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THE

COUNCIL OF STATE DEBATES

(OFFICIAL REPORT OF THE FOURTH SESSION OF THE FOURTH COUNCIL OF STATE.)

VOLUME II—1938

COUNCIL OF STATE.

Monday, 5th September, 1938.

The Council met in the Council Chamber at Viceregal Lodge, Simla, at Eleven of the Clock, being the first day of the Fourth Session of the Fourth Council of State, pursuant to section 63D (2) of the Government of India Act. The Honourable the President (the Honourable Sir Maneckji Dadabhoy, K.C.S.I., K.C.I.E., Kt., Bar.-at-Law) was in the Chair.

MEMBERS SWORN:

The Honourable Mr. Shavax Ardeshir Lal (Nominated Official).

The Honourable Sir Muhammad Yakub (Nominated Non-Official).

The Honourable Mr. Hugh Gabriel Stokes (Bengal Chamber of Commerce).

The Honourable Mr. Satyendra Nath Roy (Communications Secretary).

The Honourable Mr. Arthur deCoetlogan Williams (Nominated Official).

The Honourable Mr. John Anderson Thorne (Home Secretary).

The Honourable Mr. Muhammad Saleh Akbar Hydari (Labour Secretary).

The Honourable Mr. Mead Slade (Commerce Secretary).

QUESTIONS AND ANSWERS.

APPLICATION OF THE WAR OFFICE SCHEME TO THE BRITISH ARMY IN INDIA.

1. THE HONOURABLE MR. V. V. KALIKAR : (*a*) Will Government state :—

(*i*) When the scheme regarding the increase in the emoluments of the British Army in India will be introduced ?

(*ii*) The additional cost which the Indian Exchequer will bear on the introduction of this scheme?

(*b*) Was any representation made by the Government of India to His Majesty's Government against the scheme?

(*c*) If the answer to part (*b*) is in the affirmative, will Government lay a copy of the representation on the table of the House? If not, why not?

THE HONOURABLE MR. A. DEC. WILLIAMS: (*a*) (*i*). It has already been introduced.

(*ii*) It has not yet been accurately worked out, but so far as can be estimated at present it may amount in a full year to about Rs. 20 or Rs. 21 lakhs per annum for officers and Rs. 133 lakhs per annum for other ranks.

(*b*) Yes. I also refer the Honourable Member to His Excellency the Commander-in-Chief's reply to Pandit Hirday Nath Kunzru's questions Nos. 265—267 of the 4th April, 1938.

(*c*) No, because the correspondence is confidential.

THE HONOURABLE MR. HOSSAIN IMAM: Does this estimate include the cost of the British officers in the Indian Army as well?

THE HONOURABLE MR. A. DEC. WILLIAMS: No, Sir.

THE HONOURABLE MR. HOSSAIN IMAM: Are they included in these concessions?

THE HONOURABLE MR. A. DEC. WILLIAMS: I think that will arise from another question coming later.

AIR DEFENCE MEASURES.

2. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government state what steps have they taken or intend to take to protect and safeguard the people residing in urban and rural areas against aerial attacks of enemy.

THE HONOURABLE MR. J. A. THORNE: I would refer the Honourable Member to the reply given on the 14th February last to the Honourable Raja Yuveraj Datta Singh's question No. 9. The report of the Committee to which reference was then made has since been examined by the Central Government, and a communication on the subject has been addressed to Provincial Governments.

VICEROY'S COMMISSIONED OFFICERS.

3. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government state how many Viceroy's Indian commissioned officers have retired since the abolition of Viceroy's commission and how many qualified cadets from the Indian Academy have taken their places?

THE HONOURABLE MR. A. DEC. WILLIAMS: The Viceroy's commission has not been abolished. In units which are not earmarked for Indianization, the Viceroy's commission is still given. In units, however, which are being

Indianized Viceroy's commissioned officers are replaced by Indian commissioned officers and by Indian warrant officers.

The number of Viceroy's commissioned officers who have retired from units which are being Indianized since the first Indian commissioned officer joined, is 148.

The number of Indian commissioned officers posted to such units is 143.

THE HONOURABLE MR. HOSSAIN IMAM: How many warrant officers have we created?

THE HONOURABLE MR. A. DEC. WILLIAMS: Statistics are not available in Army Headquarters as regards warrant officers; but I will get the information if the Honourable Member will give notice.

THE HONOURABLE MR. HOSSAIN IMAM: Thank you, Sir.

APPLICATION OF THE WAR OFFICE SCHEME TO THE INDIAN ARMY.

4. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government state whether in view of the increase and revision of salaries and allowances and in method of promotions of King's commissioned officers in the Army there has been similar changes in the King's Indian commissioned officers in the Army? If not, why not?

THE HONOURABLE MR. A. DEC. WILLIAMS: The question of the application of the War Office scheme to the Indian Army is at present under consideration.

THE HONOURABLE MR. HOSSAIN IMAM: Does that mean about the King's commissioned officers as well?

THE HONOURABLE THE PRESIDENT: That question does not arise. He has promised a reply. He says the matter is under consideration.

THE HONOURABLE MR. HOSSAIN IMAM: I want to know is it only about Indian commissioned officers or about King's commissioned officers as well?

THE HONOURABLE MR. A. DEC. WILLIAMS: It is impossible to give details at this stage, Sir, as to exactly what form the application of this scheme will take.

INCREASE IN RECRUITMENT OF INDIANS IN THE HIGHER RANKS OF THE INDIAN ARMY AND ROYAL INDIAN NAVY.

5. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government state what steps they intend taking to increase the annual recruitment of Indian superior officers in the Army and Navy? If so, will they state the details of the increase?

THE HONOURABLE MR. A. DEC. WILLIAMS: No increase has at present been decided upon.

THE HONOURABLE MR. P. N. SAPRU: Sir, what did the Honourable Mr. Ogilvie mean the other day by saying that a revolutionary scheme was under consideration ?

THE HONOURABLE THE PRESIDENT: That is a matter of opinion. I disallow it.

THE HONOURABLE MR. HOSSAIN IMAM: But the Secretary of the Defence Department has said——

THE HONOURABLE THE PRESIDENT: No speech is allowed at this stage. If you want to put a question, please put it.

PROGRESS IN THE PROMOTION OF INDIAN OFFICERS TO HIGHER RANKS.

6. THE HONOURABLE MR. G. S. MOTILAL: (*a*) Has Government's attention been drawn to the answers given in the House of Commons in June last regarding the army officers in India ?

(*b*) How many Indians during the next year and each of the next five years will rise to superior ranks ?

(*c*) In what year will Indians rise to the rank of majors, and how many in each year ? How many Indians hold the rank of captains, lieutenants, second lieutenants and quartermasters ?

(*d*) In what year will Indian officers rise to the rank of field marshals, generals, lieutenant-generals and majors and how many of them shall rise to these ranks in each year ?

THE HONOURABLE MR. A. DEC. WILLIAMS: (*a*) Yes.

(*b*) and (*c*). I lay a statement on the table giving the information asked for by the Honourable Member.

(*d*) It is impossible to say at this stage.

(*b*) Assuming superior ranks to be the rank of major and above, it is anticipated that including the Indian Medical Service 46 Indians will attain the rank of major in the next five years, *i.e.*, in—

	Army.	Indian Medical Service.	Total.
1939	3	14	17
1940	3	3	6
1941	4	3	7
1942	5	2	7
1943	8	1	9

(c) Excluding the Indian Medical Service, eight Indians have already been promoted to the rank of major this year, and it is anticipated that approximately 114 Indians, other than Indian Medical Service, will be due for promotion to that rank during the years 1939 to 1950, provided they pass their examinations, and are recommended for such promotion, *i.e.*, in—

1939	8
1940	3
1941	
1942	5
1943	8
1944	8
1945	6
1946	16
1947	9
1948	10
1949	23
1950	19

There are at present 141 Indian officers serving as captains, 57 of whom belong to combatant units and 84 to the Indian Medical Service. There are also 205 Indian lieutenants, and 91 second lieutenants, all of combatant units.

There are at present 16 Indians holding the appointment of quartermaster of whom one is officiating in the appointment.

SAVINGS EFFECTED DUE TO MECHANIZATION OF THE ARMY IN INDIA.

7. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government state how many persons and animals have been so far reduced in the Defence Department as a result of mechanization of the Army in India? What has been the recurring annual saving thus effected in (*a*) salaries and allowances, (*b*) pensions, (*c*) clothing, (*d*) upkeep and purchase of animals, and (*e*) in accommodation and transport? What has so far been the cost of mechanization on (*i*) British units and (*ii*) Indian units? What units are to be mechanized this year and at what cost?

THE HONOURABLE MR. A. DEC. WILLIAMS: It is presumed that the Honourable Member is referring in the first part of his question to the Army and not to the Defence Department of the Government of India, the personnel of which remain unaffected by mechanization and which employs no animals.

It is not possible to give a complete answer until establishments have been fixed. The reductions now in progress, however, amount to—

British personnel	1,253
Indian personnel	1,148

Over 4,000 animals have been withdrawn from these units. Most of them have been distributed to effect replacements in other units.

The total recurring annual saving which will ultimately be effected is anticipated to be Rs. 16½ lakhs for four British units plus Rs. 4·83 lakhs for two Indian units. As mechanization of the first unit started only on the 1st of January last, it is impossible at present to give any further details.

Three British cavalry units and two Indian cavalry units are to be mechanized this year. The total cost is estimated to be Rs. 25 lakhs for each British unit and Rs. 20 lakhs for Indian, of which Rs. 40 lakhs in all is expected to be spent during the current year.

KING'S COMMISSIONED BRITISH OFFICERS AND KING'S COMMISSIONED INDIAN OFFICERS.

8. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government state when do they intend to abolish the difference in the status between the King's commissioned British officers and the King's commissioned Indian officers? If not, why not?

THE HONOURABLE MR. A. DEC. WILLIAMS: There is no difference whatever between King's commissioned Indian officers and King's commissioned British officers. Their status is identical in all respects.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Is it not a fact that a King's Indian commissioned officer cannot, even in case he be senior, command a King's commissioned British officer?

THE HONOURABLE MR. A. DEC. WILLIAMS: No, Sir. For disciplinary purposes an Indian officer stands in exactly the same position as a British officer, but he cannot ordinarily command a unit to which he does not belong.

THE HONOURABLE MR. P. N. SAPRU: Can an Indian commissioned officer command a British regiment in India?

THE HONOURABLE MR. A. DEC. WILLIAMS: I have just answered that question. He cannot command a unit which he does not belong to, but in the field he will take his position according to his rank.

THE HONOURABLE MR. P. N. SAPRU: Does a King's commissioned officer belong to a unit in India?

THE HONOURABLE MR. A. DEC. WILLIAMS: An Indian Army officer does not ordinarily command a British regiment.

AIR-CONDITIONING OF BARRACKS OCCUPIED BY BRITISH TROOPS.

9. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government state whether they intend air conditioning of barracks in plains for the British troops in India in order to save high recurring expenses of their seasonal move to the hills every summer? If not, why not? What is the estimated cost of such air conditioning? And whether it is intended to do this piecemeal?

THE HONOURABLE MR. A. DEC. WILLIAMS: As regards the first part of the question, I refer the Honourable Member to the reply given by His Excellency the Commander-in-Chief to Mr. Kalikar's question No. 8 asked on the same subject on the 14th September, 1937. Government have nothing further to add to it at present.

The remaining parts of the question do not arise.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Am I to understand from the reply that the air conditioning of barracks for British troops is not under consideration now ?

THE HONOURABLE MR. A. DEC. WILLIAMS: No, Sir. It is still under consideration.

SHARE OF THE DEFENCE DEPARTMENT IN THE COST OF THE ECCLESIASTICAL ESTABLISHMENT.

10. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government state whether or not the Defence Department is bearing the annual recurring cost of salaries and allowances, etc., of army chaplains and other ecclesiastical staff ? If not, why not ? What is the total annual expenditure on such staff ?

THE HONOURABLE MR. A. DEC. WILLIAMS: The Defence Department bears part of the cost of the Ecclesiastical Establishment. Its share for 1936-37 amounted to 5·23 lakhs, out of a total of 32·28 lakhs. There is no reason why Defence Department should bear the whole cost as the establishment exists for the benefit also of that portion of the civil population falling within the category of European-born Christian servants of Government.

THE HONOURABLE MR. P. N. SAPRU: Is there any provision in the Indian Army also so far as chaplains and others are concerned ? Are there any Hindu or Moslem priests for Hindu and Moslem sections of the Army ?

THE HONOURABLE MR. A. DEC. WILLIAMS: I should require notice of that question, Sir.

CREATION OF A SEPARATE ANDHRA PROVINCE.

11. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: Have Government received any communication from the Government of Madras, or elsewhere recommending the creation of a separate Andhra Province ? If so, what has been the decision ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: With your permission, Sir, I shall reply to questions Nos. 11 and 12 together.

I will make a brief statement in regard to the question of the creation of new provinces on a linguistic basis.

In March, 1938, the Madras Legislative Assembly and the Madras Legislative Council passed Resolutions in the following terms :—

"This Assembly/Council recommends to the Government that the view of this Chamber of the Legislature of Madras be communicated under section 290 of the Government of India Act, 1935, to His Majesty in Council that steps may be taken as early as possible for the constitution of separate provinces so as to place under separate autonomous provincial administrations, the areas wherein the language predominantly spoken is respectively Tamil, Telugu, Kannada and Malayalam ".

The Government of Madras forwarded copies of the Resolutions together with the debates to the Government of India and requested that they may be transmitted to the Secretary of State. The Provincial Government stated in

their letter that, in all the circumstances, they were of the opinion that the demand for the constitution of separate provincial administrations on a linguistic basis should be conceded.

Under the procedure laid down in section 290 of the Government of India Act, 1935, the initiative in the matter rests with the Crown.

Copies of the Madras Government's letter and of the Resolutions passed by the Chambers of the Madras Legislature were accordingly forwarded to the Secretary of State. Sometime afterwards, an occasion arose as a result of a question in the House of Commons to define the attitude of His Majesty's Government towards the demand for the creation of new provinces. I shall read out the question and the reply given by the Under Secretary of State on the 2nd May for the information of the Honourable Member.

"Mr. Cary : To ask the Under Secretary of State for India, whether he is aware that in more than one province the creation of new provinces is being urged ; and whether he can indicate the attitude of His Majesty's Government in relation to this matter ?

Lord Stanley : Yes, Sir. In reply to the second part of the question, I would remind my Honourable friend that under the Government of India Act, 1935, the initiative in the matter of the creation of new provinces rests with the Crown. I would also invite his attention to the observations of my Right Honourable friend the Home Secretary when this provision of the Act, then clause 272 of the Bill, was under discussion on 9th April, 1935. My Noble friend is in full accord with his predecessor in this matter and would not regard it as in the interests of India to embark upon a policy of creating new provinces at the present time ".

The Government of India also received in July copies of Resolutions adopted by the Bombay Legislative Council and Legislative Assembly on the subject of the creation of a separate Karnataka province. These together with the Provincial Government's letter have also been forwarded to the Secretary of State. The policy defined by His Majesty's Government in the reply given in Parliament quoted above will apply to this case also.

CREATION OF A SEPARATE KARNATAK PROVINCE.

12. THE HONOURABLE RAJA YUVERAJ DATTA SINGH : Have Government received any communication from the Bombay Government or elsewhere, recommending the creation of a separate Karnatak Province ? If so, what has been the decision ?

(*See* reply to question No. 11.)

AMOUNT OF COMPENSATION PAID TO THE INJURED, ETC., IN THE RAILWAY ACCIDENT AT BIHTA, E.I.R.

13. THE HONOURABLE RAJA YUVERAJ DATTA SINGH : (*a*) Will Government state separately what is the total amount of compensation or damages paid to those who were injured, and to the dependants of those who were killed in the Bihta railway disaster ?

(*b*) Will Government state where the XB engines were manufactured, and how many of that type were purchased, and at what total cost ?

(*c*) Will Government state the names of persons who were found guilty in the Bihta enquiry report, and the punishments awarded to them ?

(*d*) Will Government state what action, if any, has been taken against the Agent, E.I.R., for having permitted Mr. Robertson, the head of the Operating Department, to retire after the accident ?

(*e*) What steps have been taken to prevent a recurrence of the circumstances under which the Bihta train disaster occurred ?

THE HONOURABLE SIR GUTHRIE RUSSELL: (*a*) As compensation cases are in progress, the amount offered or paid is constantly changing. A statement will, however, be compiled at a later date and placed on the table of the House.

(*b*) XB engines were manufactured in Great Britain. 99 were purchased, the total cost being approximately Rs. 102 lakhs.

(*c*) The enquiry was not a trial of individual officers, and it is not correct to speak of officials as having been " found guilty " in the report. One official is under trial, and the responsibility of others is being examined.

(*d*) No action has been taken against the General Manager, E. I. R. Mr. Robertson was allowed to proceed on leave preparatory to retirement, with the cognizance and approval of the Railway Board.

(*e*) I would refer the Honourable Member to the Honourable the Railway Member's speech in moving his Resolution for the consideration of the Honourable Sir John Thom's report in the Assembly on the 12th August, 1938.

ROBBERY ON 73-UP FAST PASSENGER, B. & N. W. R.

14. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: Will Government make a statement regarding the circumstances of the train robbery which took place on the 73-Up B. & N. W. R. passenger train between Pipridih and Dulahpur in April, 1938, the amount of money looted, and the steps taken in the matter ?

THE HONOURABLE SIR GUTHRIE RUSSELL: On the 9th April, 1938, No. 73-Up fast passenger train was stopped between Pipridih and Dulahpur stations and a gang of about twenty armed men are then said to have overpowered the guard, and stabbed the police constable on duty in the train. They are then reported to have seized several insured letters and also a sum of Rs. 250 from an account bag. The mail van peon received a stab in the hand. The local police authorities are taking necessary steps in the matter.

RAILWAY ACCIDENT AT HARDWAR, E. I. R.

15. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: Will Government state the circumstances and cause of the railway accident at Hardwar Station, E. I. R., in April, 1938, which resulted in the death of six passengers, and injury to 28 passengers, and the steps taken in the matter ?

THE HONOURABLE SIR GUTHRIE RUSSELL: While an empty rake was being placed in a special mela siding, the rear bogie ran through the buffer stop at the end of the siding and collided with the palisade fencing of a pilgrim enclosure in which a number of passengers were waiting to be admitted to the

platform. The fencing collapsed and the vehicle penetrated about twelve feet into the enclosure. Three persons were killed at the time and 39 injured, of whom five subsequently died in hospital.

Action has been taken against the person primarily responsible, and the circumstances which contributed to the casualties have been brought to the notice of all Railways, with a view to their considering what instructions should be issued to guard against the recurrence of a similar accident.

ADVERTISEMENT FOR A LADY TYPIST BY THE E. I. R. ADMINISTRATION AT LUCKNOW.

16. THE HONOURABLE RAJA YUVERAJ DATTA SINGH : (*a*) Has the attention of Government been drawn to an advertisement published in the press (*vide* the *Pioneer*, dated the 10th April, 1938) over the signature of the Works Manager, Locomotive Workshops, E. I. R., Charbagh, Lucknow, inviting applications for a "Lady typist, who must be capable of officiating as a stenographer ", and who " should not be less than 18, and not more than 25 years of age" ?

(*b*) What are the reasons for restricting the applications only to lady typists, and especially of the prescribed age limits ?

THE HONOURABLE SIR GUTHRIE RUSSELL: (*a*) Yes.

(*b*) Because the Administration required a lady typist. As regards the age limits, I would refer the Honourable Member to Rule 56 of the Rules for the recruitment and training of non-gazetted staff (except apprentice mechanics, trade apprentices, labourers and inferior staff) on State-managed Railways, a copy of which is in the Library of the House.

ROBBERY ON 5-UP PUNJAB MAIL, E. I. R.

17. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: Will Government be pleased to make a statement regarding the facts of the train robbery in the Punjab Mail, E. I. R., in April, 1938, in which Sir Manmatha Mukherjee and Lady Mukherjee travelling between Calcutta to Patna are said to have been chloroformed and robbed ? What action has been taken in the matter ?

THE HONOURABLE SIR GUTHRIE RUSSELL: The Honourable Sir Manmatha Nath Mukherjee, who was travelling by 5-Up Punjab Mail which left Howrah on the 17th April, 1938, reported to the Government Railway police constable on platform duty on the arrival of the train at Mokameh station that some of his property had been stolen. From certain effects felt by him and Lady Mukherjee, he suspected the administration of a drug, but is not sure as the symptoms attracted his attention rather late. A watch with a gold chain and a locket, together with a purse containing money and railway tickets were stolen. The matter has been investigated by the police who have succeeded in recovering the watch. Three persons are now under trial in connection with this case.

CONDITIONS UNDER WHICH THE RESERVE BANK OF INDIA ISSUE BANKNOTES FOR THE GOVERNMENT OF BURMA.

18. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: Will Government state the conditions under which the Reserve Bank of India has undertaken to issue Burma Banknotes of the denominations of Rs. 5, Rs. 100, and Rs. 1,000 ? Are these notes legal tender in India ? Do Government propose to take necessary steps to have the value of the notes indicated on them in Hindi also ?

THE HONOURABLE SIR JOHN NIXON: The Honourable Member's attention is invited to paragraphs 6 to 9 of Part II of the India and Burma (Burma Monetary Arrangements) Order, 1937, which was published in the Gazette of India Extraordinary, dated the 1st April, 1937. The reply to the last two parts of the question is in the negative.

ROBBERY OF A MAIL BAG AT SAIYEDPUR BHITRI STATION, B. & N. W. R.

19. THE HONOURABLE RAJA YUVERAJ DATTA SINGH : (*a*) Is it a fact that while a passenger train was at Saidpur station, B. & N. W. R., near Gazipur, a few persons armed with lathis, gave some lathi blows to the guard and bolted away with mail bags ?

(*b*) What are the main details of the robbery, and what steps have been taken in the matter ?

THE HONOURABLE SIR GUTHRIE RUSSELL: (*a*) and (*b*). On the arrival of 60-Down passenger train at Saiyedpur Bhitri station at 23·45 hours on the 22nd April, 1938, the mail peon, while taking the mail bag to the postal van of the train, was struck on the head with a lathi and rendered unconscious. The assailant made off with the mail bag. The guard of the train, who noticed two men running along the platform towards his brake van, challenged them and was struck by one of them. His injury was slight. The mail bag contained insured letters in which there were currency notes amounting in the aggregate to Rs. 700. The local police are investigating the matter.

NON-EUROPEAN FRONT MOVEMENT IN THE UNION OF SOUTH AFRICA.

20. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: Will Government state whether they are aware of any non-European United Front movement in South Africa for the abolition of political inequalities ? If so, what are the facts and how far has the movement progressed ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: Government have no information beyond what has appeared in the Press. It may interest the Honourable Member to know that the South African Indian Congress is not identified with this movement.

PROJECT FOR THE CONSTRUCTION OF A LINE FROM ISHURDI TO SADHUGANJ, E. B. R.

21. THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY: (*a*) Will Government state whether they ever considered a scheme for constructing a railway line from Ishurdi on the E. B. R. to some place on the

Brahmaputra river *via* Pabna town? If so, through what stages has the scheme passed and what is its present stage?

(*b*) What representations, if any, have been received from the people of the locality on the subject? If so, from whom and when?

THE HONOURABLE SIR GUTHRIE RUSSELL: (*a*) Yes. In 1910 a survey was made for a broad gauge line from Sara to Bera. In 1915 a reconnaissance survey was made from Ishurdi *via* Pabna to Sadhuganj, and a detailed survey over the same route in 1916. Estimates of the latter survey were brought up to date in 1926. The financial justification of the project was reviewed in 1930. This showed that it was unremunerative and subject to competition by water and by road. The project was accordingly shelved indefinitely.

(*b*) Since the beginning of 1938 15 representations have been received, of these one was a representation against the construction of the line. A list of the representations is laid on the table.

List of representations received asking for the construction of Ishurdi-Pabna-Bera (Sadhuganj) Railway.

No.	From whom.	When received.	Nature of the representation.
	Mr. Amalya Prasad Maitra, President, Pabna Mahajan Samiti.	31-1-38	Asking for the construction of the line.
	Mr. Sasadhar Roy, Chairman of a public meeting held at Pabna on 23rd January, 1938.	5-2-38	Do.
	Mr. K. N. Sarkar, Secretary, Pabna Passengers' Association.	14-2-38	Asking for certain Reports on the project.
	Chairman, Pabna Municipality ..	21-2-38	Forwarding a resolution asking for the construction of the line.
	Mr. K. N. Sarkar, Secretary, Pabna Passengers' Association.	14-3-38	Asking for certain Reports on the project.
	Maulvi Dewan Lutfar Rahman, Secretary, Pabna District Muslim League.	7-4-38	Asking for the construction of the line.
	Chairman, Local Board, Pabna ..	6-5-38	Do.
	Proceedings of a meeting of the Working Committee of Pabna Passengers' Association said to have been held at Tantband on 25th May, 1938. (This was unsigned.)	9-7-38	Do.
	Mr. Kalipada Bhaduri, President, Union Board, Sujanagar, Pabna.	26-7-38	Do.
10	Mr. K. N. Sarkar, Secretary, Pabna Passengers' Association.	6-8-38	Do. and forwarding a pamphlet *re* the project.

No.	From whom.	When received.	Nature of the representation.
11	Mr. M. N. Majumdar, Secretary, Pabna Motor Association.	19-8-38	Protesting against the construction of the railway.
12	Oil, rice and flour mills owners, Pabna.	29-8-38	Telegram supporting the railway project.
13	Pabna Mahajan Samiti	29-8-38	Telegram complaining against Pabna Motor Association's propaganda and urging the construction of the railway.
14	Pabna Hosiery Association ..	30-8-38	Telegram supporting the Resolution in the Assembly.
15	Pabna Muktear Bar	31-8-38	Do.

PROJECT FOR THE EXTENSION OF THE KALUKHALI-BHATIAPARA SECTION, E. B. R.

22. THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : (*a*) Will Government state whether they ever considered a scheme for constructing a railway line extending the Kalukhali-Bhatiapara section of the E. B. R. to Barisal? If so, through what stages has the scheme passed and what is its present stage?

(*b*) What representations, if any, have been received from the people of the locality on the subject? If so, from whom and when?

THE HONOURABLE SIR GUTHRIE RUSSELL : (*a*) Yes. A survey was sanctioned in 1929 from Habra on the Kalukhali-Bhatiapara line to Syndia Ghat where it joined the route from Faridpur to Barisal which had already been surveyed. Before the report and estimates were received financial stringency caused this project along with others to be dropped. The project has not been revived.

(*b*) Four representations have been received since the beginning of 1937, one from Said Habibur Rahman, Secretary, Bakarganj District Praja Party, and three from Babu B. Banerji, Secretary, Barisal Calcutta Railway Project Committee, all asking for the construction of a railway line to Barisal though not specifically by the Bhatiapara route.

SUGAR COMMITTEE APPOINTED BY THE GOVERNMENTS OF THE UNITED PROVINCES AND BIHAR.

23. THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : Will Government state (*a*) what recommendations, if any, have been made to the Central Government by the Joint Committee on Sugar appointed by the Bihar and United Provinces Governments?

(*b*) If so, what steps, if any, the Central Government propose to take on these recommendations ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: (*a*) and (*b*). If the Honourable Member will kindly specify what Committee he has in mind, I shall endeavour to supply the information.

THE HONOURABLE Mr. KUMARSANKAR RAY CHAUDHURY: It was a Joint Committee of the Provincial Governments of Bihar and the United Provinces.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: I am afraid, Sir, I have not been able to identify this Committee. If the Honourable Member will kindly give me further details, I shall certainly endeavour to supply the information.

EXISTING POLICY OF THE CENTRAL GOVERNMENT REGARDING THE GRANT OF ARMS LICENCES.

24. THE HONOURABLE Mr. KUMARSANKAR RAY CHAUDHURY : Will Government state their existing policy regarding the grant of arms licences and whether they propose to hand over this function to the Provincial Governments ? If so, under what terms as to the cost of administration and the control of policy ?

THE HONOURABLE Mr. J. A. THORNE: The policy of the Central Government regarding the grant of arms licences was fully stated in the Resolution of November 3rd, 1923, a copy of which is in the Library of the House. It has undergone no change since that date.

The Central Government have already entrusted to Provincial Governments their functions under the Indian Arms Act, and the Indian Arms Rules subject to certain conditions which are indicated in the Home Department Notification No. 21/50/37-Police, dated the 20th June, 1938. The Provincial Governments have generally agreed to carry out the functions in return for the fees realized by them from licences.

SOUTH BIHAR RAILWAY.

25. THE HONOURABLE Mr. KUMARSANKAR RAY CHAUDHURY : Will Government state whether the lease for the South Bihar Railway line is being terminated and whether the line will be taken up by Government ? If so, when, and on what terms and what profit, if any, had the line been yielding during the last five years ?

THE HONOURABLE SIR GUTHRIE RUSSELL: Yes. On the 30th June, 1939.

The purchase price payable by Government under the contract is £684,580. Government now pay a fixed annual rental of £30,000. The return on the purchase price will therefore be about 4·4 per cent. The terms of the contract do not necessitate the maintenance of separate accounts for this Railway and its accounts are merged in those of the E. I. R. by whom it is worked. I am therefore unable to quote the figures of profit desired.

INDIAN CIVIL SERVICE.

26. THE HONOURABLE MAULVI ALI ASGAR KHAN: (*i*) Will Government be pleased to lay on the table a statement showing the following particulars in connection with the Civil Service up to end of March, 1938:—

(*a*) The total sanctioned strength.

(*b*) The actual strength.

(*c*) The allotment to different provinces.

(*d*) The total number of Indians in the service.

(*e*) The principles on which recruitments are based?

(*ii*) Are Government aware of a growing desire in the country to curtail drastically the cadre in the different provinces?

(*iii*) What do Government propose for meeting the express wishes of Indians in the matter?

THE HONOURABLE MR. J. A. THORNE: (*a*) and (*c*). The sanctioned strength of the I. C. S. and its distribution among the provinces are shown in Schedule VII to the Superior Civil Services Rules. A copy of the Rules will be found in the Library of the House.

(*b*) and (*d*). The actual strength on the 1st January, 1938 was 1,034, consisting of 592 Europeans and 442 Indians. In addition, 120 Indians were holding "listed" posts on that date.

(*e*) The calculations for the number of recruits to be taken each year are made on an actuarial basis, taking into consideration the sanctioned and actual strengths of the cadres of the provinces and the casualties expected. The object is to attain a cadre consisting of 50 per cent. Europeans and 50 per cent. Indians by 1939.

(*ii*) and (*iii*). Governments are aware of Resolutions passed by some of the Provincial Legislatures urging the provincialization of the I. C. S., but the matter is one for the Secretary of State to decide.

PASSENGER TRAFFIC EARNINGS ON THE A. B. R.

27. THE HONOURABLE MAULVI ALI ASGAR KHAN: (*a*) Will Government state what has been the earning of the A. B. R. from the passenger traffic from first class passengers from the date of the abolition of second class up to date?

(*b*) What was the earning from passenger traffic f om third class passengers during the last financial year?

(*c*) What was the amount spent by the Railway during the same period on the amenities for third class passengers?

THE HONOURABLE SIR GUTHRIE RUSSELL: (*a*) The first and second classes were amalgamated from 1st December, 1936. I have no figures showing what the earnings on the combined class were from that date up to 31st

March, 1937. The earnings from 1st April, 1937 to 31st March, 1938 amounted to Rs. 2,40,000.

(*b*) Rs. 60,79,000.

(*c*) Many of the amenities provided are shared by all classes of passengers, and it is not possible, therefore, to isolate the share of any one class. The term "amenities", moreover, covers many items of expenditure, details for which are not recorded separately in the accounts of Railways.

RAILWAY STATIONS ON THE A. B. R. WITH RAISED PLATFORMS.

28. THE HONOURABLE MAULVI ALI ASGAR KHAN: (*a*) Will Government state (*i*) how many railway stations are there on the A. B. R. which possess regular platforms ?

(*ii*) Why are ladders supplied only for the higher class passengers on the Railway at the station of Chandpur ?

(*b*) Are Government aware of the hardships endured by female passengers travelling by lower classes for absence of platforms on all stations and of ladders at Chandpur ?

THE HONOURABLE SIR GUTHRIE RUSSELL: (*a*) (*i*). If the Honourable Member means by regular platforms raised platforms the answer is 11.

(*a*) (*ii*) and (*b*). These are matters within the discretion of the Railway Administration. At the Local Advisory Committee meeting held on 24th January, 1938, the Agent and General Manager stated that the question of the provision of double foot-boards on carriages was being examined, and it was agreed that this would be an improvement on step ladders at stations.

DETAILS OF ACCOMMODATION PROVIDED IN STAFF QUARTERS ON THE A. B. R.

29. THE HONOURABLE MAULVI ALI ASGAR KHAN: (*i*) Will Government give the measurements of quarters prepared for railway employees on the A. B. R. at junctions, and smaller stations including the smallest ?

(*ii*) Are Government aware that these quarters are incommodious for those who have families ?

(*iii*) Is it not a fact that in these quarters ventilation is bad ?

THE HONOURABLE SIR GUTHRIE RUSSELL: (*i*) to (*iii*). The matter is within the competence of the Agent and General Manager, A. B. R. Government are not aware of the details of accommodation provided in staff quarters on the A. B. R.

DEATH OF A PATIENT AT THE IRWIN HOSPITAL, DELHI.

30. THE HONOURABLE MR. SUSIL KUMAR ROY CHOWDHURY: Will the Honourable Member in charge of Education, Health and Lands state:

(*a*) Whether there is any rule in the Lady Irwin Hospital, New Delhi, that in the event of the death of a patient, his people should be informed immediately ?

(*b*) Whether one Dharamdeo Singh, a motor driver of a Member of this Council, was admitted to the above hospital on the 21st March, 1938 and his address was given to the hospital authorities at the time of his admission ?

(*c*) Whether the said Dharamdeo Singh died in the hospital at about 10 A.M. on the morning of Monday, the 28th March, 1938 ?

(*d*) Whether no information of the death was conveyed to his master till about 1 P.M. of the next day, *i.e.*, the 29th March, 1938 ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: (*a*) There is a hospital order that relatives or friends should be informed.

(*b*) and (*c*). Yes.

(*d*) Yes. The hospital authorities received no request that the patient's employer should be informed in case of necessity. The person who brought the patient and subsequently visited him was informed of the grave condition of the patient on the evening of the 27th March, 1938, and it was suggested to him that he might stay in the hospital. He, however, declined to do so and did not come to the hospital the next day when the patient died. The body was kept in accordance with the rules for 24 hours but when the person, who used to visit the patient, failed to come, the patient's employer was informed in writing.

THE HONOURABLE MR. SUSIL KUMAR ROY CHOWDHURY: Is there any rule that in the case of the death of a patient the persons under whose care he was should be informed, if the address is given to the hospital ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: I have already said that there is an order that relatives or friends should be informed. I may also point out that it is somewhat curious that the employer made no enquiries as to how the chauffeur was.

THE HONOURABLE MR. SUSIL KUMAR ROY CHOWDHURY: The employer made enquiries practically every day.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: But I have already said that the man who used to come to find out the condition of the patient refused to stay in the hospital when he was told the condition was serious, nor did he come the next day.

WAGES OF INDIAN LABOURERS IN MALAYA.

31. THE HONOURABLE SIR PHIROZE SETHNA: (*a*) Will Government make a statement regarding the Indian labour position in Malaya since the publication of the Sastri Report ?

(*b*) Have the wages of Indian labourers been cut down and are further reductions contemplated ?

(*c*) Have the wages of Chinese labourers on the rubber estates not been adversely affected, or at any rate not equally with those of Indians ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: (*a*) With effect from the 1st April, 1937 the wages of Indian labour on plantations in Malaya were increased to the rates in force prior to 1930. They have, however, been recently reduced. The Government of India are not aware of any other change.

(*b*) Wages of Indian labourers in Malaya have been reduced by 10 per cent. but the further reductions which were contemplated have not been carried out so far.

(*c*) No definite information is available, but it is understood that the average minimum rates paid to Chinese tappers at present are 20 per cent. less than those paid in 1937. The decrease in the rates of wages for Indian labourers over the same period is 10 per cent.

THE HONOURABLE SIR PHIROZE SETHNA: How do the rates paid to the Chinese labourers compare with what is paid to Indian labourers ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: I am afraid I shall have to ask for notice.

WAGES OF INDIAN AND CHINESE LABOURERS IN MALAYA.

32. THE HONOURABLE SIR PHIROZE SETHNA: Will Government lay on the table a comparative statement regarding the fluctuations in the wages of Indian and Chinese labourers in Malaya since the publication of the Sastri Report ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: The attention of the Honourable Member is invited to the reply given to part (*c*) of his immediately preceding question.

NUMBER OF INDIAN EMIGRANTS TO AND FROM MALAYA.

33. THE HONOURABLE SIR PHIROZE SETHNA: Will Government give information on the following subjects since the publication of the Sastri Report:—

(*a*) the number of Indian labourers who emigrated to Malaya by recruitment;

(*b*) the number of those who migrated voluntarily;

(*c*) the number of those who were assisted to return to India;

(*d*) the number of those who returned on their own ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: (*a*) to (*d*). I place a statement on the table of the House, giving such figures as are readily available.

(*a*) 54,849 labourers were assisted to emigrate in 1937 and 4,410 between January and June, 1938.

(*b*) 50,128 in 1937 and 13,501 between January and June, 1938.

(*c*) Repatriates in 1937 were 6,566 and 13,247 between January and June, 1938.

(*d*) Labourers who returned paying their own passages in 1937 were 23,054 and 17,874 between January and June, 1938.

ILLEGAL EMIGRATION TO MALAYA.

34. THE HONOURABLE SIR PHIROZE SETHNA: Have Government any information regarding the extent of unauthorized "assisted" emigration of Indian labourers to Malaya ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: No definite information is available.

PROHIBITION OF INDIAN EMIGRATION TO MALAYA.

35. THE HONOURABLE SIR PHIROZE SETHNA: (*a*) Do Government contemplate the prohibition of the emigration of Indian labour, officially assisted or otherwise, to Malaya unless a minimum living wage is guaranteed to Indian labourers ?

(*b*) If not, why not ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: (*a*) and (*b*). Government have already prohibited assisted emigration to Malaya. No action in regard to unassisted emigration is feasible until the present law is changed.

RENEWAL OF LEASES OF NATIVE LAND IN FIJI.

36. THE HONOURABLE SIR PHIROZE SETHNA: Are Government aware that Indian tenants of Fijian landlords are in great apprehension regarding the renewal of leases of their lands a great many of which are to fall due shortly ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: Government understand that apprehension exists.

CONTROL OF NATIVE LANDS IN FIJI AND THE DEPUTATION OF AN OFFICER TO THE COLONY.

37. THE HONOURABLE SIR PHIROZE SETHNA: (*a*) Are Government aware that the Council of Fijian Chiefs had recommended that the control of land should vest in the Government of Fiji ?

(*b*) Are Government aware if the recommendation has been given effect to ?

(*c*) Do Government propose to depute an officer to watch the situation on the spot in Fiji and to keep the Indian tenants informed promptly of any possible developments ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: (*a*) Yes.

(*b*) Government understand that the matter is under consideration by His Majesty's Government.

(*c*) The question is engaging the attention of Government.

APPOINTMENT OF AGENTS OF THE GOVERNMENT OF INDIA IN CERTAIN COLONIES.

38. THE HONOURABLE SIR PHIROZE SETHNA: Will Government make a statement on the results of their negotiations with the British Government for the appointment of Indian Agents in those Colonies where Indians are settled in fairly large numbers ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: The matter is still under discussion with His Majesty's Government.

PUBLICATION OF AN ANNUAL REVIEW ON THE LINES OF "THE COLONIAL EMPIRE IN 1937-38".

39. THE HONOURABLE SIR PHIROZE SETHNA: Do Government propose to publish every year a memorandum reviewing the position of Indians Overseas somewhat on the lines of the "Colonial Empire in 1937-38" published by the British Colonial Office recently?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: Government already publish an annual review of important events affecting Indians in different parts of the British Empire and also make available to the press other reports which give more detailed information regarding Indians settled in certain colonies. They have just received a copy of the report "The Colonial Empire in 1937-38". After examining it they will decide whether their own Annual Review requires revision in the light of the British publication.

RECOMMENDATIONS OF THE GHEE CONFERENCE.

40. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government state what action they have taken or intend taking on the Report of the Ghee Committee? If not, why not?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: A statement showing the action taken on the recommendations of the Ghee Conferences convened by the Agricultural Marketing Adviser to the Government of India was laid on the table of the House during the last session in reply to the Honourable Member's question No. 143, on the 2nd March, 1938. A further statement showing the action taken since then, is now laid on the table.

