from what happened in the year 1870 and the eighties and the nineties. The question came up first, thank God, when that country gave us the first real measure of our fight for freedom. It was there for the first time that Mahatma Gandhi was able to face the real

issue of self-respect of subject races. It is he who fought against General Smuts himself, and it is General Smuts who in 1914 entered into what is known as the Gandhi-Smuts Agreement which is the charter on which the Indians, subject as they are to restrictions, still base their rights today. The spark that came to fire that day is going now to devastate other lands. If the freedom of this country is not going to be achieved here and now, what is this war being fought for? Britain says she must be free, Germany shall not offend them or encroach upon them. That is perfectly true, but you cannot have abstract ideas, one freedom for yourselves and another freedom for the rest of the world!

This is a world war in its true sense of the term. Apart from the fact that it encircles the world, it has a greater significance. If China is to be one of the powers that is going to play a vital part in safeguarding the future security and peace of the world, do you expect that the rest of the world, if it remains subjugated, is going to end the war, notwithstanding the fact that this war may be won? Do you really believe in your heart of hearts that China is really to sell the rest of the world? If you think so, I am afraid you are very much mistaken; you are also mistaken if you think that the Asiatics are any longer going to allow themselves to remain as subject races of the world. If you are fighting the war merely in the sense that you are going to raise your dignity higher and higher in the eyes of the world, by all means do so, but don't tell us it is our war. It will be only our war if you, here and now, tell us that you and I are equals, that you are as free as we are. It is the only thing which is important, namely, that the European people of the world should proclaim freedom for everybody and for this land. This is the real issue which has acquired much importance. It is not a matter of recalling the High Commissioner, that is a small measure. I can understand what exists in your mind, but I cannot understand the mind of any Member who says we must consider how we can recall the Commissioner. Does he remember that if the freedom of a single national of any of the European countries was concerned, their own Ambassador would be recalled next morning? Does he remember that the breaking of diplomatic relations is only a step to the declaration of war with that country from which you recall your Ambassador? It is true and I fully appreciate it that we are not in a position to declare war—perhaps that is the reason why they are talking in the language in which they do—but what does it matter whether it is so or otherwise. So far as we are concerned, we cannot be a party to any diplomatic relations with a country that has no respect for my nationals. What does he usually do? I have no soft corner for any particular individual. He is generally unable to say anything to the Colonial Office or to General Smuts, so he comes and bullies us 'why don't you accept this or why don't you accept that'. That is the only use we can make of that Agent. He gets correspondence from the Government of India and he goes from one white house, dark house or black house to another in which other people are housed. Therefore, in so far as the three measures at our disposal are concerned, Sir, it is our necessary duty that we shall apply them.

And to take them, therefore, in order, in so far as the Reciprocity Act is concerned, it should be made no excuse. The 5th Section, to which my Honourable friend referred, should be made no excuse to tolerate any individual with a greater freedom in my land than my own countryman is enjoying there. After all what is our contribution? Two million men have been raised in this country. They are good enough to fight so far as the security of this land is concerned. No doubt it is true that they have imported some others to fight along with us in order that it may not be said that we were alone able to defend ourselves. That also I am aware of, but it is perfectly true also that many excuses can be made in the name of war effort. Nobody is more anxious than myself that we should make a common effort to fight for the cause of freedom, but standing, as I do, here after a little more than five years after the declaration of war, we demand that it should be clearly understood that we shall fight for our freedom as much as we have fought for the

[Mr. Bhulabhai J. Desai.]

freedom of others. Therefore, I say that if they continue to think in the terms they do in South Africa—that we are an inferior race, that they cannot tolerate a free Indian, equal in agriculture or commerce—if that language which was used in the year 1870 is going still to be the governing sentiment of the Europeans as a race or Europeans as a body, then I may tell you that there is going to be no peace, notwithstanding that this particular war may be won. I think it ought to be recognized everywhere else and should be recognised here and now that there cannot be any peace so long as the world consists of two portions: one part standing as a victor to dictate peace and another part standing as their subject races.