The establishment of experimental grading, packing and marking stations has been continued and developed. Certificates of authorization have been issued to seven firms in all, one of which is working at eight centres. Three more firms have informed the Agricultural Marketing Adviser that they are fitting up the necessary laboratories to enable them to apply for certificates of authorization. Two Indian States, *viz.*, Nawanagar and Porbandar, have established laboratories and set up staff for the analysis and grading of ghee and work is expected to start shortly. In two other States, *viz.*, Baroda and Patiala, proposals for the appointment of staff and establishment of laboratories are under consideration.

2. At the Central Control Laboratory, which has been temporarily established at Cawnpore, 1,050 samples of graded ghee have been tested. The total quantity of graded ghee packed up-to-date is approximately 21,000 maunds, valued at approximately Rs. 11 lakhs. Of this quantity about 11,000 maunds have been sold retail. The weekly reports from packers show that the average premium on graded ghee has been Rs. 5-8-0 per maund.

3. The technical difficulties in the standardization of Kathiawar ghee, which were considered by the second Ghee Conference, have been surmounted. Draft Rules under the Agricultural Produce (Grading and Marking) Act, 1937, have been published for opinion. It is expected that the Rules will be promulgated shortly after consideration of the opinions received.

CAPITAL OUTLAY BY RAILWAYS ON MILITARY YARDS AND SIDINGS, ETC., ETC.

41. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government state the total capital outlay on Indian Railways on each of the following:—(*a*) Military yards and sidings, (*b*) Reserve rolling stock, (*c*) Reserve

steam coal, and (*d*) Construction reserve material stores for new strategic railway constructions and other reserve stocks ? Are these charges met by the Defence Department ? If not, why not ?

THE HONOURABLE SIR GUTHRIE RUSSELL : The figures of capital outlay on the various items are not readily available.

As regards the incidence of cost of item (*a*), a reference is invited to paragraph 19 of Railway Account Code, Volume I.

Generally, the Defence Department bears the initial capital cost and then recurring maintenance charges, or, if the Railways bear the initial capital cost, interest and maintenance charges.

In part (*b*) the Honourable Member presumably refers to rolling stock reserved for the exclusive use of the Defence Department. If so, the arrangement in respect thereof is the same as for stock reserved for other Central departments and Provincial Governments, namely, the railway provides the capital and charges the department or Government concerned rent at 9½ per cent. per annum to cover interest, depreciation and maintenance.

Items (*c*) and (*d*) form part of the capital at charge of strategic lines which is included in the capital debt of railways according to an arrangement which has the approval of the Legislature, but the interest on the capital and the loss in working are borne by general revenues and deducted from the contribution payable by Railways to general revenues—*vide* Resolution passed in the Legislative Assembly on the 20th September, 1924 regarding the separation of railway from general finances.

WITHDRAWAL OF RAILWAY CONCESSIONS GRANTED TO THE DEFENCE DEPARTMENT.

42. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Will Government state when they intend to withdraw the railway concessions granted to the Defence Department ? If not, why not ?

THE HONOURABLE SIR GUTHRIE RUSSELL : No proposal is under consideration for the withdrawal of the concessions referred to. I would refer the Honourable Member to the Railway Board's memorandum relating to these concessions appearing on pages 30 to 34 of the Report of the Public Accounts Committee on the Accounts of 1934-35, Vol. I, Part II.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Railways being run as a commercial department is the concession justified under the present economic depression ?

THE HONOURABLE SIR GUTHRIE RUSSELL : If the Honourable Member will read the document I referred to I think he will find that the Railway Department consider it is an economic proposition.

ECONOMIES EFFECTED IN RAILWAY WORKSHOPS AS A RESULT OF THE RECOMMENDATIONS OF THE DICKINSON COMMITTEE.

43. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Will Government state what annual saving in workshop expenditure has been

effected on each of the State Railways as a result of the adoption of recommendations of the Dickinson Committee ?

THE HONOURABLE SIR GUTHRIE RUSSELL : The recommendations of the Dickinson Committee, from the adoption of which economies in workshop expenditure could be expected, relate mainly to the system of planning, progressing and scheduling in railway workshops. The recommendations were based upon practice already existing in the G. I. P. R. workshops at Parel and already adopted to a considerable extent in other State Railway workshops. It is not possible to isolate the savings in expenditure due to the adoption of such methods and the absence of statistics relating to the cost of repair of units of rolling stock prior to 1926-27 precludes a comparison being made on this basis.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Is it not a fact that the efficiency of the repairs in the railway workshops has considerably gone down since the introduction of the Dickinson reforms ?

THE HONOURABLE SIR GUTHRIE RUSSELL : Not so far as I am aware, Sir.

IMPORTATION OF FOREMEN FOR RAILWAY MECHANICAL WORKSHOPS

44. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Will Government state the number of foremen they intend importing this year from Britain for workshops of the Indian State Railways, and on what monthly emoluments, and for what trades ? Will they replace the Indians who are now officiating as foremen and if so, why ?

THE HONOURABLE SIR GUTHRIE RUSSELL : Government have so far asked the High Commissioner for India to recruit 11 men from England for certain senior subordinate posts in the mechanical workshops of the N. W. R. As regards the scales of pay offered to them and the trades for which they are being recruited, I lay a statement on the table. As regards the latter parts, I would refer the Honourable Member to the reply given to his supplementary question asked in connection with the Honourable Mr. Hossain Imam's question No. 239 of 22nd March, 1938.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : From that may I understand that these Indian foremen will not be reduced ?

THE HONOURABLE SIR GUTHRIE RUSSELL : In reply to the Honourable Member's supplementary question of the 22nd March, I gave him the assurance that no Indian foreman who was doing good work would be reduced.

Statement showing the scales of pay, etc., of the staff proposed to be recruited from England for certain posts in the Mechanical Workshops of the N. W. R.

CARRIAGE AND WAGON SHOPS.

One Foreman Blacksmith	Grade III.
One Foreman Millwright	Grade III.
One Foreman Paint Shop	Grade II.
One Foreman Jig and Tool Designer	Grade I.
One Foreman Welder	Grade I.

LOCOMOTIVE SHOPS.

One Foreman Blacksmith	Grade III
One Foreman Machinist	Grade II.
One Foreman Moulder	Grade II.
One Chief Rate Fixer	Grade II.
One Assistant Foreman Tool Shop	Grade II.
One Feed and Speed Checker	Grade III.
Total .. Eleven	

	Rs.
Grade I	425—25—475
Grade II	500—25—550
Grade III	575—25—650

NUMBER OF JOURNEYMEN RECRUITED FOR THE RAILWAY MECHANICAL WORKSHOPS.

45. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government state the number of journeymen recruited for workshops on each of Indian State Railways from qualified students of the various Mechanical Engineering Colleges in India each year for the last ten years, stating the scales of their salaries and allowances? Do Government intend to restore the old scales of their salaries and allowances?

THE HONOURABLE SIR GUTHRIE RUSSELL: As regards the first part the information is not readily available. The reply to the second part is in the negative, but Government are not convinced that this is necessary.

RECRUITMENT OF BOY FIREMEN BY STATE-MANAGED RAILWAYS.

46. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government state whether they have stopped the recruitment of literate boy firemen on State Railways? If so, why?

THE HONOURABLE SIR GUTHRIE RUSSELL: Recruitment of boy firemen has not been abolished but the E. I. R. and N. W. R. have not found it necessary to recruit to this category since 1931. This designation is not used on the G. I. P. R. and E. B. R.

ASSISTANCE TO FLYING CLUBS.

47. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government state whether they intend to reduce the annual grants to the various Flying Clubs in India? If so, how much, and why?

THE HONOURABLE MR. S. N. ROY: In 1936 the Government of India adopted a three-year programme of assistance to Flying Clubs. This period expires on the 31st March, 1939, and the question of the grant of assistance to these Clubs after that date is at present under consideration.

NUMBER OF INDIANS, ETC., IN THE I.C.S., I.M.S., AND THE I.P.

48. THE HONOURABLE MR. B. N. BIYANI: Will Government state the number of Indians and non-Indians in the I. C. S., I. M. S. and I. P. respectively?

THE HONOURABLE MR. J. A. THORNE: I lay a statement on the table.

Statement showing the number of Indians and non-Indians in the I.C.S., the I.M.S. and the I.P. on the 1st January, 1938.

	No. of Indians.	No. of non-Indians.
Indian Civil Service	442(*a*)	592
Indian Medical Service—		
In civil employ	117	190
In military employ	148(*b*)	210
Total for I. M. S. (including officers employed both in India and Burma).	265(*b*)	400
Indian Police	177(*c*)	416(*c*)

(*a*) In addition 120 Indians were holding "listed" I. C. S. posts on the 1st January, 1938.

(*b*) Includes 56 officers holding temporary commissions.

(*c*) In addition there were five officers who are not classified as either Europeans or Indians.

NUMBER OF FOREIGN EXPERTS APPOINTED DURING 1936 TO 1938.

49. THE HONOURABLE MR. B. N. BIYANI : Will Government state how many foreign experts have been appointed by the Government of India from 1936 to 1938 from foreign countries ?

THE HONOURABLE MR. J. A. THORNE : During the period 1st January, 1936 to 1st January, 1938, one foreign expert was appointed by the Government of India.

PUBLICATION OF THE TARIFF BOARD'S REPORT ON SUGAR.

50. THE HONOURABLE MR. B. N. BIYANI : (*a*) Why has not the Tariff Board's report on the Sugar Industry yet been published ?

(*b*) When do Government propose to publish it ?

THE HONOURABLE MR. M. SLADE : The report will not be published until Government have passed orders on it.

RESOLUTIONS PASSED BY PROVINCIAL LEGISLATURES AND PUBLIC BODIES AGAINST THE ESTABLISHMENT OF FEDERATION.

51. THE HONOURABLE MR. B. N. BIYANI : (*a*) Will Government state what Provincial Assemblies and Councils and other public organizations and institutions of India have passed resolutions against the imposition of Federal Scheme on India ?

(*b*) Have Government forwarded the said resolutions to the Secretary of State for India ?

(*c*) If so, have Government given any opinion while forwarding such resolutions ?

(*d*) If so, will Government state it ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : (*a*) Resolutions against the establishment of Federation have been passed by both Chambers

of the Madras and Bombay Legislatures, the Bengal Legislative Council, and the United Provinces, Bihar, Punjab, Central Provinces and Berar, North-West Frontier Province, Orissa and Sind Legislative Assemblies. Government have not maintained any list of public organizations and institutions that have passed similar resolutions.

(*b*) The resolutions passed by the various Provincial Legislatures have been forwarded to the Secretary of State for India.

(*c*) and (*d*). I regret I cannot reply to these parts of the Honourable Member's question.

MEASURES TAKEN TO PREVENT SMUGGLING.

52. THE HONOURABLE MR. B. N. BIYANI: (*a*) Has the attention of Government been drawn to the speech of Mr. Behram N. Karnjia published in the *Bombay Chronicle*, dated the 26th July, 1938, drawing the attention of the Government of India towards the smuggling of silk goods in India ?

(*b*) Have Government enquired into the matter ?

(*c*) If so, with what result ? If not, why not ?

THE HONOURABLE SIR JOHN NIXON: (*a*) Yes.

(*b*) and (*c*). Government have already tightened the customs control on certain frontiers with satisfactory results. The question of adopting suitable preventive measures on other frontiers is under consideration.

GRIEVANCES OF SECOND DIVISION CLERKS OF THE POSTS AND TELEGRAPHS DIRECTORATE.

53. THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN: (*a*) Did the old second division clerks of the Posts and Telegraphs Directorate submit an identical memorial to His Excellency the Viceroy and Governor General of India about 16 months ago praying for the grant of officiating pay ?

(*b*) If the reply to (*a*) above is in the affirmative, will Government state whether any decision has since been arrived at ? If not, why not ?

(*c*) Do Government propose to redress the long standing grievance on this score of the second division clerks of the Posts and Telegraphs Directorate at an early date ?

THE HONOURABLE MR. S. N. ROY: (*a*) Yes, 29 of them applied for the sanctioning of officiating arrangements with retrospective effect.

(*b*) The reply to the first part is in the affirmative. The second part does not arise.

(*c*) Government have decided that in the case of the bulk of the memorialists there is no case for granting the relief requested. In the case of 10 of the memorialists they have reached the conclusion that there is no ground for giving additional pay for any services rendered in the past, but are considering whether their prospects for the future should be improved.

REORGANIZATION OF THE POSTS AND TELEGRAPHS DIRECTORATE.

54. THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN: (*a*) Sometime in March, 1937, was Mr. Ghulam Mohammad appointed to investigate into the adequacy or otherwise of the staff of the Posts and Telegraphs Directorate ?

(*b*) Did the said officer submit his recommendations on the reorganization of the Posts and Telegraphs Directorate in April, 1937 ?

(*c*) In his report, did Mr. Ghulam Mohammad recommend that the two posts of Superintendents of the Budget and Statistics Sections of the Posts and Telegraphs Directorate be held by the two Accountants who had been on deputation from the Audit Office for several years ?

(*d*) Sometimes past did Government give an assurance to the effect that the deputation of the Accountants would not affect the prospects of the staff of the Posts and Telegraphs Directorate ?

(*e*) Has one of the Accountants now been holding the post of Superintendent in the Budget Section in supersession to the claim of a senior Assistant of the Posts and Telegraphs Directorate attached to the Budget Section for a very long time ?

(*f*) Will Government lay a copy of Mr. Ghulam Mohammad's report on the table of the House ?

(*g*) Will Government state how far and when they will give effect to the recommendations for the reorganization of the Posts and Telegraphs Directorate ?

THE HONOURABLE MR. S. N. ROY : (*a*), (*b*) and (*c*). Yes.

(*d*) No such assurance can be traced.

(*e*) An Accountant working in the Section was appointed to act as Superintendent of the Budget Section as he was considered the most suitable man for the post. Since the recent reorganization of the Office of the Director General of Posts and Telegraphs the post of Superintendent, Budget Section, is reserved for an Accountant, but the reorganization contemplates a cadre of Accountants who will be recruited by examination, for which the ministerial staff of the Director General's office is eligible.

(*f*) I am placing copies of the reports in the Library of the House.

(*g*) I am placing a copy of the orders passed by Government in the Library of the House.

NEED FOR PERMISSION TO LEAVE THE STATION WHEN A MINISTERIAL SERVANT PROCEEDS ON LEAVE.

55. THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN: (*a*) Will Government state whether it is necessary for the ministerial staff of the Government of India Secretariat and Attached Offices to obtain permission from their office masters to leave station when they proceed on leave ?

(*b*) If so, will Government lay a copy of the order on the subject on the table of the House ?

THE HONOURABLE MR. J. A. THORNE : (*a*) and (*b*). The answer to part (*a*) is in the negative, unless the Honourable Member is referring to what is known as casual leave. Since a Government servant on casual leave is technically on duty, he requires permission to go away from the station.

MOTION FOR ADJOURNMENT *RE* RIOTS IN BURMA.

THE HONOURABLE THE PRESIDENT : Honourable Members, I have received in due course three notices of adjournment. I shall take them up in chronological order according to the time at which I received them. The first is from the Honourable Mr. Sapru. (To the Honourable Mr. P. N. Sapru) : Do you wish to press your Motion of adjournment ?

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern : Non-Muhammadan) : No, Sir.

THE HONOURABLE THE PRESIDENT : Mr. Kalikar, do you wish to press yours ?

THE HONOURABLE MR. V. V. KALIKAR (Central Provinces : General) : In view of the settlement made at Delhi I do not want to move my adjournment Motion.

THE HONOURABLE THE PRESIDENT : Honourable Members, I have received this morning a notice of Motion of adjournment from the Honourable Sir Phiroze Sethna. I shall read to you that notice.

" I beg to make a Motion for an adjournment of the business of the Council of State for the purpose of discussing a definite matter of urgent public importance, namely, the recent occurrences in Burma resulting in the loss of a large number of lives and destruction of property and recrudescence of riots in Mandalay and Rangoon as reported on 3rd September, which has created the greatest sense of insecurity amongst the Indian population there and the failure of the Government of India to take adequate and prompt measures to protect life and property of Indians and their attitude in maintaining silence in face of grave situation ".

Have you, Sir Phiroze, any particular arguments in support of this notice of adjournment ?

THE HONOURABLE SIR PHIROZE SETHNA (Bombay : Non-Muhammadan) : Nothing beyond what I may say in the course of the speech which I may make.

THE HONOURABLE THE PRESIDENT (to the Leader of the House) : Have you any objection ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Leader of the House) : Sir, I have no objection.

THE HONOURABLE THE PRESIDENT : I may point out to the Council that last night I came to know that this Motion of adjournment was about to be moved in this House this morning. I therefore looked up this morning all my papers to find out if any notices of resolution on this very subject have been given by any Honourable Member or notice matter almost of this nature.

[Mr. President.]

I found to my great surprise that the Honourable Haji Syed Muhammad Husain had given notice of a Resolution and I will read that Resolution to you :

" This Council recommends to the Governor General in Council to appoint a committee in consultation with the Government of Burma to investigate into the causes of recent riot and the extent of compensation which should be awarded to the sufferers and to adopt suitable measures to protect the life, property and interest of Indians in Burma in future ".

I also found that notice of a more elaborate Resolution has been given by the Honourable Saiyed Mohamed Padshah Sahib Bahadur, which I shall also read to you :

" This Council recommends to the Governor General in Council :—

(1) To bring to the notice of the Government of Burma that the Indians in general and the people of Madras and Bengal Presidencies in particular deeply deplore the recent riots in Burma and hope that effective measures to preserve life and property have been adopted and that adequate measures will be continued to prevent a recrudescence.

And that it is the earnest wish of all the communities in India that peace and tranquillity be speedily restored and maintained and that a fair and satisfactory measure of relief, by means of compensation, etc., will be afforded to all sufferers.

(2) And to adopt measures to have a Committee of Indians and Burmans appointed for the purpose of enquiring into the disturbances and causes thereof and to suggest measures to be adopted for the maintenance of permanent peace and goodwill between all the various communities in Burma ".

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : On what date is this coming, Sir ?

THE HONOURABLE THE PRESIDENT : This Resolution came in I think some days ago.

THE HONOURABLE MR. HOSSAIN IMAM : On what date will it be taken up, Sir ?

THE HONOURABLE THE PRESIDENT : Will you please wait and do not anticipate me ? The Honourable the Leader of the House has said that he has no objection, but it is my duty as President to see whether such an adjournment Motion in view of these two Resolutions is admissible at this stage ? I may also point out to Honourable Members rule 12 of the Indian Legislative Rules framed under the Government of India Act. That rule says :

" The right to move the adjournment of either Chamber for the purpose of discussing a definite matter of urgent public importance shall be subject to the following restrictions, namely :—

We are not concerned with the first three restrictions, (*i*), (*ii*) and (*iii*), but I will read restriction (*iv*) :

" the Motion must not anticipate a matter which has been previously appointed for consideration, or with reference to which a notice of motion has been previously given ".

The Honourable Haji Syed Muhammad Husain's Resolution has, I may point out to Honourable Members, according to this rule been already appointed for consideration. It was ballotted for and has been fixed for hearing on the 15th September next. The Honourable Khan Bahadur Saiyed Mohamed Padshah's Resolution has not yet come up before me but I expect it to come up before me in a day or two, but it is covered by the latter part of rule 12,

clause 4 which says " or with reference to which a notice of motion has been previously given ". So that notice has been given of his Resolution by Mr. Padshah. So Honourable Members will see and particularly the Honourable Sir Phiroze Sethna that I am placed with reference to this important Resolution in a difficult position. I have no freedom of action at all in this matter. I am bound to put into operation the rule which has been framed and his adjournment Motion, therefore, is manifestly barred by the rule of anticipation.

I have also taken some pains to find out what has been the law in England on this subject and to see if I had any latitude in the matter. It is only right to briefly refer here to the practice prevailing in the House of Commons for the information of Honourable Members. It is no doubt true that the practice in this respect of the House of Commons is that in determining whether a discussion is out of order on the ground of anticipation, the Speaker must have regard to the probability of the subject anticipated being brought before the House within a reasonable time (see Sir Erskine May's *Parliamentary Practice*, 13th Edition, page 272); but this is so, because the rule as to anticipation was expressly modified by the Standing Order 10 (*a*) of the House of Commons (see *ibid*, page 249). The rule as embodied in clause 4 of rule 12 of our Rules of Business (which I have just read to you which is our standing rule) still rigidly adheres to the original practice of the House of Commons and so long as it stands unamended must be strictly interpreted as it stands. Both in the Council of State and more particularly in the Legislative Assembly rulings have been given from time to time in the past strictly enforcing clause 4 of rule 12 of our Rules of Business, and as recently as 25th January, 1937, my brother President of the Central Legislative Assembly has confirmed the previous rulings of that House. I may also state that in the present case, however, even in accordance with the practice followed by the House of Commons the Motion would be distinctly out of order, inasmuch as the matter anticipated by the Motion has a reasonable chance of being discussed within a week or ten days from today. The Honourable Sir Phiroze Sethna will, therefore, recognise the objection that his request to move the adjournment of the House anticipates discussion which will arise on a prior Motion of which not only has notice been actually given but which has been ballotted for and the 15th September fixed as the date for its hearing. The adournment Motion must, for these reasons, be held to be out of order and I disallow it.

STATEMENT LAID ON THE TABLE.

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

THE HONOURABLE MR. S. N. ROY (Communications Secretary): Sir, I beg to lay on the table statements promised in reply to part (*b*) of Short Notice Question No. 146 asked by the Honourable Mr. E. Miller on the 28th August, 1934, showing the objects on which the Aviation share of the Petrol Tax Fund was expended during the financial years 1936-37 and 1937-38.

Statement showing the objects on which the Aviation share of the Petrol Tax Fund was expended during the the year 1936-37.

Object.	Expenditure. Rs.
Clubs—	
Financial assistance to flying clubs in India .	23,000
Special grant-in-aid to U. P. Flying Club, Ltd.	10,000
	33,000
Research—	
Scholarship and financial assistance to Mr. P. P. Nazir, an aeronautical research student in England	6,965
Training—	
Training of Indians in wireless telegraphy	8,023
Financial assistance to Mr. B. L. Dhawan	730
Training of Pilot Instructors at Karachi and Bombay ..	1,950
	10,703
Experimental.	
Aircraft—	
Provision of a B. A. C. Drone aircraft for flying practice by Clubs in India	5,977
Experimental equipment of an aeroplane with armour plate glass wind screens	20
Subscription to the Flying Flea Fund (to finance experimental wind tunnel tests of this type of machine) opened by the Air League of the British Empire	40
	6,037
Lighting—	
Purchase and installation of a "Sun" beacon at the Jodhpur aerodrome ..	26
Provision of obstruction lights on two masts at the W/T station at Mingaladon	289
Installation of a General Electric Company Neon beacon at the civil aerodrome, New Delhi	4,439
Purchase of portable Neon lights for the civil aerodromes at Karachi and New Delhi	2,116
Lighting of the Qutab Minar	1,216
	8,086
Wireless Telegraphy—	
Installation of wireless telephonic apparatus on Miles Merlin aircraft belonging to Messrs. Tata Sons, Ltd.	525
Experimental work with direction finding radio receiving apparatus ..	528
	1,053

Object.	Expenditure, Rs.
Meteorology—	
Experimental work by Messrs. Tata Sons, Ltd., with an accelerometer supplied to them for research in atmospheric turbulence	36
Provision of Holophane Lumeters at Agra, Poona and Karachi to measure atmospheric transparency and night visibility (of beacons, etc.), in India	1,103
	1,139
Miscellaneous.	
Wireless Demonstration flight of VT-ACT in connection with the opening of the Willingdon Air Station	500
Demonstration of night flying in connection with the Empire Air Mail Scheme	300
	800
Total ..	67,783

Statement showing the objects on which the Aviation share of the Petrol Tax Fund was expended during the year 1937-38.

Object.	Expenditure. Rs.
Clubs—	
Financial assistance to flying clubs in India	21,000
Research—	
Scholarship and financial assistance to Mr. P. P. Nazir, an aeronautical research student in England	1,022
Training—	
Training of Indians in wireless telegraphy	2,844
Training of certain scholars in multi-engined aircraft	2,446
Training of 2 Indian "B" Pilots as Pilot Instructors	895
Further training of Mr. Ghatge in multi-engined aircraft	1,372
Financial assistance to Mr. B. S. Lette, temporary Technical Officer on the staff of the Director of Civil Aviation in India, in instrumental blind flying	600
Training of Mr. P. D. Sharma in multi-engined aircraft	525
Financial assistance to Mr. B. L. Dhawan	1,895
Total ..	10,577
Experimental.	
Aircraft—	
Experiments for determination of performance tests of aircraft	84
Investigation of airlocks on certain types of aircraft engines	125
Transfer of B. A. C. Drone aircraft (purchased for an experimental purpose) from Delhi to Karachi	643
Purchase of propeller for B. A. C. Drone	78
Repairs to B. A. C. Drone aircraft	82
Total ..	1,012

Object.	Expenditure. Rs.
Lighting—	
Lighting of the Qutab Minar (carried forward from 1936-37)	1,159
Wireless Telegraphy—	
Experimental work with direction-finding radio receiving apparatus ..	395
Works—	
Special treatment of the experimental runway at the Civil Aerodrome, Allahabad	158
Experimental cement grouting of the runways at the Civil Aerodrome, Juhu	381
Experimental provision of a temporary ceiling in the new Government hangar at the Civil Aerodrome, New Delhi	824
Construction of an experimental pontoon in the Jumna at Delhi	2,488
Provision of sturtevant pneumatic despatch tubes in the Willingdon Air Station, New Delhi, as an experimental measure	3,171
Total ..	7,022
Miscellaneous.	
Maintenance and operation of the Government aeroplane Avro XVT—ACT .	1,765
Total ..	43,952

NOTIFICATION LAID ON THE TABLE.

PROHIBITION OF EMIGRATION OF UNSKILLED LABOURERS FROM THE MADRAS PRESIDENCY TO MALAYA.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Education, Health and Lands Member): Sir, I beg to lay on the table a copy of the Notification issued by the Department of Education, Health and Lands, No. F.-44/38-L. & O., dated the 8th June, 1938, prohibiting the emigration of unskilled labourers from the Madras Presidency to Malaya.

No. F. 44/38-L. & O.

GOVERNMENT OF INDIA.

DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

Simla, the 8th June, 1938.

NOTIFICATION.

(OVERSEAS.)

Whereas it appears that the number of unskilled Indian labourers now in the Malay States is in excess of the present requirements of industry and continuance of emigration to those States is therefore undesirable, the Central Government, in exercise of the powers conferred by sub-section (*1*) of section 13 of the Indian Emigration Act, 1922 (VII of 1922) is pleased to prohibit, with effect from the 15th June, 1938, all persons from emigrating from the territories under the administration of the Provincial Government of Madras to the Straits Settlements, the Federated Malay States of Perak, Selangor, Negri-Sembilan and Pahang and to the Unfederated Malay States of Kedah, Perlis, Johore, Kelantan, Trengganu and Brunei for the purpose of unskilled work.

(Sd.) G. S. BAJPAI,

Secretary.

INFORMATION PROMISED IN REPLY TO QUESTIONS LAID ON THE TABLE.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Education, Health and Lands Member): Sir, I beg to lay on the table the information promised to the Honourable Raja Yuveraj Datta Singh in reply to—

(1) Question No. 324 asked on the 16th November, 1937.

(2) Question No. 295 asked on the 7th April, 1938.

Question No. 324.

INDIAN BOY SCOUTS' ORGANIZATION, TANGANYIKA.

(*a*) The Tanganyika Boy Scouts Ordinance, 1935, of which a copy has been placed in the Library of the House, was enacted with the object of protecting the activities and interests in Tanganyika Territory of the Boy Scouts Association, namely, the Association incorporated under a Royal Charter granted on the 4th of January, 1912. Section 3 of this Ordinance prohibits any person, unless authorized to do so under the rules of this Association, from wearing any uniform, badge, token, or emblem used by the Association, or any uniform, etc., which may reasonably be held to be an imitation of those used by the Association and to convey the impression that the wearer is entitled to use it. The Ordinance does not prohibit the wearing or sale of any other uniform or badge.

(*b*) It is not lawful for any person to form, organize, or work any Boy Scout organization except in accordance with the rules of the aforementioned Association.

(*c*) The answer is in the negative. There are 19 Indian groups within the Tanganyika Branch of the Boy Scouts Association: seven of them had not, up to the end of December, 1937, applied for re-registration, although the time for doing so has elapsed and one group has recently withdrawn from membership of the Branch.

(*d*) The Secretary of the Hindu Seva Samiti Volunteer Corps wrote to the Commissioner of Police in September, 1937, stating that the Corps wished to institute a Boy Scouts Group for its community and asking for permission for the group to be affiliated with the All-India Seva Samiti Boy Scouts Association of Allahabad. He was informed that as the Seva Samiti Boy Scouts were not registered with the International Bureau of the Association incorporated under the Royal Charter of 1912, it would appear to be contrary to the provisions of section 6 of the Boy Scouts Ordinance for the groups to be formed or organized as Boy Scouts unless authority were obtained from the Territory's Chief Commissioner. No application had been received up to the end of December, 1937 from the Corps for admission to the Boy Scouts Association.

(*e*) In view of the reply to part (*d*), no action on the part of the Government is called for.

Question No. 295.

INDIANS IN AUSTRIA.

Separate statistics in respect of British Indian subjects in Austria are not included in the consular returns for British subjects in Austria. It is, therefore, not possible to give accurate information regarding the number of British Indian subjects in Austria.

No cases have recently been brought to the notice of His Majesty's Government in which British Indian subjects in Austria have sought the protection of British Consular Officers, but such protection, is of course, afforded to British Indian subjects, as to other British subjects whenever necessary.

THE HONOURABLE MR. J. A. THORNE (Home Secretary): Sir, I lay on the table information promised in reply to—

(1) Question No. 156 asked by the Honourable Mr. P. N. Sapru on the 22nd September, 1937.

(2) Question No. 106 asked by the Honourable Mr. V. V. Kalikar on the 21st February, 1938.

(3) Question No. 120 asked by the Honourable Mr. B. N. Biyani on the 24th February, 1938.

(4) Question No. 161 asked by the Honourable Mr. Hossain Imam on the 7th March, 1938.

Question No. 156.

NUMBER OF EUROPEANS AND INDIANS HOLDING SUPERIOR APPOINTMENTS IN THE GOVERNMENT OF INDIA OFFICES.

	1921.		1930.		1937.	
	Europeans.	Indians.	Europeans.	Indians.	Europeans.	Indians.
Secretariat Posts ..	45	3	45	20	44	29
Non-Secretariat posts (including posts in Attached Offices).	55	10	67	24	75	66
Total ..	100	13	112	44	119	95

NOTE.—The posts included in this statement are all regarded as superior though incumbents of a few of them may have drawn less than Rs. 1,000 per mensem. Figures for 1929 are not easily available.

Question No. 106.

SUPPLY BY GOVERNMENT OF SERVICE RIFLES AND AMMUNITION FREE OF COST TO CERTAIN NON-MILITARY SCHOOLS IN INDIA.

(*a*) and (*e*). Service rifles and ammunition are supplied free to the Auxiliary Force (India) contingents provided by certain schools in India.

(*b*) No.

(*c*) Section 1 (*b*) of the Indian Arms Act, 1878.

(*d*) A list of such schools is attached.

List of schools in India with Cadet companies of the Auxiliary Force (India).

1. Lawrence College, Ghora Gali.
2. Bishop Cotton's School, Simla.
3. Cathedral High School, Bombay.
4. St. Mary's High School, Bombay.
5. Barnes School, Deolali.
6. St. Aloysius School, Vizagapatam.
7. Bishop Cotton's School, Bangalore.
8. St. Joseph's College, Bangalore.
9. Baldwin's High School, Bangalore.
10. K. G. F. School.
11. St. Joseph's College, Naini Tal.
12. Philander Smith's College, Naini Tal.
13. Sherwood College, Naini Tal.
14. St. Paul's College, Darjeeling.
15. St. Joseph's College, Darjeeling.
16. Kurseong Victoria School.
17. St. Andrew's Colonial Homes, Kalimpong.
18. La Martiniere College, Lucknow.
19. Bishop Cotton's School, Allahabad.
20. Boys' High School, Allahabad.
21. Oak Grove School, Mussoorie.
22. St. George's College, Mussoorie.
23. St. Fidelis' School, Mussoorie.
24. Bala Hissar Allen Memorial School, Mussoorie.
25. St. Peter's College, Agra.

Question No. 120.

POLITICAL PRISONERS IN THE CENTRALLY ADMINISTERED AREAS.

Serial No.	Name.	Offence under which convicted.	Term of imprisonment.	Date of conviction.
	AJMER-MERWARA.			
1	Ram Chandra Bapat	307, I. P. C. ..	7 years R. I. ..	21-5-32.
		19 (F) Arms Act.	3 years R. I. ..	21-5-32.
2	Jagan Nath ..	19 (F) Arms Act.	3 years R. I.	22-11-33.
		46/52 of Prisons Act of 1894,	4 months R. I. ..	7-2-36.
		332 I.P. C.	2 years R. I. ..	22-5-36.
3	Ram Singh *alias* Hem Chandra.	307, I. P. C. ..	7 years R. I. ..	27-11-35.
		307, I. P. C. (Sentences to run concurrently).	7 years R. I. ..	27-11-35.
4	Girdhari Lal Thakkar	108, C. P. C. ..	1 year S. I. or until he furnishes a personal bond for Rs. 150 and two sureties for a like amount for his good behaviour.	25-11-37.
5	Jawala Pershad ..	Detained under Regulation III of 1818 from 23rd September, 1935.	..	..
	DELHI.			
6	B. K. Dutt ..	Sections 3 and 4, Explosive Substances Act No. VI of 1908.	Transportation for life.	6-12-29.
7	Ram Krishna Khatri	Section 5, Punjab Criminal Law (Amendment) Act, 1935.	4 months R. I. ..	22-12-37.
8	Ram Dularo Prasad Trivedi.	Do.	Do.	Do.
9	Manmatha Nath Gupta	Do.	Do.	Do.
10	Sachindra Nath Bakshi	Do.	Do.	Do.
11	Jogesh Chandra Chatterji.	Do.	Do.	22-1-38.
12	Harabandu Samajdar	109/120B/394, I.P.C.	5 years R. I. ..	26-1-33.
		19 (F) Arms Act.	5 years R. I. ..	13-2-33.
13	Dhanwantri ..	19 (F) Arms Act.	7 years R. I. ..	28-4-33.
		307, I. P. C.	3 years R. I.	
14	Jai Ram Sharma ..	124-A., I. P. C. ..	2 years R. I. ..	14-8-36.
15	Shiv Shankar ..	Section 4, Explosive Substances Act of 1908.	4 years R. I. ..	15-10-36.

Serial No.	Name.	Offence under which convicted.	Term of imprisonment.	Date of conviction.
16	Bhawani Shahai ..	Detained under Regulation III of 1818 from 25th April, 1932.	..	..
17	V. R. Vaishampayan	Detained under Regulation III of 1818 from 16th August, 1933.	..	..

Question No. 161.

JUMA AND FATEHPURI MOSQUES IN DELHI AND THE MOSQUES IN NEW DELHI.

STATEMENT I.

Jama Masjid Managing Committee.

(*a*) The present members of the Committee are :—

(1) Shams-ul-Ulema Maulvi Syed Ahmad Imam.

(2) H. Mohammad Ishaq Sahib.

(3) Khan Sahib Maulvi Mohammad Fazal Uddin.

(4) Khan Bahadur Haji Mohammad Yusuf Paiwala.

(5) Khan Bahadur Nawab Mohammad Abul Hassan Khan.

(6) Nawab Zada Aziz Ahmad Khan.

(7) Pirji Shah Mohammad Abdul Samad.

(8) Mirza Mohammad Mirza Sahib, Retired Deputy Collector.

(9) Khan Sahib Sayad Nawab Ali.

(10) Khan Sahib Hakim Siraj Uddin.

(*b*) There is no fixed period of office.

(*c*) The income and expenditure for the last two years were :—

	Income.	Expenditure.
1936-37	32,103	29,498
1937-38	31,538	36,780

(*d*) The balance on the 31st March, 1937 was Rs. 10,056 ; this is in the Imperial Bank.

(*e*) The Committee was originally appointed by an agreement with Government dated the 24th November, 1862. Vacancies are filled by co-option.

Translation of the agreement dated the 24th November, 1862, made by the Managers of the Jama Masjid, Delhi.

We the undersigned, ten Members, appointed by agreement among ourselves as Managers of the Jama Masjid, thankfully enter into the following agreement of our own free will with Government :—

1. We are responsible that there shall be no disturbances, disagreements or quarrel within the Mosque premises.

2. If any question should arise in connection with the Mosque or religion we will settle it privately between ourselves.

3. No act shall be committed inside the Mosque which may tend to show contempt of, or disloyalty to, Government. Should, however, any such thing take place and which may be beyond our power to check or control, we shall bring it to the notice of the Deputy Commissioner.

4. We will do repairs to the buildings of the Mosque, whenever it is necessary to do so, and shall keep up regular accounts of shop rents, Tah bazari, etc., of the endowed property.

5. If a vacancy is caused among the Managers for any reason whatever, we will appoint a successor by agreement among ourselves.

6. If any thing is done or act committed contrary to the wishes of the Government, we hereby recognize that Government shall be at liberty, at all times, to close the Mosque or make other arrangements for its management.

(Sd.) Mirza Ilahi Bax.	(Sd.) Md. Sadruddin Khan.
(Sd.) Md. Ibrahim.	(Sd.) Md. Hussain.
(Sd.) Nasir Uddin.	(Sd.) Turab Ali.
(Sd.) Hafiez Daood.	(Sd.) Md. Tafazzul Hussain Khan.
(Sd.) Mahboob Bax.	(Sd.) Hafiz Mir Mohammed.

Written on 24th November, 1862.

STATEMENT II.

Fatehpuri Managing Committee.

(*a*) The present members of the Committee are :—

(1) K. B. Haji Rashid Ahmad.

(2) K. S. Haji Fazluddin.

(3) K. B. Sheikh Azizuddin.

(4) Nawabzada Aziz Ahmad Khan.

(5) Shah Mohammad Abdul Samad.

(6) Mir Faizul Hassan.

(7) Maulvi Kafeyatulla.

(8) Haji Mohammad Ishaq.

(9) Haji Abdur Razzaq.

(10) Hafiz Abdul Aziz.

(*b*) There is no fixed term of office.

(*c*) The income and expenditure for 1935-36 and 1936-37 were :—

	Income.	Expenditure.
1935-36	54,120	55,167
1936-37	64,272	51,702

These figures include the income from the Fakhrul Majid, the Kala Majid, the Lal Majid, the Majid Kadari, the Masjid Fateh, the Masjid Paratha, and the Masjid Khajur in Delhi. They also include expenditure on these mosques, and on twenty-six mosques in New Delhi which are not managed by the Committee but for the upkeep of which contributions are made through Haji Mohammad Ishaq, a member of the Committee.

(*d*) The balance on the 31st March, 1937 was Rs. 12,000—this is in the Imperial Bank.

(*e*) The Committee was originally appointed by an agreement with Government dated the 1st May, 1877, a copy of which is annexed. Vacancies are filled by co-option.

AGREEMENT.

On taking over charge of the Fatehpuri Masjid restored to the Mohamedan community by the Government of India as an act of grace on the occasion of the assumption by Her Majesty the Queen of the title of Empress of India we the undersigned who are appointed trustees agree to fulfil the following terms :—

That we will be responsible for—

I. preserving the peace within the mosque,

II. settling disputes connected with the building or the purposes to which it is devoted,

III. preventing or reporting the use of seditious language or other offences against the Government within the precincts of the mosque,

IV. keeping the mosque in repair and recording all accounts relative to the property constituting the endowment.

In the event of the managers failing to act up to their engagements in matters affecting the public interests we do hereby acknowledge that Government has a right to resume possession of the Masjid and shops, etc., belonging to it.

THE HONOURABLE SIR GUTHRIE RUSSELL (Chief Commissioner for Railways): Sir, I lay on the table the information promised in reply to—

(1) Question No. 200 asked by the Honourable Mr. Hossain Imam on the 29th September, 1937.

(2) Question No. 247 asked by the Honourable Mr. Sitakanta Mahapatra on the 5th October, 1937.

(3) Questions Nos. 255, 258, 261 and 262 asked by the Honourable Pandit Hirday Nath Kunzru on the 1st April, 1938.

Question No. 200

NUMBER OF LOCOMOTIVES, CARRIAGES AND WAGONS SCRAPPED, THEIR ORIGINAL PRICES AND THE PRICES REALIZED FROM SALE OF SCRAP BY EACH OF THE STATE-OWNED RAILWAYS FOR THE YEAR 1936.

Railway.	Locomotives.			Carriages.			Wagons.			Remarks.
	No. scrapped.	Original price.	Amount realized from sale of scrap.	No. scrapped.	Original price.	Amount realized from sale of scrap.	No. scrapped.	Original price.	Amount realized from sale of scrap.	
		Rs.	Rs.		Rs.	Rs.		Rs.	Rs.	
A. B. .. .. M. G.	8	2,21,200	8,800	..	..	..	3	4,478	75	
B. N. .. .. B. G.	21	8,48,338	57,668	38	5,67,013	24,462	338	13,02,069	90,358	Figures of scrap value are not final and further credits will be received on completion of auction. These figures represent amounts credited at the sanctioned scrap classification rates in force on this Railway. When actual value is realized by sale the difference is adjusted through stock Adjustment Account to "Loss" head (Debit or Credit).
N. G.	..	..	..	5	39,847	4,629	10	25,270	769	
B. & N. W. (Tirhut Section only). M. G.	2	34,814	*359	..	..	..	4	3,835	†	
B. B. & C. I. .. B. G.	..	..	..	18	1,71,928	4,666	230	4,06,193	33,130	
M. G.	14	2,60,687	96,678	21	1,73,625	3,706	58	99,948	2,889	
E.I. .. .. B. G.	21	10,45,685	42,000	12	1,07,423	7,397	633	17,21,306	1,07,610	

*One boiler and two tenders only.

†Figure for scrap not available.

NUMBER OF LOCOMOTIVES, CARRIAGES AND WAGONS SCRAPPED, THEIR ORIGINAL PRICES AND THE PRICES REALIZED FROM SALE OF SCRAP BY EACH OF THE STATE-OWNED RAILWAYS FOR THE YEAR 1936—*contd.*

Railway.	Locomotives.			Carriages.			Wagons.			Remarks.
	No. scrapped.	Original price.	Amount realized from sale of scrap.	No. scrapped.	Original price.	Amount realized from sale of scrap.	No. scrapped.	Original price.	Amount realized from sale of scrap.	
		Rs.	Rs.		Rs.	Rs.		Rs.	Rs.	
E. B. .. .. B. G.	8	4,15,149	45,900	21	2,79,186	16,901	126	3,13,951	41,490	Scrap figures are estimated on basis of weight of scrap likely to be realized and average auction sale rates in 1936-37.
M. G.	..	..	..	40	4,08,000	12,689	59	1,58,500	9,368	
N. G.	1	15,690	1,200	6	22,000	560	..	..	..	
G. I. P. .. .. B. G.	24	12,96,252	82,032	229	20,61,667	81,444	381	9,58,577	80,346	Scrap figures are estimated figures, as Scrap is divided under a large number of Stores headings for sale.
M. & S. M. .. B. G.	3	36,272	..	35	2,30,024	..	123	3,91,879	..	Separate figures for scrap are not available.
M. G.	1	18,110	..	30	2,31,810	..	144	1,93,351	..	
N. W. .. .. (B. G.) *(N. G.)	40	23,06,520	1,73,516	41	4,42,192	..	130	5,14,254	(a) 1,13,470	(a) Includes scrap value for carriages. Separate figures are not avilable. *Combined.
R. & K. (Lucknow Bareilly section only). M. G.	..	..	..	..	..	..	4	4,624	287	
S. I. .. ..*(B. G.) (M. G.)	9	2,65,711	6,982	29	2,31,473	10,766	358	4,90,730	2,681	Credit for scrap of four carriages and five wagons have not yet been realized.

Question No. 247.

TOTAL AMOUNT RECOVERED ANNUALLY AS LICENSE FEES ON CLASS I RAILWAYS IN RESPECT OF CONTRACTS FOR INDIAN CATERING.

(Based on figures for 1936-37.)

	Rs.
A. B. R.	17,848
B. & N. W. R.	5,600
B. N. R.	76,455
B. B. & C. I. R.	1,16,896
E. B. R.	29,832
E. I. R.	*56,859
G. I. P. R.	3,576
M. & S. M. R.	1,07,033
S. I. R.	94,364

*No license fee is recovered. The amount shown is on account of fees for hawking, a *per capita* charge being made to keep a check on the number employed.

Question No. 255.

APPLICATION OF THE NEW LEAVE RULES BY THE E. I. R.

It has been reported by the General Manager of the Railway that there has been no discontent among the staff concerned.

Question No. 258.

ACCOMMODATION FOR INDIAN APPRENTICES AT LILLOOAH.

Government are informed as follows :—

(*a*) Accommodation at Lillooah is limited but no apprentices have now to make their own arrangements, as the present practice is to train at Jamalpur apprentices who cannot be accommodated at Lillooah.

(*b*) No enlargement of the Hostel is necessary at present. An allowance of Rs. 39 per mensem is allowed for each apprentice living in the Hostel to cover the cost of food and hostel expenses. In view of the answer to part (*a*) the other parts do not arise.

(*c*) Reply to the first part is in the negative, the second part does not arise.

Question No. 261.

APPOINTMENT OF INDIAN APPRENTICES IN SUITABLE PERMANENT POSTS AFTER UNDERGOING TRAINING IN THE CARRIAGE AND WAGON SHOPS OF THE E. I. R.

Government are informed as follows :—

(*a*) The reply to the first part is in the affirmative. As regards the second part, it is not the case that until recently no passed Indian apprentices secured jobs in the shops.

(*b*) As regards the first part, it is not clear to what period the Honourable Member is referring. Owing to vacancies not being available apprentice mechanics who completed their training in 1935 were absorbed in posts lower than chargeman. These men have since been promoted to chargemen's posts. The second part does not arise.

Question No. 262.

NUMBER OF INDIAN FOREMEN, ASSISTANT FOREMEN AND CHARGEMEN EMPLOYED IN THE CARRIAGE AND WAGON SHOPS OF THE E. I. R.

Designation.	Grade.	Indians.
	Rs.	
Foremen	575—25—650 ..	..
Foremen	500—25—550 ..	1
Foremen	400—25—550 ..	..
Assistant Foremen	425—25—475 ..	3
Chargemen	350—25—400 ..	..
Chargemen	270—20—330 ..	8
Chargemen	100/150—20—250	54

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR GENERAL.

THE HONOURABLE THE PRESIDENT: Honourable Members, I have got a Message to give you from His Excellency the Governor General. The Message runs thus:

PANEL OF CHAIRMEN.

"*In pursuance of the provisions of sub-section (2) of section 63A of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935, I, Michael Herbert Rudolf Knatchbull, Baron Brabourne, hereby nominate the following Members of the Council of State to be on the Panel of Chairmen of the said Council of State:*

In the first place, the Honourable Rai Bahadur Lala Ram Saran Das; in the second place, the Honourable Sir David Devadoss; in the third place, the Honourable Sir Ramunni Menon; and lastly the Honourable Mr. Hossain Imam.

(Sd.) BRABOURNE,

Viceroy and Acting Governor General."

Simla;

The 25th August, 1938.

(Four Congress Members did not rise in their seats while the Governor General's Message was being read.)

COMMITTEE ON PETITIONS.

THE HONOURABLE THE PRESIDENT: Honourable Members, under Standing Order 76 of the Council of State Standing Orders, I am required at the commencement of each session to constitute a Committee on Petitions consisting of a Chairman and four members. The following Members have at my request kindly consented to preside over and serve on the Committee. I accordingly have much pleasure in nominating as Chairman of the Committee the Honourable Raja Charanjit Singh and as members, the Honourable Sir A. P. Patro, the Honourable Sir Ramunni Menon, the Honourable Mr. R. H. Parker and the Honourable Mr. P. N. Sapru.

DEATH OF MR. G. S. KHAPARDE AND MR. SITAKANTA MAHAPATRA.

THE HONOURABLE THE PRESIDENT: Honourable Members, it is my sad duty to bring to your notice the death of our old and esteemed friend, Mr. G. S. Khaparde and also of our very young friend, who had been in this Council since 1937, the late Honourable Mr. Sitakanta Mahapatra. As regards Mr. Khaparde, he was in the Council of State not only from its inception but he came as an elected Member on four distinct occasions to this Council, and before that he represented Berar also in the old Imperial Legislative Council. He was a man of great parts and conspicuous ability. He was a strong follower of the late Mr. Tilak, and he held definite views on many important subjects, sometimes even in opposition to the Congress. He was a man of peculiar temperament, fearless in the expression of his views and not dominated by any outside influence or influence even in the Council. He was a great figure for the last few years in this Council and many of the Honourable Members followed his debate with much interest, particularly not only on account of the influence he wielded in his own province but also in the whole of India. He was very humorous at times in his speeches. Whenever he spoke I personally felt that he gave the Council a great deal of matter on which solid reflection was required. He died in the ripeness of age on June 30th at Amraoti. He had to resign from this Council only the other day on account of his failing health, when we all apprehended that he was not likely to reoccupy his seat in this Council.

As regards the late Mr. Sitakanta Mahapatra, all Honourable Members must have noticed that though he was young he was indefatigable in his duty and at times brought up very important questions connected with railway matters especially. He had a great sense of humour and he entertained the Council and broke the monotony of the dull life of the Council on several occasions by his many characteristic remarks, his singular expression and the way in which he handled some questions. We are all very sad to lose him from this Council. It was a matter of great sorrow that his mother also died on hearing the news of the death of her son.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): Sir, I rise to associate myself and my Party with the expressions of appreciation and grief which have fallen from your lips. The late Mr. Khaparde was the Grand Old Man of this House and for several years he was a Member of the Progressive Party. He was always ready to help our Party with his sound advice. It was owing to his growing old age that he gave up the membership of our Party and of this Council. But he blessed our Party with his *asirvadam*. He always used to give us his advice and help readily. We mourn his demise.

As regards the late Mr. Sitakanta Mahapatara, he was also a member of our Party, and was helpful. We deplore his tragic death as well. He had been ailing for some time and so could not attend a session of this House owing to his being confined to bed. We all deplore the loss of these two

[Rai Bahadur Lala Ram Saran Das.]

Honourable Members of our House, and wish that the feelings of sorrow and appreciation of this House be conveyed to the members of the family of the deceased.

THE HONOURABLE MR. RAMADAS PANTULU (Madras: Non-Muhammadan): Sir, on behalf of the Congress Party I beg to associate myself with the sentiments expressed by you. I had the privilege of being a colleague of the late Mr. Khaparde in the first and second Councils and I am in a position fully to endorse the high appreciation espressed by you of his services to this Council. I also deplore the death of Mr. Sitakanta Mahapatra, a young Member—perhaps the youngest Member—of this House, who was an indefatigable critic of the Railway Administration. We learnt many things from him, things which we never knew from the published literature available to us. Sir, the Congress Party deplores the death of these two eminent Members of this House.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa: Muhammadan): Sir, I rise on behalf of the Muslim League Group to associate myself with all the sentiments that have been expressed by you and by the previous speakers.

THE HONOURABLE KUNWAR SIR JAGDISH PEASAD (Leader of the House): Sir, on behalf of the Members sitting on this side of the House, I wish to associate myself with the remarks which you have made in regard to the death of our late colleagues, Mr. Khaparde and Mr. Sitakanta Mahapatra. Mr. Khaparde died full of years, Mr. Mahapatra was cut off in middle life and under tragic circumstances. I hope that you, Sir, will convey to the families of the deceased our deep sympathies in the loss caused to them by their demise.

THE HONOURABLE THE PRESIDENT: I will do so.

GOVERNOR GENERAL'S ASSENT TO BILLS.

SECRETARY OF THE COUNCIL: Sir, information has been received that His Excellency the Governor General has been pleased to grant his assent to the following Bills which were passed by the two Chambers of the Indian Legislature during the Delhi Session, 1938, namely:—

1. The Repealing Act, 1938.
2. The Indian Companies (Amendment) Act, 1938.
3. The Dangerous Drugs (Amendment) Act, 1938.
4. The Insurance Act, 1938.
5. The Manœuvres, Field Firing and Artillery Practice Act, 1938.
6. The Destructive Insects and Pests (Amendment) Act, 1938.
7. The Child Marriage Restraint (Amendment) Act, 1938.
8. The Indian Tea Control Act, 1938.
9. The Workmen's Compensation (Amendment) Act, 1938.

10. The Cutchi Memons Act, 1938.
11. The Hindu Women's Rights to Property (Amendment) Act, 1938.
12. The Durgah Khawaja Saheb (Amendment) Act, 1938.
13. The Sind Salt Law Amendment Act, 1938.
14. The Sugar Industry Protection (Temporary Extension) Act, 1938.
15. The Indian Coffee Cess (Amendment) Act, 1938.
16. The Indian Tariff (Amendment) Act, 1938.
17. The Trade Disputes (Amendment) Act, 1938.
18. The Delhi Joint Water Board (Amendment) Act, 1938.
19. The Child Marriage Restraint (Second Amendment) Act, 1938.

BILL PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

SECRETARY OF THE COUNCIL: Sir, in pursuance of rule 25 of the Indian Legislative Rules, I lay on the table copies of the Bill to amend the Criminal Law which was passed by the Legislative Assembly at its meeting held on the 24th August, 1938.

CENTRAL ADVISORY BOARD OF EDUCATION.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Education, Health and Lands Member): Sir, I move:

"That the Members of this Council do proceed to elect, in such manner as may be approved by the Honourable the President, one person from among their own numbers to be a member of the Central Advisory Board of Education in India, with effect from the 28th September, 1938".

The Motion was adopted.

THE HONOURABLE THE PRESIDENT: With reference to the Motion which has just been adopted by the Council, I have to announce that nominations will be received by the Secretary up to 11 A.M. on Friday, the 9th September, 1938, and the date of election, if necessary, will be announced later.

CONGRATULATIONS TO RECIPIENTS OF HONOURS.

THE HONOURABLE THE PRESIDENT: Honourable Members, it is now my privilege and also my pleasure to offer the congratulations of this House and my own congratulations to our Honourable colleagues who have been the recipients of honours in the last Birthday Gazette.

12 NOON.

We see that the high honour of Knight Commander of the Indian Empire has been conferred on our distinguished colleague Sir John Nixon. (Applause.)

[Mr. President.]

It requires no argument from me to bring to your notice that this high honour has been very richly deserved by our friend and colleague Sir John Nixon. (Applause.) He has been for many years in the Finance Department, as also in other Departments, and he has been for some time past in the Council of State and you have all appreciated his great merit when he has expounded financial propositions in a most convincing and calculating manner. He enjoys the confidence of Honourable Members of this House and I have no doubt that this great distinction is only a precursor of further honours that will follow in time. (Applause.) I, on behalf of my colleagues Sir John, wish you a long life. We trust you will live to enjoy this honour for many years. (Applause.)

The next person is our friend Mr. S. N. Roy who receives the distinction, C. S. I. in the last Honours List. He is already, as you are aware, a C. I. E. and he has now got his C. S. I. You all know that he is one of our most brilliant Indian Civilians (Applause), and wherever he has been placed and in whatever capacity his lot has been to serve his Government and the country, he has acquitted himself very well and earned not only the highest appreciation from Government but all his friends in India are pleased that he has been suitably rewarded. (Applause.)

The next name which I have to mention is of our friend the Honourable Mr. A. deC. Williams. He has received a C. I. E. and as you know for many years he has been the Secretary of the Council of State. He has been accessible to all Members of this House whenever any important information is required by Members, not only relating to law and procedure but also as to the practice in the House and he has served them all without distinction in a most affable, quiet and in his own unostentatious manner. (Applause.) It is a matter of regret that he has been transferred from this House to the Defence Department, but we are very glad in one way that his meritorious services have been recognized by the Government and it is a pleasure to see that he has been succeeded in this House by another able and clever Secretary. (Applause.)

I have also to mention the name of our Honourable friend Mr. Slade, on whom a C. I. E. has been conferred. He has been nominated to the fourth Council on the 11th March, 1937. He resigned on the 15th March, 1937 and was renominated to the Council of State on the 20th August, 1938. He has also rendered meritorious service wherever he has been placed and he comes back to our Council again. We have no doubt that we shall have the pleasure of his able assistance in the elucidation of many important questions. (Applause.)

The honour of C. B. E. has been conferred on the Honourable Khan Bahadur Mian Ali Baksh Muhammad Hussain. I regret he is not in his seat today here, but it has given this Council pleasure that his name has been also included in the list of those who have received recognition at the hands of His Majesty.

THE HONOURABLE SIR JOHN NIXON (Finance Secretary) : Mr. President, I thank you very much for the kind things you have said about me and

the House for the way in which it has received them. When I leave this country, in which I shall have spent the best part of my life, I shall carry with me a large number of very happy memories, but among those memories none will be happier than the one I shall carry of the kindness and consideration, Sir, which you have shown me on all occasions and the atmosphere which you have created in this House, which has led to my establishing so many very sincere friendships. I thank you, Sir.

THE HONOURABLE MR. S. N. ROY (Communications Secretary) : Sir, I am most grateful to you for the kind way in which you have referred to me and to the House for the way in which it has received it. I thank both you, Sir, and the House.

THE HONOURABLE MR. A. DEC. WILLIAMS (Nominated Official) : Sir, after over eleven years' association with this Council I very much appreciate the kind remarks you have made about me and the way in which this Council has received them. I thank you.

THE HONOURABLE MR. M. SLADE (Commerce Secretary) : I thank you very much for what you have said about me, Sir, and the House for the way in which they have received it.

The Council then adjourned till Eleven of the Clock on Tuesday, the 6th September, 1938.

COUNCIL OF STATE.

Tuesday, 6th September, 1938.

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

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Leader of the House): Before you proceed to the business of the day, Sir, I wish to congratulate you. This is, I understand, the Parsi New Year Day. We wish you continued health and prosperity. (Applause.)

THE HONOURABLE THE PRESIDENT: I thank the Honourable the Leader and my Honourable colleagues for giving me their good wishes.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): Sir, I associate myself with the congratulations and good wishes conveyed by the Honourable the Leader of the House.

QUESTIONS AND ANSWERS.

THE HONOURABLE MR. P. N. SAPRU: May I request your permission, Sir, to put the questions on behalf of the Honourable Raja Yuveraj Datta Singh?

THE HONOURABLE THE PRESIDENT: I will certainly permit you, but you will convey to him that in my opinion it is a great discourtesy to the House to send notice of about a hundred questions and ask various Departments of the Government of India to take the trouble of gathering the information at considerable expenditure of time and money and not to be present himself to put the questions or ask in time the President's permission to authorize some other Member to put the questions. Even the letter which I have received does not give the date on which he wants the authorization to be exercised. You have seen it yourself. Will you convey the message which I have given to you!

ATTACHMENT OF PAY OF OFFICERS AND OTHER RANKS OF THE ARMY IN INDIA.

56. THE HONOURABLE MR. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh): (*a*) Will Government state what changes have been made, or are proposed to be made in the Army Act in respect of attachment of the pay of officers and soldiers of the Army in India?

(*b*) Are Indian officers and soldiers in any way affected thereby ? If so, in what respect ?

THE HONOURABLE MR. A. DEC. WILLIAMS : I refer the Honourable Member to the press communiqué issued on the subject on the 30th June, 1938.

INDIAN MEDICAL DEPARTMENT.

57. THE HONOURABLE MR. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh) : (*a*) Has the attention of Government been drawn to an advertisement published in the Press (*vide* the *Pioneer*, dated 7th April, 1938) over the signature of the Director General, Indian Medical Service, New Delhi, inviting applications " for admission to the Assistant Surgeon Branch of the Indian Medical Department " ?

(*b*) Will Government kindly state why " candidates must be Europeans, Domiciled Europeans or Anglo-Indians " only ; and why should not the rules be relaxed to admit Indians also ?

(*c*) Why should the candidates be required to undergo the prescribed course of study in preparation for the M.B., B.S. degree of the Universities of Calcutta, Madras and Bombay only ?

(*d*) Why have other Indian Universities been excluded ?

THE HONOURABLE MR. A. DEC. WILLIAMS : (*a*) Yes.

(*b*) I refer the Honourable Member to the reply given by Field-Marshal Sir Philip Chetwode in this House to question No. 109 asked on the 29th August, 1933.

(*c*) and (*d*). The Universities of Calcutta, Madras and Bombay only have agreed to reserve a certain number of vacancies for candidates nominated by the Director General, Indian Medical Service, as prospective entrants to the Assistant Surgeon Branch of the Indian Medical Department.

No other Indian Universities have given similar facilities.

THE HONOURABLE MR. HOSSAIN IMAM : Were other Universities asked to give facilities ?

THE HONOURABLE MR. A. DEC. WILLIAMS : I should require notice of that, Sir.

THE HONOURABLE MR. HOSSAIN IMAM : The question arises directly out of this, Sir.

DEFENCE FORCES IN INDIA.

58. THE HONOURABLE MR. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh) : Will Government state the results of the discussions between the India Office and the War Office in both the strategical and financial aspects in regard to the defence forces in India indicating how far the present position is likely to undergo any change or modification ?

THE HONOURABLE MR. A. DEC. WILLIAMS : I refer the Honourable Member to His Excellency the Commander-in-Chief's reply to Pandit Hirday Nath Kunzru's questions Nos. 265—267 on the 4th April, 1938. Government are not yet in a position to add anything to them, but it is hoped shortly to make an announcement on the progress so far achieved.

ESTIMATED RUNNING COST OF A FLEET OF SIX ESCORT VESSELS IN INDIAN WATERS.

59. THE HONOURABLE MR. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh): (*a*) Will Government state the capital cost and the estimated running cost of the fleet of not less than six modern escort vessels to be maintained in Indian waters ?

(*b*) Will Government make a statement on the subject, giving such details as may be available ?

THE HONOURABLE MR. A. DEC. WILLIAMS: (*a*) and (*b*). The details in question are still under examination and it is not possible to make a statement on the subject at present.

NAVAL BASE IN KATHIAWAR.

60. THE HONOURABLE MR. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh): Are Government considering a scheme for the establishment of a naval base in Kathiawar ? If so, what is the scheme ?

THE HONOURABLE MR. A. DEC. WILLIAMS : No.

REORGANIZATION OF CERTAIN MILITARY COMMANDS.

61. THE HONOURABLE MR. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh): (*a*) Will Government state the main outlines of the scheme relating to the elevation of Lucknow as a first class military district and the organization of certain military commands in India ?

(*b*) To what extent will these arrangements result in an annual saving in expenditure and increased efficiency ?

THE HONOURABLE MR. A. DEC. WILLIAMS : (*a*) and (*b*). The main outlines of the scheme for the reorganization of certain military commands in India are as follows :—

Lucknow District will take over from Meerut District the command of two infantry brigades and one artillery brigade with the areas in which they are stationed and will become a first class district. Meerut District will be correspondingly reduced but will have the Delhi (Independent) Brigade Area and troops added to it. It will be reduced in status from first to second class. The Delhi Brigade Area will cease to be " Independent. "

In addition, the Western Command is to be abolished and replaced by a Western (Independent) District which will also absorb the Headquarters of the present Baluchistan District.

These arrangements are bound up with other reorganizations so that it is not possible to separate the precise amount of the annual saving in expenditure which is expected to accrue. It can be said, however, that the arrangements will result in a substantial annual saving and increased efficiency.

INCREASES IN PAY AND ALLOWANCES, ETC., GRANTED TO BRITISH TROOPS.

62. THE HONOURABLE MR. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh): (*a*) Will Government state whether as a result of recent concessions and allowances granted to British troops by the War Office, any extra cost of British troops stationed in India will fall upon the Indian Exchequer? If so, what are the nature of the concessions and allowances so far as troops in India are concerned and what is the approximate amount of financial obligations, non-recurring and recurring, which will have to be borne by India?

(*b*) Did Government protest against the extra cost on India?

(*c*) Has any such concessions and allowances been granted to Indian soldiers? If not, why not?

THE HONOURABLE MR. A. DEC. WILLIAMS: I presume the Honourable Member is referring to the increases in pay and allowances, etc., announced by the Secretary of State for War early this year. If so, the replies are as follows:—

(*a*) Yes. Increases in rates of pay and marriage allowances and concessions in respect of unemployment insurance, vocational training, etc., have recently been granted to British troops. Most of these increases and concessions apply automatically to British troops serving on the Indian establishment whose cost is borne by India. The resultant extra cost to India cannot be accurately determined at present but may amount to about Rs. 133 lakhs per annum.

(*b*) The Government of India represented to the Secretary of State for India the serious effect upon the Indian budget which the measures would cause.

(*c*) No. The concessions authorized for British troops serving on the Indian establishment were introduced owing to the fact that similar concessions have been introduced in the United Kingdom. This argument does not affect Indian troops.

THE HONOURABLE MR. HOSSAIN IMAM: Did the representation that was submitted to the Secretary of State make a demand for additional grant from the British Government?

THE HONOURABLE MR. A. DEC. WILLIAMS: I am not in a position to give the details of the representation, Sir.

THE HONOURABLE MR. HOSSAIN IMAM: Do the Government now propose to make a demand for this?

THE HONOUABLE MR. A. DEC. WILLIAMS: In reply to another question I have said that certain discussions are at present in progress between the Government of India and His Majesty's Government.

NUMBER OF INDIAN OFFICERS IN THE INDIAN ARMY ABOVE THE RANK OF CAPTAIN.

63. THE HONOURABLE MR. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh): Will Government state how many Indian officers there are in the Indian Army, superior to the rank of captain? And what steps, if any, have been taken in recent times to increase the number of Indian officers?

THE HONOURABLE MR. A. DEC. WILLIAMS: The number of Indian officers in the Indian Army above the rank of captain is 178, 170 of whom are in the Indian Medical Service. As regards the steps taken in recent times to increase the number of Indian officers, I refer the Honourable Member to Section III—Indianization of the Defence Services—in the pamphlet entitled *A Summary of Important Matters concerning the Defence Services in India, 1936-37*. Copies of the pamphlet were distributed to all Honourable Members and are also available in the Library.

INDIAN AIR FORCE.

64. THE HONOURABLE MR. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh): Will Government state how many Indian and non-Indian officers there are at present in the Indian Air Force, which was constituted in 1933?

THE HONOURABLE MR. A. DEC. WILLIAMS: There are 15 Indian officers in the newly formed Indian Air Force. Of these, 10 have joined the unit, two are still under training in England, and three are on their way to the United Kingdom for training. Two officers of the Royal Air Force are attached to the squadron until such time as there are Indian Air Force officers of sufficient seniority and experience when they will be withdrawn.

POLO GROUND, ABBOTTABAD.

65. THE HONOURABLE MR. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh): (*a*) Have the Military authorities of Abbottabad issued an order prohibiting the entry of all Indians into the polo grounds, round which barbed wire fencing has been erected, and the prohibition notice has been put up?

(*b*) Had Indians free access to these areas for several years?

(*c*) Do Government propose to enquire into this order and to take steps to rescind the same?

THE HONOURABLE MR. A. DEC. WILLIAMS: (*a*) The order applies to all unauthorized trespassers, and wire fencing has been erected to prevent the ground being damaged by cars, carriages and the formation of tracks across it by persons taking a short cut. This ground, it may be noted, is also used as an aerodrome.

(*b*) In the absence of wire fencing and the notice, Indians and others trespassed freely on this ground, which has now been stopped owing to the damage done. Both Indians and Europeans still have free access to it for the purposes of recreation for which the ground was designed.

(*c*) Does not arise.

COST OF MAINTENANCE OF BRITISH TROOPS IN INDIA.

66. THE HONOURABLE MR. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh): (*a*) Will Government state whether the British Government are contemplating to take over the entire or partial cost of the maintenance of British toops in India ?

(*b*) When is a decision on this point likely to be reached ?

THE HONOURABLE MR. A. DEC. WILLIAMS : (*a*) and (*b*). I refer the Honourable Member to the answer which I have just given to his question No. 58.

RECOMMENDATIONS OF THE TARIFF BOARD WITH RESPECT TO THE REVENUE SURCHARGE ON THE PROTECTIVE DUTIES ON PAPER AND PAPER PULP.

67. THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY: (*a*) Will Government state the recommendations of the Tariff Board with regard to the revenue surcharge of 25 per cent. imposed on the protective duty on paper and wood pulp ?

(*b*) Have the recommendations of the Tariff Board been published ? If so, when? If not, why ?

(*c*) Has the said revenue surcharge been removed ? If so, when, and why ?

THE HONOURABLE MR. M. SLADE : (*a*), (*b*) and (*c*). A copy of the Tariff Board's report on this subject is in the Library. Government's decision on that report was announced in the Gazette of India, dated the 25th June, 1938.

APPOINTMENT OF PROFESSOR OF SUGAR ENGINEERING AT THE IMPERIAL INSTITUTE OF SUGAR TECHNOLOGY, CAWNPORE.

68. THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY: Will Government state whether Mr. Abott will be appointed as sugar engineer of the Cawnpore Technological Institute ? If so, what are his qualifications, remuneration and terms of service and whether an Indian was not available of similar qualifications and on similar remuneration and terms of service ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : The Honourable Member is presumably referring to the appointment of Mr. Arnold as professor of Sugar Engineering at the Imperial Institute of Sugar Technology, Cawnpore. I lay on the table of the House a statement of Mr. Arnold's qualifications. He has been appointed on a salary of Rs. 1,200—50—1,400 per mensem *plus* £30 overseas pay and a five-year contract. The post was twice advertised in India through the Federal Public Service Commission, but the Commission was unable to recommend a suitable candidate.

Statement of Mr. Arnold's qualifications.

1. Degree of B.Sc. in Engineering.

2. Diploma of Royal Technical College, with distinction in design.

3. Member of Institution of Mechanical Engineers (M. I. Mech.E.), Member of Institution of Engineers and Shipbuilders in Scotland.

He served his apprenticeship with Mirrless Watson Co., Ltd., one of the best sugar machinery manufacturers, much of whose machinery is in use in India. Before his selection for the appointment at Cawnpore he was General Manager of a large sugar factory in British Guiana and a Consulting Engineer in charge of the whole group of factories under the Company that employed him.

PUBLICATION OF THE TARIFF BOARD'S REPORT ON SUGAR.

69. THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY: Will Government state whether the report of the Tariff Board on sugar has been submitted and if so when will it be published ?

THE HONOURABLE MR. M. SLADE: Yes, Sir. The report will not be published until Government have passed orders on it.

TAKING OVER OF THE SALT ADMINISTRATION IN BENGAL BY THE CENTRAL GOVERNMENT.

70. THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY: Will Government state:

(*a*) Whether the Central Government contemplates taking over the administration of the Salt Department from the Bengal Government ? If so, why, when, and on what terms and what is the arrangement with other Provincial Governments ?

(*b*) What representations, if any, have the Central Government received from the salt manufacturers of Bengal and what consideration, if any, are they giving to them since the lowering of the salt duty ?

THE HONOURABLE SIR JOHN NIXON: (*a*) The question of taking over the administration of salt in Bengal from the Provincial Government is under consideration. The salt administration is already centralized in all other provinces except Sind and that part of Orissa which did not formerly form part of the Madras Presidency.

(*b*) Representations received from the salt manufacturers of Bengal did not raise any point that was not fully considered by Government when they abolished the additional import duty on salt, nor did they establish, in my opinion, the need for any further action for the present.

PROGRESS OF INDO-BRITISH TRADE NEGOTIATIONS, ETC.

71. THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY: At what stage is the Indo-British trade agreement talk now and whether the terms of such agreement will be placed before the Central Legislature before its ratification ?

THE HONOURABLE MR. M. SLADE: The Indo-British Trade Negotiations are in the penultimate stage. As regards the second part of the question, I

would invite the Honourable Member's attention to the speech made by the Government spokesman in the Legislative Assembly on the 1st April, 1938 during the debate on Mr. S. Satyamurti's Resolution on the subject of these negotiations.

JUDGMENTS PASSED BY THE CALCUTTA AND BOMBAY HIGH COURTS IN CERTAIN INCOME-TAX CASES.

72. THE HONOURABLE SIR PHIROZE SETHNA: (*a*) Are Government aware of the Judgments passed by the Calcutta and Bombay High Courts in *re* B. N. Elias [I. L. R. 63 Calcutta (1936) p. 538] and in Commissioner of Income Tax *versus* Laxmidas Devidas [39 Bombay Law Reporter (1937) p. 910] where it was held that several persons owning immoveable property in distinct shares should be regarded as an "Association of Individuals" under section 3 of the Income Tax Act and that accordingly the whole income of the property should be taxed ?

(*b*) Is it proposed to amend the Indian Income Tax Act, 1922, so as expressly to provide that such persons shall not in respect of such properties be assessed as an association of persons ?

(*c*) Do Government propose in the meanwhile to issue executive instructions to all Income-tax officers, or a notification under section 60 (*1*) of the Indian Income Tax Act, with a view to prevent action being taken in accordance with the aforesaid decisions of the two High Courts ?

(*d*) Do Government propose to repay any amounts recovered in accordance with the aforesaid decisions ?

THE HONOURABLE SIR JOHN NIXON: (*a*) Yes.

(*b*) Yes.

(*c*) Government do not consider it necessary to issue executive instructions or a notification under section 60 of the Indian Income Tax Act, 1922, pending the consideration of the Bill by the Legislature.

(*d*) No.

THE HONOURABLE MR. G. S. MOTILAL: Is this provided for in the Bill ?

THE HONOURABLE SIR JOHN NIXON: Yes, Sir.

NUMBER, NAMES, ETC., OF NON-INDIAN EXPERTS APPOINTED IN THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

73. THE HONOURABLE MR. P. N. SAPRU: Will Government state the total number of non-Indian experts with their names, qualifications and salaries appointed in the Department of Education, Health and Lands during the last two years ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: A statement is laid on the table.

Statement referred to in reply to question No. 73 showing the total number of non-Indian experts with their names, qualifications and salaries appointed in the Department of Education, Health and Lands (including the Imperial Council of Agricultural Research Department) during the last two years.

Name.	Post to which appointed or purpose of appointment.	Qualifications.	Salary.
Mr. A. Abbott, C.B.E.	To advise on certain problems of educational reorganization and particularly on problems of vocational education.	Formerly Chief Inspector of Schools, Board of Education, London.	Honorarium of £500 for the visit which lasted for about four months and maintenance allowance of Rs. 1,000 a month for the period of stay in India.
Mr. S. H. Wood, M.C.	Do.	Director of Intelligence, Board of Education and Ministry of Health, London.	Salary at £1,500 per annum for a period of about six months and maintenance allowance of Rs. 1,000 a month for the period of stay in India.
Mr. John Sargent, M.A.	Educational Commissioner with the Government of India.	Had a distinguished career at Oxford; possesses 17 years' experience of educational administration both in agricultural and industrial areas of England; has been Director of Education in Essex for the past few years; closely associated with the building up of the well-known technical institution at Dagenham; recently elected President of the Association of Directors of Education.	Salary of Rs. 3,000 a month *plus* overseas pay of £13-6-8 a month.
Dr. R. Passmore	Assistant Director, Nutrition Research, Coonoor.	M. A. (Oxon and Cantab) B.M., B.Ch. (Oxon) Senior Hulme Scholar at Brasenose College (Oxford University). Was awarded first class honours in physiology in the Natural Science School. Was engaged in nutritional and bacteriological research. He is a member of the Biochemical, Physiological and Pathological Societies in Great Britain and is a Fellow of the Royal Society of Medicine. He is the joint author of seven publications on nutritional problems.	Initial pay of Rs. 750 p.m. in the scale of Rs. 625—1,350 prescribed for non-I.M.S. officers of the Medical Research Department.
Dr. G. W. Padwick	Imperial Mycologist, Imperial Agricultural Research Institute, New Delhi.	B.Sc., M.Sc. (Alberta), Ph.D. (London).	Pay Rs. 500 p.m. *plus* special pay of Rs. 150 p.m. attached to the post and O. S. P. £25 p.m.

Statement referred to in reply to question No. 73 showing the total number of non-Indian experts with their names, qualifications and salaries appointed in the Department of Education, Health and Lands (including the Imperial Council of Agricultural Research Department) during the last two years—contd.

Serial No.	Name.	Post to which appointed or purpose of appointment.	Qualifications.	Salary.
6	Mr. K. S. Arnold.	Professor, Sugar Engineering, Imperial Institute of Sugar Technology, Cawnpore.	B.Sc. (Engineering), Diploma of Royal Technical College with distinction in design. M. I. Mech. E., Member of Institution of Engineers and Ship-builders in Scotland; served his apprenticeship with Mirrless Watson and Co., Ltd., was General Manager of a large sugar factory in British Guiana and a Consulting Engineer in charge of the whole group of factories.	Pay Rs. 1,200—50—1,400 p.m. *plus* O.S.P. £30 p.m.
7	Mr. A. J. Macdonald.	Officer in Charge, Poultry Research Section, Imperial Veterinary Research Institute, Izatnagar.	B.Sc., B.Sc. (Agri.), N. D. A. (Deputy Director of National Institute of Poultry Husbandry, Harper Adams Agricultural College, New Port, Shropshire).	Pay Rs. 965 p. m. in the scale of Rs. 275—300—325—25—650 (E.B.)—35—1,000 *plus* special pay as head of Section of Rs. 150 p.m. plus sterling overseas pay of £25 p.m. rising to £30 p.m.
8	Sir John Russell	To conduct a scientific review of the research programme of the I. C. A. R.	D.Sc., F. R. S., Director, Rothamsted Experimental Station.	Maintenance allowance of Rs. 1,000 p.m. *plus* mileage on tour.
9	Dr. N. C. Wright	Do. ..	M.A., D.Sc., Ph.D., (Director Hannah Dairy Research Institute, Ayrshire, Scotland).	Do.
10	Sir Lesnard Woolley.	For obtaining expert advice on the most promising sites for exploration and the best methods and agencies for achieving the speedy and fruitful development of exploration activities in India.	Late Assistant Keeper, Ashmolean Museum, Oxford. Conducted excavations at Corbidge, in Nubia and at Carchemish under the auspices of the Oxford University and British Museum. Did archæological work in Sinai for Palestine Exploration Fund. Conducted excavations at Tel el Amarna, Ur and near Antioch in Syria. Writer of numerous works on archæology.	Honorarium at Rs. 1,000 per month for the period of stay in India and the days spent in voyage, *plus* a lump sum of £500 for the whole period. Joint maintenance allowance for self and Lady Woolley at Rs. 1,500 p.m. while in India.

NOTE.—Nos. 1, 2, 8 and 9 were temporary appointments. Nos. 3, 6 and 7 have not yet arrived. No. 10 also has not yet arrived and the appointment is temporary.

APPOINTMENT OF SUPERINTENDENT OF INSURANCE.

74. THE HONOURABLE MR. P. N. SAPRU: Was the post of Superintendent of Insurance advertised in India ?

(*b*) Was any effort made to secure the services of an Indian for that position ? If not, why not ?

THE HONOURABLE MR. M. SLADE: (*a*) No, Sir.

(*b*) The possibility of obtaining a suitable Indian for the post was considered.

THE HONOURABLE MR. P. N. SAPRU: Why was the post not advertised in India ?

THE HONOURABLE MR. M. SLADE: I have said, Sir, the possibility of recruiting a suitable Indian was considered.

THE HONOURABLE MR. P. N. SAPRU: That does not answer my question. Why was it not advertised in India ?

THE HONOURABLE THE PRESIDENT: Because, he says, there was no suitable Indian available.

THE HONOURABLE MR. P. N. SAPRU: How could the Government find out that there was no suitable Indian available ?

THE HONOURABLE SIR JOHN NIXON: The qualifications of all actuaries in India are well known to Government.

THE HONOURABLE MR. P. N. SAPRU: Was the post offered to any suitable actuary in India ?

THE HONOURABLE MR. M. SLADE: The Government came to the conclusion that there was no suitable Indian actuary bar one and that actuary was already holding a post the emoluments of which were considerably greater than they were able to offer.

THE HONOURABLE MR. P. N. SAPRU: Was the post actually offered to the actuary ?

THE HONOURABLE MR. M. SLADE: No, Sir.

THE HONOURABLE MR. HOSSAIN IMAM: Was there only one actuary qualified ?

THE HONOURABLE MR. M. SLADE: Only one qualified and suitable.

THE HONOURABLE MR. HOSSAIN IMAM: How many unsuitable ?

THE HONOURABLE THE PRESIDENT: I think the question has been adequately answered.

TOTAL EXPENDITURE INCURRED IN CONNECTION WITH THE VISITS OF SIR MUHAMMAD ZAFRULLAH KHAN TO ENGLAND FOR THE PURPOSES OF THE INDO-BRITISH TRADE NEGOTIATIONS.