Look at the map of the world. Africa—there is no colour of European country which is not represented there and they hope to retain that as a part of their dominions, whether it is Belgium or whether it is Holland or whether it is France or whether it is Germany—I hope they will come to terms with them in some manner or other—and of course Britain. If that is also going to be the history of occupation of the rest of Asia, well, you may be quite sure that whatever may be agitating the world, the world is not going to stand still. The world will not and cannot tolerate any inequality between man and man in what is now called a highly civilized condition. In other words, India and the rest of it, Burma, which you are going to conquer—that we are going to conquer, if I may be permitted to say so; with a little modesty or immodesty—and Indo-China and all the rest of it, is going still to be the hunting ground of Europeans—French in one place, English in the other, and a little further South the Dutch in Java and Sumatra,—so that as I look round the world I do not see any peace in it, not unless and until they rise to the stature, real, genuine and honest, namely, that we stand for democracy, that we fight for democracy, that we wish to see every human being free in his own land. "Peace in the world and goodwill to all" is not enough. That you recite every Sunday, but that is not enough. It has to be translated into action, it has to be translated into life, it has to be translated into sacrifice every day of the week. For indeed I have read during the last few months a great deal of controversy going on.

They say in the country to which my friends belong and who are at present dominant in this land, 'Remember that the standard life is to be maintained, remember that that standard of life will depend on trade, remember that we have to increase our trade even in excess of what it was before the war'. We remember all that. But I began to ask myself where do I come in. That is all very well, but where do I come in. And the question so far as this House is concerned is—I am very glad that they have almost directly raised this issue—why should they tell us if war effort suffers, therefore please don't displease Africa. Have you had the courage to tell Africa that war effort suffers? That is the attitude of every man who is either a part of that Government or a constituent part in the constitutional sense or a part of the Government in the racial sense. You come to the same answer. War effort is good, we wish to win, but if liberty is not given to Africa and Asia then you may be quite certain that you will not have peace in this world. You will only have peace and lasting peace not by accumulating arms of two or three powers—I suppose in order to please the Asiatics they say China is going to be one of those security powers, it is all right to say that but it is wrong to plan like that—but by liberating other nations of the world. Other races of the world will have a great deal to say before real peace comes. Therefore, I say that in so far as the two amendments before the House are concerned, we wholeheartedly support them. We demand that with regard to the half-hearted sanction so far as the Reciprocity Act is concerned there must be an immediate amendment to section 2, we demand that the Commissioner should be immediately recalled. There is no time to lose in giving effect to this. While this House is yet considering it, the Natal Council has had the decency or indecency or courage or whatever mood you may like to call it, I do not know, to pass that Ordinance so that it will be taken as an

accomplished fact. Let it be remembered that there are many accomplished facts to which Indians have submitted but the time has gone by when Indians will not submit to what I call accomplished facts if the peace of the world is to be imperilled thereby. Therefore we also ask that in so far as economic sanctions are concerned, they should be applied forthwith. As for any further measures that are concerned, it will be later on for us to consider. It will be for us to consider to what extent we shall participate in this war, which to a great extent is a war for the perpetuation of our domination. Therefore it was that unless it was made our war we shall not be made a party to it. And the issue remains to day still the same whether we are parties to the continuation of our domination or whether we are parties to our own freedom. On that depends the issue of the House.

Sir, I support the amendments.

Mr. President (The Honourable Sir Abdur Rahim): I understood from Mr. Chairman who was occupying the Chair before I came in, that it has been arranged that after Mr. Bhulabhai Desai, the Leader of the Opposition, Dr. Khare is to reply to the debate.

Mr. M. Ghiasuddin (Punjab: Landholders): There is plenty of time yet, if you will allow one or two more speakers.

Mr. President (The Honourable Sir Abdur Rahim): Dr. Khare.

The Honourable Dr. N. B. Khare: I am grateful for the sense of appreciation to which general expression has been given in this House. Sir, I do not want to flatter myself or to pat myself on my back. I have done what I could within my limited power and resources and I also realise it is precious little. I have made no secret of it. I have compared it to a rubber nipple without milk. So there can be no two opinions on this matter and I may further want to add that so far as sentiments for India's domination, democracy, opinion of the world, racial discrimination and exploitation and sovereign equality and what not have been expressed, I am in entire agreement with any Indian who calls himself the son of Mother India. I do not make a vain boast. I have said so in my speech. I wish, Sir, that India could have been in the position of declaring war against South Africa here and now. As my friend the Honourable Colleague from Bombay asked, why not war? But he is non-violent. I am not. Yet it comes from him. It is surprising.

Dr. G. V. Deshmukh: You should know better.

The Honourable Dr. N. B. Khare: Sir, I wish India was free to declare war. Had it been so, I assure the House that I would have lost no time in taking all the arms and implements available and invading that country and perhaps being in the forefront. Unfortunately, it is not so. We are all aware that we are a politically subject people. You cannot blink at that fact. (*An Honourable member:* "Why not resign?") For this subjection every Indian, including the Members of the Opposition, and all our ancestors, are responsible. They cannot single me out for that blame and if they want me to resign, I ask them: What has brought you back here? After all you have come here. You know your limitations. You know your Legislature is not a Sovereign Legislature; yet you have come back here to do service within those limitations. I have come here to a similar Government, also to do service.