75. THE HONOURABLE MR. P. N. SAPRU: Will Government state the total expenses incurred in connection with the visits of Sir Zafrullah Khan to England for the purposes of the Indo-British Trade Agreement ?

THE HONOURABLE MR. M. SLADE: I lay a statement on the table.

Statement showing the total expenditure incurred in England in connection with the visits to that country of the Honourable Sir Muhammad Zafrullah Khan and his advisers for the purposes of the Indo-British Trade Negotiations.

	£	s.	d.
Year ended 31st March, 1938	13,561	11	5
1st April to 26th July, 1938	2,075	9	6
Total ..	15,637	0	11
	or		
	Rs. 2,08,494		

THE HONOURABLE THE PRESIDENT: I have received notice of a short notice question. Has the Honourable the Leader of the House any objection ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Leader of the House): Well, Sir, I have already explained to the Honourable Member that I am willing to answer the question but I cannot say whether I shall be able to do so on Thursday or later. With that proviso, that I may not be able to answer the question on Thursday but on the first day on which we meet after Thursday, I am prepared to answer the question.

THE HONOURABLE THE PRESIDENT: I presume that satisfies you ?

THE HONOURABLE SIR PHIROZE SETHNA: Yes, Sir.

POLYGAMOUS MARRIAGE REGULATING BILL.

*THE HONOURABLE MR. SUSIL KUMAR ROY CHOWDHURY (West Bengal: Non-Muhammadan): Sir, I move for leave to introduce:

"A Bill to regulate (restrain) polygamy in British India."

The object of this Bill is to regulate polygamy in British India. It is quite true at the present moment the percentage of polygamous marriages is very small but the very possibility that the husband can marry again during the lifetime of his wife without any reasonable and probable cause lowers the position of women in this country. In certain exceptional cases, of course, polygamy is permitted in this Bill but checks have also been provided.

*THE HONOURABLE SIR MUHAMMAD YAKUB (Nominated Non-Official): Mr. President, although it is not necessary for me at this stage to go into the details of the Bill——

THE HONOURABLE THE PRESIDENT: Are you opposing the Bill ?

THE HONOURABLE SIR MUHAMMAD YAKUB: Yes, Sir.

THE HONOURABLE THE PRESIDENT: Then I will allow you.

THE HONOURABLE SIR MUHAMMAD YAKUB: The Bill as it is framed involves an interference with the religious laws of the Muslims. Mr. President, although Islam does not encourage polygamy and unrestricted polygamy is prohibited under Koranic injunctions, still under certain circumstances restricted polygamy is allowed by our religion.

THE HONOURABLE THE PRESIDENT: But you will notice that this Bill is restricted to Hindus only.

THE HONOURABLE SIR MUHAMMAD YAKUB: No, Sir, it is not. If it were restricted only to the Hindus, I would not have any objection at all.

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*Not corrected by the Honourable Member.

THE HONOURABLE MR. SUSIL KUMAR ROY CHOWDHURY: In sub-clause (7) of clause 5 it is provided that the Governor General in Council may, by notification in the Gazette of India, exempt any class or classes from the operation of this Act.

THE HONOURABLE SIR MUHAMMAD YAKUB: It leaves it to the Government. However, we Muslims cannot suffer any interference in our religious laws by the framing of any legislation in India and therefore we cannot be any party to it. If the Honourable the Mover restricts the provisions of the Bill to the Hindus or to non-Muslims, we will have no objection to it.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa: Muhammadan): Sir, I endorse the remarks made by Sir Muhammad Yakub. We have objection to this Bill being applied to Mussulmans and if it is restricted to non-Muslims we will have no objection.

THE HONOURABLE THE PRESIDENT: Motion made for leave to introduce:

"A Bill to regulate (restrain) polygamy in British India."

The Honourable Member has not the leave of the Council to introduce the Bill.

THE HONOURABLE MR. RAMADAS PANTULU (Madras: Non-Muhammadan): Aren't you going to take a division, Sir?

THE HONOURABLE THE PRESIDENT: There is no division necessary. I heard only two voices in favour of it and the rest all shouted "No". Nobody asked for a division.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Leader of the House): Sir, I thought that it was always the convention that at the introduction stage, there was no question whether a Bill should or should not be proceeded with, and that the question whether any further steps with regard to the Bill should or should not be taken should be left over for a further stage. I rather thought that that had been the convention. Leave to introduce is usually given without discussion of the merits.

THE HONOURABLE THE PRESIDENT: Opposition speeches are allowed under the Standing Orders but not speeches in support.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: I was only saying that I thought that that was the convention that when leave to introduce is asked for no speech is made and the House is not committed as to what further steps would be taken in regard to the Bill. I thought that that was a recognized convention.

THE HONOURABLE THE PRESIDENT: I must ask for the opinion of the House whether they propose to give leave to the Honourable Member to introduce the Bill or not. That is the usual practice, not only in this House but in all Legislatures.

THE HONOURABLE MR. SUSIL KUMAR ROY CHOWDHURY: I can give the assurance that in the Select Committee I shall make it clear that it will apply only to non-Muslims.

THE HONOURABLE THE PRESIDENT: The present Motion is only for introducing the Bill. There is no Motion for Select Committee and I cannot take the Council's view on that.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: I wish to make the position of Government clear. We do not oppose the Motion for leave to introduce. We are not opposed to that.

THE HONOURABLE MR. RAMADAS PANTULU: When the Honourable Sir Muhammad Yakub and the Honourable Mr. Hossain Imam were formally dissociating themselves from this Bill from the Muslim point of view, we hardly expected that leave would be refused merely by reason of a few Members formally dissociating themselves from this Bill. So most of the Members did not say "Aye". The usual practice is to give leave to introduce a Bill. May I request you, Sir, to ascertain the opinion of this House once again, because we feel, specially in view of the statement made by the Honourable the Leader of the House that the Government did not intend to oppose the Motion, a large number of people will say "Aye" if you once more put the Question.

THE HONOURABLE THE PRESIDENT: As an old Member of this Council I think you very well understand the usual rule that when a Motion is made, it must be put to the Council and the Council Members have to decide whether leave should be granted or not. But in the present case, as the Honourable the Leader of the House did not get up at the proper time and express the views of Government, I will read the Motion a second time and give you a chance, if you like, of insisting on a division or expressing your opinion.

Motion made:

"That leave be given to introduce a Bill to regulate (restrain) polygamy in British India."

Question put: the Council divided:

AYES—17.

Buta Singh, Hon. Sardar.	Pantulu, Hon. Mr. Ramadas.
Charanjit Singh, Hon. Raja.	Parker, Hon. Mr. R. H.
Das, Hon. Rai Bahadur Satyendra Kumar.	Ram Saran Das, Hon. Rai Bahadur Lala.
Devadoss, Hon. Sir David.	Ray Chaudhury, Hon. Mr. Kumarsankar.
Ghosal, Hon. Sir Josna.	Roy Chowdhury, Hon. Mr. Susil Kumar.
Kalikar, Hon. Mr. V. V.	Sapru, Hon. Mr. P. N.
Menon, Hon. Sir Ramunni.	Sethna, Hon. Sir Phiroze.
Motilal, Hon. Mr. G. S.	Stokes, Hon. Mr. H. G.
Nihal Singh, Hon. Sirdar.	

NOES—10.

Abdus Sattar, Hon. Mr. Abdur Razzak Hajee.	Ismail Ali Khan, Hon. Kunwar Haji.
Ataullah Khan Tarar, Hon. Chaudhri.	Khurshid Ali Khan, Hon. Nawabzada.
Chinoy, Hon. Sir Rahimtoola.	Mitha, Hon. Sir Suleman Cassum Haji.
Haidar, Hon. Khan Bahadur Shams-ud-Din.	Muhammad Yakub, Hon. Sir.
Hossain Imam, Hon. Mr.	Patro, Hon. Sir A. P.

The Motion was adopted.

THE HONOURABLE THE PRESIDENT: The Honourable Member has the leave of the Council to introduce his Bill.

THE HONOURABLE MR. SUSIL KUMAR ROY CHOWDHURY: Sir, I introduce the Bill.

RESOLUTON *RE* CLOSER ASSOCIATION OF THE LEGISLATURE WITH THE DEFENCE POLICY OF GOVERNMENT.

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern: Non-Muhammadan): Sir, I rise to move the following Resolution:

"This Council recommends to the Governor General in Council to associate more closely the Legislature with the formulation and direction of defence policy either (*a*) by the appointment of a Standing Committee of the Legislature to advise on defence policy or (*b*) by such other practicable measures consistent with the present constitutional position as may be recommended by a committee preponderatingly non-official in character, appointed for this purpose."

Sir, I should like to explain the scope of my Resolution. I am not asking in this Resolution for a reversal of the present constitutional position in regard to Defence. The present constitutional position in regard to Defence is that the Government of India is responsible for the defence of this country to the Secretary of State and through him to the British Parliament. The Indian Legislature has got no right of voting supplies for the Defence Department. It can discuss Defence expenditure only with the previous assent of the Governor General in his discretion. We can discuss the Army budget but we do not vote it. We have an irremoveable executive and as I have pointed out, this irremoveable executive is not responsible to the Legislature for defence policy. That is the present constitutional position and that will be the constitutional position substantially under the constitution which is contemplated in the Government of India Act for the Centre. In a way under the new Government of India Act the position will be from our point of view less satisfactory than the position at present. After the Centre is reconstituted Defence will be the exclusive concern of the Governor General. At present we have three Indian Members in the Viceroy's Executive Council who share with the Governor General the responsibility for Defence subject to the control of the Secretary of State. Federal Ministers will have a right according to the report of the Joint Select Commitee of being consulted in regard to defence policy, defence expenditure and the sending of Indian contingents abroad; but, as the House will see, consultation is not control. Final decisions under the constitution contemplated for the Centre will rest with the Governor General and not as at present with the Governor General in Council. It was for this reason that the Indian Delegation to the Joint Select Committee, of which the Honourable Sir Phiroze Sethna was a distinguished member, suggested that the Army Member of the future should be an Indian, preferably an elected Member of the Legislature, that the present control which the Finance Department

[Mr. P. N. Sapru.]

exercises over Defence should not in any future arrangement be impaired, and that Indian troops should not be sent abroad without the concurrence of Federal Ministers.

I have explained the constitutional position as it is and as it will be hereafter if the new constitution is introduced at the Centre. Now, I am not asking that the constitutional position should be reversed. I am not asking, in other words, for control over Defence. I think we should be justified in asking for control over Defence, but I am not asking for control as I know British public opinion is not likely to concede that right immediately. I am asking for increased influence and I would just also like to explain another part of my Resolution. I am not asking that the disciplinary control over the Army which His Excellency exercises should be shared by the Legislature with him. Disciplinary control over the Army is quite different from Defence control. I recognize that questions of discipline fall properly within the exclusive sphere of His Excellency the Commander-in-Chief and it will be an evil day for this country if we were to interfere with questions of military discipline, questions of transfer, promotion, etc., and questions of military strategy, etc. That is not the purport and meaning of my Resolution. I am not suggesting that the Legislature is competent to advise His Excellency on military strategy or discipline. What I am asking for is increased association of the Legislature with the direction and formulation of defence policy. I am asking, in other words, for greater opportunities of influencing defence policy. I think, Sir, the time has come when the position in regard to Defence should be examined in the light of the declared goal of British policy, complete responsible government, Dominion status. The Defence Sub-Committee of the Round Table Conference recommended that the defence of India should be hereafter an increasing concern of the Indian people and not the British people alone. I think you will find that declaration somewhere embodied in the Instrument of Instructions also to the Governor General. Now, the question that I would like to ask my official friends is this. What steps have you taken to make this defence an increasing concern of the Indian people? That is the question that I think we on this side of the House are entitled to ask our official friends. The Statutory Commission in their Report, Volume II, page 176, made the suggestion which I am asking the House to endorse. After making certain recommendations in regard to the reconstitution of the Central Government they go on to make this observation:

"The Central Legislature as now constituted could not vote supplies for the Army. Appropriations of revenue for this purpose in accordance with the arrangement we have assumed would be authorized by certificate of the Governor General; but we should like—and I should like the House to listen to this part—to see the constitution of some committee on Army affairs on which the Central Legislature and in time we hope the Indian States also would have representatives for the purpose of discussing and keeping in touch with military questions".

Therefore, Sir, I can claim the authority of the Statutory Commission for the proposition that I am asking this House to endorse. I think it will be generally admitted that it is desirable particularly in view of the developing international situation to have a more instructed opinion in regard to defence

questions, in regard to questions of army, navy and air force and their relations with external affairs. Defence policy is ultimately determined by foreign policy and important sections of our population are interested in questions relating to the Middle East. It is not therefore right that we should have no constitutional means of expressing our views on governmental policy in regard to Defence. The Dominions as we know are consulted in regard to foreign affairs. When Mr. Chamberlain entered into negotiations with the Italian Government and entered into the Anglo-Italian pact—a hateful pact from our point of view because I hate Fascist powers—Mr. Neville Chamberlain consulted Australia, Canada and South Africa, but there was no consultation with the Government of India for the simple reason that the Government of India is a subordinate branch of His Majesty's Government. Now, I am not asking the Government of India to go as far as that in my present Resolution. I am merely asking for greater opportunity of keeping ourselves in touch with defence policy and expressing our opinions upon that policy in its formative stages. I want a committee which would have some voice in the shaping of defence policy in its formative stages. I will just give an indication of what I would like this committee to be. I would have this committee for advising on such questions as loans of Indian contingents for operations abroad, defence expenditure before it is finally prepared and presented to the Legislature. We should like to have the comments of this committee before us. If we have the comments of this committee before us we shall be in a more effective position to discuss defence expenditure. Then I should like to have this committee's advice on the basis of recruitment for the Indian Army. I am glad that Sir David Devadoss has a Resolution on the question of recruitment so far as Madras is concerned. The recruitment policy is entirely wrong. I do not want the domination of the Punjab. I should like this committee to advise on the question of Indianization of officers and the pace at which this Indianization should proceed. I should like this committee's advice also on the question of frontier policy, the Waziristan operations which have cost the Indian taxpayer a substantial amount, the forward frontier policy which has met with favour with you and I should like this committee to advise on the policy which should be pursued towards our immediate neighbours. These are questions on which the parliamentarian and not merely the military expert can make valuable contributions. After all civilians and parliamentarians control defence policy in England and other civilized countries. It is Mr. Hore Belisha and not the Chief of the General Staff who is laying down defence policy in England. I am not asking you to give us control. I am not asking you to go as far as that, but I want you to make a beginning in that direction. There is a more fundamental reason why you should associate the Legislature with the formation and direction of defence policy and that reason is a psychological reason. We all look upon the Army as an army which is here not for the purposes of our defence but for certain Imperialist purposes. I should like the Government to make an endeavour to change that attitude. The Army is not regarded as a national concern because unfortunately little effort has been made in the past to make the people feel that it is their concern, that it is here for the purpose of defending their homes and their hearths. People have been made to look upon it as an army of occupation, as a mercenary army, not as a national army for the purposes or national defence. Now, if you want

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to have more whole-hearted co-operation between the British and the Indian in regard to army officers—and that is the objective we should always strive for—then you must change the psychology of the Indian people in regard to the Army and you can only change the psychology of the Indian people in regard to the Army by moving in the direction in which I suggest you should move. If you wish to transfer control you must try to build up an instructed opinion in regard to defence questions. The position, as I have pointed out, will not change after the Government of India Act will come into operation and in any case you have to provide for the *interim* period and if you make a change now you will be taking some steps to make the Central constitution less unacceptable to the people of India than it is. You must show that with the inauguration of the new constitution at the Centre, whenever that may take place, there will be a change in the attitude of Government towards the Army and you must do it today and you must not wait for events later. Indian opinion therefore rightly insists that there should be some striking effort on the part of Government to secure greater co-operation of the Legislature in regard to the army. If you make that effort you will be showing your *bona fides*. This Army Committee would act, according to my conception, as a liaison between the Army and the Legislature. The demand that there should be a Defence Committee is not an unreasonable demand. We have committees attached to various Departments; we have an Emigration Committee, we have a Roads Committee, we have a Committee to advise the Department of Industries and Labour; then we have the Advisory Boards of Education, Public Health, etc. We have a Committee on Railways. Now, who will say that these Committees and Boards have not served a useful purpose? Will the Honourable Sir Jagdish Prasad be prepared to say that he has not found the Emigration Committee to be of assistance to him on critical occasions? Then why should the Army be regarded as particularly sacrosanct? Who is more interested in the Army than the people of India? Why must it be assumed that this Defence Committee will not be helpful to the Government as other committees are? Questions frequently arise about sending troops abroad. There is no machinery at present to ascertain Indian opinion in regard to these questions. You will have in this committee a machinery which you can utilise for these emergencies. Sir, the committee according to my conception would have these functions. It will have the duty of advising on questions referred to it by the Defence Department. It will have the duty of commenting on any increases in the Army budget and reporting to us about these increases. It will have the right of raising any question itself and asking for papers, but I would give to His Excellency the Commander-in-Chief the right to refuse the papers, because I am not asking His Excellency to share the responsibility of Defence with us. There will be occasions when it may be necessary for His Excellency to exercise this right.

Now, I shall consider, Sir, a few possible objections that may be raised against my Resolution. You will say that you do not find any committee like this in any other part of the world. My first answer to this line of argument is that you have an unnatural phenomenon here. You do not find a parallel to India in any other part of the world. You have here an executive

that is responsible to the Legislature of another country. But I will say that you will find parallels in other parts of the world also for a committee of this character. You will find a Committee on Foreign Affairs in the United States of America where they have a permanent executive and also in France. This Foreign Relations Committee exercises vast influence in the United States of America. How vast that influence is those who are acquainted with the history of the League of Nations will be able to say. It was the opposition of the Senate that made the League of Nations start under inauspicious circumstances.

Sir, it may be said that the committee will impair the authority of the executive which is after all responsible for defence policy. My answer to this line of criticism is that the committee will do nothing of the sort. The committee will not impair the authority of the Commander-in-Chief because I have suggested certain safeguards and with those safeguards there is no danger of the committee impairing the final responsibility of the Governor General for the defence of this country. The committee is according to my conception only an advisory committee. The committee cannot encroach on the powers of the Commander-in-Chief for the reasons that I have already explained. It would, in fact, be a great help to him. It would provide a training ground for our future Ministers of Defence. It would bring the Defence Department more into touch with the main currents of legislative thought. It would promote better relations between the Defence Department and the Legislature and questions relating to the Army would be discussed in a less prejudiced atmosphere than at present. Questions relating to the Army would be discussed in a more reasonable atmosphere.

Now, Sir, I have already referred to another possible objection that may be raised against my Resolution and that is that legislative Members cannot offer much useful advice on defence affairs. I have already indicated that disciplinary matters are not to be the concern of this committee. It is in regard to the formulation and direction of defence policy that this committee is going to function and I think that, so far as Defence is concerned, in every normal country Defence is not controlled by army experts but by civilians and parliamentarians.

Now, Sir, I can see no reason why Mr. Ramadas Pantulu, Sir Phiroze Sethna, Lala Ram Saran Das, Sir A. P. Patro, should not be able to make effective contributions to questions of Defence. Parliamentary Government is government by the amateur and the expert—both. And I think, Sir, the amateur has a great deal to contribute.

Now, Sir, there is a second part to my Resolution, to which I will just invite the attention of the House. If, for any reason the first part of my Resolution is not acceptable to the Government, then I would say that the question should be further explored and for this purpose I am suggesting the appointment of a committee predominantly non-official in character. The duty of this committee will be to recommend such practical measures as will associate more closely the Legislature with the formulation and direction of defence policy. I may say, Sir, that I am not wedded to any particular method. I am more interested in the object than the method. I want increased association of the Legislature with the formulation and direction of defence policy.

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That is the main object of my Resolution. I do not insist on a Standing Committee of the Legislature. I am more interested in the question of increased association than in a particular method. If you do not approve of the Standing Committee, you have to convince us that this Standing Committee method is unworkable,—if you do not approve of a Standing Committee, then suggest an alternative and I assure you that we will consider that alternative with an open mind. But do give us an assurance that this question of Defence is going to be approached by you in a spirit of sympathy with the aspirations of the people of this country. You know how delicate the international situation is and I think, in view of the delicacy of that international situation, it ought to be your endeavour to enlist as much support as you can in India for your own sake. There is no doubt that, so far as we in India are concerned, we have a great dislike of the totalitarian States—particularly the Fascist and Nazi States. (*An Honourable Member* : "What about the Bolshevist States ?") Well, I won't go into that question. I make no distinction between the Fascists and the Communists. I hate both. But if I had to make a choice, I would prefer the Communist Party. I think as between Fascism and Communism, Communism is a lesser danger in the modern world. Well, that after all is not exactly relevant to this Resolution. I am suggesting some methods by which you can associate the people more effectively with the control and direction of army policy.

I would just like to say one word more and that is that in my view there is no justification—this perhaps will need a change in the Government of India Act—but this will not be inconsistent with the present constitutional position for continuing defence expenditure as non-votable. In my view, Defence expenditure ought to be votable, subject to the right of the Viceroy to restore grants. Well, I find that my esteemed friend Sir A. P. Patro does not agree with that viewpoint.

THE HONOURABLE THE PRESIDENT: Order, order. You are straying from the Resolution.

THE HONOURABLE MR. P. N. SAPRU: Well, Sir, these are the main considerations which I would like the House to keep in mind in viewing this Resolution, and I would ask this House, Sir, to accord its cordial support to this Resolution. It is a very moderate Resolution. It is not an extreme Resolution. It is a Resolution which is intended to promote better relations between the Defence Department and the Legislature and I hope, Sir, that our esteemed friend the Honourable Mr. Williams, whom we are glad to welcome as Additional Defence Secretary and who I hope will permanently stay in our House, will give to this Resolution a sympathetic consideration.

THE HONOURABLE MR. V. V. KALIKAR (Central Provinces : General): Sir, the principle underlying this Resolution has been already accepted long ago by the first Round Table Conference. My Honourable friend Mr. Sapru desires, I believe, a consultative committee. We not only desire a consultative committee but also control over the Army. Indian politicians have for a very long time been agitating over this matter. The Indian National Congress and the leaders

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of Indian political thought have often times agitated that army matters should be discussed and the policy of the Army in India should be controlled by the Legislature. We should have the right not only to give advice to the Defence Department but also to control the policy of the Defence Department. The Resolution, as worded, is a very modest one, and I submit that Government should have no objection whatsoever to accepting it. We, the elected representatives of the taxpayers, are perfectly justified in asking the Government of India to give us the right to discuss matters like sending troops out of India, or the question of Indianization of the Army or the question of increasing the expenditure over the Army. These are questions which vitally affect the taxpayers of India, and so they have a right to advise the Government on such matters. My Honourable friend Mr. Sapru has made it clear in his speech that this committee will not insist upon getting information which is technical or information from the Defence Department which is regarded by them as secret. If we had the power—we know that in the new constituiton we have not got it—we would like to control the whole policy of the Defence Department. I submit that Government should welcome the suggestion made by my Honourable friend Mr. Sapru if they want that the questions discussed in the Defence Department should have the support of the Legislature. In about a day or two we shall have before us the Bill wherein Government will ask for our support. If Government want our support on certain matters, it is their bounden duty to appoint a committee as suggested by my Honourable friend Mr. Sapru and take us into their confidence so that, not only can we give advice to the Defence Department but we can also enlighten them as to the views that are entertained by us. Therefore, Sir, I have great pleasure in supporting the Resolution so ably moved by my Honourable friend Mr. Sapru.

THE HONOURABLE SARDAR BUTA SINGH (Punjab : Sikh) : Sir, I rise to support the Resolution which the Honourable Mr. Sapru has just moved. My reason is that we have enjoyed unbroken peace for such a long period that we do not realize how difficult it is to achieve peace and to maintain it. We read daily in the newspapers of armaments and preparations for war, which other countries are making. We, on the other hand, have our eyes fastened on the military expenditure which is undoubtedly heavy. If the Legislature were more closely associated with the problems of Defence much of the opposition that now exists would disappear. There can be no question that with Provincial Autonomy, and Federal Constitution in the making, it is essential that we should be aware of the dangers to which the country is exposed and thus be able to provide adequately for meeting the danger.

Sir, I support the Resolution.

THE HONOURABLE SIR PHIROZE SETHNA (Bombay : Non-Muhammadan) : Mr. President, I have not the slightest hesitation—on the contrary, I have very great pleasure—in supporting the Resolution moved by my Honourable friend Mr. Sapru. Apart from the question of our political and constitutional advance, if there is one other subject in which the Members of the Central Legislature take more interest than in others, it is the question of Defence and

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of Indianization of the officer ranks of the Army. In proof of that, I may mention that since the Montagu-Chelmsford Reforms were framed, not a year has passed in which either questions or resolutions have not been moved in the one House or the other of the Central Legislature, and this proves beyond doubt the interest which is taken by the country at large and by their representatives in the Central Legislature. What we desire is certainly a share in the control of our military policy. What the Honourable Mr. Sapru has asked for is nothing unreasonable. It has been asked for several times. Up till now our cry has been a cry in the wilderness. Times, however, are changing fast, and I for one believe that Government do realize the necessity of meeting Indian aspirations in this direction. I believe there ought to be no difficulty in complying with our request. Only four or five days ago a Resolution was brought in the other House to appoint a committee on the lines of the Indian Sandhurst Committee. We had a most agreeable surprise in the fact that Government did not offer the slightest objection to it. On the contrary, it seemed as if they welcomed the Resolution. Now, this desire on the part of Government might be interpreted in two ways. The first interpretation will be that Government did think that the time has arrived for quicker Indianization and also for meeting requests such as is conveyed in this Resolution. Or there may also be a second interpretation, that because Government do not want to meet us they resort to the usual practice of referring questions like these either to a commission or a committee, and thereby shelve it or at any rate have nothing to do with it for the next two or three years. That has been the policy of Government in the past and I would like to quote an instance or two. Take first of all the case of the Lee Commission. The recommendations suited Government. They did not therefore in that case wait for years or even months, but within a very few weeks of the report being published they came forward with recommendations which were adopted and that was the way in which that report was treated. On the other hand, in the case of the Mercantile Marine Committee's report, it is almost 15 years since it was published and so far very little has been done because it does not suit Government to give effect to the many recommendations embodied in that report. But why go far. Take the case of the Indian Sandhurst Committee's report, and I speak with inside knowledge because I happened to be a member of that Committee. That Committee had on it two Europeans, one the late highly esteemed General Sir Andrew Skeen, and Mr. (now Sir) Ernest Burdon. They entirely agreed with the Indian majority on the Committee. Their recommendations were unanimous. In spite of that very little has been done by Government. The Defence Secretary in the other House tried to make out that very many recommendations of the Sandhurst Committee were carried out by Government. I beg to differ and I should be able to prove it if time permitted.

Now, Sir, if this new committee is appointed, it will go into various questions and I hope into the question which is embodied in this Resolution. I would like to remind the House that if the objective of the Indian public—I will not say of all sections, but of a large section—that India should get Dominion status as early as possible, is granted, much of the present difficulty will be removed. Even Mahatma Gandhi in reply to the letter which was addressed to him two years ago by Mr. Polak who had come over from England,

admitted, and his reply was published in the papers, that if Dominion status were granted, perhaps India would not ask for independence or separation. It is therefore in the interest of Government to raise India to Dominion status as early as possible which will I think do away with the idea which is prevalent with a certain section of Indians of independence and separation from the British Commonwealth. It will be a very evil day in my opinion both for India and England if India does become independent and separates, and perhaps England will be the greater loser. At the same time I am perfectly prepared to admit, and so are many others in the country, that it will be an evil day for India to be separated from the British Commonwealth. But that India may not be separated lies really in the hands of the British Government itself, and it is therefore we come forward with Resolutions like this.

According to a speaker in the other House the other day, he estimated that the Indianizing of the officer ranks of the Army will take 700 years and nine months. My arithmetic is not so far advanced, but I certainly will repeat what I have said more than once before that in carrying out to the little extent they do the recommendations of the Indian Sandhurst Committee they are postponing the main question to the Greek Calends. It is high time therefore that Government should wake up and advance faster than they have done in the past.

Now, Sir, the defence question is kept as a sealed book from us. It is a sort of mystery which we are not allowed to unravel, and this sort of thing cannot continue very long. Here is Mr. Sapru's Resolution in which he has submitted two alternatives that are worth considering and considering at as early a stage as possible. He referred to the representation made by the 18 representatives of British India who were in England to assist the deliberations of the Joint Parliamentary Committee. I happened to be one of them. In our representation we strongly advocated the appointment of a Statutory Commission on Indian affairs, but that was not allowed by the Joint Parliamentary Committee on the ground that it would embarrass the Governor General and that it would be an encroachment upon his functions. Mr. Sapru has quoted from the Simon Commission's report, and I may also add that even the Joint Parliamentary Committee has stated that there would be no objection to the constitution of an Advisory Committee in matters of Defence. We had asked for a Statutory Committee, but the Joint Parliamentary Committee had said that they had no objection to the constitution of an Advisory Committee, and that is what the Honourable Mr. Sapru asks for in the first part of the Resolution. He is perfectly agreeable, whether the Government accepts the first part or the second part, so long as something in that direction is done and done quickly. The Honourable Mover referred to the times we are passing through. They are no doubt very anxious times. The war in the Far East has now lasted for more than a year and there is no knowing when it will end. In the West every day we get alarming reports and there is no knowing when the conflagration will start. Let us sincerely hope that it will not and that the policy of the British Government to maintain peace will prevail and there will be no repetition of what happened 24 years ago in 1914.

But, Mr. President, Government have to consider their position in this country. It is true that they do not consult India as they do the other

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Dominions for the reasons explained by the Honourable Mover. But that sort of thing cannot continue much longer. Whether you have a Recruitment Act or no Recruitment Act, this much is certain, that you cannot lead a horse to the stream if he is unwilling, and times have changed so considerably since 1914 that I do not think Indians will be ready to come forward with men and money as they did in 1914.

THE HONOURABLE THE PRESIDENT: All this is strictly not within the purview of the Resolution.

THE HONOURABLE SIR PHIROZE SETHNA: With due deference I want to point out that because of this Government have got to consider the two recommendations which are made by Mr. Sapru. Government have got to bear that in mind. If they want the sympathy and co-operation of the Indian people they must meet us to a reasonable extent, and I contend that Mr. Sapru's proposition does not ask for anything unreasonable.

THE HONOURABLE SIR A. P. PATRO (Nominated Non-Official): Sir, the Honourable Mover of the Resolution has placed his case quite Lawyer-like and his moderate speech ought to convince the Government. I support the principle underlying this Resolution and it should be accepted. I am not in favour of the first part of the Resolution because it is not practicable for a committee of the Legislature to do any useful or effective work. The second part of it states it should be left to the discretion of the Government; the Government ought to see that times have changed and they should take non-officials into confidence in the matter of Defence. A great deal of misconception is due to ignorance of defence policy. It is therefore time that the Government should consider their position and associate non-officials with defence policy otherwise there will not be that satisfaction and contentment in the country which we all wish. I need hardly say that if there was that mutual exchange of ideas and mutual exchange of opinions there would not have been that vehemence and passion which was exhibited in the discussion of the subject in the other House. Recently we have seen how Honourable Members who would otherwise take a very dispassionate view have been very disturbed and have gone out of their way and acted in an unparliamentary manner. Therefore it is necessary that Government should consider this question in the light of public opinion. Public opinion in India is growing strong; it is not like the old days when Government could take the passive consent of the people. The despatch of the Government of India in 1930 on Reforms said that the time has come when Government cannot assume the passive consent of the people but they should take matters with the active approval of the people of India. Therefore that policy having been enunciated in that way, it is time that Government should consider how best they could associate the people of India with defence policy. The only belief outside is—it is learnt from the press and from platform speeches—that Rs. 45 crores are spent out of the revenues, but they do not know how the money is spent and what is the defence organization supporting India. There are no doubt many matters relating to Defence which cannot be disclosed—technical matters, strategic matters, and other important matters. All such matters are not sought to be discussed with the advisory committee. The Resolution is a very modest

one and it says in regard to the formative stage of the policy there should be consultation. It is true that pamphlets like *A Summary of Important Matters concerning the Defence Services in India, 1937-38*, are issued. This gives a brief description of the present position and working of the Defence Department. There are other publications, 16 or 17 in number, which are to be found in the Library of the House. These give some idea of the working of the Defence Department, but few people take the trouble to read these and enlighten themselves as to the actual work of the Defence Department. Government always suffers for want of publicity; Government always suffers for want of propaganda. While other bodies and organizations are able to carry on their propaganda, their publicity, through Ministers, etc., the Government of India has no means of conveying to the people what they are doing and how the Defence Department is working. This great defect could be cured in one of the ways recommended by the Honourable Mover of the Resolution.

The second part of the Resolution says that Government should devise such measures as would enable them to be in closer touch and association with people. This is absolutely necessary in the present state of things. It cannot be that the Government can remain in their own Secretariat offices and leave things to be carried out by subordinates. There is a spirit of nationalism working in the country; this spirit has permeated into the villages and the principle of self-determination has been carried throughout the country. This was taught us by Britain itself. Why should Britain now hesitate about giving practical effect to it? The Act of 1935 is very important for this country. The liberty and freedom given under that Act should be carried into effect by the association of the people in the effective administration of the country. A great deal of unrest in the country is due to a misunderstanding of the working of the Departments of the Government. Government cannot bury their head like the ostrich and say, "Everything is going on all right". It must now have been clear to the Government how effective is the voice of the public when those speeches were made in the other House and I am sure the very moderate speech of the Mover will not be considered as if it is only a watered down Resolution. He has put his case well and I am sure that the Honourable the Defence Secretary will convey to Government and see that response is made to public opinion.

Sir, it is not the intention of the second part of the Resolution that there should be any control over the military policy of the Government. All that it says is that in the matter of forming of the policy in regard to certain matters, the advice of the committee should be taken. I know we have several advisory committtees and how far these committees are useful I have not got the experience to say, but generally I know that advisory committees are advisory committees only and they serve no good purpose. Their advice is taken whenever it is convenient and suitable for the Departments; but there are matters in which the Government can very easily take the people into their confidence, for instance, the operations in Waziristan have given rise to grave misgivings in the country. They say it is fought for the sake of Imperialistic policy. What that policy is no one knows; they say that it is for the British to establish themselves on the Frontier and therefore they are engaged in

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this war with the tribes. But the real fact as disclosed in this pamphlet is that the Chief of Ipi has been causing a lot of trouble—dacoities have been committed——

THE HONOURABLE MR. HOSSAIN IMAM: A Faqir.

THE HONOURABLE SIR A. P. PATRO: He may be a Faqir in name——

THE HONOURABLE THE PRESIDENT: Please proceed with your speech and do not take any notice of interruptions.

THE HONOURABLE SIR A. P. PATRO: It is clear that the Faqir of Ipi has been instigating the people to rebel. If people know these facts and if people know what Government are doing, the misunderstanding would be removed. This should be done through the agency of an *ad hoc* committee such as is suggested in the Resolution and by publicity. Then, there is the question of the reorganization of the Army. This pamphlet deals with the reorganization and how far it has effected economy in the matter of administration. But there are technical matters. If the forces in Meerut have been reduced and if Cawnpore is strengthened, there may be special reasons for the Defence Department to do these, but the reasons are not known to the public. A great deal of doubt and suspicion is created. It is this suspicion that is the root cause of the grave unrest in this country. It is the duty of the Government, therefore, to remove all causes of suspicion among the people and what they have been doing till now is nothing. Then you have got this recruiting problem. I have already alluded to that. In this matter, if only we have a committee to advise the Government on the proper lines of recruitment, they would be saved the amount of trouble which they had in the other House. The suspicions of the public would be avoided if people are given facts and figures relating to the activities of mischief-makers in various parts of the country. The mischief-makers take advantage of the slightest irregularity that occurs—they magnify it and say: "Here is what the British Government has done for India". Therefore, I say, it is necessary that an advisory committee like this should be formed to help the Department in the matter of recruitment.

Then the Supply and Administration Department is also a very useful matter. In this Department, the non-officials could very well advise. The vexed question of Indianization would also be assisted. I do not say that Indianization is possible in the next 20 years or 50 years. It is impossible to forecast how long it will take. It will be gradual, because as you see the number of recruits turned out by the Academy is such that the cadets could only replace persons who have either retired or given up service or come in under the reorganization when new hands are required. These are the only three ways in which Indianization can be effected. Therefore, we should have to accept that it must take time in the usual course in order to effect Indianization. People say it may be 30 years or 50 years. But not 700 years, as some one has had the imagination to suggest. Therefore, I say that this Indianization also would be very effectively dealt with by the advisory committee and people outside could be convinced by being told that here are the facts by which you will see that it is not possible to go at a greater speed than we are going today.

Therefore, as I suggest, Sir, these are matters in which the advisory committee would be more useful and helpful in the Department itself and also to the country in understanding some of the workings of the Defence Department.

There are other important matters which agitate the minds of people. The public are mostly concerned now with the formation of a national militia. What would it be like if the non-officials stated their case before the authorities it may be examined. Where it is workable, such a militia could be initiated. The formation of a national militia is one of the problems that are being dealt with in every province. For instance, we already see some of the Universities in the provinces are starting physical training for youth. Then there are also attempts being made by the Congress Governments to give compulsory training, and open a sort of unit. The other day a statement was given by Mr. Gandhi that he was going to advise all the Provincial Governments that they should start what is called a peace force, national militia.

THE HONOURABLE THE PRESIDENT: Your time is up. Will you please bring your remarks to a close?

THE HONOURABLE SIR A. P. PATRO: It will be a peace force. Whether it will be possible or practicable is a matter which will be considered by the advisory committee. Therefore, as I said, matters relating to Defence and such matters referred to could be conveniently dealt with by the committee. As I say, Great Britain has awakened a sense of personal freedom and liberty and introduced responsible Government under the Act of 1935. She must therefore now adapt herself to the new forces in the country. She cannot leave us alone. It cannot be that the old policy could prevail. As you know, Sir, the Defence policy of the Government has been clearly defined, namely, that Defence is the increasing concern of India and not of Great Britain alone, and therefore it is an examining how far this policy of Defence as the increasing concern of India and not of Great Britain alone can be implemented and given practical effect to that a policy committee like this, would be able to help the Department. Therefore, Sir, it seems to me that this Resolution, the principle of which I accept, and the second part—

"by such other practical measures consistent with the present constitutional position as may be recommended by a committtee preponderatingly non-official in character appointed for this purpose"

will not be merely composed of laymen, but of persons, senior officers of the Department and other persons who have retired from military service who know the details of military matters together with non-officials and not merely laymen who are not acquainted with the working of the Defence Department. Knowledge of the working of the Department is absolutely necessary in order to be able to advise on any matter that is placed before them. Therefore, Sir, I have pleasure in supporting the second part of the Resolution.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa: Muhammadan): Mr. President, the Resolution which my Honourable friend Mr. Sapru has moved is so modest, and I should say so mild that I do not think that any patriotic Indian can possibly oppose it. A Resolution which does not want to get control over expenditure—when the whole nation is crying for independence, if it had come from anyone other than Mr. Sapru,

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would have been thought to be an inspired Resolution. It is because he is above all this, and his personality is not open to Government favours, that we think that he has brought this Resolution as a *via media* in order to bridge the gulf which separates the Nationalists from the Government. The closing sentence of Sir A. P. Patro's speech was that it has been admitted by His Majesty's Government that Defence shall be increasingly the concern of the people of India. This was a dictum which as far as I remember was given by the Defence Committee of the First Round Table Conference.

THE HONOURABLE SIR A. P. PATRO : No, it is in the Instrument of Instructions to the Governor General.

THE HONOURABLE MR. HOSSAIN IMAM : Thank you, Sir. But it emanated from the Round Table Conference and what I want to know from the Government is that in this period—this announcement was made at the latest in 1931—what concrete action the Government has taken to associate Indians in the defence of this country ? They will say that they have increased the intake of officers. Well, with the increased number of officers being taken, a counterbalancing influence has been introduced of increasing the number of Indian officers in the regiment from 12 or 14 which we had formerly in India to 28. As has often been pointed out by the Honourable Lala Ram Saran Das, the present officers are there just to take the place of the subadar-majors and risaldar-majors. They are replacing the Viceroy's commissioned officers and not the British King's commissioned officers. An illustration of this we had yesterday when a statement was laid on the table giving the number of officers, European and Indian, in the Secretariat. There were 100 European officers in 1921 and in 1937 there were 119. The number of Indians has increased no doubt from 13 to 95, but it has increased not at the cost of the Europeans. The number of Europeans has increased. The number of posts has been increased whenever Indians had to be appointed. That is all that the Defence Department has done. They will say that they have started publishing this document on important matters of Defence. Is it the only way in which you can associate us with, namely, to give us news of what you have done ? Is this the only association that you contemplate ? If even now you are living in that fool's paradise where you think that giving information is the only association that you are prepared to give, I very much fear that the days of the British connection with India are numbered. People must advance with the times. Look at what is happening on all sides. Fifty-two nations combined together in the case of Abyssinia, but one determined—call him a mad dog or whatever you like—Mussolini went ahead, and all the 52 nations had to eat humble pie, because the 52 nations were not prepared for action. They were there only to make statements and pass resolutions, and dared not take action. Action by one and resolutions by hundreds do not weigh equally in the scale. Government should sincerely consider whether they are going to treat us as incompetents and think that Indians are good for nothing. If they think that of us, the compliment will be returned. But if they are willing to co-operate with us and treat us as partners, we also might forget all the past histories of the troubles in India. But until they are prepared

to extend to us the hand of friendship and equality, do not expect anything from British Indians. You are——

THE HONOURABLE MR. PRESIDENT : Order, order. Under the cloak of this Resolution you cannot discuss all the alleged shortcomings, mistakes and grievances regarding the Military Department of the Government of India. You should confine yourself to the form of the Resolution.

THE HONOURABLE MR. HOSSAIN IMAM : I shall come back to the speech of the Honourable Sir A. P. Patro. He referred to Waziristan. That is in itself an eye-opener. That shows that the Defence Department is moving like a blind chariot driver, no direction, a vehicle moved by a man who has been blind-folded. Now, Sir, is it not something worth considering that a Fakir is able to trouble a mighty Empire having an organized and disciplined army of European and Indian personnel ?

THE HONOURABLE SIR A. P. PATRO : Mosquitos can trouble you very much.

THE HONOURABLE MR. HOSSAIN IMAM : Mosquitos can trouble you, but then you have to get Flit ! You cannot save yourself with your hand alone. You must have a mosquito net too. That is what the Defence Department need. The committee will give protection to them from these sharp shooters of the Frontier. The mistake in the Frontier is that you say that you take the message of civilization. The message of civilization is that you must spend more. But the counterbalancing thing that you must increase the income of the people is not there. No endeavour by the Finance Department is ever made to increase the income of the Indian people. The Fakir of Ipi does not take civilization to them. He is as barbarous as the others, and therefore his followers do not have to spend more. They spend a little less than they were doing without him. But when he comes and raids Indian districts, his people enrich themselves. This economic factor is the root cause of all frontier raids. If we had observed the closed border policy which prevailed and which was advocated by the Military authorities before the War, you would find that your expenditure on Defence could be much reduced, and that your disbursement on the people of the Frontier in civilizing them and in increasing their income would consequently be increased without any strain on the exchequer of the British Indian people. It is not only the periodic wars in Waziristan which cause the expenditure but the constant drain of maintaining the whole of the trans-Indus army on a war footing (which is the present sanctioned programme of the Defence Department) which entails a loss of about Rs. 3 crores per annum because the army across the Indus is maintained so that it may be in readiness to meet any demand. Is there a danger of any first class power attacking India in the immediate future without warning ? We have the natural protection against our would-be enemies.

THE HONOURABLE THE PRESIDENT : What has all this to do with the present Resolution ? It has nothing to do with it.

THE HONOURABLE MR. HOSSAIN IMAM : The Advisory Committee is required to give proper sense to the Defence Department. We know what is the trouble of India, and it is not the people who come from 6,000 miles away

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who can be supposed to know about it. You have been treating us wrongly. The Defence Department is all right as far as equipment is concerned. We have nothing to offer to the Defence Department as far as the technical side is concerned. But as far as the business side is concerned, and as far as its treatment of the people is concerned, they have much to learn and it is only those who live in a fool's paradise who will think that they have nothing to learn.

I will refer now to the second part of the Resolution. The appointment of a Standing Committee has been discussed many times in this Council. We, of the Opposition, have not the majority to force the hands of the Government, and in the place where they have the majority, even there they have not the constitutional power. So, in the end, we are both powerless, either here or in the other place, and there is nothing to choose between us. But, as far as the second part of the Resolution is concerned, I would like to know what defence the Government has ? It leaves the entire matter in the hands of the Government. The only thing we expect is that they must give practical shape to the promise that Defence would be increasingly the concern of the people of British India. Is that to remain a pious hope or is it to be translated into action ? I would like the Defence Secretary to tell us what exactly is the method by which he proposes to do this ? His plea of increasing the news will not satisfy us.

With these few words, Sir, I support the Resolution.

THE HONOURABLE MR. RAMADAS PANTULU (Madras : Non-Muhammadan) : Sir, I rise to support the first part of the Resolution and I regret my inability to support the second part of it. Sir, I do not take this course simply because my Honourable friend Sir A. P. Patro adopted the opposite course. Usually I do not agree with him, but that is not the reason for my taking this course today.

The first part of the Resolution asks for the appointment of a Standing Committee of the Legislature to advise on defence policy. That recommendation is to be worked out in the same manner in which the other advisory committees are constituted, namely, by election by the Houses. Therefore, the representatives of the electorates will sit on that committee, and in future when both the Houses will be fully elected bodies there will be no place for people like my Honourable friend Sir A. P. Patro on these committees ! The Government will at least be able to get the genuine advice of the genuine representatives of the people of this country. Whether Government agrees with that advice or not, they cannot say that they had not before them the advice of the true representatives of the people of this country. Therefore, as the Standing Advisory Committee envisaged will be an elected body, I support the first part of the Resolution.

As for the second part, I regret I cannot support it for two reasons. Firstly, it goes against commonsense that Government should seek advice on its own defence policy from a committee composed of its own officials and others nominated by itself. They are sure to get advice always in their favour. Their own officials will not tender advice against the policy pursued by the Government, nor will those nominated by them. After hearing the speech of Sir A. P. Patro, who is sure to be on that nominated committee I do not expect anything

to come out of any committee constituted under part two. It is opposed to common sense to ask the Government to seek the advice of its own nominees on its policy. For that reason the position taken in the second part of the Resolution does not seem to be a correct one.

Another objection to the second part is that it speaks of a committee to be constituted in consonance with the present constitutional position. That position is that we have no voice in the defence policy of the Government of India. The Government of India Act itself makes that clear. Again, in regard to the financial part of the army policy the constitutional position was made very clear to this House by the Honourable the Finance Member when he spoke on the budget last year in connection with the exclusion of even those small votable items in connection with the Army Secretariat. In view of the wording of the Government of India Act and the position as stated by Sir James Grigg to this House, I do not see what earthly use is served by asking for a committee to be nominated by the Government, or to be constituted in consonance with the present constitutional position. We have no voice at all, and all it amounts to is to getting some outsiders, outside the Legislature, to tell the Government they are right and the Legislature is wrong, and it prejudices even the little the good work we do in the Legislature. Therefore, I feel very sorry that my friend Mr. Sapru should have thought fit to introduce this recommendation into an otherwise good Resolution. It is I think really detrimental to our interests. Therefore, Sir, I cannot support the second part of the Resolution.

With regard to the first part, I support it because it really satisfies the aspirations of the people of the country. Mr. Sapru has stated that such a standing advisory committee will have a psychological effect upon the people of this country in regard to the position of the Indian Army. The Indian Army is frankly an army of occupation and a mercenary force. The appointment of an advisory committee to advise on defence policy will not change psychology or facts so long as India does not get control over its army and until it is not merely an increasing concern but the sole concern of India. They will continue to demand, and demand till they succeed in getting, complete control over army and defence policy in India.

I do not believe either that the constitution of an advisory committee is likely to improve matters in regard to defence policy, but, as I have already said, it is better that the Government should constantly hear the advice of the accredited representatives of the electorate in this country before Government determine their policy or justify it after it is determined.

In regard to the aspirations of the people of this country, I will only say one word with reference to what Sir Phiroze Sethna has said. He said that India is not anxious to sever her connection with the British Empire. I agree. But in referring to Mahatma Gandhi's answer to Mr. Polak's question, I think Sir Phiroze Sethna has not correctly stated Mahatma Gandhi's position. What he said was that we in India were not anxious to sever our connection with the British Empire. We would accept Dominion status if it gave unrestricted right to this country to sever that connection if necessary. That means, if we

[Mr. Ramadas Pantulu.]

occupy the same position as the Dominions occupy under the Statute of Westminster, with liberty to continue or not to continue within the Empire, we would accept Dominion status. That is a very different thing from what Sir Phiroze Sethna has attributed to Mahatma Gandhi, whose demand was virtually full independence and nothing else. And it is only when such a constitutional position is reached that Indians will have control over army policy and the army will not then be the increasing concern but the sole concern of the people of India.

Sir, in asking for the association of the people of this country, especially the elected representatives, with the Government in determining army policy, my friend Mr. Sapru has not asked for anything extraordinary. The framers of the new constitution fully envisaged the necessity for the Governor General in administering the Defence Department to keep himself in touch with the genuine elected representatives' views in both Houses. I will only read one sentence from the White Paper on the Reforms and one sentence from the Instructions to the Governor General. These make the position very clear and I think what Mr. Sapru asks for is much less than what they envisaged. The White Paper says:

"Although reserved departments will be administered by the Governor General on his sole responsibility it would be impossible in practice for the Governor General to conduct the affairs of these departments in isolation from the other activities of the Government and undesirable that he should attempt to do so even if it were possible".

The Instrument of Instructions says:—

"And seeing the defence of India must be to an increasing extent a concern of the Indian people it is our will in especial that our Governor General should have regard to these Instructions in the administration of the Department of Defence and notably that he should bear in mind the desirability of ascertaining the views of his Ministers when he shall have occasion to consider matters relating to general policy and the appointment of Indian officers to Indian forces".

So, Sir, the framers of the constitution have thus contemplated that the Governor General after Federation comes and till then the Government of India should keep themselves in close and intimate touch with the genuine public opinion of the people of this country and that is all the Resolution asks for.

My friends who spoke before me have referred to various matters on which the contemplated committee can advise the Governor General. I shall go into only one such matter, the question of Indian forces being employed outside India for purposes other than the defence of India in an Imperialistic war. That is an important matter on which, whatever may be the views of the Government of India, they should follow the advice of the people of this country. It was stated by the Secretary of State and it is also now provided that in regard to wars undertaken for Imperialistic purposes and not in the defence of India the entire cost of the operations would be borne by the British exchequer. But that would not satisfy us. It is not merely a question as to who should pay for the cost of the wars. The question is whether the Indian Army should be employed in wars other than for the defence of the country. In matters of this kind the advice of elected representatives of the Central Legislature will be of great importance. We have no control over the policy of the Government nor any voice in determining whether India

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shall fight in a war or not. I think that at least the accredited opinion of the people in these matters should be before the Government. The international position is such that it is not unlikely that India may be dragged into some war in the near future, not in her defence but in defence of the Empire. The advice of a committee of the nature contemplated in the first part of the Resolution will be valuable as to what the people of India think in a matter of this kind. Having regard to all these considerations I support the first part of the Resolution but I cannot support the second part.

THE HONOURABLE MR. R. H. PARKER (Bombay Chamber of Commerce): Sir, I am rather in the same position as the Honourable Member who spoke last. I am in favour of a great deal which has been said on this subject, but I cannot support the Resolution. I am very strongly in favour of some method of keeping touch—I think those were the words that the Honourable Mover used originally—between the people, the Legislature, and those who ultimately have to decide all matters relating to Defence and I would myself ask Government to explore the various methods which they consider might be adopted to that end. I agree with one speaker who said that we could certainly hope for a more reasonable basis of discussion if we could have greater knowledge of these matters. That, Sir, summarizes our position.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): Sir, I rise to support the Resolution. I find, Sir, that since the last 10 or 12 years the mentality of the masses is vastly changing and the self-respect of the people is reviving and their slavish attitude fast disappearing. I was glad to find that our friend the Honourable Sir A. P. Patro supported a part of this Resolution. That also shows how the mentality of some Members in this House is also changing. Sir, I hold that suspicion is increasing in the minds of the Government as regards the people, as its attitude as regards the association of the Indian Legislature with the Defence Department. My Honourable friend Mr. Ramadas Pantulu has already stated that even voting on the Secretariat of the Defence Department was withdrawn from the vote of the Central Legislature. We find that Indianization of the Army is moving at a snail's pace. My esteemed friend the Honourable Sir Phiroze Sethna has said that it will take about 700 years for the Indianization to materialise. Sir, in an Indian State some time ago a certain Ordinance was issued as regards the passing of decrees for loans and the courts were issuing decrees repayable in 300 to 400 years. Sir, some of these decree-holders approached the authorities and asked, "You have given us a decree payable in 300 to 400 years; we want to know whether the Government of the present ruling House will by then exist?" However, Sir, I am one of those who want to maintain the British connection and I therefore wish that Government should move in a manner in which there should be no discontent or disaffection in the minds of the people. Government themselves realize that there is this disaffection and discontent and perhaps that was the reason which led them to move the Army Recruiting Bill. Sir, I come from a province which finds most of the fighting men. I know that at the time of the Great War every person was prepared to induce people to join the Army and help recruiting as much as he could and I was also one who found more than

[Rai Bahadur Lala Ram Saran Das.]

8,000 recruits for the Army. Now, Sir, we find that the mass mentality of the people is changing because of the adverse attitude of the Government in certain matters. Yesterday while replying to my question, the Honourable Mr. Williams stated that there was no distinction between King's British commissioned and King's Indian commissioned officers, but I can tell you from the experience that we have in the Punjab that the treatment accorded to King's Indian commissioned officers is generally undesirable and discouraging. Until the stigma of comparative inferiority is removed, I do not think that the people will very much like at a very high cost to become dignified jamadars or dignified subedars as they now are. My Honourable friend Sir Phiroze Sethna has observed that under the present international situation it is wise for the Government to take people into confidence and not to suspect them or be suspicious of them. I therefore think that it is advisable for the Government to remove the misunderstandings which have arisen among the people and the masses on the subject of the treatment of Indians and particularly the Indianization of the Army. Sir, I also find that reference was made by an Honourable Member to mosquitos and observed that they also can create trouble. We have an Indian proverb which means that even an ant can kill an elephant and that an army of mosquitos can also kill a person. So, public opinion ought to be respected. I myself was very doubtful whether in such a short space of time seven Indian provinces will have Congress Governments. That has actually materialized. We in the Punjab never thought that the North-West Frontier Province will have a Congress Government, but we find that it is there. It is there because there has been a strong public demand and the Government had to yield. We have also seen recently in the various provinces where Government took a wrong attitude on a certain issue that they had to retrace their steps and yield to public demand. (*An Honourable Member*: "Abattoir?") Yes, Government took a wise and prudent step to abandon the Abattoir, but I am now referring to Government's retracing its steps and yielding to public opinion in Orissa, the United Provinces and the Central Provinces. There, of course, Government took a very strong attitude in the beginning but they had to yield and they yielded not with a good grace. Therefore, Sir, in order to pacify the feelings of Indians, Government should come forward to associate more with them and let them take into confidence and thus let them share the responsibility. One who shares responsibility realizes responsibility and one who does not, simply knows to criticize and agitate. Sir, I appeal to the House as to the Government that they ought to accept this Resolution which will prove to the masses that the Government has changed their mentality and they want to meet the people in their reasonable demands.

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

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

THE HONOURABLE MR. A. DEC. WILLIAMS (Nominated Official): Sir, at the outset, I must express appreciation of the extremely moderate character

of the observations made by the Honourable the Mover of this Resolution and Honourable Members who have supported it. It is, therefore, with greater regret that I have to state that Government do not see their way to accepting this Resolution. After this unpalatable observation, I am sufficiently optimistic to hope that I shall be able to persuade Honourable Members that there is not really in principle so very much difference between the Government and the Mover of this Resolution. In any case, there is no question of Government resisting this Resolution merely in a spirit of obstruction.

I come first to the exact terms of the Resolution, which, I think it must be admitted, are bound to be unacceptable to Government. For, after all, it is the exact terms of this Resolution which are before the Council for its decision. Alternative (*a*) is open to the objection that the expression " Standing Committee ", of its own self, suggests some obligation on the part of Government to refer to this committee matters concerning defence policy. Now, that is a position which the Executive Government cannot accept—any obligation to consult this committee—and if there is no obligation, I am sure that the aspirations of Honourable Members who are supporting this Resolution would not be satisfied. Secondly, this alternative (*a*) specifically relates to advice on defence policy. Now, to some degree Government might go part of the way with those who support this Resolution as regards advice on matters of detail. But any obligation to consult any Standing Committee on matters of policy is a thing which Government are not prepared to accept.

As regards alternative (*b*), which on the face of it appears more reasonable—" such practical measures consistent with the present constitutional position "—the difficulty felt by Government is that these measures are to be recommended by a committee preponderatingly non-official in character. Any obligation to be undertaken or accepted by Government in this respect must be of a character decided by Government itself. But, as my concern at the moment is not so much to secure the rejection of this Resolution as to persuade Honourable Members opposite to go at least part of the way with Government, I would not stick slavishly to the exact terms of the Resolution. For, in fact, the Honourable Mover and other Honourable Members have suggested very considerable modifications of the strict terms of this proposition. I do not wish to be accused of relying merely on a quibble based on the exact terms of the Resolution. The difficulties experienced by Government in accepting anything on these lines can be divided into two—the constitutional difficulties and the practical difficulties. We have heard a good deal about the constitutional difficulties, and, as anticipated, I have to state that the Executive Government, which after all is responsible for Defence, cannot bind itself in advance to accept outside advice. I am aware that Honourable Members do not suggest that Government should necessarily follow the advice tendered by it. But, surely, it would be a very unsatisfactory thing if Government were to agree to setting up a committee and then were in the position of being constantly accused of not accepting its advice. Such a procedure, to my mind, would really do more harm than good. It has been urged that Standing Committees of this character have been set up in relation to other Departments. Even so, these committees are of a purely advisory character and Government is in no way obliged to accept the advice they tender. But what will be the position

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as regards even those committees under Federation ? Even in Departments which under Federation will be in charge of Ministers, is it to be expected that a Ministry which has laboriously got itself into power by work at the polls will consent to refer matters, which are its own exclusive affair, to a committee of the House comprising members of the Opposition ? I submit that this is a most unlikely event and if these committees are retained in any form, inevitably they will be packed by supporters of the Ministries of the day which will reduce the proceedings of the committee to a mere farce. But as regards Defence, the position under Federation will be very different. Defence will not be the concern of the Ministry but of the Governor General in his discretion, and if the Governor General in his discretion desires to ascertain popular opinion, if he desires to consult any other authority, surely that authority will be his own Ministers who would be the first to resent his soliciting the opinion of a body which comprised members of the Opposition.

Some capital has been made of certain statements contained in the report of the Statutory Commission, in the Defence Sub-Committee of the Round Table Conference, and certain expressions used in the Instrument of Instructions to the Governor General. I think, Sir, it is perfectly apparent that this reference to the increasing association of Indians with defence matters is specifically directed to the future, to the position that will obtain under Federation. Indeed, the passage in the Instrument of Instructions is specific on the point that the Governor General in his discretion should, so far as may be, consult his Ministers, which brings me back to my previous observation that it is the Ministers who ought to be consulted and not a body chosen from the Legislature and possibly containing representatives of the Opposition. It may be urged that we are now in the transitional stage. Federation is not here yet, but I do submit that having regard to the terms of the Government of India Act we must take the long view. We must look foward to Federation, and I can see no justification for a purely temporary arrangement which may have to be brought to an end at no very distant date and which in any case will create a very unfortunate precedent for Federation.

I noted that the Honourable Mover suggested that Government might suggest a workable alternative. Well, that is very much what the Honourable Mr. Parker would like. It is also what Sir Leslie Hudson suggested in another place in 1936 when he said that he imagined it was not beyond the wit of man to devise some scheme whereby elected Members of the Legislature might be associated with defence matters. But I submit that even if we do set up a body of the kind suggested it would necessarily be advisory only and would only be consulted on such matters as the Government might see fit to refer to it.

The danger then would be that exceedingly few matters connected with Defence could be referred to it. The Honourable Mover disclaimed all desire that this committee should in any way interfere in matters in respect of which secrecy is desirable. It is extremely difficult to dissociate a large number of defence problems from aspects which do demand secrecy. Many of the problems which arise in the Defence Department necessarily depend on such matters as general military policy or movement of troops, matters which we would not be prepared to place before the committee. It follows therefore that if

Government reserved to itself the power to refer matters for advice, those matters would necessarily be very few, and if we set up a committee of that character we should lay ourselves open to criticism—I think very justifiable criticism—of setting up a committee and then not giving it any work to do. In point of fact such matters as could be referred to a committee of that character have in the past, as Honourable Members are aware, been referred to *ad hoc* committees. All of them so far as I remember contained elected representatives of both Chambers or at least of one Chamber of the Legislature. There was the Skeen Committee and the Shea Committee and the Army Retrenchment Committee and recently the Committee accepted only a few days ago in the Assembly by the Defence Secretary to deal with the Indian Sandhurst. In effect I contend that Government do, to such extent as is really possible, consult the collective Members of the Legislature through these *ad hoc* committees.

Another argument urged in favour of the Resolution was that it is desirable to secure a better informed public opinion on defence matters. If that is so, if Honourable Members opposite consider that they should be better informed or better instructed in defence matters, I can only say that I think they are doing themselves a grave injustice. If we judge by the extremely well informed criticism embodied in resolutions and innumerable supplementary questions I think it might well be conceded that public opinion as represented by Honourable Members opposite is as well informed and as critical in India as in any country in the world. I cannot believe that Honourable Members opposite require much instruction. Already in the course of the debate various publications which are available to Members of both Chambers of the Legislature and through them to the public have been mentioned, and I cannot conceive that having regard to the volume of this literature which is considerable and to the number of occasions on which, as I have said, we have taken the advice of *ad hoc* committees, that Honourable Members can fairly demand any further coaching in defence subjects.

In fact, the arguments which have been advanced on both sides are by now threadbare. They were discussed in both Chambers of the Legislature in 1936. They have been discussed last February in the Legislative Assembly, and now for the fourth time we are raising the same arguments again. Government regret that the views already formulated on three occasions are not open to any material variation. But I do contend that in substance all that is demanded is being met by the apointment of these *ad hoc* committees, for the simple reason that if a permanent committee were set up it could only be consulted on such subjects as are being referred, and will if necessary in the future be referred, to similar *ad hoc* bodies.

To sum up, if we take the Resolution in its exact terms, both alternatives contained in it are unacceptable to Government on the ground that they interfere with the responsibility of the Executive Government. Secondly, the setting up of any kind of standing body would be a bad precedent having regard to the position which would obtain under Federation to which we must look forward. Thirdly, if we did set up a committee of the character contemplated it is not likely that anything could be referred to it which could not be referred

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to an *ad hoc* body set up for the purpose; and finally it cannot be urged that a committee of this kind is required for purely instructional purposes, having regard to the very great knowledge of defence matters which is revealed in the speeches and questions of Honourable Members of this Council. I would finally say that if Government consider it desirable to take any outside advice in defence matters they will be prepared to constitute *ad hoc* bodies to advise Government on specific points and the association with those bodies of elected Members of both Chambers of the Legislature will be not merely welcomed, as always heretofore, but will be considered absolutely indispensable. (Applause.)

THE HONOURABLE MR. G. S. MOTILAL (Bombay : Non-Muhammadan): Sir I can not feel enthusiasm, not even satisfaction, for the Resolution which has been moved by my Honourable friend Mr. Sapru; and the answer which we have heard from the Government just now from their spokesman has confirmed my fear that the Honourable Mr. Sapru has not correctly understood the psychology of the Britisher. Mr. Sapru thinks that if you go with folded hands and with a very modest request and demand what we need in this manner the British people will give us a ready consideration; I hope, Sir, he must have realised now that he is labouring under an error if he believes that. What the Britisher can understand is when you go the whole hog and tell him what you want. If you ask something which is half way he feels the difficulty as practical men feel and as Government said " If we appoint a committee, the responsibility is ours. We will have to carry out the orders of the Secretary of State and the dictates of Whitehall and we shall be faced with this Committee urging upon us reasonable objections to that policy ". And they will have either that difficulty of explaining their position to the Committee and carrying conviction with that committee on one hand or of refusing to carry out the orders of Whitehall. Therefore if my Honourable friend had moved a Resolution or taken some steps for having complete control of the defence policy of the country then that would have been a thing which could have been appreciated and understood by the Britishers. The Britisher might not have at the first moment accepted that; he would have felt perhaps annoyed, but ultimately he would have yielded to it, because that would be the logical demand. Now, so far as this Resolution is concerned, the Honourable Mr. Sapru goes and extends a hand of co-operation to the Government. After all the value of such committees under present circumstances is very little. Criticism is very well informed even when our men are not on the committees, but when they are on committees and when sometimes Government members are able to impress, some of their own points on the members of the committee the result is their attitude and criticism is often more conciliatory than it would have been without that contact in the committees. Yet even in this hour of danger the Government of India is not prepared to accept that hand of co-operation which has been extended by a moderate member of this House in a very moderate speech. Practical difficulties, constitutional difficulties and what not, all sorts of difficulties have been urged by Government. Certainly where there is a will there is a way; where there is no will there is no

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way and a hundred and one difficulties arise and they cannot be solved. We have the example of other Standing Committees also. The argument was used by Mr. Williams and he himself admitted that there are similar committees with regard to other subjects and those difficulties do not lead Government to dissolve them. If this was correct and if Government were convinced that this difficulty was so insuperable, then the only thing for them to do would be to dissolve all those committees this very moment. They do not do that, but they object to having a Defence Committee. Sir, this is a subject which Government has been keeping, as has been observed before, a close secret. I have persistently asked some questions as to the number of Indian officers and every time I asked that question I was referred to the *Army List* which contains, I suppose 600 pages, and I was asked to hunt up the names of Indian officers from page to page and to find out the numer for myself. As against this a question which was put in the British House of Commons in the month of June as to the number of Indian officers in the army a straight answer was given that there were so many—144 or someting like that of Indian officers—and therefore I asked a question again in this House and the Government's reply was again of the same character and nature. They said " Yes, Government is aware of the question asked in the House of Commons ". Of course the Government would be ; when a question is asked about it, they must have read the Report of the Commons. My question was not asked merely to enquire " were you aware of it ? " But to bring out the distinction that is made. When the members of this House ask you as to what is the number of each rank of Indian officers, then you refer them to the Army List and when a member in the British House of Commons puts that question, although he is 7,000 miles away from this country, he immediately gets the answer. That only illustrates the attitude of the Government on the question of Defence. On the Defence question the members of the Council gathered some information after a great deal of trouble and enquiry. Yes, it suits the Government now to say that the members' criticism is very well informed. Well, if it is so well informed and most moderate, as it has been, it should be welcome to Government to enlist their co-operation. Have Sir A.P. Patro on the Committee if you like. But even his co-operation in the matter of defence is not wanted by Government. Another point which Government is now in the habit of making is that as responsibility is to come in the centre in the near future there will be responsible ministers and it will be creating a difficulty for them if a committee like this is now set up. I do not know whether they believe themselves in that argument. If they did, would they continue having similar committees which have been functioning for so many years ? And I do not understand how it will embarras Ministers of the future if such a committee is formed now. Co-peration of opposition parties can be sought. In such an important matter as defence, opposition ceases to be opposition in a sense ; opposition will join hands with the Government of the day and the Ministers. A responsible minister can be turned out the next day if he has not public opinion with him ; but public opoinion may be a hundred times against the present Government, yet they sit tight in their seats knowing perfectly well that public opinion can not oust them. But would that be the position of a responsible minister ? No, Sir. The responsible Minister, may himself prefer

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to set up a committee of the kind suggested in the Resolution. In the British House of Commons several committees are set up, as also in other countries. Take the case of the United States; a good many committees are set up for different purposes. This is particularly the case in France. Doubtless the responsibility will ultimately lie with the Minister and the members of the Legislature. It may be that he may select a committee of members of his own Party. The Opposition may not like to join that committee but that will not prevent his being responsible to the Legislature and this argument is certainly not an argument which could be used with any cogency.

Now, another argument which has been trotted out is about the secrecy. Sir, secrecy will be necessary with regard to certain Military operations. It will be only on certain matters that Government will refer Defence Questions to the proposed committee. But these Secret matters will not be referred. The Resolution does not say that every matter should be referred to this committee. My friend has made it clear in his speech that the purpose of the Committee is to advise Government on the fomulation of the Defence policy. Certainly, under the present position, Government is responsible for the defence policy and this committee is merely an advisory committee which will put the Government in possession of the views of the people and I am sure the Government spokesman will also admit that the views of the Members of the Legislature have been useful to them. I know experts hold a very high opinion of their own views it cannot however be denied that Military experts are not infallible. The opinion which a very great General of India held of the French Army, as Lloyd George says in his Memoirs, was that the Germans would walk through the French Army like a man going through a field of partridges. The French however put up a very stubborn resistance and the Military experts opinion turned out to be wrong. I do not think that the Government of India will say that their Army officers and their experts always are in the right and never in the wrong. They are human beings, and are liable to err. When they are face to face with others who hold other opinions, it gives them an opportunity of considering the viewpoint of others. It is with this object that this Resolution has been moved. Government could not have done any harm to themselves by accepting this Resolution. It would not have disturbed them out of their present position. If any thing it would have helped them. I am sorry, Sir, that this attitude has been taken up by Government. I wish my friend, Mr. Sapru will realise that he should have asked for nothing short of the complete control of the Defence forces. Let us make up our minds that we shall have it.

THE HONOURABLE MR. P. N. SAPRU: Mr. President, the first speaker on my Resolution was Mr. Kalikar and, of course, he supported my Resolution with the ability which is characteristic of him. I am thankful also to Mr. Buta Singh for the support which he gave. Then I had my honoured Leader, Sir Phiroze Sethna, supporting this Reolution and he gave a warning to us which I hope will not be lost upon the Government. But more valuable even than the support of my honoured Leader, Sir Phiroze Sethna, was the support of Sir A. P. Patro. He does not ordinarily vote with us and therefore I say I value his support very much. He was in favour of the principle of the Resolu-

tion. He did not quite like the first part of the Resolution, but he was in favour of the second part and I think it is an achievement that we have the support of Sir A. P. Patro. He made a very thoughtful speech. He spoke about the National Militia, the University Training Corps, and the Auxiliary Force. All these are things which could be referred to the committee. And on the University Training Corps he supplemented what I had to say as regards the functions which I visualise for this committee.

Then I had my former Deputy Leader, Mr. Hossain Imam, also speaking on this Resolution. He seemed to suggest—he did not exactly say so—but he thought that if this Resolution had not come from me he would have put it down as an inspired Resolution. Mr. Williams' speech must have disillusioned him about any such idea which he might have entertained. He said he was in favour of control of the Army. I never said I did not want control over the Army. As a matter of fact, we want the fullest control over the Army, but as practical men we are always prepared for a compromise in the solution of the Indian problem.

Then we had the Leader of the Congress Party, Mr. Ramadas Pantulu, speaking on this Reslution. He said he was prepared to support the first part but not the second part. I could not understand his objection to the second part of the Resolution. The second part of the Resolution was attacked by Mr. Williams and also attacked by Mr. Pantulu. If Mr. Pantulu had cared to look at the second part, he would have discovered that I have spoken of a committee preponderatingly non-official in character.

THE HONOURABLE MR. RAMADAS PANTULU: Yes, nominated.

THE HONOURABLE MR. P. N. SAPRU: Well, I did not say nominated. It was open to him to move an amendment that this non-official element should be elected. And if he had moved an amendment of that kind I would have been glad to accept it. Then he went on to criticize some portions of the speech of Sir Phiroze Sethna and he seemed to suggest that Sir Phiroze Sethna stands for something lower than Dominion status within the meaning of the Statute of Westminster. I think I have the authority of Sir Phiroze Sethna that we all on this side of the House stand for Dominion status within the meaning of the Statute of Westminster and therefore there is no difference between us and Mr. Ramadas Pantulu. There is only this difference between us. He talks of independence outside this House. We do not talk about independence outside this House. Then I had the valued support also of Mr. Parker.

THE HONOURABLE THE PRESIDENT: You have already occupied seven minutes. You had better refer to Mr. Williams' speech.

THE HONOURABLE MR. P. N. SAPRU: I will finish in time. I had the valued support also of Mr. Parker so far as the principle of the Resolution is concerned.

I will now come to the speech of Mr. Williams. First of all, Sir, I desire to express my appreciation of the very conciliatory tone of his speech but, while I express appreciation of the conciliatory and thoughtful tone of the speech, I must say that I am disappointed with his " No ". He said that, if Government appoint a Standing Committee, there will be an obligation on their part to consult the committee. Well, you have committees attached to so

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many other Departments. Do you think that there is an obligation on your part to consult those committees? Do the Railways always consult the members of the Railway Committee in regard to railway questions? Does the Post and Telegraph Department consult the members of the Post and Telegraph Committee—I do not know if it ever meets—in regard to all matters?

Then he said that so far as advice on defence policy is concerned, that advice can only be on matters of detail. I do not know what is a matter of detail, and what is a matter of principle. Indianization is not a matter of detail; Indianization is a matter of principle. How the Indian Military Academy is to be run is not a matter of detail; it is a matter of principle. The Waziristan policy is not a matter of detail. There are wide questions of principle involved in the Waziristan operations. I could similarly go on multiplying these examples.

Then he pointed out certain objections to part (*b*), which he said might be regarded as more reasonable. He pointed out certain constitutional difficulties and said that the Executive Government could not bind itself to follow the advice. I did not say that the Executive Government should bind itself to follow any advice tendered by the committee. But his difficulty was that if the Executive Government did not follow the advice, they will be in an awkward position. Are you not in an awkward position when you do not follow the advice of this Council? What happens when we move a Resolution, when all the non-official Members support that Resolution and that Resolution is lost with nominated and elected votes? You can push that argument, if you like, too far.

Then he went on to point out what the position will be under Federation. He said that Defence will not be the concern of the Ministry, and the Ministers will have to advise the Governor General who will be responsible for it in his discretion. I think the Ministers of the future, having regard to the peculiar nature of the Indian constitution, would like to have an Advisory Committee of this character. An Advisory Committee of this character would rather strengthen their hands *vis-a-vis* the Governor General in Council, and *vis-a-vis* the Commander-in-Chief, and that is the real reason why the Military authorities do not want a committee of this character. The Ministers will always be able to say, "We are in this difficulty; we have got a following to maintain or to please in the Legislature. This committee is a microcosm of the Legislature and this is the view of the committee". This committee, therefore, instead of impairing the responsibility of the Ministers will strengthen their position *vis-a-vis* the Defence Department. I think that is the real objection to this committee, and that is why Government are not prepared to accept this Resolution. I think it is not beyond the wit of man, as Sir Leslie Hudson said, to devise a scheme whereby the Legislature could be associated. I can suggest certain methods within the terms of the Government of India Act. I can suggest methods of associating more intimately the Legislature. But as I have not time, I will not go into those methods.

Much was made about secrecy. I said that it would be open to His Excellency the Commander-in-Chief to place any papers he pleased before the committee. The Railway Department, I think, does not place all the papers before

the Railway Committee. This can be done with regard to this committee also.

Then, Sir, reference was made to *ad hoc* committees. It was said that *ad hoc* committees have been set up from time to time. What has been our experience of those *ad hoc* committees ? Have the recommendations of these *ad hoc* committees ever been given effect to ? You have set up *ad hoc* committees no doubt, but their recommendations have never been given effect to in full.

Then, Sir, the Honourable Mr. Williams paid us a compliment by stating that public opinion in this country is as well informed as in any other country in the world in regard to defence matters. I think, Sir, that is a great compliment to us and we ought to utilize that compliment for pressing for full control over Army administration.

I have just one word to say about my Honourable friend Mr. Motilal. I cannot miss this opportunity of replying to that remark of his. He spoke of the psychology of the Britisher and he said that I do not understand the psychology of the Britisher. He, of course, understands the psychology of the Britisher. He is a Congressman. I would like to ask him, " What are Congressmen doing in the provinces " ? Are they not in the provinces in love with the Services ? Is there not mutual interchange of compliments between them and the Services ? Therefore, Sir, it is no use making a remark like that. I understand the psychology of the Britisher just as much as he does. But I also understand the psychology of my own people and I also understand the limitations under which we have to work, and it is because I understand the psychology of my own people and the limitations under which we have to work that I have ventured to put forward this modest Resolution and I hope, Sir, this Resolution will have the approval of the House.

THE HONOURABLE THE PRESIDENT : Before I put the Resolution to the vote of the House, I may inform the Council that I have found in the course of the debate that there were two opinions about alternatives (*a*) and (*b*). Some were in favour of alternative (*a*) and some were in favour of alternative (*b*). Under Standing Order 67 I have discretion to divide the Resolution and put it in two parts. I want to know from the Honourable Mover of the Resolution and other Honourable Members if they desire the Resolution to be divided into two parts.

THE HONOURABLE MR. P. N. SAPRU : I would like it to be divided into two parts.

(Some other Honourable Members : The Resolution might be divided.)

THE HONOURABLE THE PRESIDENT : I understand that it is the general sense of the House that I should divide the Resolution into two parts.

THE HONOURABLE MR. RAMADAS PANTULU : So far as my Party is concerned, we do not agree with the second part but if the Resolution is put as a whole, we are prepared to vote for it.

THE HONOURABLE THE PRESIDENT : I will put it separately. You can exercise your vote as you like.

Resolution moved :

" This Council recommends to the Governor General in Council to associate more closely the Legislature with the formulation and direction of defence policy by the appointment of a Standing Committee of the Legislature to advise on defence policy."

Question put : the Council divided :

AYES—9.

Buta Singh, Hon. Sardar.
Kalikar, Hon. Mr. V. V.
Mitha, Hon. Sir Suleman Cassum Haji.
Motilal, Hon. Mr. G. S.
Pantulu, Hon. Mr. Ramadas.
Ram Saran Das, Hon. Rai Bahadur Lala.
Ray Chaudhury, Hon. Mr. Kumarsankar.
Sapru, Hon. Mr. P. N.
Sethna, Hon. Sir Phiroze.

NOES—23.

Charanjit Singh, Hon. Raja.
Das, Hon. Rai Bahadur Satyendra Kumar.
Devadoss, Hon. Sir David.
Ghosal, Hon. Sir Josna.
Govindachari, Hon. Rao Bahadur.
Haidar, Hon. Khan Bahadur Shams-ud-Din.
Hydari, Hon. Mr. M. S. A.
Ismail Ali Khan, Hon. Kunwar Haji.
Jagdish Prsasad, Hon. Kunwar Sir.
Khurshid Ali Khan, Hon. Nawabzada.
Lal, Hon. Mr. Shavax A.
Menon, Hon. Sir Ramunni.
Muhammad Yakub, Hon. Sir.
Mukherjee, Hon. Sir Satya Charan.
Nixon, Hon. Sir John.
Parker, Hon. Mr. R. H.
Patro, Hon. Sir A. P.
Roy, Hon. Mr. S. N.
Russell, Hon. Sir Guthrie.
Slade, Hon. Mr. M.
Stokes, Hon. Mr. H. G.
Thorne, Hon. Mr. J. A.
Williams, Hon. Mr. A. deC.

The Motion was negatived.

THE HONOURABLE THE PRESIDENT : Mr. Sapru, before I put the second part will you agree to the substitution of the word " adopt " for the word " by " after (*b*) in your Resolution ?

THE HONOURABLE MR. P. N. SAPRU : Yes, Sir.

THE HONOURABLE THE PRESIDENT : Resolution moved :

" This Council recommends to the Governor General in Council to adopt such other practicable measures consistent with the present constitutional position as may be recommended by a committee preponderatingly non-official in character appointed for this purpose."

Question put : the Council divided :

AYES—9.

Abdus Sattar, Hon. Mr. Abdur Razzak Hajee.
Buta Singh, Hon. Sardar.
Hossain Imam, Hon. Mr.
Kalikar, Hon. Mr. V. V.
Mitha, Hon. Sir Suleman Cassum Haji.
Patro, Hon. Sir A. P.
Ram Saran Das, Hon. Rai Bahadur Lala.
Sapru, Hon. Mr. P. N.
Sethna, Hon. Sir Phiroze.

NOES—22.

Charanjit Singh, Hon. Raja.	Menon, Hon. Sir Ramunni.
Das, Hon. Rai Bahadur Satyendra Kumar.	Muhammad Yakub, Hon. Sir.
Devadoss, Hon. Sir David.	Mukherjee, Hon. Sir Satya Charan.
Ghosal, Hon. Sir Josna.	Nixon, Hon. Sir John.
Govindachari, Hon. Rao Bahadur K.	Parker, Hon. Mr. R. H.
Haidar, Hon. Khan Bahadur Shams-ud-Din.	Roy, Hon. Mr. S. N.
Hydari, Hon. Mr. M. S. A.	Russell, Hon. Sir Guthrie.
Ismail Ali Khan, Hon. Kunwar Haji.	Slade, Hon. Mr. M.
Jagdish Prasad, Hon. Kunwar Sir.	Stokes, Hon. Mr. H. G.
Khurshid Ali Khan, Hon. Nawabzada.	Thorne, Hon. Mr. J. A.
Lal, Hon. Mr. Shavax A.	Williams, Hon. Mr. A. de C.