Dr. G. V. Deshmukh: We are only a Dunkirk!

The Honourable Dr. N. B. Khare: Reference has been made about the withdrawal of the High Commissioner. I have already told the House that we have not yet reached any decision one way or the other. The question is open and it can appear to anybody that that should be the step. There is nothing new in that. It occurred to me also. But, Sir, I take it that as the Honourable the Leader of the Opposition has said, that immediately we withdraw the High Commissioner we declare war, but we are not in a position to do that.

Mr. Hooseinbhoj A. Lalljee: What will happen?

The Honourable Dr. N. B. Khare: Therefore, it is not worth while to take any hasty decision. After all we have to see how things develop and be circumspect about it. These withdrawal and re-entry measures have been indulged in

[Dr. N. B. Khare.]

by the Opposition *ad nauseam*. They may please the Opposition Members but I do not think this policy has achieved anything at all. Therefore, I would not like to be the laughing-stock of the world as they have been. So before any withdrawal takes place, I will have to think twice. That is my attitude.

So far as my friend, Mr. Hooseinbhoj Lalljee is concerned, he has only made one point that the reasons for the issue of the Ordinance in East Africa are not true. There is no scarcity of any food, etc. In my opening speech, I said: We have conveyed to them that the Government of India do not hold that there are any valid reasons for the Ordinance. So he has made no point at all.

So far as my friend, Sir Frederick James is concerned, I do not want to say anything because Sir Frederick and Sir Sultan have cancelled each other.

I take very strong objection to some sentiments expressed by my friend Sir Raza Ali. He has expressed doubt about the sincerity of the Government of India in this matter. He has said it is only lip sympathy. I hope I am correct. If it is so, I repudiate the whole thing with all the emphasis at my command and with the contempt it deserves.

Sir Syed Raza Ali: Why did you not enforce sanctions last year? Why were you waiting for eleven months?

The Honourable Dr. N. B. Khare: I am coming to that. Do not be impatient.

Mr. Abdul Qaiyum (North-West Frontier Province: General): Let us hear Adolphus!

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Don't spoil the effect of your speech!

The Honourable Dr. N. B. Khare: My Honourable friend Sardar Sant Singh has pointed out that there are likely to be reprisals against Indians as well as against the Government of India, although I do not know how they can take any steps, against Government of India. If they are going to invade India we will welcome it. Therefore, I still maintain that we should watch and see what reprisals they will take upon our nationals. Perhaps they may themselves find it necessary to declare our High Commissioner *persona non-grata*. If that happens there will be no difficulty to recall him.

Sir Syed Raza Ali: Waiting for him to be kicked out.

The Honourable Dr. N. B. Khare: There is another inaccuracy which has crept into the speech of my Honourable friend from Nagpur, Mr. Deshmukh, to which I am bound to refer. When he referred to the application of the Reciprocity Act, how it was brought into being, etc., I think he gave us wrong history. He said that the Government of India were unwilling even to accept that measure which we passed in this House sometime in 1943.

Mr. Govind V. Deshmukh: That is quite correct.

The Honourable Dr. N. B. Khare: The fact of the matter is that the measure of my Honourable friend which was passed by this House was incapable of being brought into force. When I took charge in May I found that that was the position after I had got it examined and I lost no time in bringing before this House the amended measure in July which this House passed. They will thus see how far the charge of unwillingness and delay can be sustained. I am afraid my Honourable friend is not on strong ground in view of the sequence of history in relation to this measure.

Then, Sir, the matter of war effort was mentioned. The Honourable the Leader of the House has gone far ahead of the Honourable the Member for Commonwealth Relations. As far as I remember I simply said, if you think of going out of the Commonwealth we may perhaps fall from the frying pan into the fire. It is a maxim known to all of us. Its implications are well known. I do not think any further amplification is necessary on that point.

My friend Mr. N. M. Joshi has charged us with delaying action among several other things. I do not know that I am guilty of that charge. I have taken great pains to explain in detail what transpired between us and South Africa in

the course of several months. I have given dates. The House will consider whether in the course of negotiations it is at all proper to bring this Reciprocity Act into effect. Would it have in any way helped the negotiations? Before the negotiations actually failed, as they ultimately did, was it at all wise to apply any act? If you consider the matter dispassionately I am sure you will come to the same conclusion.