The Motion was negatived.

INDIAN SUCCESSION ACT (AMENDMENT) BILL.

THE HONOURABLE SIR PHIROZE SETHNA (Bombay: Non-Muhammadan): Mr. President, with your permission, I move that the Honourable Mr. Shavax A. Lal be appointed to the Select Committee on the Bill to amend the Indian Succession Act, 1925, as respects intestate succession among Parsees.

The Motion was adopted.

RESOLUTION *RE* PREFERENTIAL TREATMENT IN RECRUITMENT TO PUBLIC SERVICES FOR VOLUNTARY SANITARY AND UPLIFT WORK.

THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY (East Bengal: Non-Muhammadan): Sir, I beg to move:

"This Council recommends to the Governor General in Council that with a view to encourage voluntary services being rendered by people of India for the sanitary and intellectual uplifts of the centrally administered territories and to set an example to the provinces of India the rules of recruitment of the public services by the Government of India be so altered as to give some preference to those candidates who have rendered such voluntary service for a period to be fixed by the Government of India."

Sir, the Sapru Committee upon Unemployment at page 92 of their report state:

"Upon the evidence before us we entertain no doubt that the vast majority of the products of our Universities and their parents share the feeling—aim at securing some appointment or other in Government Service."

This, I submit, is not only true in the United Provinces alone, but throughout all the provinces in India and is mainly due to want of other avenues of employment on account of the backward nature of industrial development of India and the overcrowding of all independent professions! As a consequence, all Universities are overcrowded and there is a large number of unemployed educated young men in the country. There is thus ample material available and eager to serve the Government, if suitable opportunities are given to

[Mr. Kumarsankar Ray Chaudhury.]

them to serve their country. The report on the progress of the schemes financed from the grants for rural development also lays great stress on the voluntary efforts of the people by way of labour, land and pecuniary contributions for the success of the scheme on account of the immense amount of money required for the rural uplift in all spheres of its activities.

The large mass of the Indian population is uneducated and illiterate. The Royal Commission on Agriculture say :

" Very few boys (less than 20 per cent.) stay four years at school. As it takes at least four years to achieve lasting literacy it may be said that a very large proportion of the expenditure on primary education is wasted so far as its aim is to make the people literate. This is due to the fact that the people of India are poor and cannot afford to pay for their boys' education and to keep them from being employed in useful occupation for a long time — —".

THE HONOURABLE MR. J. A. THORNE : I am sorry to interrupt the Honourable Member, but I am only seeking for guidance. I am not sure whether this is a quotation from the Sapru Committee Report or where the quotation ended ?

THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : I had already referred to the Royal Commission on Agriculture and I was quoting from that.

THE HONOURABLE MR. J. A. THORNE : I am sorry. Still quotation ?

THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : Countries far less poor than India have had to enforce compulsion for the education of their children and as the Royal Commission on Agriculture suggest :

" The progressive adoption of the compulsory system is the only means by which may be overcome the unwillingness of parents to send their children to school and to keep them there till literacy is attained ".

Coming to secondary education this is what the Royal Commission say :

" The value of secondary education for the boy from a rural area has hitherto lain in the road it has opened out to him for work in the towns. In three provinces, Madras, Bombay and Bengal the saturation point was reached some years ago".

And that is the case also in the United Provinces as stated by the Sapru Committee ; and the Royal Commission suggest :

" In so far as it is accentuated by the drift of educated boys from the villages to the towns, there to swell the ranks of the educated unemployed, it can only be remedied by the spread of education in the rural areas in combination with an improvement in the amenities of village life".

And the Sapru Committee adds :

" by giving to education in the primary and secondary stages more or less a vocational bent ".

Mahatma Gandhi has drawn up a scheme of education which is directed to the attainment of the above objects and it is now before the country for some time. Instead of adopting similar schemes what the educational policy of the Government of India has been as recently published in the papers, is to declare the failure of the scheme hitherto adopted and to close a large number of schools although the number of students is gradually increasing and spending more money on buildings and supervision in the name of efficiency. This is the state of affairs with regard to primary education, but as a large percentage

of the Indian population is illiterate, what is thus more important even for purposes of primary education as well as itself is the question of adult education which was brought forward the other day before a meeting of the Adult Education Society. Sir, there are two ways of shelving a problem in India, one is the appointment of a commission and when a commission reports and matters can no longer be suppressed, things are suggested to be done in progressive stages and the process continues for a short period and then retrogression sets in. That is exactly the educational policy followed by the Government of India. India has too long waited for their material and intellectual progress and it is high time that these questions should be taken up immediately and boldly faced. The solution of the educational problem will also solve the question of employment of educated young men for a long time to come and will be greatly facilitated by the eagerness of the educated young men to render voluntary service to their country which has been fostered and encouraged so long by Congress activities, now that Congress has taken up the reins of government in the provinces, if additional incitement is given to their young men by way of granting special privileges as suggested in my Resolution, to render such services.

I now come to the question of the improvement of rural sanitation. This has got to be seen from the medical and engineering point of view. Dealing with both the medical and engineering professions the Sapru Committee observed that they are highly over crowded. Young men with medical degrees do not want to go to the villages and overcrowd in towns mainly because the people in the villages are too poor to pay for the higher charges of allopathic treatment and too illiterate to appreciate its benefits. Instead of encouraging these trained young men to go to the villages by assuring them some means of sustenance and supplying them with medicine at low cost what the Government has been doing is to supply medicine boxes to lay or insufficiently trained men in the mufassil to do whatever they can by way of medical treatment of the people in the villages so that allopathic treatment is becoming more unpopular there. My submission is that these young medical graduates should be encouraged to go to the villages by the grant of small subsidies and in the recruitment to the medical services in India which will be largely augmented if any bold scheme of health improvement is adopted ; special favour should be shewn to those young men who have rendered such services in the villages.

Those who will get employed in the permanent services will be amply rewarded for the service rendered by them and those who can't, will find it congenial for them to continue in their private practices there. But the question of the improvement of rural health in India is more important from the engineering point of view than the medical and the engineering services of the Government have unfortunately of late been more curtailed than improved. Malaria, plague and other epidemic diseases can be controlled and removed more by engineering measures than by medical measures. Better housing, better planning and better drainage are more important than more medicine not only for curing but for preventing the ravages of these fell diseases and these are the crying needs of the people in the villages where all houses

[Mr. Kumarsankar Ray Chaudhury.]

are either without windows or too close to one another or too near burrow pits dug for purposes of raising their levels in lowl-ying tracts. Sinking of wells and the prevention of their contamination and the clearing or closing up of old tanks and cess pools and better drainage ought immediately to be taken up. People in the villages in India thanks to her old civilization are intelligent enough to understand the benefits of sanitary improvements if they are properly explained to them and means are adopted suitable to their capability. They have, as the rural development report recognizes, been eager to render voluntary services by way of free labour and contribution of land for sanitary improvement in the villages if proper lead is given to them ; for this engineers are required in larger numbers and they can be made readily available if some special favour be shown to those who render such services in the recruitment of the permanent engineering services in the country. This special favour may also be shown not only to the engineers but also to the subordinate staff employed voluntarily in rural uplift work in the employment of the subordinate staff not only of the Public Works Departments of the Government, but also in the employment of the services of the municipal, district board and other *quasi*-public bodies in India. I shall now bring my observations to a close by reminding the Government of India that the question of rural uplift is more a concern of theirs than the Local Government. It is primarily an economic question, a higher standard of living of the masses giving more opportunities to the educated classes to serve them and involves the economic uplift of the agricultural masses, the development of large and small scale industries all of which can only be tackled by the Central Government by the sympathetic and skilful handling of their exchange and monetary policy and by the raising of large loans at advantageous moment and terms in the true interests of India and not that of Great Britain as it has up to now been doing as is apparent from the nature of rural development schemes adopted by the Government of India in the minor provinces under its control as contrasted with those adopted by the Provincial Governments. For while we find that in the provinces various schemes of mass education, village communications, rural water supply, rural sanitation, industrial schemes, consolidation of holdings, improvement in fruit growing, debt conciliation, marketing facilities, cattle breeding, have been adopted and are being experimented upon ; in the minor provinces of Delhi and Ajmer-Merwara which are under the control of the Government of India, mere repair works of existing roads and wells have been undertaken and some medicine chests have been distributed to school teachers and several tanks and wells have been sunk in Coorg.

The Government of India have recently been trying to introduce some sort of preliminary test for the recruitment of their services ; this has met with opposition from all quarters. The object of my Resolution is also similar, but it will while not shutting out any candidate give some encouragement and preference to those who have offered their helping hand for the uplift of the country.

THE HONOURABLE MR. J. A. THORNE (Home Secretary): Sir, the professed aim of this Resolution is to encourage sanitary and intellectual uplift,

primarily in the centrally administered areas and ultimately, through the example set in the centrally administered areas, in the rest of India. Well, Sir, I do not see how any Member of this House can quarrel with that intention. And certainly I think I can say that no Englishman can quarrel with the aim so expressed. It is, I think, no exaggeration to say that in England, more perhaps than in many other countries, the ideal of voluntary social service is a real one which appeals to a large number of people and which is practised by many people throughout their lives. My Honourable friend referred to the educational curricula of India. It is perhaps relevant to mention what is done in English schools in these days. We owe a great deal to the example and guidance of His Majesty the King, and as a result in English schools there are movements for bringing boys of all communities and countries together, assisting them to understand each other's outlook and inspiring both mutual understanding and among the more fortunately placed boys the ideal of social service. And, as I said, that is one which many English folk practise throughout their lives; and it is by no means unusual, when a man has retired from Government service or the professions, even from the Indian Services I may say, it is not unusual for him to give a great deal of his time and labour to assist the less fortunate classes of the community. So that, if I proceed to condemn or to state my reasons for not accepting the Resolution as worded, I trust I shall not be accused of any lack of sympathy with the Honourable Member's aim. I might perhaps state a playful complaint at this stage that he has designed this scheme only for the public services to which recruitment is made by the Government of India. I would say, why should the public services be selected for a scheme of this sort? Why should we not pass a law that no one can set up in business as a lawyer or doctor or any other profession without having rendered voluntary service of this kind? And we might even suggest that it might be made an essential preliminary to becoming a Member of a House of the Central Legislature! But my Honourable friend has pitched on the Services of which I am a member and I must do my best to repel the attack on them and leave it to the sense of fairness of the House to decide if we should have been selected. I suggest that the means which my Honourable friend has put forward for achieving his end are entirely impracticable. In the first place I would say that the Resolution itself is a contradiction in terms. It is really a misnomer to talk of voluntary service when you require it, or if you do not actually require it to lay stress on it as entitling a person to preference in recruitment to Government service. I suggest that if this scheme were introduced, every young public worker will be under suspicion—and rightly under suspicion—as a job seeker. His service might or might not be voluntary but he would certainly not get the credit for the spirit of social service, and the result might easily be actually to discredit social service and to undermine the spirit of service that does exist among many people who are ready to render it without any thought of a material return.

4-5 P.M.

Then, Sir, the Honourable Member has left the period to be fixed by the Government of India, but we must have some idea of what period it should be—six months, a year, two years——(*An Honourable Member*: "Nine months".)

[Mr. J. A. Thorne.]

Well, nine months preliminary period of service, I suggest, would produce no effect. There will be no continuity. The young man would put in his nine months; he would then lay down the tools of his social and intellectual uplift with a sigh of relief and he would hasten into the Government office where he might be free for the rest of his life from the obligation to render voluntary service for material gain.

So much from the point of view of the worker candidate. But I suggest that from the point of view of Government it would be quite incompatible with the duty of Government to accept this Resolution. It is a Government's duty to obtain for public business servants who are fitted for the efficient performance of their duties. We recruit for particular duties, very often of a technical and somewhat specialized nature, and we should not be justified in importing into the terms of recruitment criteria which would be wholly irrelevant to the duties they would have to perform. My Honourable friend talked of medical work and educational work, that is to say, service rendering such work. But I would remind him that we are dealing with the centrally administered areas, that is, the Chief Commissioners' provinces. We do not recruit a vast number of people to render medical or educational service in those areas. The greater number of the appointments made by the Government are not for work in the Chief Commissioners' provinces in medical and educational capacities but for work in quite other capacities. To take from the list at random, it seems impossible to say that the Bengal pilot would be a better pilot because he had put in his six or nine months in the rural areas of Delhi or in the jungles of Panth Piploda or in the forests of the Andamans, and one must say the same of the customs appraiser or the income-tax subordinate, the wireless operator and many such jobs of that kind which absorb far greater numbers than the services under the Government of India which are responsible for activities such as those to which my Honourable friend referred. But, in any case, we are entitled to ask him to fill in the details. I have listened to him with some attention but I could not gather from my Honourable friend's speech any guidance as to how the scheme is to be worked and that, I think, is a serious omission, because it must occur to every one on reading the terms of the Resolution that it is of a very difficult type to put into action and a great deal depends on the machinery and the methods which are to be used in giving effect to it.

Well, Sir, first, would this social service—so-called voluntary service—be honorary? If so, I suggest that that in itself shuts out a large number of deserving candidates and gives a decided preference to those who can afford to give honorary service for the period required. Then, Sir, as I have said just now, we recruit for various localities. The customs appraisers, for instance, or the income-tax staff—all these are locally recruited in Governors' provinces. I think it is quite out of the question for the Central Government to invade Governors' provinces with their armies of people engaged on uplift. It is clear that we should have to confine their operations to the areas where we have executive authority, that is to say, the Chief Commissioners' provinces. And that again raises the difficulty how, for instance a customs appraiser to be

appointed at Karachi is to be given the necessary training or opportunity of service in areas which are open to us. Then again, Sir, how does my Honourable friend propose that these candidates shall be tested and sifted ? We all know that the difficulty of Government is not to get the employees but to choose from among the great numbers who apply for employment those who are best qualified for the work. It follows that if we set up a scheme of this sort with a system of preliminary probation in social service, we shall have by some competitive means to decide which of them have best carried out the duties to which they have been assigned, and which of them have thereby earned the appointment in Government service to which they have been attracted by this probation of social service. I cannot myself conceive how we can lay down a curriculum to be followed by our candidates in the various parts of India, how we can test them, how we can give marks, how we can ascertain in any way which of them had fulfilled the requirement of really efficient and good social service. Then, Sir, there are other problems, but I will not detain the House by going into details. If you are going to ask young men to spend a certain time on voluntary social service you will have to raise the age limits for Government service and therefore initial pay ; and so on.

I think I have said enough to make it clear that the plentiful difficulties are such as to render it impossible for Government, however earnestly they may sympathise with the aim of my Honourable friend, to accept the terms of this Resolution.

THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : Sir, I shall deal with my friend's observations in the reverse way, beginning at the end and then coming to the beginning.

He says he has sympathy with the idea but says that there are a great number of practical difficulties. One of them is that I have given him no details, and another is as regards the manner of selection and the rules of recruitment. My submission with regard to details is that it is not possible to give all the details in a Resolution, and so I have said that some preference should be given to these people. I do not say that the rules of recruitment now existing should be absolutely given the go-by. They should remain. Where the recruitment is made by the Public Service Commission examination, the examinations will remain. Where the recruitment is made by private selection of candidates, that will remain. The only thing that I want is that in addition to these tests which already exist some additional favour should be shown to those persons who have rendered these services. That is with regard to the details of the scheme and the practical nature of the scheme. There is no difficulty if there is an intention to adopt the Resolution as my Honourable friend has said he has full sympathy with this idea.

Then my friend spoke about volunteers being made job seekers. Well, Sir, all people in this world are more or less job-seekers, and if some encouragement is given to them to do philanthropic work I do not know what serious objection can be raised on behalf of the Government ?

[Mr. Kumarsankar Ray Chaudhury.]

Then he said that the period of service is not fixed. That should be fixed by the Government, if they have to bring out a scheme. I cannot force the Government to adopt a particular period of service. That will depend on the nature of the service.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa: Muhammadan): Has any Provincial Congress Government accepted this ideal?

THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY: I am not a member of any Provincial Congress Legislature and I do not know whether anybody has done it. I am here to press it upon the Government of India and I have felt it my duty to press it here. That is my position. And the service rules of the Government of India cannot be changed by the Provincial Governments.

THE HONOURABLE MR. HOSSAIN IMAM: What about provincial appointments?

THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY: Nor can the provincial rules be changed, I submit, without the sanction of the Central Government.

THE HONOURABLE MR. HOSSAIN IMAM: That is not the position under the present constitution.

THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY: My Honourable friend Mr. Thorne went further than me at the beginning of his speech and he said that compulsory service should be introduced.

THE HONOURABLE MR. J. A. THORNE: No, Sir.

THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY: That has been done in many countries, but we are not concerned with those countries and the policy the Government have adopted there. The Communist and Fascist Governments may have done that. My scheme is a humble one. It only asks Government to give some preference to these people so as to encourage them to render voluntary service without which there is no immediate prospect of the uplift of this country.

Then he says the work should be honorary. I have not stated in my Resolution whether it should be honorary or not but I have in my speech said that no one can be expected to serve unless he has the means of sustenance and such sustenance must be granted to them for the period for which they serve.

I think that covers all the points raised by my Honourable friend.

THE HONOURABLE THE PRESIDENT: Resolution moved:

"This Council recommends to the Governor General in Council that with a view to encourage voluntary services being rendered by people of India for the sanitary and intellectual uplifts of the centrally administered territories and to set an example to the provinces of India the rules of recruitment of the public services by the Government of India be so altered as to give some preference to those candidates who have rendered such voluntary service for a period to be fixed by the Government of India."

The Motion was negatived.

HINDU POLYGAMOUS MARRIAGE RESTRAINT BILL.

THE HONOURABLE MR. G. S. MOTILAL (Bombay : Non-Muhammadan) : Sir, I beg leave to introduce—

"A Bill which seeks to declare illegal polygamous marriages among Hindus."

The Motion was adopted.

THE HONOURABLE MR. G. S. MOTILAL : Sir, I introduce the Bill.

STATEMENT OF BUSINESS.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Leader of the House) : Honourable Members must have noticed from the agenda for Thursday, 8th September, already circulated that the Motion for consideration and passing of the Criminal Law Amendment Bill will come up before the House on that day. If the Bill is not disposed of on that day it is proposed to continue the discussion on Monday, the 12th September.

The Council then adjourned till Eleven of the Clock on Thursday, the 8th September, 1938.

COUNCIL OF STATE.

Thursday, 8th September, 1938.

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

QUESTIONS AND ANSWERS.

CONDITIONS REGULATING THE USE OF BOMBING ON THE NORTH WEST FRONTIER.

76. THE HONOURABLE MR. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh): Will Government state whether it is proposed to appoint an International Commission, or any other agency, to examine the conditions under which police bombing takes place on the North West Frontier, with a view to dissipate all misgivings from the public mind ?

THE HONOURABLE MR. A. DEC. WILLIAMS: The conditions regulating the use of bombing on the North West Frontier have often been publicly stated and I refer the Honourable Member to the statement contained in Command Paper No. 5495, a copy of which is in the Library of the House. As was recently stated by the Prime Minister in the House of Commons, there is no necessity for the appointment of any such commission.

ILL-TREATMENT OF INDIAN MERCHANTS IN CHINESE TURKESTAN.

77. THE HONOURABLE MR. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh): (*a*) Will Government make a statement regarding the ill-treatment of Indian merchants in Chinese Turkestan within the last eight months, how many of them were looted, or otherwise maltreated, and were any of them killed or wounded ?

(*b*) What steps have been taken by Government in the matter and with what results ?

(*c*) Have the properties that were looted been restored to the Indians or was any compensation paid to them ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: (*a*) Since October, 1937 there has been a boycott of Indian traders in Sinkiang which has undoubtedly resulted in cases of hardships. Government understand that certain

restrictions have been placed on the movements of Indian merchants and that other disabilities have also been placed on their trading activities. Twenty British subjects have submitted claims to His Majesty's Consul General, Kashgar, for losses sustained as the result of looting by rebel Tungan troops in the rebellion of 1937. One British subject was killed on the 22nd November, 1937, and another was reported missing and has not yet been traced. Except for these instances, no other cases of maltreatment or wounding of British subjects have come to notice.

(*b*) Government are fully alive to the difficulties of British subjects in Sinkiang and representations have been made to the Sinkiang Provincial Government through His Majesty's Consul General at Kashgar who is taking all possible action to bring about an inprovement in the situation.

(*c*) As the looting of the property occurred in the course of a rebellion against the Sinkiang Government, there are obvious difficulties in establishing that Government's responsibility for restoration of the property or payment of compensation. No compensation has been received as yet, but the matter is still under negotiation between the Provincial Government and His Majesty's Consul General, Kashgar.

TRAINING OF AFGHANS IN INDIA FOR THE AFGHAN AIR FORCE.

78. THE HONOURABLE MR. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh): Will Government state whether they have undertaken to train a certain number of Afghan students in aviation for the Afghan Air Force ? If so, how many ; and where are they being trained ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: Yes, 29, at the Aeronautical Training Centre of India, Delhi, and Royal Air Force stations at Karachi, Ambala and Lahore.

OFFICE OF THE DIRECTOR OF CIVIL AVIATION.

79. THE HONOURABLE MR. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh): Will Government state why the Director, the Deputy Director, Engineers one and two, and their staff of the Civil Aviation Department have been allowed to proceed to Simla and the Chief Aircraft Inspector, the Assistant Aircraft Inspector, the Technical Officer for licences and the Administrative Officer have remained at New Delhi ?

THE HONOURABLE MR. S. N. ROY: The attention of the Honourable Member is invited to paragraph 2 of the Press Communiqué, dated the 19th January, 1938, issued by the Home Department, which gives the reasons for some exceptions being made from the general orders in respect of the Office of the Director of Civil Aviation during 1938.

INTRODUCTION OF THE KHADDAR (NAME PROTECTION) ACT, 1934, IN CHIEF COMMISSIONERS' PROVINCES.

80. THE HONOURABLE MR. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh): Will Government state whether they propose

to introduce the provisions of the Khaddar (Name Protection) Act, 1934, in Delhi, and other centrally administered areas ? If not, why not ?

THE HONOURABLE MR. M. SLADE : Power to bring the Act into force in Chief Commissioners' Provinces is exercisable by the Chief Commissioners, and the Act is already in force in Coorg and British Baluchistan. Government do not consider that any action on their part is called for.

SUBJECTS OF INDIAN STATES IN SOUTHERN RHODESIA.

81. THE HONOURABLE MR. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh) : Will Government state whether out of the Indians residing in Rhodesia (South Africa), there is a large number of subjects of Indian States, including many property owners ? If so, is there any differentiation between them as regards their status in the matter of vote, and Parliamentary franchise ? And what are the points of differentiation, if any ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : The reply to the first part of the question is in the affirmative. As regards the second part, the Electoral Act in force in the Colony provides that an applicant must, besides possessing certain qualifications, be a British subject, but any person who is not a British subject but is otherwise qualified can be registered as a voter if his name was upon any voter's list which was in force on the 27th July, 1928, or if during a state of war he has been on active service as an attested member of any naval, military or air forces of the Crown. Subjects of Indian States who are not British subjects can therefore be enrolled as voters only if they come within the exceptions that I have described.

THE HONOURABLE MR. P. N. SAPRU : Is there any differentiation so far as the franchise is concerned between British Indian subjects and European subjects ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : Sir, I must ask for notice of that question.

ENLISTMENT OF AFRIDI TRIBESMEN IN THE INDIAN ARMY.

82. THE HONOURABLE MR. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh) : (*a*) Is it a fact that the question of enlistment of North West Frontier Afridi tribesmen in the regular Indian Army is or is likely to come under the consideration of Government ?

(*b*) Had two extra platoons of Afridis been enlisted for the Tochi Scouts ? If so, when ; and for what purpose ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : (*a*) Yes. There are already 160 in the regular Indian Army, their enlistment being sanctioned in 1932.

(*b*) Two extra platoons of Afridis (one Aka Khel and one Kuki Khel) were enlisted in the Tochi Scouts in November, 1937, as part of the sanctioned increase in the strength of that Corps.

SCIENTIFIC EXPLORATION IN SIKKIM BY THE NEW GERMAN EXPEDITION.

83. THE HONOURABLE MR. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh): Have Government given any permission and facilities to the new German expedition to explore the Eastern Himalayas and Tibet, which has arrived or is about to begin operations from Assam ? If so, is there any political background to this expedition ?

THE HONOURABLE SIR JAGDISH PRASAD: The Sikkim Darbar have permitted the expedition to carry out scientific exploration within their territory. No other permission for exploration has been granted. The Government of India have accorded the usual customs facilities to the expedition. The answer to the second part of the question is in the negative.

FACILITIES PROVIDED BY GOVERNMENT TO THE GERMAN EXPEDITION TO NANGA PARBAT.

84. THE HONOURABLE MR. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh): What facilities, if any, have been provided by Government to the German expedition to Nanga Parbat ? And what are the main arrangements in this connection ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: Government merely granted customs exemption on the expedition's equipment, which is usual in such cases. The arrangements were made by the organizers of the expedition.

DISCOVERY AND INSCRIPTION ON THE TOP OF THE ROCK FORT, TRICHINOPOLY.

85. THE HONOURABLE MR. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh): Will Government state the main details and significance of the archæological discovery and inscription, which has recently been made by the Archæological Survey of India (The Madras Epigraphical Department) on the top of the Rock Fort, Trichinopoly ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: I lay on the table a copy of a Press Note published in April, 1938, which gives the information asked for by the Honourable Member.

PRESS NOTE.

WINTER RETREAT OF THE ANCIENTS.

Cavern with early inscriptions.

MADRAS DISCOVERY.

A cavern with earlier inscriptions, one of which is attributable to the 1st Century B.C. has lately been discovered by the Archæological Survey of India (The Madras Epigraphical Department) on the top of the Rock-fort at Trichinopoly.

The approach to the cavern which lies on a ledge of rock above the upper rock-cut cave of the Pallava King Mahendravarman (Circa A.D. 625) is along a narrow belt of rock skirting the

northern flank of the hill; and as a portion of the route has to be crossed by crawling on all fours underneath a projecting boulder,—a false step meaning a fatal drop down the precipitous side,—the cavern had escaped notice till now.

The cavern faces the west, and commands a picturesque view of the river Kaveri for a few miles along its course and must have been used by Buddhist or Jaina monks for their annual retreat in the early winter months, when the north-east monsoon breaks on the Southern Presidency with all its fury and must have made it impossible for the wandering monks to go about much to propagate the teachings of the Master. On the rocky platform measuring 30' by 25' in front there are scooped out in the live rock a few beds, smoothened and provided with pillow-lofts, one of which has a few archaic letters of the 5th Century A.D. engraved on it. The discovery explains also the origin of the suffix *palli* in the name of the town Tiruchchirapalli the correct Tamil original of its English equivalent Trichinopoly—and its connection with an early Buddhist or Jaina colony, and throws back the antiquity of the place by some centuries prior to the Pallava times.

With systematic search it is possible that some more early caverns may be discovered in this tract of country, which would give an idea about the spread of Jainism and Buddhism in South India in the few centuries on either side of the commencement of the Christian era.

Raising of Subvention of the North West Frontier.

86. The Honourable Mr. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh): Will Government state whether the question of raising the subvention of the North West Frontier Province has been raised and is under the consideration of the Government of India ?

The Honourable Sir John NIXON: I refer the Honourable Member to the relevant portions of paragraphs 16 and 24 of the Niemeyer Report.

Use of Tear Gas in India.

87. The Honourable Mr. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh): Will Government state whether the use of tear gas as a coercive measure to disperse or otherwise deal with mobs has been sanctioned for adoption anywhere in India ? If so, where ?

The Honourable Mr. J. A. THORNE: The use of tear gas for the dispersal of mobs is in Governors' Provinces a matter for the Governments of those provinces. I understand that the Governments of Bombay and the Punjab have taken steps to train police in the use of tear gas. In Chief Commissioners' Provinces no police have yet been trained for the purpose.

The Honourable Mr. HOSSAIN IMAM: Do the Government propose to train the police for this purpose in the centrally administered areas ?

The Honourable Mr. J. A. THORNE: That is under consideration, Sir. A certain amount of expense is involved in the training.

Communication from the Federation of Indian Chambers of Commerce and Industry on Indo-Afghan Trade Relations.

88. The Honourable Mr. KUMARSANKAR RAY CHAUDHURY: Will Government state whether they have received any communication from the Committee of the Federation of the Indian Chambers of Commerce and

Industry regarding India's trade with Afghanistan? If so, what is the nature of such communication and what steps are Government taking on it?

THE HONOURABLE MR. M. SLADE: The reply to the first portion is in the affirmative. As regards the latter portion, broadly speaking, the letter from the Federation of Indian Chambers of Commerce and Industry deals with questions relating to Indo-Afghan trade relations and the alleged restrictions imposed on Indians visiting Afghanistan on business. Government have already taken up the question of obtaining facilities for Indian merchants to trade in Afghanistan with the Afghan Government and the matter is still under consideration.

THE HONOURABLE MR. HOSSAIN IMAM: Is there any trade representative of India at the Afghanistan Court?

THE HONOURABLE MR. M. SLADE: There is an Indian trade agent in Kabul.

ESTABLISHMENT OF A SILK CONDITIONING HOUSE AT HOWRAH.

89. THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY: Will Government state whether a silk conditioning house has been established at Howrah requiring all silks produced in Bengal to be taken there for purposes of conditioning? If so, do Government propose to reduce the railway freight on raw silk?

THE HONOURABLE SIR GUTHRIE RUSSELL: I am not aware of the silk conditioning house to which the Honourable Member refers, but its establishment is not in itself any justification for a reduction in railway freight rates.

INFORMATION PROMISED IN REPLY TO QUESTIONS LAID ON THE TABLE.

THE HONOURABLE SIR GUTHRIE RUSSELL (Chief Commissioner for Railways): Sir, I lay on the table the information promised in reply to—

(1) Question No. 74 asked by the Honourable Mr. Hossain Imam on the 14th February, 1938.

(2) Questions Nos. 292 and 294 asked by the Honourable Rai Bahadur Lala Ram Saran Das on the 4th April, 1938.

Question No. 74.

REPAIRS TO HARDINGE BRIDGE, E. B. R.

(*a*) Rs. 1,00,23,827.

(*b*) A statement is attached.

(*c*) Rs. 1,19,52,473.

Statement.

Name of contractor.	Amount. Rs.
Hirjee Visram	10,54,699
Shewak Ram	10,98,253
S. C. Roy Chowdhury	17,891
Girdhari Lall Mehra	56,138
K. K. Mukherjee	1,74,911
P. C. Mukherjee	11,372
Nauji Mouji	1,78,520
Mehr Singh	40,079
Seth Sunder Pershad	5,70,057
S. Mukherjee	8,926
S. Paul and K. K. Mukherjee ..	44,611
A. Sirkar and Company ..	86,007
Ladha Singh	9,160
Chatterjee Shaw and Company ..	28,707
Seth Teomal	8,983
T. S. Semanto	2,04,839
Messrs. Bose Basunta Ram ..	24,954
G. Gupta	16,795
Pranjip Kumbha	40,718
Yule Engineering Corporation ..	11,429
S. G. Bose	1,43,232
K. L. Mazumdar	48,976
Rajshahi Stone and Coal Agency	1,04,777
R. B. Jagmal Raja	69,563
A. V. Sham	57,241
Meghji Gobabhai	29,761
Kumbha Mouji	17,629
Lakshman Hirjee	1,63,385
Bhagwan Das	1,52,342
Hari Singh	71,050
Mulla Mull	39,406
S. Jha	12,986
R. B. Teomal	10,127
Madanji Lira	10,314
	46,17,838

Question No. 292.

NUMBER OF COOLY JEMADARS EMPLOYED BY THE N. W. R.

The total number of cooly jamadars in June, 1938 was 76.

Question No. 294.

NUMBER OF LICENSED COOLIES ON STATIONS OF THE N. W. R.

I am placing on the table two statements, *viz.*—

(*i*) showing the number of licensed coolies at certain stations and the number working during night shifts where such shifts are arranged ;

(*ii*) showing the number of jamadars at each station at which jamadars are employed.

STATEMENT I.

Statement showing the number of licensed coolies at certain stations on the N. W. R. and the number working during night shifts where such shifts are arranged.

Serial No.	Name of station.	Total number of coolies employed.	Night shifts.	
			No. of shifts.	No. of coolies in the shift.
1	Lahore	350	..	..
2	Delhi	Summer 400	1	100
		Winter 500	1	150
3	Ludhiana	70	1	30
4	Amritsar	150	1	50
5	Rawalpindi	118	..	..
6	Multan Cantonment	45	..	..
7	Karachi City	75	..	..
8	Hyderabad	81	1	40
9	Peshawar Cantonment	35	..	..
10	Sukkur	30	..	..
11	Jullundur City	70	1	25
12	Bhatinda	45	..	..
13	Kalka	Summer 200	..	..
		Winter 60	..	..

STATEMENT II.

Statement showing the number of coolie jemadars at each station on the N. W. R. at which jemadars are employed.

Serial No.	Name of stations.	No. of jemadars.	Serial No.	Name of stations.	No. of jemadars.
1	Lahore	1	28	Meerut Cantt.	1
2	Moghalpura	1	29	Muzaffarnagar	1
3	Amritsar	3	30	Saharanpur	1
4	Jullundur City ..	1	31	Amabala Cantt. ..	1
5	Jullundur Cantt. ..	1	32	Patiala	1
6	Phagwara	1	33	Bhatinda	1
7	Ludhiana	1	34	Jakhal	1
8	Batala	1	35	Simla	1
9	Pathankot	1	36	Karachi City	1
10	Lahore Cantt.	1	37	Karachi Cantt.	1
11	Raiwind	1	38	Hyderabad	1
12	Badami Bagh	1	39	Kotri	1
13	Shahdara	1	40	Rohri	1
14	Gujranwala Town ..	1	41	Sukkur	1
15	Wazirabad	1	42	Shikarpur	1
16	Gujrat	1	43	Larkana	1
17	Sialkot	2	44	Tando Adam	1
18	Narowal	1	45	Quetta..	1
19	Jammu Tawi	1	46	Montgomery	1
20	Ferozepore Cantt. ..	1	47	Khanewal	1
21	Ferozepore City ..	1	48	Multan City	1
22	Bahawalnagar ..	1	49	Multan Cantt.	2
23	Kasur	1	50	Lodhran	1
24	Kotkapura	1	51	Samasata	1
25	Delhi	1	52	Bahawalpur	1
26	Ghaziabad	1	53	Dera Nawab Sahib ..	1
27	Meerut City	1	54	Mahmud Kot	1

STATEMENT II—*contd.*

Statement showing the number of coolie jemadars at each station on the N. W. R. at which jemadars are employed—contd.

Serial No.	Name of stations.	No. of jemadars.	Serial No.	Name of stations.	No. of jemadars.
55	Shorkot Road	1	64	Rawalpindi	1
56	Lyallpur	2	65	Mandra	1
57	Chak Jhumra	1	66	Jhelum	1
58	Sangala Hill	1	67	Lalamusa	1
59	Qila Sheikhupura ..	1	68	Malakwal	1
60	Peshawar Cantt. ..	1	69	Sargodha	1
61	Nowshera	1	70	Mari Indus	1
62	Campbellpur	1	71	Kohat Cantt.	1
63	Taxila	1		Total ..	76

CRIMINAL LAW AMENDMENT BILL.

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

"That the Bill to amend the Criminal Law, as passed by the Legislative Assembly, be taken into consideration."

I do not propose at this stage to take up a great deal of the time of the Council in explaining this Bill. The reasons underlying it are, I think, self-explanatory and, I submit, cogent. As Honourable Members are no doubt aware, the Criminal Law Amendment Act of 1932 contained certain provisions dealing with dissuasion from enlistment in the Defence forces. When that Act came in for revision in 1935, that provision was omitted for the reason that activities of that kind were not at that time prevalent. Subsequent events have proved that this omission was a grave mistake. During the past 18 months, the attention of Government has been drawn to a very considerable number of public speeches, principally in the Punjab, dissuading persons from

joining the Defence forces or in the alternative inciting would-be recruits before joining those forces to commit acts of mutiny or insubordination after joining. The information in the possession of Government is unequivocal. In the Punjab alone, in a period of nine months last year, no less than 115 different persons made anti-recruiting speeches at 71 public meetings. Since then, in a further period of eight months, 130 similar cases have been reported. And cases of this kind, though in smaller numbers, have been reported from other provinces. The general purport of these speeches takes two forms. Either the speaker dissuades his audience from joining the Defence forces at all or he advises them not to take part in any future war on behalf of the British Government. I am not in possession of the whole or the exact text of these utterances but I can assure the Council that the reports which have reached Government come from so many, so widely distributed, and such mutually independent sources that Government are fully convinced of the real existence and the grave dangers of these activities. Should Honourable Members express at a later stage a desire to that effect, I am prepared to cite to them the gist of a number of these speeches, if, Sir, you rule that that will be useful. I am aware that in another place a ruling has been given to the effect that quotations may not be made from speeches unless the entire speeches are made available to the Legislature.

But in any case, Sir, I submit that the inaccuracy or accuracy of these reports does not in any great degree affect the main case for this Bill, which hits what any sensible citizen must admit are intolerable activities.

THE HONOURABLE MR. HOSSAIN IMAM: May we know the names of some of the speakers ?

THE HONOURABLE MR. A. DEC. WILLIAMS: I have said, Sir, I would consider that later, should a desire be expressed by some of the Honourable Members to have further details.

There is surely no need for the Legislature before penalizing any undesirable activity to wait for activities of that kind to multiply and accumulate. Thus crimes of murder, rape or treason are universally made punishable by law without the Legislature waiting for an epidemic of these crimes to break out.

From the trend of recent discussions in this Council, I am sure that Honourable Members do admit, firstly, that India must in the present posture of world affairs have an efficient Defence force ; secondly, that that force requires adequate personnel; and thirdly, that that personnel must observe adequate discipline. It therefore follows without question that anti-recruiting propaganda cannot be tolerated as removing the sources of personnel, and that propaganda advocating mutiny or insubordination after recruitment cannot be tolerated as destroying discipline. In fact, it is to my mind surprising that the provisions of this Bill were not long ago permanently embodied in the Statute-book. In my view, it would have been as appropriate, perhaps more appropriate, if this Bill had taken the form of an amendment *in loco* of the Indian Penal Code by way of supplying obvious *lacunæ* in the ordinary law of the land.

[Mr. A. deC. Williams.]

A variety of considerations which were not merely agitated but, I should say, flogged to death for a period of days in another place are, I submit, Sir, for your consideration, utterly irrelevant to the matter before this Council for its consideration. The debate on this Bill cannot, I submit, legitimately extend to such extraneous, though doubtless interesting and controversial, topics as Indianization of the Defence forces, non-violence, or Imperialistic policy. Once we grant the need for an adequate Defence force, no Government could possibly tolerate that even *bona fide* opponents of an Imperialistic policy or participation in an Empire war should instigate recruits to mutiny in the event of such a war. Quite manifestly the rank and file of any efficient Defence force cannot be permitted, and indeed in the nature of things would be wholly incompetent, to constitute themselves the judges of the policy of the Higher Command. The wildest of theorists could not expect efficiency or discipline in a force run on these lines.

A close study of the Bill, in particular sub-clause (*a*) of clause 2 and the Exceptions to clause 2, shows clearly that the Bill does not hit *bona fide* pacifist propaganda. The penalty provided in clause 2—one year's imprisonment or fine or both—is moderate in the extreme and falls far short of that provided in Chapter VII of the Indian Penal Code for analogous offences. Indeed, Honourable Members must be aware that in many countries today speeches of this character would be the last utterances, public or private, to pass the lips of the speech-makers.

In fact, the only criticism I have yet heard of this Bill which, if true' would be in any sense relevant is that some of the offences in question are already covered by the existing law. But, actually, the existing relevant law which is contained in Chapter VII of the Indian Penal Code only covers incitements to mutiny and the like which are directed to persons already serving in the forces and does not at all touch discouragement of recruiting. In short, though it is true that certain activities are now being constituted a new offence, such treatment is only logical and necessary.

I may add that the provisions of the Bill will not take effect in any province unless and until the Provincial Government sees cause to introduce them.

I, therefore, commend this Bill to the Council as a measure, moderate in its provisions, absolutely essential for the existence and maintenance of an efficient machine for the protection of this country and, quite apart from recent evidences of its desirability, long overdue. (Applause.)

THE HONOURABLE MR. RAMADAS PANTULU (Madras : Non-Muhammadan) : Sir, I rise to oppose this Motion. It was said in another place by the Defence Secretary—it was at any rate broadly hinted—that those who oppose the Bill belong to a class of persons who are friends of any one who is an enemy of the British Government. I assure you, Sir, and this House that I do not belong to that class of person. My opposition to this Bill is based purely on the merits of it. An appeal was made in the other House expressly, and in this House impliedly, to the loyalty and good sense of the people of this country

in support of this measure. Sir, firstly, if the Bill has merits, and if it is intended for the benefit of India, appeal to loyalty is wholly unnecessary. If it is not beneficial to India, or if it has not merits in it, appeal to loyalty is a very undesirable and a dangerous expedient. Sir, my friends on the opposite side, who are Englishmen, who breathe the air of freedom in England, must think twice before they appeal to the loyalty of the people of this country in support of a measure like this. They are aware that they rule this country without the consent of the people of this country, with the aid of an army of occupation and a mercenary force which is paid for by the people of this country, without having any voice in the defence policy. It is only the day before yesterday that the Additional Defence Secretary informed the House that he cannot accept a very moderate Resolution asking for the association with the Defence Department of an Advisory Committee of the Legislature to advise the Government of India on matters of defence policy. He with brutal frankness told us that it was the exclusive responsibility of the British Government in this country and that they could not share that responsibility with the people's representatives even in a consultative and purely advisory capacity. After that statement, and after the unquestionable fact that the British Government today rests in this country not on the moral and constitutional basis of the will of the people but on the physical force behind it, an appeal to the loyalty of the people of this country to support a measure of this kind is an absolutely untenable position. We on this side will do well to brush aside irrelevant considerations which my Honourable friend Mr. Williams has referred to and deal with the merits and the other side should no more indulge in these considerations than we on this side.

I will now come straightaway to the merits of this Bill, accepting the invitation of the Defence Secretary. In the first place I will refer to the Statement of Objects and Reasons which my Honourable friend has rightly said is self-explanatory. I congratulate the draftsman of this statement on the very excellent way he has drafted it. I am willing to concede that it is a true, frank and honest statement from the British standpoint. It says :

"The object of the speakers is clearly not the spread of pacifism, but to dissuade would-be recruits from taking part in any war in which the British Empire may become engaged".

I emphasise the words "war in which the British Empire may become engaged." The Defence Secretary said that for 18 months there have been many speeches dissuading the people from joining the army to help England in any Imperialistic war in which she may soon be engaged. Though my Honourable friend is not able to produce the texts of those speeches or even authentic extracts therefrom, I am not going to dispute his statement that some speeches have been made. In fact, the Working Committee of the Indian National Congress has openly passed a resolution asking the people of this country not to help England in the next Imperialistic war in which India is not interested, and not to join the army in order to help her in that pursuit. Therefore, the Defence Secretary's statement may be taken to be correct. But, Sir, the Army in India is intended for three purposes. It is mainly for the internal security of the country and for the defence of Indian frontiers against external aggression. So far as these two objects are concerned, no patriotic Indian,

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whether he is loyal or not, will object to an army being efficiently maintained in this country. We are all interested in seeing that a very efficient and disciplined army is maintained in this country for securing internal peace and preventing external aggression. No Indian has ever asked anybody not to join the army so far as these two objects are concerned. Rightly and very properly the Statement of Objects and Reasons does not say that any speeches were made to dissuade any person from joining the army in order to strengthen it for the purpose of internal security or prevention of external aggression. That is why I say that the statement is correct so far as it goes. And when the statement says that speeches were made to dissuade the people of this country from joining the army to help England in her next war, I say the statement is also correct. I am going to show a little later that we have a right to make such speeches and a right to dissuade people from joining the army in order to prevent people from helping England in her Imperialist aims. So, the, Statement of Objects and Reasons itself destroys the case for this Bill. That is why I agree with its draftsman.

Then, Sir, there is a reference to 18 months. I was wondering why this period of 18 months was particularly chosen. At first it struck me that it might have some relation to the position of recruitment in this country. Therefore, I tried to look up the figures to see whether there has been a falling off in recruitment in military provinces like the Punjab. I only got figures for the Punjab and there was no falling off. This point need not be laboured further because Mr. Ogilvie the Defence Secretary has frankly admitted generally that there has been no fall in the recruitment in the last 18 months. But why is this period of 18 months then mentioned in the Statement of Objects and Reasons? To me it has reference not to what has happened in India but to what is happening elsewhere. Sir, the attempt is being made to mechanize the army and to put the imperial forces on a war footing in the various parts of the Empire in view of the international situation which has necessitated many important reforms in the army. The people of India are painfully aware of this process of mechanization and of the placing of all the imperial forces on a war footing because we have only just been told that the process will cost us Rs. 2 crores of additional expenditure on the army. When first the scheme of mechanization was divulged in this House we were told that out of the total cost of £600,000, £200,000 was being made a grant of to begin with. We are now told that we have to find Rs. 2 crores from Indian revenues. Therefore, all intelligent people in this country know the implications of the process of mechanization has been going on for the last 18 months and some may have preached its implications to the masses. I suppose the reference is to that process. The British Army Department in collaboration with the Defence Department of the Government of India have been trying to place the forces in India and elsewhere on a war footing. Otherwise, I do not see the significance of these 18 months and why anti-imperialists in India should have started their activities all of a sudden 18 months ago.

Sir, even if the Statement of Objects and Reasons is accepted in its entirety, in my opinion it does not furnish any valid foundation for a Bill of this sort,

unless we accept the assertion that the people of this country have no right to ask their fellow countrymen not to join in a war which is mainly intended to advance the imperial interests of Britain. If once you say that the people of this country have no such right, then certainly there is basis for a Bill of this sort. But if the people have such a right, and they have an unquestioned right which people in every country enjoy, then I submit the Bill is wholly unjustifiable.

Sir, let us take the position in the other self-governing Dominions. It is well known that the Dominions now reserve to themselves the right to join in any war which England may declare for offensive or defensive purposes. I do not wish to labour that point. In the League of Nations the Premier of Canada has made a statement which is explicit on that point. It was made on the 29th September at the Ninth Plenary Session of the League of Nations by the Right Honourable Mr. Mackenzie King. He said:

"The Canadian Parliament reserves to itself the right to declare in the light of the circumstances existing at the time to what extent, if at all, Canada will participate in conflicts in which other members of the Commonwealth may be engaged. Certainly the experience between the Commonwealth and England and Canada has had the effect of convincing Canada of the possibility of preserving close and friendly co-operation without the existence of a central authority or of military commitments".

So, Sir, the position is that the other members of the Commonwealth have the right to decide whether they will join in any war to help England or not. And why should India not have the same right? The plain answer is because we are not a self-governing country. We are being governed as a subject race and therefore our military policy is controlled by Britain and not by us. Therefore they can recruit by law people in this country to fight their wars. That is an answer which this country cannot accept. Self-respecting Indians at any rate cannot accept it. I do not say that under no circumstances would India fight on the side of England. It is a matter of self-determination. If India is going to get a tangible share of the benefits or stands to gain by the war, India may decide to join it. But simply because a war is helpful to the Empire does not mean that every member of the Commonwealth stands to gain to the same extent. It is on that ground that the Dominions have reserved the right to join or not, according as it is beneficial or not. I claim most emphatically that India has the same right. Sir, I came across a passage in the latest issue of the *Round Table*, a well known review, of the politics of the British Commonwealth which is relevant to this occasion. It says:

"In considering the possible role of the defence forces of any self-governing member of the Commonwealth it is today necessary to concentrate first on those political interests and defence needs which apply particularly to that member".

In this case that member is India. I listened very carefully to the Defence Secretary's speech to see whether he would say whether in the near future he expects any war in which the political interests and defence needs of this country are in danger or require protection. He has not said a word about it. If he is not contemplating any such war at all, I do not see why he should come forward with a Bill at this juncture. There is always a power of doing things by Ordinance through the Governor General. He can always promulgate an Ordinance if there is an emergency. But he does not say there is an

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emergency threatening war in which India's political interests and defence needs are in jeopardy.

THE HONOURABLE THE PRESIDENT: When an Ordinance is passed you object and say the Governor General should not pass an Ordinance but refer to the Legislature.

THE HONOURABLE MR. RAMADAS PANTULU: Yes, Sir. I agree that the Governor General should not pass legislation himself. But we are not in sight of any such danger to Indian interests and defence needs to ask this Council to pass such legislation.

THE HONOURABLE THE PRESIDENT: Are you the best authority to know whether it is necessary or not?

THE HONOURABLE MR. RAMADAS PANTULU: I am mentioning this for a different purpose. The Defence Secretary does not say that the political interests of England and the defence needs of England are in danger. That is what I was emphasising. He does not say it. The reason for this Bill then is not the political interest and defence needs of India but the interests and needs of England which are perhaps in danger. The British Government must take full responsibility for the legislation, not this Legislature.

Sir, that passage which I am reading runs as follows:

"It is dangerous to assume an equal interest among all members in a strategic asset or liability anywhere in the world even though it may be represented as an asset or a liability for the whole Commonwealth. The Dominions in brief cannot be regarded merely as a reserve source of strength for a centralized scheme of Imperial defence, controlled and maintained by Great Britain".

It proceeds to say—this is more relevant for our purpose—

"Although India has not yet achieved the status of a Dominion she is on the road to that goal and the same conditions apply in a large measure to her also".

It is this last aspect of the question that was entirely overlooked by the spokesmen of the Government of India in both the Houses on this Bill. Then, Sir, may I ask if it is not sedition, if it is not disloyalty, for the Dominions to say, "We will not take part in an Imperialistic war, we will not recruit our armies to be made cannon fodder for England's purposes", why should it be disloyalty, why should it be sedition, on the part of Indians when they say the same thing to their fellow citizens?

THE HONOURABLE THE PRESIDENT: Because you have not yet got Dominion status. That is a distinction which you overlook.

THE HONOURABLE MR. RAMADAS PANTULU: If they will frankly say, "We will do what we like with this country, we will recruit armies by legal compulsion and you have no voice in the matter", then there is no question of getting our consent for Bills like these. If we are going to be told, "Because you have not got Dominion status, therefore your voice does not count", then why bring this Bill and why this farce of asking for the consent of the representatives of the people? Why make us commit ourselves to this Bill which cuts at the very elementary rights of Indians in this country.

Government might as well under its extraordinary powers pass an Ordinance. That would be more consistent with the position that has been taken up, namely, India is a pure subject country and Britain is the sole arbiter of its destinies and the laws need not be passed with the consent of the people because they have not got Dominion status. Let them say it frankly, then I shall not waste one more moment of this House; but the Honourable Mr. Williams was not addressing us in that strain but on the other hand was trying to convince us of the reasonableness of the Bill, and of its necessity in the interests of India, etc. It is simply hypocrisy in my opinion. Therefore, I am trying to expose the hypocrisy. If the mask is thrown off and if Mr. Williams says to us, "You are a subject people and that your consent is not necessary", I have no more argument. Because he is seeking our consent I have been trying to make it clear while India has no objection to improve the personnel of the army, to improve the efficiency of the army and to promote discipline in the army, so long as the army is required for internal security and the prevention of external aggression, we have every objection to increase the strength for imperial purposes and that is the only purpose that is mentioned in the Statement of Objects and Reasons. The Government themselves know that no Indian will object to recruitment to the army in the interests of India itself. That is, Sir, where the whole question lies.

Then, Sir, it may be said that though India may not be directly interested, though India may not be directly benefited by an Imperialist war, there will be indirect benefits by England being helped in a world war or any other war she might wage. We were told, when the Great War was declared in 1914, that that war was in the cause of justice and righteousness and the liberty of the small nations. We have seen what has happened. When India was asked to join the war in the interest of democracy, in the interests of justice, in the interests of righteousness, we did so unquestioningly, we did not bargain with England at that time for anything that England might promise us in return for our services. We ungrudgingly placed men, money and munitions at the disposal of England. Our people died in Flanders, in Gallipoli, in Palestine, in Iraq, and everywhere, and I am told on reliable authority that over one-third of the total forces which England put into the field at that time came from India. And what was the result, Sir? First of all to ask India to fight a war in the cause of democracy is mockery when democracy is denied to India itself. We have no democracy ourselves, but you ask us to fight a war for democracy of the world. It is ridiculous. Sir, not only nothing came out of our participation in the Great War, but the results of the war have been disastrous to India. Sir, at that time Mr. Lloyd George, the War Prime Minister, said this in the House of Commons. When a Member of Parliament asked what would India get in return for her services; are you going to give her self-determination?" That was the word which was the fashion at that time. This is what Mr. Lloyd George said in the House of Commons:—

"If we can conquer the war, certainly statesmanship is not dead to find out the way in which to grant self-government to India".

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Events have turned out to show that statesmanship was as dead as a door nail in England in regard to the grant of self-government to India. Sir, even the modest reforms scheme of Mr. Montagu and His Excellency Lord Chelmsford was considerably cut down. Read the scheme and the Government of India Act of 1929. The Act has not given full effect even to the disappointing scheme formulated by their Secretary of State and by their Viceroy. That was statesmanship indeed. Then, Sir, the amnesty was signed on the 11th November, 1918. To this day we observe it as Armistice Day with two minutes' silence and lots of poppies as buttonholes. I do not think the ink on the paper on which the terms of the armistice were put down had dried before the Jallianwallah Bagh tragedy and the declaration of martial law took place in the Punjab. It was in April or May, 1919 and the armistice was signed on the 11th November, 1918. Hardly had six months elapsed when India was exposed to the terrorism of Dyers and O'Dwyers who ruled this country in the name of British Imperialism and British democracy. That was what we got. Therefore, we are not going to be cheated any more by these promises that if you join England in her war, though it may not concern you directly, it will benefit you indirectly, for justice and righteousness will triumph. You go and ask any country in Europe whether democracy has triumphed in Europe after the Great War. We see the aftermath of the war. Liberty and prosperity did not follow the war in any country. Therefore, the alluring promises like those which were shamelessly broken on the last occasion cannot deceive us any more.

Then, Sir, I will take the Bill itself. Before I deal with the clauses I should like to know why the Government thought it fit to bring this Bill in the Central Legislature when it might as well have been brought in the Punjab Legislature from whose Premier the demand for this legislation seems to have come. An attempt was made in the other House to show that this is a Federal subject and not a concurrent subject. I entirely demur from that opinion, Sir. The Government of India Act to my mind is very clear and it is really incapable of being argued that this legislation could not have been introduced in a Provincial Legislature.

Sir, I will refer to the relevant items of the legislative lists of the Seventh Schedule to the Government of India Act. Part I of the Seventh Schedule, which is the Federal List, contains these items :—

" His Majesty's naval, military and air forces borne on the Indian establishment and any other armed force raised in India by the Crown, not being forces raised for employment in Indian States or military or armed police maintained by Provincial Governments ; any armed forces which are not forces of His Majesty, but are attached to or operating with any of His Majesty's naval, military or air forces borne on the Indian establishment ; central intelligence bureau ; preventive detention in British India for reasons of State connected with defence, external affairs, or the discharge of the functions of the Crown in its relations with Indian States ".

Now, I contend with all the emphasis at my command and as a lawyer I am prepared to stake my reputation on this opinion, that this is not a Bill

for *regulating* His Majesty's naval, military or air forces. On the other hand, it falls under the first item in the concurrent list which runs thus :—

" Criminal law, including all matters included in the Indian Penal Code at the date of the passing of this Act, but excluding offences against laws with respect to any of the matters specified in List I or List II and excluding the use of His Majesty's naval, military and air forces in aid of the civil power ".

Sir, this Bill is itself called the Criminal Law Amendment Act. It creates a criminal offence and provides a punishment. I submit that the concluding words of item 1 in the concurrent list—" excluding offences against laws with respect to any of the matters specified in List I " are not attracted by this Bill. It does not come under that exception because there is no law in regard to the military, naval or air forces with which this legislation is concerned or which it affects. If there is any law in existence in regard to the military, naval or air forces and if any legislation is to be introduced to affect it, it will no doubt fall outside the scope of item 1 of the concurrent list. But it is frankly a Bill for amendment of the criminal law of the country. The Honourable Mr. Williams himself said in the course of his speech that he would prefer to put it permanently as a part of the Indian Penal Code. He said it was a grave omission in Chapter 7 of the Code and therefore he considers that its rightful place is in Chapter 7 of the Indian Penal Code. Therefore, it is not right to argue that this is a law relating to the military, naval or air forces. It is a law creating a new offence of dissuading a person not to join the army. It does not relate to the naval, military or air forces. The army, navy and air forces Acts relate to the members of those services.

THE HONOURABLE THE PRESIDENT : If it is an unconstitutional law, you can resort to the Federal Court and have the law set aside.

THE HONOURABLE MR. RAMADAS PANTULU : Well, Sir, I submit that if you will allow us to argue our own case, the Government are ingenious enough to meet our case, and you may hear both sides. Government is not in need of advice and you will be helping us if you will let us argue our own case in our own way.

THE HONOURABLE THE PRESIDENT : I am only pointing out to you that your remedy lies in the Federal Court.

THE HONOURABLE MR. RAMADAS PANTULU : Sir, there is no point in a ruling from the Chair on my interpretation of the law. I say it is in the concurrent list.

THE HONOURABLE THE PRESIDENT : I am not giving a ruling. I have no power. But the Federal Court can help you.

THE HONOURABLE MR. RAMADAS PANTULU : Well, Sir, the time is not yet ripe for a reference to the Federal Court, even if there is a case for reference.

Sir, I contend that this Bill might have been introduced in the Punjab Legislature, being in the concurrent list. My contention is if the conditions in only one province, namely, the Punjab, are favourable for the immediate

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passing of this Bill, why bring it here ? Therefore, I say, Sir, the Government have not acted wisely in exercising their discretion in bringing the Bill here when the subject is in the concurrent list. They should have left it to the Punjab Government to introduce legislation there.

Sir, I have carefully read this very short Bill containing only a brief preamble and two clauses. I was able to congratulate the Draftsman on the way in which he drafted the Statement of Objects and Reasons but I am afraid I cannot congratulate him on the way he has drafted the clauses of this Bill. First of all, the preamble says that

" Whereas it is expedient to supplement the criminal law by providing for the punishment of certain acts prejudicial to the recruitment of persons to serve in, and to the discipline of, His Majesty's Forces ".

Sir, the words used are " His Majesty's Forces " ; the expression is not confined to His Majesty's Forces in India. I think on careful reading this has been done designedly. I at first thought perhaps it was an oversight and that the preamble was wider than the actual clauses of the Bill ; but I found that in clause 2 also the words used are " the military, naval or air forces of His Majesty " without reference to India. So the Bill applies also to His Majesty's land, naval and air forces in England or Canada or South Africa—anywhere. And if any person who is resident in a province of British India, to which the Act extended has made a speech in England or South Africa or Canada, asking Indians or even other nationalities not to join the British Army in an Imperialistic war, he would come within the mischief of the statute. Therefore, Sir, when I felt that the Statement of Objects and Reasons of the Bill had something to do with the scheme of mechanization of the entire British Army, whether in India or outside, my suspicion was strengthened by the use of the words " His Majesty's Forces " without any reference whatever to India. Therefore, this Bill is very wide in its scope and speeches made outside British India, in Indian States or in a foreign country, will attract the provisions of this Bill. Sir, it is right that legislation of this wide character should be placed on the Statute-book ? It is too wide, too drastic, and not confined to offences committed in India.

Then, Sir, the Bill purports to provide for the punishment of certain acts. What it really does is to prescribe punishment for *speeches*, because dissuasion is done generally by speeches and not often by acts. In asking a man not to join the army a man does nothing but speak. That is so far as the preamble is concerned. Then, Sir, the second clause says that :

" Whoever with intent to affect adversely the recruitment of persons to serve in the military, naval or air forces of His Majesty, wilfully dissuades or attempts to dissuade the public or any person from entering any such Forces ".

Sir, I want to know what is meant by dissuasion of the public. Does it mean that a public speech to an audience, saying that this war is an unjust war, it is an Imperialistic war, and that therefore Indians should not join comes under this Bill ? Supposing a speech like that is made, is it intended that people in this country should not have the liberty to generally criticise

the objects of a particular war on which England is going to embark and generally ask people not to join ? I can understand dissuading a particular person from entering the force. But I cannot understand dissuading the public. The public do not enter the force. It is only individuals that enter. As a matter of drafting, this is very inartistic.

Then, Sir, I do not think the Exceptions give any real protection at all. My Honourable friend said that the Exceptions are real safeguards against indiscriminate prosecutions. I do not think so. Exception 1 says :

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" The provisions of clause (*a*) of this section do not extend to comments on or criticism of the policy of Government in connection with the military, naval or air forces, made in good faith without any intention of dissuading from enlistment ".

" without any intention of dissuading " — that is an impossibility. If the object of a particular speech is to criticise the policy of the Government and condemn a particular war, then that certainly would have the effect of dissuading from enlistment. (*An Honourable Member* : " The intention will be presumed ".) That is so. In criminal jurisprudence the burden of proof is on the prosecution, not on the accused. But here that has been reversed. The intention will of course be presumed. How can the accused disprove it ? How on earth a man can criticise the policy of the Government in connection with the military, naval or air forces and condemn mobilization in respect of an unrighteous war without at the same time at least by implication dissuading the people from enlistment, I cannot understand. Therefore, the Exception is wholly illusory and merely intended as an eye-wash. It is no protection whatsoever. You cannot really criticize the policy of the Government with regard to any war without the criticism having the effect of dissuading enlistment.

Exception 2 shows that the principal clause is intended to invade even the homes. If a father tells his son not to enter the army, then he comes evidently within the mischief of the clause, unless the Exception applies. The Exception says :

" The provisions of clause (*a*) of this section do not extend to the case in which advice is given in good faith for the benefit of the individual to whom it is given, or for the benefit of any member of his family or any of his dependents ".

If the father says to his son. " If you go to war, you will get sick ; or your wife will weep, don't make her miserable ", that kind of thing will be permissible. But if the father says, " My dear son, this is a very unrighteous war ; it is not in the interest of our people, you ought not to enlist ; you will, if you join, be helping an unjust cause, and you will be injuring the interests of this country ", then that certainly is within the mischief of this clause. Again, how is one to prove good faith ? The condition laid down in both the Exceptions is that the advice must be given in good faith. " Good faith " in legislation, is not the English equivalent of the Latin expression " *bona fide* ". " Good faith " is not defined anywhere. In the Indian Penal Code, " Want of good faith " is defined as want of due care and caution. Curiously enough there is only a negative definition. Therefore, in order to prove good faith,

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you have got to prove that you did not act without due care and caution. What is due care and caution in a matter like this I really cannot understand. This is the most extraordinary criminal statute which I have ever seen in my life. I have dealt with several criminal cases and I have defended many accused persons and have had to interpret the criminal law, not only the Indian Penal Code but also many other special Acts. But I have not come across an Act like this. The intention of this Bill is a peculiar one, the wording is peculiar and its operations are not confined to India, because dissuasion of recruitment to His Majesty's Forces anywhere in the world, is attracted by the wording of the preamble as well as the clauses of the Bill. Although this Bill is a small Bill of two clauses, sufficient thought has not been bestowed on it, and I cannot congratulate the Draftsman on the very wide and drastic scope he gave to it and the inartistic manner in which it has been drafted.

The Honourable the Defence Secretary said that these offences cannot be dealt with under the ordinary law. Dissuading a man from joining the army for an Imperialistic purpose is not expressly dealt with in the Indian Penal Code. I quite agree. But if it is not in the Indian Penal Code, it could not have been an oversight. The Indian Penal Code was enacted in this country long before the British had consolidated their power and almost before the echoes of the Indian Sepoy Mutiny of 1857 had died out. The Indian Penal Code was enacted in 1860. Not even three years had elapsed since the Mutiny. Therefore, the framers of the Indian Penal Code, which has got the reputation of a big Draconian Code, could not have overlooked an omission of this kind. It was really not an omission by oversight. It was presumably considered to be unjust, immoral, unrighteous and undemocratic to put any such provision into the Indian Penal Code even at that time. The right of the people of this country to ask their fellow-countrymen not to go into a war in which India was not interested was considered legitimate and so the framers of the Indian Penal Code—and Macaulay's name stands pre-eminent in that connection—must be considered to be better judges and better administrators than the present-day Englishmen who draft Bills like this. I give credit to the framers of the Penal Code for having omitted such a palpably obnoxious provision from the Penal Code, instead of accusing them for not creating an unheard of offence of this sort. They ought to be congratulated on not having stained their Penal Code with a wholly unjustifiable provision like this. I hope the Honourable Mr. Williams will not carry out his threat of putting this permanently on the Indian Penal Code. I feel that there is enough in the penal law of this country to deal with offences against the army, navy and air forces. Mutiny is already provided for in the Penal Code. The Government have spoilt their good record by reviving in 1938 what they had rightly repealed in 1935. They found that the special provision in regard to incitement to mutiny in the Criminal Law Amendment Act of 1932 were unnecessary and opposed to public opinion, and therefore they had omitted them in the 1935 Act. I think our former esteemed colleague, Sir Harry Haig, who is now His Excellency Sir Harry Haig, was Member-in-charge then and

and he judged public opinion more correctly than his successor of today. Therefore, he rightly omitted those provisions from the Criminal Law Amendment Act of 1932. To say now that it was a mistake at that time is to admit a thing which generally British administrators do not do. I do not think they ever admit that they made a mistake. I am surprised, therefore, to see that the Honourable Mr. Williams has today said that the omission in the 1935 Act was a mistake. That is rarely done by a British bureaucrat. But it suits him to say it today. The fact is they want it now for a certain purpose and in order to get it back they have to say that somebody in 1935 acting on their behalf made a mistake. There is no justification for reviving a power which was in the Act of 1932 and which was properly omitted from the 1935 Act.

Sir, I do not wish to detain the House any longer by going into the provisions of the Bill in greater detail. There are many more points which are objectionable in it. My friend said that many things which are irrelevant for the purpose of this Bill, like the Indianization of the army and the treatment of the Indian officers of the army were brought up in the other House and he appealed to us not to go into those matters. I would remind him that these matters are relevant for the way to encourage recruitment, the way to convince the people of this country that their interests are promoted by improving the personnel of the army, lies in Indianization and equal treatment of Indian officers. We want British troops and officers to be withdrawn at as early a date as possible. The leading members of the Progressive Party, who have specialized in army questions, have placed the Indian point of view very often before the Government. We do not want the British troops and British officers ; but so long as they are there, we want equal treatment for Indian officers and men. If the Government of India have such a scheme, it will help them in securing adequate recruitment of the right type of men to the army, better than a thousand Bills of this sort.

Before I conclude I will convey a warnnig to the Government. They want to see that recruitment in this country is not jeopardized by speeches. But I tell them that if under the provisions of this Act they put Indian leaders into jail, that will have a much more adverse effect on recruitment than any speeches which this Bill is intended to prevent. If for instance Pandit Jawahar Lal Nehru when he returns to India says that England is going to engage itself in an unrighteous war and that therefore the people of this country should not help her, and if he is prosecuted and put in jail, that will ruin the chances of adequate recruitment. Therefore, if they think that by this Bill they can improve recruitment, they are mistaken. Prosecutions will affect recruitment more adversely than the anti-recruitment speeches. Therefore, I hope that better sense will prevail and that the Government will instruct Provincial Administrations to let this Act lie sleeping, even if it is passed by this Council.

THE HONOURABLE SIR PHIROZE SETHNA (Bombay : Non-Muhammadan) : Mr. President, this Bill has come to this House from the other place with a small majority in favour of Government. Constituted as this House is we may take it for granted that Government will secure a far larger majority

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in this House. But I make bold to say that when this Bill is made an Act it will be condemned by far the larger proportion of the Indian public, even of that section of the Indian public which includes myself and which longs for the continuance of the British connection. At the same time I am of the opinion that in order to strike terror perhaps Government may have a few prosecutions in the beginning, but I have no doubt in my mind that before very long they will have to stay their hand ; for if they do not there will be such a furore and agitation in the country that the only salvation for Government will be to repeal this drastic Act.

Sir, the Honourable Mr. Williams told us that there were several meetings. In the other place the Defence Secretary said that there were 280. The Honourable Home Member also gave the number of persons who spoke and the number of meetings at which they spoke. Fortunately they have dropped that part of the Statement of Objects and Reasons altogether, for, as was pointed out in the other place, no mention can be made unless the speaches are actually produced. The Honourable Mr. Williams has appealed to you, Sir, here this morning that if you so desire he will place the specches before the Council—that is if I understood him aright. I do appeal to you, Sir, that you will ask him to put those specches before us, and also let us know the names of the speakers. For it may be that those men are school boys or college boys or irresponsible people.

Sir, the Honourable Mr. Pantulu has referred to the Resolution passed by the Congress in this connection in which they advise people not to engage in any wars in which India is not interested. Congress leaders, in season and out of season, advise both non-violence and on occasions non-co-operation. May I ask if those Congress leaders will be allowed to go scot-free on the ground that they are conscientious objectors ? I should like an answer from Government on that point because I venture to say that Government will not dare to send these men to jail, at any rate in large batches.

Why is it that Government have thought this to be a favourable opportunity for introducing an objectionable enactment of this nature.

THE HONOURABLE NAWABZADA KHURSHID ALI KHAN : Because it was necessary.

THE HONOURABLE SIR PHIROZE SETHNA : I hope that my Honourable friend will admit that they did not consider it necessary 24 years ago in 1914 ?

THE HONOURABLE NAWABZADA KHURSHID ALI KHAN : Because there was no anti-recruitment propaganda at that time.

THE HONOURABLE SIR PHIROZE SETHNA : Government have thought it necessary to introduce this legislation because, says my friend who interrupted, there is the necessity for it. But will my friend ask himself why has such necessity arisen today ? Are the public to blame or are Government to blame ? Twenty-four years have elapsed ; much has been promised within that

time and nothing, or very little, done. Can you therefore blame the Indian people if they deem it right in the interests of their own people to ask their people not to engage themselves in a war in which India is not directly interested ? The Government of Great Britain cannot impose such conditions on the Dominions. The Statute of Westminster permits the Dominions to adopt any line of action they choose in such matters, to join in a war or not as they please. Government take advantage of our inferior position and try to impose this legislation. They have got to thank themselves if in spite of this legislation the Indian public deem it right to tell the people what they think they ought to do. There will be many patriots who will be willing to go to jail and think that thereby they will be doing their duty in advising people not to fight England's battles outside India.

Now, Sir, another reason why I enquire is to know if there is any reason to suspect that recruitment is on the decline ? On the contrary, in the other place it was made manifestly clear that recruitment is not on the decline, but according to the figures given, there have been more recruits within the last 18 months than formerly. Why then all this anxiety ? Is it because Government do anticipate trouble, not in India but in other parts of the world, and for the sake of the British Empire they will want to send Indian soldiers again to fight their cause ? Why don't they say so plainly. That is at the root and bottom of this Bill. And do they tell us what will be the extra expenditure ? We know that in India 56 per cent. of the central revenues are spent for the military. If you take the provincial revenues together with the central revenues, we spend nearly 30 per cent. and that is ever so much more than what is done in other countries. In the United Kingdom the percentage is 15. I am of course giving the figures of three or four years back and not since the race for armaments began. In Germany the percentage is 15, in Italy 25, in France 18, Russia 19, United States 22, Japan 46—that is the largest, but they have been on a war basis for a number of years now—Australia 13, Canada 4 ; the figures for India I have already given. But you must remember that we spend very little here for reliefs, whereas in England 20 per cent. is spent for social relief such as unemployment, public health, maternity allowance, invalid and old age pension and other reliefs. Now, if we go on spending more, as is clearly indicated from the speeches made by the Government speaker here this morning and by Government representatives at the other place, if the strength of the Army in India is to be increased, and increased considerably, it will mean that the percentages which we are spending will be very considerably increased.

Now, Mr. President, what I would like to ask Government is this. Why have they not introduced the same legislation in Great Britain itself ? They have not thought it necessary to do so there. There the Common Law of the land is sufficient. Nowhere else in democratic countries is any legislation of this kind introduced. My friend Mr. Williams said that there are countries in which if a man dares to say anything against recruitment those will be the last words he would utter in this life. Will my Honourable friend Mr. Williams deny that that is only the case in totalitarian States and does he expect us——

THE HONOURABLE SIR JOHN NIXON (Finance Secretary): Left and right.

THE HONOURABLE MR. A. DEC. WILLIAMS: *All* kinds of totalitarian States.

THE HONOURABLE SIR PHIROZE SETHNA: Not democratic States. I want an answer to this question. Do you want India to follow totalitarian states or democratic States ?

Now, Sir, more than that. Pacifism is allowed in England. In Britain there is a Peace Pledge Union which not only preaches against enlistment in the army but takes a pledge that the member will not have anything to do with war. When England permits such activities there, why does she seek to penalize them here ? I hope my Honourable friend Mr. Williams when he replies will answer this question as well. Sir, if there was a great war at the moment and something was introduced as an emergency measure, I think Government would have had the unanimous support of this House ; but at present they cannot. I may be allowed to quote from a speech made by one of the Leaders of the Opposition in the other House where he gave reasons why Indians are perhaps behaving in the manner in which the Government of India find they are doing——

THE HONOURABLE THE PRESIDENT: Is this a speech delivered this session ?

THE HONOURABLE SIR PHIROZE SETHNA: Yes, Sir.

THE HONOURABLE THE PRESIDENT: Then I cannot allow it.

THE HONOURABLE SIR PHIROZE SETHNA: I think it is open to Members to read it——

THE HONOURABLE THE PRESIDENT: You can give the purport of it if you like.

THE HONOURABLE SIR PHIROZE SETHNA: He gave six very good reasons and pointed out that his arguments should be met firstly, by amending the Government of India Act and handing over Defence to a responsible minister ; secondly, by withdrawing British troops from this country—I do not agree with him there, I am perfectly frank and I want to point out where they are right and where I am prepared to back them up ; they are certainly wrong in this and Government were certainly wrong in not trying to meet Indian aspirations in the matter of Defence when the question was brought up recently by my Honourable friend. Look at the treatment that Government gave him. This clearly shows which way the wind blows. Your argument is: "Heads I win ; tails you lose." We Indians cannot have anything. That is at the bottom of it all and that is the reason for the difference between the mentality of Indians in 1938 as compared with the mentality of Indians in 1914 and which Government ignore.

THE HONOURABLE SIR A. P. PATRO: Those six points were answered by Government——

THE HONOURABLE SIR PHIROZE SETHNA: You might answer me when you rise.

Thirdly, by frankly and honestly accepting a scheme of Indianization; fourthly, by treating Indian officers well and encouraging them; fifthly, by abolishing the 8-units scheme and making the British and Indian officers equals; and lastly, by making it clear to His Majesty's Government that India will not take part in any war against the interests or the will of India.

Now, Mr. President, I do not think I will keep the House longer. I have explained the attitude of the British towards Indian aspirations. I had occasion just two months ago to address what is known as the Indian Group of the Overseas League in London. I explained to them by a story the attitude of the British towards Indians, and as that story will bear repetition, I will, with your permission, give it to the House here. A man called on his friend and his wife. The couple were not at home. He asked for permission to leave a note. The maid took him to the office room which was beautifully decorated and there was an excellent carpet on the floor. The man sat down to write, but accidentally upset the inkstand, with the result that there was a large black stain on the carpet. He was ashamed of himself and he vowed to himself that he would give a sovereign as a gift to the maid or any other servant if they could remove the stain. The maid said, " I will do what I can ". She brought a bottle in which there was some liquid. She rubbed the stain for a few minutes and the black stain was converted into a grey one. When he saw it was grey he thought to himself, " Why should I give one sovereign ; ten bob will do just as well ". The maid said I have got another liquid which might remove the stain altogether and convert it from grey into the state in which the carpet was before. In this she succeeded and the stain was removed. He left the house and all the tip he gave to the maid was a six-penny bit. That, Mr. President, has been the attitude of the British here for years together. As soon as they see dangers and difficulties ahead they not only make promises but they indicate in unmistakable terms that they will raise the political position of Indians. Have they done so ? The moment they find that things are settling down again they conveniently forget the past. Sir, the time has come when Indians will not agree to such methods. It is therefore in the interests of the British themselves, not to come forward with a repressive measure like this but to meet Indians in a manner that will reconcile them to the British, so that the estrangement which is widening every day will disappear and Indians and British will work hand in hand to their mutual advantage. (Applause.)

THE HONOURABLE SIR A. P. PATRO (Nominated Non-Official): Sir, I fear I cannot play the role of a prophet ; perhaps it is the privilege of age to be prophetic, nor can I play the role of a party politician in a measure like this. All that I would say is that this measure is a very simple one consisting of two sections and this measure appeals not so much, as I said, to the loyalty of people but appeals to the common sense and patriotism of Indians to strengthen Indian's defence force. That is the real issue in this Bill. That is the real essence of this Bill and many matters extraneous to it have been introduced, specially party politics which should be kept away from the army and defence problems. The great vehemence with which the Honourable Member who has just sat down has spoken indicates the feeling no doubt in the country that there is dissatisfaction over certain things not being done and not being

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carried out according to public opinion. There is no doubt great justification for it but is this the occasion when such feelings should be exhibited ? The Honourable the Mover in a brief speech summarized the reasons for introducing this Bill. On the other hand, much extraneous matter has been introduced in the discussion of the Bill and much party politics have been brought in by the Opposition, which should be avoided in discussing military problems. My own view is, Sir, that we should keep the Army clear of party politics. I realize that India at present has not got the same status as the Dominions for which we are pleading for and I am sure in course of time, if things develop along reasonable lines, we are sure to attain Dominions status. But no useful purpose will be served by getting impatient and by indulging in invectives against the British Government. In another place it was said : " Down with the British Empire ". If the British Empire is down and if the British go out of India today, what will be the consequence ? As a friend has described the other day it will be a zoo and a zoo in which all the animals will roam at large without guidance or control and destroy each other. This may be an exaggeration, but the fact remains that if the British Empire goes down, another Empire may come and take its place, and an Empire which has no regard for democracy, for freedom of speech and personal rights. Such an Empire may aspire for power. It may be perhaps satisfactory to those who now shout : " Away with the British and down with the British Empire ". They do not consider what the consequences will be if the British Empire disappears today. This is the real mistake in advocating such extreme measures without looking into the consequences. Here there may be a few intellectuals, a few educated people. But what will be the condition of the masses, undefended, unprotected, uncared for, in the country ? That is the point which I wish the Honourable Members of this House would consider in discussing the defence problem. It has been said, " Oh, it is very easy to have an army of our own, and to have Indianization ". I am one of those who have been pleading for Indianization, but I do say that the training to become a politician is very different from that of being a military captain, major or a general. The other day, after the elections, young men, youths raw and fresh from college were put into the Ministries to administer important departments of State for the reason they went to prison. That is political training. In the case of a Ministry you can entrust the management to persons with some years' training and experience. But no one could be entrusted with the command of a battalion or a brigade unless he has had 25 or 30 years' training and experience. A general would require at least 30 to 35 years' experience and knowledge. Therefore, there is this difference between the politician of the day and the soldier who has to control and guide the defence of the country. If we forget this difference, then the whole problem becomes impossible of solution. (*An Honourable Member* : " How many years old was Napoleon when he commanded an army " ?)

Then, what happened the other day ? It was declared in the other House by the esteemed Leader of the Party that those who support this Resolution make themselves fools. He further said that those who voted for this Bill would be selling away the freedom and liberty of the country. Sir, it is quite

unworthy of the eminent Leader of the Opposition to have made this declaration. I am very sorry that he did so. He forgets in the discussion of party politics, in the enthusiasm of advocating his party's politics, the other side of the question. What happened when in April, 1937, the All-India Congress Party solemnly resolved that they should wreck this Act of 1935, that they would not touch it with a pair of tongs! The solemn resolution of the Working Committee was that the whole thing should be thrown into the dustbin. They would not work it; they would wreck it. The All-India Congress Committee most solemnly declared on the faith of those people in nationalism, on the faith of their people in the destiny of the country, that this was their resolve. What do we find today? The sweets of office are too much for them. They are working the constitution. They are working it, and working it with a vengeance. It is not for me to go into the details of the very many purposes for which they are using this power. But what I do say is this, that Honourable Members forget themselves when they say that this Bill would deprive the country of their liberty and freedom of speech. What Congressmen are doing at present in the provinces must be noted. They are riding rough shod over the rights and liberties of the public, the non-Congress people.

THE HONOURABLE MR. RAMADAS PANTULU: Two wrongs do not make one right.

THE HONOURABLE THE PRESIDENT: You spoke for an hour, Mr. Pantulu, and it is not fair that you should interrupt other Honourable Members. Will you please go on and not take notice of any interruptions?