Another point made by my Honourable friend, Mr. Joshi, is the distinction between reciprocity and retaliation. Sir, this is nothing but hair-splitting. Supposing I give a slap in the face of my Honourable friend and he gives one in return to me, what is it? Is it reciprocity or retaliation? I maintain it is both. He has attempted to swell our head about the power which we possess. Sir, we know what power we possess. We cannot easily be befooled with fanciful ideas about our having full power. Therefore if we proceed on the basis that we have adopted I think it is wisdom and not folly.

Sir, some people have expressed doubts about our attitude even today. In my opening speech I have said emphatically that the Government of India will not shirk doing any overt act which is necessary and possible in this behalf. Is it necessary to give any further assurance?

Much has been made about the name of my department, from "Indians Overseas" to "Commonwealth Relations". This is not germane to the issue under discussion. It is merely a change of name and I have never made any fuss about it. I am not ashamed to declare here and now that the change has no political significance at all. It is merely on paper. After all what is there in a name?

Sir, the amendments which have been moved so far are two in number. The purport of them all is that the Reciprocity Act should be applied, that the High Commissioner should be recalled and that economic sanctions should be enforced. About the Reciprocity Act you have got it already applied by a Gazette Extraordinary. About the recall of the High Commissioner I have expressed my own views on it absolutely without any hesitation, and about the economic sanctions also I told the House that this matter also is under the serious consideration of the Government. And I hope it won't take very long to decide on them one way or the other. I have also, I remember, in my opening speech, requested the House to give their advice as to what should be done in this matter. Therefore, Sir, I want to tell the House that I do not think I should like to fetter the hands of the House in any decision which they want to take on these three matters. It is entirely for the House to give its advice. I do not

5 P.M.

think, Sir, I shall want to waste any more time of the House and I thank the House again for all the good opinions which they have expressed from all quarters except one.

Mr. President (The Honourable Sir Abdur Rahim): I shall first put Dr. G. V. Deshmukh's amendment. The question is:

"That the following be added at the end of the motion:

"and having considered the matter, this House is of opinion that the Government of India should forthwith exercise the powers under the Reciprocity Acts (viz., Act IX of 1943 as amended by Act XXII of 1943) against the Nationals of South Africa's Union not being of Indian origin and should immediately recall the High Commissioner for India in South Africa."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The next amendment is the one moved by Mr. Hooseinbhoj A. Lalljee:

"That the following be added at the end of the motion:

"and because of the continuous racial discrimination policy against Indians adopted by the Union of South Africa and by the East African Governments of Kenya, Uganda and Tanganyika, this House is of opinion that the Government of India should forthwith enforce Economic Sanctions against those countries and exercise the powers under the Reciprocity Acts (viz., Act IX of 1943 as amended by Act XXII of 1943 against the Nationals of those countries."

[Mr. President]

To this, there is an amendment moved by Mr. Govind V. Deshmukh:

"That in the amendment proposed by Mr. Hooseinbhoy A. Lalljee, after the word 'Nationals' the following words be inserted: 'not being of Indian origin'."

I shall put the last amendment first. The question is:

"That in the amendment proposed by Mr. Hooseinbhoy A. Lalljee, after the word 'Nationals' the following words be inserted: 'not being of Indian origin'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): I shall now put Mr. Hooseinbhoy A. Lalljee's amendment as amended. The question is:

"That the following be added at the end of the motion: 'and because of the continuous racial discrimination policy against Indians adopted by the Union of South Africa and by the East African Governments of Kenya, Uganda and Tanganyika, this House is of opinion that the Government of India should forthwith enforce Economic Sanctions against those countries and exercise the powers under the Reciprocity Acts (viz., Act IX of 1943 as amended by Act XXII of 1943) against the Nationals, not being of Indian origin, of those countries'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): I shall now put the original motion as amended by the amendments passed by the House.

The question is:

"That the position of Indians in South Africa and East Africa be taken into consideration: and having considered the matter, this House is of opinion that the Government of India should forthwith exercise the Powers under the Reciprocity Acts (viz., Act IX of 1943 as amended by Act XXII of 1943) against the Nationals of South Africa's Union not being of Indian origin and should immediately recall the High Commissioner for India in South Africa: and because of the continuous racial discrimination policy against Indians adopted by the Union of South Africa and by the East African Governments of Kenya, Uganda and Tanganyika, this House is of opinion that the Government of India should forthwith enforce Economic Sanctions against those countries and exercise the powers under the Reciprocity Acts (viz., Act IX of 1943 as amended by Act XXII of 1943), against the Nationals, not being of Indian origin, of those countries."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 7th November, 1944.