THE HONOURABLE SIR A. P. PATRO: I don't care for these interruptions, Sir. They do not merit any attention. But what I do say is, here is the position, namely, that these people who solemnly declared that only a constitution framed by a Constituent Assembly convened by themselves would be acceptable to them—no more and no less—are thoroughly belying themselves. That was the solemn promise they made to the country. That was the card they placed before the country—that they would wreck the constitution. Now, what is it they are doing? They are working the constitution. Therefore, Sir, it does not lie with these gentlemen to say that anyone who supports this Bill is betraying the interests of the country, is betraying liberty. They have themselves been betraying the liberties of the people. The trust which the electorate placed in them to wreck the constitution, what has become of that trust? Sir, this is hypocrisy—nothing short of hypocrisy and selfishness.

Sir, as I said, let us look at the facts as to why this Bill has been introduced at this stage. The Honourable Sir Phiroze Sethna said: "Why should they take this occasion for bringing in this Bill?" I give him the reason. The reason, Sir, why this Bill is introduced, in addition to the information which the Honourable Mover of the Bill has furnished, is that there are other facts which will go to show that the position in certain provinces is such that if preventive measures are not taken, it may grow into a very dangerous state of affairs. It is with a view to prevent and anticipate the results that would accrue from

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the mischievous activities of a set of people that this Bill is being introduced. When did these activities begin ? That must be remembered. They began in April, 1937. I draw the attention of the Honourable Member who spoke before me that it is very pertinent to note when these activities began. They began in April, 1937, after the general elections in this country under the Provincial Governments. That is the important point to remember. They began in April, 1937, and they were going on without any check or hindrance. That is the weakness of the Government of India. They wake up always too late when the danger is too much to control. They have never been on the alert. I may not be a prophet but from what I know of my people I am sure that if the Government of India do not take steps immediately they will have cause to regret later on.

It was said that the Government rely upon C. I. D. reports. The Honourable the Leader of the Progressive Party intervened and said, " Oh ! C. I. D. reports ". You do not know how the C. I. D. reports are operated upon by the Provincial Governments, responsible Governments, people's Governments, by the Governments who claim to represent you and me and the masses. One of them, the champion of liberty, the champion of freedom, has been utilizing these C. I. D. reports in order to crush the non-Congress people. Are you not satisfied that these C. I. D. reports are being utilized in Southern India ? As the Government Minister has said, they are the two eyes and the hands of the Government. In the face of such a statement of the Prime Minister, you dare say that C. I. D. reports are invaluable, concocted, useless, and cannot be relied upon ? If you become a Minister of a province tomorrow, what else would you have for guidance as to things that are going on in the country ? Responsibility brings on that kind of moderation which is necessary for carrying on the administration. No use sitting on these benches and saying that it is a C. I. D. report. The C. I. D. is a very valuable asset in this country. From experience I say that but for the C. I. D. reports, many things would have escaped the notice of Government and the troubles would have been very serious. They are nipped in the bud on information received from the C. I. D. If Government have received reports from the C. I. D. that meetings have been held and speeches made to incite people not to recruit or after entering to rebel and mutiny against the Government, is it wrong, is it a crime that Government should make use of that information ? What are the reports on which the non-officials who have been so vehement and so vituperative in the other House, have been acting ? Is their information more reliable and truthful ? There must be one standard of judgment for both. Please therefore do not run away with the idea that C. I. D. reports cannot be relied upon. There may be mistakes, there may be something wrong here and there, but generally you cannot do without proper investigation by a responsible set of officials, who should convey that information to the Government for necessary action. It is absolutely wrong to say that the C. I. D. reports cannot be relied upon.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: That may be your opinion.

THE HONOURABLE SIR A. P. PATRO: I will direct the attention of the House to a very important piece of evidence in addition to what the Honourable Mr. Williams has said. I refer to the *Congress Bulletin*. The Congress runs a parallel Government. "The Secretary for Foreign Affairs" of the All-India Congress Committee writes to say "that blockade of recruitment and killing recruitment is the aim of the Congress, that they have been doing it peacefully for the last so many months, and the time has now come that they must kill it". I would ask Honourable Members to refer to the *Congress Bulletin*. Referring to this Bill the "Secretary for Foreign Affairs of the All-India Congress Committee" said as follows. "The motive for legislation is said to be two reasons, our peace movement (that is, the anti-recruitment movement) the anti-recruitment movement is a peace movement, because it asks the people to be peaceful and not go into the army and fight. The anti-recruitment movement has been very effective and has struck cold terror into the heart of Britain. The world has come to the brink of a universal war. It has come near to our country for illegalization of the peace campaign (anti-recruitment propaganda)". These are the words used by the Secretary for Foreign Affairs of the All-India Congress Committee, writing in the *Congress Bulletin*. He says further:—"It is no longer the desire, the question of Indianization——

THE HONOURABLE MR. P. N. SAPRU: On a point of order, Sir. Can a Member quote from a newspaper?

THE HONOURABLE THE PRESIDENT: He is not quoting from a newspaper.

THE HONOURABLE MR. P. N. SAPRU: He is quoting from a Bulletin.

THE HONOURABLE THE PRESIDENT: It is not a newspaper.

THE HONOURABLE SIR A. P. PATRO: This is a Bulletin issued by what you call a responsible body, a very important political body, a body which has a monopoly of patriotism, and no other people have got any patriotism but the Progressive Party or the Congress people are the embodiment of patriotism! It is this embodiment of patriotism and freedom which is speaking. "It is already a question of blockading this army from all possible reinforcement of man power and rendering it useless to British war purposes". That is the clear position enunciated by a responsible Secretary of the All-India Congress Committee. He further says:—"Our attempts at anti-recruitment have been successful. They have struck terror into the hearts of Britain and the time has now come when you must blockade all recruitment". He says: "You must render the army thoroughly useless for purposes of defence". What further evidence is required to convince this House or any reasonable person of the necessity for this Bill?

Critics have further said that the Bill seeks to create a new offence. I am afraid there is again a great misunderstanding. It was cleared to some extent in the speech of the Honourable Mover who said that punishment for anti-recruitment propaganda is not a new one. It is to be found in the Act of 1932. The Government of India, in a very hasty way, in revising the Act of 1932, thought that all terrorism had ceased and they could therefore delete

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this provision in 1935. Soon afterwards they found out their mistake in 1937, and hence this Bill. It is not a new offence. Apart from the legal question, I do say that this is not a new offence. It is an old thing that has been revised and revived and they have corrected the mistake they made in 1935. So, there is no new offence created nor any new act done.

Then, further it is argued that the Bill involves serious infraction of civil liberty. I would like to know what those who say that it is an infraction of civil liberty mean by that expression; what does that party or section or who want to safeguard the liberties of the people mean by that ? See what is happening in the country today in the way of protection of civil liberty. In our part of the country the leader of the Government is a clever man, and Government is in high favour with the Britishers. The Europeans and the Madras Government embrace each other in admiration; they fall on each other's necks and sing: "What a good Government it is"! And there, Sir, the Government is mercilessly and ruthlessly committing infractions of civil rights and liberties of the people, all those who oppose the introduction of Hindi in the province. Hindi is being sought to be compulsorily imposed upon the people under a fiat issued by the Government, an executive order, not a legislative enactment. There is agitation against it. And what do the agitators do ? They sing songs and speak against it. And for this offence, according to the Government, there is no provision in the Penal Code or in any other enactment to deal with it. There is nothing but the Criminal Law Amendment Act. It is really very comic, Sir. The Criminal Law Amendment Act is even now being sought to be repealed by another champion, a Member in the other House, who spoke for four hours with such vehemence that he broke down. He is advocating the repeal of the Criminal Law Amendment Act in the Legislative Assembly, and here these other champions of civil liberty are merrily proceeding with the application of that same Act against innocent people who are picketing and singing songs, and each one of them, 180 people, have been sentenced to six months and one year's rigorous imprisonment. That, Sir, is not infraction of civil liberty. (*An Honourable Member*: "No.") No, my friend says. Either he has no sense or he is irresponsible!

THE HONOURABLE THE PRESIDENT: You must not use that expression, "no sense".

THE HONOURABLE SIR A. P. PATRO: I am sorry for using anything like that. The Criminal Law Amendment Act in South India today is being applied ruthlessly by the Congress Ministry, and at this end of the world an appeal is being made for the repeal of that law with vehemence. That, Sir, is infraction of civil liberty. But where is the reason for saying that this piece of legislation to prevent a crime is infraction of civil liberties ? It is nothing short of hypocrisy to say that this is an infraction of civil rights. Has the Indian National Congress or its Working Committee raised its little finger in protest against what is going on in South India ? No, Sir. The Leader takes a convenient rest, and at the psychological moment he embarks on an indefinite silence, when he should be doing something to suppress this abuse

of power. Indefinitely he rests, and nothing is done. That is where infraction of civil liberty is taking place.

Further, it is said, not only is this Bill an infraction of civil rights, but the little influence we possess at present will be taken away so far as army matters are concerned. I need hardly say that this again does not stand to reason. What does the Bill intend ? It is directed only against those who wilfully dissuade people in such speeches as have been referred to. It is not directed against the honest man who expresses an opinion. Such a person is protected. It is only intended to stop wilful dissuasion for the purpose of destroying the army. The exceptions are very clear. They give protection to those people who really on grounds of conscientious objection make statements like those mentioned in clauses (*a*) and (*b*).

Now, Sir, what is likely to be the effect of the agitation which it is sought to suppress ? The effect will be a deterioration of the army. Tomorrow we expect that we will have independence. We are asking every day for Indianization of the Army. Therefore it stands to reason that the depletion and deterioration of the army is suicidal.

It was said that the army would be used against countries with whom we have no quarrel. We do not support the British Empire. But what are we aiming at ? We want to have an equal status with the other Dominions in that Empire. At present our position is anomalous and undetermined. We have the symbols of Dominion status but not the essentials. It is necessary that the British Government should see that constitutionally India takes her proper place in the Commonwealth of Nations. That is no doubt a matter which does not come under this Bill, but I would say this that a great deal of unrest in the country would be allayed if only the British would place India in her proper position among the other Dominions. That is very necessary. And if such a position is realized what are its implications ? Even if we are weak militarily we will have the collective protection of all the States of the Empire. All the members of the Empire collectively support every other member thereof. That is the tradition and covenant under which the British Empire is working. This is a very great asset. I would draw the attention of Honourable Members to what His Majesty has said in connection with this matter.

THE HONOURABLE MR. P. N. SAPRU : On a point of order, Sir. Is it proper for the Honourable Member to introduce His Majesty's name into discussions in this House ?

THE HONOURABLE THE PRESIDENT : He is referring to a speech of His Majesty.

THE HONOURABLE SIR A. P. PATRO : The Honourable Member in his excitement forgets and becomes very unreasonable ! I would ask him to be a little more calm and recollect what the Leader of the Congress Group has said. He began his speech with loyalty and ended it in quite a different manner. Therefore, he can very easily see that I am not introducing that subject. This Bill is an appeal to the patriotism and common sense of the country. I have not appealed to loyalty. My Honourable friend will realize that he is rather too hasty.

[Sir A. P. Patro.]

1 P.M.

Collective protection and partnership are the two elements in the Empire, which will help India whenever there is danger to India's peace and defence. If we do not have association and close collaboration with the British Empire, India is bound to go down. On the other hand, my Honourable friend said that the Empire would go down, but I would say India would go down much sooner than the Empire. What is the mission of Great Britain today? Do you not realize, Sir, that the mission of Great Britain has been carrying peace throughout the world. Some think and express that she has become weak and timid and not able to meet danger and difficulty, that the old Great Britain has gone, the lion has become weak and feeble. That has been the trend of speeches elsewhere. It is not that, it is due to diplomacy. She does not want to provoke war at a stage where it will bring danger to the whole world; it is maintaining peace in the world. Her peace mission in regard to Italy is well known. Peace is the policy of Great Britain. If today she is not active and aggressive in war affairs, it is assumed deliberately. What will happen if today other nations come to India? My friend has been talking of democracy. Democracy and personal liberty will not be there. What are the countries which are likely to be aggressive and come to India? You know what those countries are, they are no respectors of democracy. Therefore, the one nation which is an advocate of democracy is Great Britain and are you going to quarrel with her? Are you going to be the enemy of Great Britain? It is suicidal for you to do so. In matters of security, as I said, being in association with the Empire is safe for India. What is the position of India today? Have you any navy or air force? Without the Royal Navy and the Royal Air Force, where are you? You are completely dependent upon Great Britain. Therefore, either under the principle of partnership which has been emphasized in the Instrument of Instructions by His Majesty or under the collective security principle in the Commonwealth of Nations India receives all the benefits and all the security that we can expect. To my mind the real opposition is not so much to encourage the disruptive activities of a section of the people against recruitment, but they want to have what is called non-violent national militia, to substitute for the fighting army a non-violent militia. That seems to be the aim. They are going to discuss it at the All-India Congress Committee meeting. A scheme has been formulated. It is compulsory on every Congress province to raise a non-violent militia which will co-operate with the existing police; but this militia would dress in khaddar and khaddar cap; and it is expected that as soon as these soldiers of the national army stand before combatants their very sight would charm them, magnetize the combatants and peace will automatically be restored. I am not imagining, but I am referring to statements made in a paper called *The National Call*, a Congress paper. *The National Call* says a scheme for a——

THE HONOURABLE THE PRESIDENT: Order, order. Please do not read it; you may give the substance of it.

THE HONOURABLE SIR A. P. PATRO: Sir, I am giving the substance of it from my notes.

The new national militia will be obligatory on the part of Congress Government and will work in harmonious co-operation with the existing police force. The new army will be dressed in khaddar and cap and their very sight will inspire some confidence in the minds of the people. If violence starts the militia man will be prepared to stand between fighters and risk his life and they will spread peace and stop spreading violence. This national militia is to defend us internally and they will strike the whole world with the mission of peace. This sort of militia is going to be compulsorily imposed in all the provinces and is going to be seriously considered by the All-India Congress Committee. Therefore, opposition against recruitment is not so much with a view to destroy the army but to create a parallel Government. They believe honestly I suppose that there is a parallel Government existing today and also a parallel army called the national militia. Therefore, it is impossible to convince such people by any argument that this Bill is absolutely necessary. I will conclude by saying that while there are exceptions to this Bill which protect *bona fide* speakers and *bona fide* writers there is no danger to any one from the provisions of this Bill.

I do not want to enter into the legal argument which the Honourable the Leader of the Congress Group has raised. The Honourable the Law Member in the other House has very clearly expounded the whole position and said that item 1 and item 40 of Schedule I are sufficient to establish the case for the Government, and in spite of the elaborate argument of the Leader of the Opposition it was not possible for him to dislodge what has been said by the Law Member in the other House. After all, whatever may be the opinions of party politicians here, look at what the other countries are thinking of Great Britain now. At no time has the prestige of Britain risen so high as it is today and the opinion—whatever may be your opinion—of a responsible minister, one who was in charge of the foreign affairs of the Turkish Government is that today British prestige is the highest among the nations and he further said, " No matter what happens, never will they be found in a camp opposing Britain ". As you remember they were in the opposite camp and friendly with Germany during the Great War. Now Turkey thinks that she will never stand in opposition to Great Britain ; and the Minister further said that their friendship with Britain is one of confidence and solidarity. Britain may lose a battle, but will never lose a war. That is the view of an experienced patriot, soldier and statesman of Turkey, and what is our view here without any experience or knowledge of army and defence matters ? The Bill was brought in not a moment late but in time and it is necessary that in the interests of our defence this Bill should be passed.

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

The Council re-assembled after Lunch at Half Past Two of the Clock, the Honourable the President in the chair.

THE HONOURABLE THE PRESIDENT : The debate will now be resumed on the Criminal Law Amendment Bill.

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern : Non-Muhammadan) : Perhaps, Sir, you will allow me to explain my point of view

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in regard to the Bill which has been introduced by the Honourable Mr. Williams. I shall state at once the conclusion that I have arrived at in regard to the question of our attitude towards the Bill. That conclusion is that we ought not to support the Bill, that we ought not to share the responsibility with the executive Government for this measure and that indeed our vote should be against this Bill. I have listened carefully to the speech of the Honourable Mr. Williams and I must confess that the arguments in support of the Bill have struck me as particularly weak. This Bill would introduce a new offence into our criminal jurisprudence. It would make it penal for anyone to wilfully dissuade or attempt to dissuade the public or any person from entering any defence force. The proviso " with intent to affect adversely the recruitment of persons, etc. ", makes no substantial difference so far as the offence contemplated by the Bill is concerned. A casual remark by a speaker that people ought not to participate in the wars of the British Empire or that they ought not to participate in any unholy wars of the British Empire would still come within the mischief of the Bill.

THE HONOURABLE THE PRESIDENT: What is the definition of " unholy " ?

THE HONOURABLE MR. P. N. SAPRU: Well, Sir, the definition of "unholy" is an individual one. You may look upon a particular war as holy and I may look upon that particular war as unholy. The Germans looked upon the war of 1914 as a holy war, as a war which they were waging for their national existence. The democratic world did not look upon that war as a holy war. The question of the proper relation between the individual and the social organization is one of the most difficult questions of all political philosophy and I belong myself to a school of thought which would restrict the activities of the individual in certain spheres and preserve the liberty of the individual in certain other basic spheres. (Hear, hear.)

Sir, the burden of proving intent would still be upon the prosecution. We have to remember the legal maxim *res lopsiquitur*. And the court would find it difficult to hold that a remark of the character I have referred to is not covered by the clause I have just referred to. I think, Sir, in a free society it ought to be permissible for an individual to express his opinions about vital questions freely. Whether a man should join the army or not is a question which ought to be allowed to be debated in a free atmosphere in a free democracy. That is the difference between a totalitarian State and a democratic State—free expression of opinion. The two clauses of section 2 would make it an offence to instigate mutiny or insubordination in anyone who joins the army, navy or air forces of the country. Now, Sir, so far as this section is concerned, you have provisions in regard to mutiny and insubordination on the part of anyone serving in the army under the present Indian Penal Code. I am referring to the sections in Chapter 7 of the Indian Penal Code. And I therefore fail to see the justification for this clause. As far as I can see, this clause is unnecessary. As the clause is worded, it would always enable a soldier charged with mutiny or a recruit charged with insubordination or

mutiny to plead that he did what he did because he was incited by some other person to do what he did. A casual remark in which the speaker says that people ought not to fight and that if they refused to fight they would help the cause of world peace would, I apprehend, come under the mischief of these two clauses. The clauses, therefore, are, I think, very widely worded and I agree with the Honourable Mr. Pantulu in the detailed criticism which he has made in regard to the drafting of these clauses. The executive Government, Sir, has come to us with the proposal that we should create a new offence. Now, what is the position ? Up till 1932 this section was not to be found in our criminal jurisprudence. In 1932 we had the Criminal Law Amendment Act which was a temporary measure and in that Criminal Law Amendment Act we had a section corresponding with section 2 (*a*) in the present Bill. Now, Sir, that clause was repealed in 1935 and it must be assumed that that act of repeal was a deliberate act of repeal. It is therefore for the executive Government, which wants to create a new offence, to show that a change of law is necessary in the supreme interests of the State. Admittedly, the Bill would place certain restrictions on the right of public speech because it is speech and not any *overt* act that is penalized by this Bill and for those of us who believe in freedom of speech it is necessary to consider whether any case has been made out for such restrictions being placed upon the liberty of the individual to propagate views he may believe in. I would like again to emphasize that it is speech or writing which is punished by the Bill and not any overt act, and therefore I would say that a measure which restricts freedom of speech can be justified, if at all, on the ground of emergency and absolute necessity, and that too only for a temporary period in the supreme interests of the safety of the community. I have said, Sir, that a man in a free State ought to be allowed to say that an army career is not good for men, that all that Imperialism stands for can best be fought by refusal on the part of the subject citizen to offer himself for service in the army. Any other view would lead to the position that you must have conscription and that a State has a right to conscript men. I think, Sir, a man ought to be allowed to preach the pacifist doctrine and I am not quite sure whether the pacifist is protected by this Bill ? I have a very great deal of sympathy with the pacifist point of view myself. I used to be an extreme pacifist, but I have had to revise that extreme pacifist creed in the light of modern developments, in the light of developments in Europe.

THE HONOURABLE SIR DAVID DEVADOSS : " You will be a militarist "?

THE HONOURABLE MR. P. N. SAPRU : I will never be a militarist. I do not think I have got the militarist constitution of mind. I think a man ought to be allowed to say that armies and navies should be abolished. I would go further and I would even allow a man to say that the State should be abolished. It may look to you a very extreme doctrine, but democracy allows free discussion of these vital problems. That is the difference between democracy and fascism. If you are not prepared to face this position then I say that you do not believe in democracy. You may look upon a man who says this sort of thing as a crank. But, in a society which permits free competition of ideas, this sort of propaganda will not succeed if there is counter propaganda on the other side. Democracy is our goal in India. I am neither a believer

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in Congress Fascism or Hitlerian Nazism. I am for pure, undiluted, social and liberal democracy. Democracy rests on the assumption that the average man has intelligence and common sense to arrive at a right conclusion. Even during the late war, Mr. Ramsay Macdonald, who later became the Prime Minister of a predominantly Tory Government, who became a sort of hero with the Tories, was allowed to carry on his pacifist propaganda during the war. He refused to address recruiting meetings. You will find a reference to his attitude in Viscount Snowdon's Autobiography. Viscount Snowdon, again, who became temporarily with the Tories a great national figure, was allowed to preach his pacifist doctrine during the Great War of 1914. Another great luminary of the present Government, who was at one time a Liberal, and who yet calls himself a Liberal—though I do not know whether you can call him a Liberal—Sir John Simon, was allowed to oppose conscription and had to resign on that issue of conscription from the Cabinet. There are many thoughtful men, Sir, who say that Imperialism is wrong, that war is wrong, that the present fabric of society is wrong, and people can best help in the solution of present-day world problems if they will stand by their ideals and refuse to fight. You have the Oxford Union—no doubt a Union of Under Graduates, but these Under Graduates become later Prime Ministers of England—passing a resolution advising people not to fight for their King and country. If a similar resolution had been passed in a debating society in our country, with this Bill in operation, all the members of that society would have been sentenced to a year's imprisonment. The Trade Union Congress,—I was just reading the other day a reference about this in the newspapers,—has threatened a general strike if British foreign policy is not changed. Why have the activities of these groups and individuals not been checked in England? Why is it that propaganda of this character makes no appeal to the hearts or the imagination and the reason of the Britisher? The reason for that is that Englishmen have not only a national State, but a vast Empire to defend and live for, and the average man in England feels that he cannot afford to take this extreme line as it may destroy the very foundations of the Empire and the State in which he believes. Here you have done unfortunately little in the past to encourage a proper mentality towards questions of Defence. Government has done everything which it humanly could to make the average Indian feel that the army forces in this country exist not for defending the country but for maintaining an imposed Government responsible to the people of another country. The right solution, if you wish to stop all irresponsible talk, if you wish to develop a sense of responsibility in the Indian, if you wish to develop the right psychology in the Indian, is to make people more responsible for the defence of their country, and if you were to take any such step, I am sure you will not need any Recruitment Bills. The right solution is to give people the freedom they crave for, the Dominion status which has enabled General Hertzog to become an enthusiastic supporter of the British connection. If you were to take any such big step towards making India responsible, you would not need any special legislation to deal with irresponsible people who indulge in irresponsible and even at times mischievous propaganda. The common sense of the people would assert itself.

Now, Sir, coming to another point. What is the case for the measure as put forward by the Defence Secretary ? It was admitted that recruitment to the present army has not been affected. Admittedly, on your own showing, the people have shown that they have common sense enough not to be influenced by the sort of propaganda that you allege is being carried on in the Punjab. We have not the Despatch of the Punjab Government before us. We have not the speeches which these gentlemen have made before us and I refuse to look into extracts. I know, Sir, how mischievous sometimes newspaper reports can be, how wrong and misleading they can be. I had an experience of it the other day. I found the Associated Press saying that I had asked for control over military strategy also. I had said just the contrary thing. Well, now, if your competent reporters can make such a mistake—I do not know whether those C. I. D. reporters are more competent than the Associated Press reporters—what shall we say about the reporters upon whom you rely. I could understand your coming to this House and asking for legislation if this agitation was having effect upon the classes from which you ordinarily recruit. But that is not your case. Your case is that you apprehend that if at some time it becomes necessary for you to expand your army you will not be able to get a sufficient number of recruits. In other words, you are not sure of your ground because in your subconscious mind, in your heart of hearts, you feel that you have not in the past followed a wise policy in this country. Would it not be better then for you to take stock of the present situation and to review your policy in regard to Defence and to see whether a reversal of that policy will not have a more salutary effect upon the public mind. Why can't you improve conditions of service as they have done in England for the army man and lessen the difference between the pay of the British soldier and the Indian soldier ? You say that it may be necessary for you in a moment to expand your army and that you want to anticipate a situation which may arise if the British Empire gets involved in a war.

Now, Sir, our view has all along been, and I state it for all that it is worth, that the Army in India should be an army exclusively, solely and entirely for the defence of India. Our Group has frankly accepted the British connection, and when we speak of Dominion status we speak with no mental reservations. But our loyalty to the British connection can be no greater and no less than the loyalty of your own kith and kin, than the loyalty of the Dominions. We stand for Indian freedom and not the substitution of Italian and Japanese Fascism for British Imperialism. Whatever our quarrels with British Imperialism, we know that there are worse Imperialisms in the world today, and I would say that my sympathies are unreservedly with countries which are for democracy and my sympathies are not with the totalitarian Fascist States. No Liberal, no Radical, no Socialist, no Communist—I go even as far as that—if he is true to his creed can have any sympathy with the totalitarian Fascist States and all that they stand for. We can never wish success to the enemies and the enemies are the Fascist States. But we claim for ourselves the right which the Dominions claim and enjoy, namely, the right to determine for ourselves the extent, if any, to which we support you in any war you may find yourselves involved in. I would be untrue to my convictions if I were not to express my dissatisfaction with the weak and vacillating foreign policy which

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Britain has followed during the last six or seven years. You started with the Treaty of Versailles, which was not the clean peace for which the Allies had fought. You did little to revise that treaty and to help the forces of Liberal and Social Democracy in Germany. You were not prepared to stand by the principle of collective security, by the rule of law when Japan swallowed Manchukuo. Your policy towards Italy during the Abyssinian war was weak, and you have now entered into a pact with a country which we intensely dislike. I intensely dislike the so-called non-intervention policy in Spain, a policy which has handicapped the legitimate Government of Spain. You are trying to be friends with countries which are oppressing Jews, which are relying on force for the establishment of international disputes. You are trying to be friends with countries who glorify war and all that war means and involves. You have recognized the conquest of Abyssinia after applying sanctions against Italy. Can it be honestly said that the prestige of England stands higher in the world today than it used to do in the days of Gladstone and Salisbury ? My Honourable friend Sir A. P. Patro said that the prestige of England stands higher than it ever did before. I wish it did. I think it does not. The Government of Mr. Neville Chamberlain has done everything it humanly could to lower that prestige.

Now, Sir, I have indicated that my sympathies are with the Democratic Powers and my ideology will determine my attitude towards any war. My allegiance to my ideology is greater than my allegiance even to my country. Now, Sir, I have no word to say in favour of those who are not *bona fide* pacifists and who are encouraging mutiny and disloyalty in the army. They are doing their country no good and we cannot too severely condemn their activities. But I will say this that if your policy had been more idealistic, if your policy had been more consistent, if your policy had been more democratic, you would have had larger support not only in India but in the United States of America also. I know you will be eventually, with all the vacillations that are to be found in your policy, bound to be on the right side, and speaking for myself and for the Group which we represent here, I say I do not wish to see the British Commonwealth destroyed. There are many chapters in the relations between England and India that I would like to forget. I always look to the future for my inspiration. I do not look to the past, I do not look even to the present for my inspiration. I wish this Commonwealth to develop into a real commonwealth of free nations working for peace, stability and economic justice in the modern world. But your policy has been different, and what has been your attitude towards us particularly in regard to questions of defence ? It is after all foreign policy that determines defence policy, and we have no voice in the determination of our foreign policy. You will not consult us in regard to defence and foreign policies. You will consult Mr. Lyons, General Hertzog, and Mr. Mackenzie King, and even I think Mr. deValera ; but you will not consult a subordinate branch of His Majesty's Government ; and you will turn down the most moderate and the most modest of our demands so far as the army is concerned. Surely this is not the way for securing greater co-operation between England and India ? I deeply deplore

this policy of yours, for our Group stands for strengthening the bonds that unite England and India and our interests require that we should have not violent upheavals but ordered transition towards freedom. I feel grieved at the shortsightedness you have shown. A gesture is necessary on your part and I will plead for it with all the earnestness at my command.

3 P.M. I come now, Sir, to a more vital reason why we must not support this Bill. That reason is your recruitment policy in the past. I have not looked up the figures—I am not very good at figures and I do not bother about them very much—but the present strength of your Indian Army is in the neighbourhood of 145,000 and you recruit nearly 90,000 men from the Punjab. Now, Sir, the present recruitment policy is absolutely unfair to the other provinces of India. Why should other provinces, why should Bengal and Bihar, contribute towards central revenues——

THE HONOURABLE SIR RAMUNNI MENON: What about Madras?

THE HONOURABLE MR. P. N. SAPRU: I forgot Madras and I am glad that my Honourable friend Sir Ramunni Menon has reminded me of Madras. Why should these provinces contribute towards central revenues when their men are not to be taken in the army? We of the other provinces are as much interested in the defence of our country as the Punjabis are. Why must we be at the mercy of one province alone? Are we working towards a democracy or towards a democracy supported by a military caste in a particular province?

THE HONOURABLE NAWABZADA KHURSHID ALI KHAN: We cannot have *baniyas* in the army!

THE HONOURABLE MR. P. N. SAPRU: I would prefer *baniyas* to my Honourable friend! I think *baniyas* have more guts than my Honourable friend opposite! I do not wish to see the domination of the Punjabi to be perpetuated and I feel I would be supporting the domination of the Punjab if I were to give an atom of support to this Bill. If you were to widen the basis of your recruitment, if you were to take recruits not only from the Punjab but from the other provinces also you would get plenty of soldiers in India and it would be possible for you to expand your army if you desire to expand your army at any moment. I do not accept the view that it is impossible for you to get the right type of men in other provinces. This recruitment policy you evolved after the Mutiny and throughout these 60 or 70 years your military policy has been determined by the Mutiny complex. We had the Bengal Army, we had the Madras Army, we had the Mahratta Army at one time. There is plenty of fine material in the other provinces and people would come forward if you would make the army an attractive career and if you would give the men of the other provinces a chance of enlistment. I am therefore opposed to this distinction which you have created—this distinction between enlisted and non-enlisted classes. You prefer to call them enlisted and non-enlisted; I call them martial and non-martial. I am opposed to this distinction between martial and non-martial classes and I do not wish this distinction to be perpetuated. I do not see how the self-government of the future can be safe with an

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army which is not drawn from all provinces but which is class conscious and dominated by one particular province. I look upon this question of recruitment—speaking for myself—I look upon this question of recruitment as even more vital than the question of the Indianization of the officer ranks of the army and I feel I would be giving by this Bill powers to the Punjab Government, a Government which has everything to gain by its present policy and the prosperity of which is dependent upon the present policy. I would be perpetuating by supporting this Bill a policy which is fraught with danger so far as the future is concerned.

There are certain other considerations which weigh with me in determining my attitude. The Defence Department has always distrusted the Indian politician. It has resisted his most moderate demands. I had experience of the Defence Department only two days back. I had my very good friend Mr. Williams opposing a most moderate Resolution and I do not blame him for opposing that Resolution. He was not a free agent. He was just an advocate pleading a bad cause. But I do blame his bosses; I do blame the Defence Department and I do blame His Majesty's Government and I do blame the Government of India for resisting the most modest demands that were put forward on this side of the House. Sir, why should we with our experience of the Defence Department help you to enact a Bill which is open to the objection which I have just stated, namely, that it interferes unduly with the freedom of speech and freedom of public meeting and freedom of belief. Why should we help you to enact a measure the necessity of which you have not demonstrated to our satisfaction? In determining my attitude I have had to consider another aspect of the matter. I cannot forget that we have been saddled in the past with burdens which were not legitimately ours and which probably should have fallen upon His Majesty's Government. I cannot forget that in regard to the Indianization of the officer ranks a policy is being pursued of which we cannot approve. I cannot forget that you have a 16-units scheme and that you have segregated Indian officers. I cannot forget that constitutionally there is a distinction between King's commissioned officers and the King's Indian commissioned officers. I am not thinking of their salaries because I have never stood for higher salaries for Indian servants of the Crown. I am thinking of the status. I pointed out that there was a distinction in the status of the two at the time of the Army Bill and I will state again that the legal arguments which I advanced remain unanswered then and cannot be answered. I cannot forget that our men in the army, our Indian officers in the army—I want to speak with a certain amount of reserve in this matter—I cannot forget that some of our men in the Indian Army have not had a fair deal and that they have some just and legitimate grievances. I have a particular case in mind—I think my Honourable Leader Lala Ram Saran Das knows more about that case than I do—I have the case of a young Indian officer who was court-martialled only recently in mind and from what I have been able to see of that case I think that entire justice was not done to him. Therefore, Sir, I think there are vital differences between us and the Defence Department and apart from any objection that I may have to the principle of this Bill—and I have indi-

cated that I have objection to the principle of this Bill—I regard it as *legitimate parliamentary strategy* to refuse to co-operate with a Department which has consistently refused to co-operate with us. Sir, Government has got a majority in our House and it can do almost anything that it likes in the Upper House. (*An Honourable Member*: "Standing army".) Well, you may call it a standing army. I don't like standing armies, so I don't call it a standing army. You can carry this Bill but you will not carry this Bill with our assent. I do not know, Sir, what the attitude of the Muslim League Group under the leadership of my former Deputy Leader, Mr. Hossain Imam, will be. I suppose their attitude will be the same as the attitude of their respected Leader, Mr. Jinnah, in the other House. Personally, I am prepared to give them full credit for a patriotic approach to the problem presented by this Bill. I do not wish, Sir, to belittle the importance of the concessions that they have been able to get, but I think, Sir, that they would have acted more wisely, they would have acted more prudently, if they had been stiffer and stronger in their attitude and had joined us in our opposition to this Bill. I think, Sir, the quarrel between the Congress and the Muslim League ought not to be carried to extreme lengths. I am not suffering, Sir, from a power-frustration complex and the difficulty with some of our politicians is—I have a respected Member of this House in mind—that they are suffering today from a power-frustration complex. Sir, country is greater than party. Ideology is greater than party. And I say that my allegiance to ideology and country is greater than my allegiance to any party I may happen to belong to. I cannot therefore help approaching the question presented by this Bill from a wider and broader point of view, and I have in the time that I have occupied indicated what my reasons for dissenting from this Bill are. It is unnecessary for me to examine this Bill in greater detail. The proviso that the Bill will not come into operation unless the Provincial Government wishes that it should come into operation is concerned is illusory, because, if the Honourable Mr. Williams is to be believed and I think he must be believed—the initiative in regard to this Bill has not come from the Government of India. The initiative in regard to this Bill has come from the Punjab Government. After having moved the Government of India that this Bill should be introduced in the Central Legislature, are they likely to refuse to promulgate it in their province? (*An Honourable Member*: "What about Mr. Jinnah?") Well, Sir, I know that some of our Leaders claim to be Hitlers and super-Hitlers and I daresay Mr. Jinnah is a sort of Hitler so far as the Muslim community is concerned, but I do not know whether the Hitler Mr. Jinnah will be able to persuade Sir Sikander Hayat Khan not to introduce it in the Punjab?

THE HONOURABLE THE PRESIDENT: Please do not refer to personalities.

THE HONOURABLE MR. P. N. SAPRU: Well, Sir, I do not go into the question of the Congress High Command. I am no more in love with the Congress High Command than I am in love with the Muslim League and as a man who tries to approach political and social problems in this country from a detached point of view I have not been able to agree with all that the Muslim League has done. Sir, I should have liked to reply to some of the observations

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of my friend Sir A. P. Patro, but as he has not attacked my particular Group, as he has been relying upon the Congress bulletins for his speeches, I leave him to the care of my friend the Honourable Mr. Motilal. I am sure he will be able to give him a satisfactory answer. So far as I am concerned, I am speaking as a detached member of a Party which exists in this House but which has little following in the country outside.

With these words, Sir, I indicate my dissent from the principle of this Bill.

THE HONOURABLE NAWABZADA KHURSHID ALI KHAN (Nominated Non-Official): Sir, I submit that I have been listening to this debate in the other House as well as in this House but I am not convinced because so much has been said on this Bill which has no bearing on the subject itself. But I fully endorse the views expressed by my Honourable friend Sir A. P. Patro. Sir, I submit that there is no denying the fact that anti-recruitment propaganda is being carried on in the Punjab since more than a year, particularly in those districts of the Punjab which supply most of the recruits. People have been coming from outside the province and joining hands with the mischief-makers in the Punjab in misleading the people; and I may submit here for your information, Sir, that these people have been coming from the Congress provinces. (*An Honourable Member*: "You have no facts about those people yet from the Government or from the other speakers".) They will be supplied later if they are required. I submit, Sir, that no one has denied that there is no necessity for this Bill. The necessity for the Bill is there, and since the name of the Punjab has been dragged in time after time both in this House and in the other House, I would ask the Honourable Members what crime has the Punjab committed in asking the Government of India for a Bill of this kind to stop the mischievous propaganda that has been going on?

Our friends here are preaching that there should be no recruitment to the army. But I submit that if there is no recruitment to the army and the mischief-makers are left free to continue their nefarious activities, there will be no army left in India. How will there be an Indian Army and Indianization of the Army? They ought to realize that other countries are arming to the teeth all over the world, whereas here, if there is no recruitment to the army, the Indian Army will disappear in course of time.

Sir, so far as this Bill is concerned, it has received the unanimous support of the Punjab. I refer to the recent Zamindar Conference at Lyallpur held under the presidentship of the Premier of the Punjab, where there were over a hundred thousand people present who fully endorsed this Bill. (*An Honourable Member*: "What about the Kishan Conference?") That was a got-up show!

The sentence proposed in the Bill, I submit, is quite lenient, and that a year's imprisonment is not enough. If you take the example of Russia, which my Congress friends follow so much, and if there had been an agitation like this in that country there would have been no sentence for one year but the

sentence would have been death strightaway. And I submit, therefore, Sir, that this sentence of one year is extremely lenient. I therefore submit that the Government is fully justified in bringing forward a measure like this before the House to stop the propaganda which is done by hired people in the countryside.

My Honourable friend Mr. Sapru has just referred to the recruitment of the Indian Army from the Punjab alone. I submit that the Punjab alone has been supplying troops and I hope that the Punjab will continue to supply troops. Punjab is the province which is composed mainly of martial races. We do not want any *baniyas* in the army, we do not want other people who have nothing to do with the army and who know nothing of the army. I appeal to my Honourable friend Mr. Hossain Imam who now happens to be the leader of the Muslim League Party in this House to support this Bill, because his Party supported this Bill in the Lower House. The League President, Mr. Jinnah, has already expressed his views.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: What orders has Mr. Jinnah given you on the subject ?

THE HONOURABLE NAWABZADA KHURSHID ALI KHAN: Why should I tell you ? I submit, Sir, that most of the speeches that have been made here are absolutely irrelevant and have no bearing on the subject. If my Honourable friend Rai Bahadur Lala Ram Saran Das has any further light to throw on the subject, I should like to hear him. But he himself does not belong to a martial race.

With these words, Sir, I support the Bill and I hope that it will receive the support of the House.

THE HONOURABLE MR. R. H. PARKER (Bombay Chamber of Commerce): Sir, there are several things which the last speaker mentioned which I will bear in mind. One is, I will try and keep to the point. We are living, as he says, in a world full of armed camps. Defence is certainly at this stage one of the most important things in the world. I agree with the Honourable Mr. Williams that this is obviously a complete omission at the time the law was enacted, and I would gladly leave it at that, but for the fact that so many other Members have mentioned points which I think must be referred to. The Honourable Mr. Sapru—I must admit that he reminded me of the man who called for the doctor after the child's death—seemed to think that the Bill was not wanted now. He said " We can have an Act later ". I do not think that is the time to send for the doctor. Then he referred to the prestige of England. I think England has made a great many mistakes, both in recent years and in history further back, but if her prestige has fallen since the war, I say solemnly that it has been because she made a definite attempt to lead the way to the introduction of disarmament and to live in a peaceful world. That is the reason why her prestige fell, if it did. I think it is on the up grade now. It seems to me that a law of this kind is essential to protect the unfortunate individual who may be liable to be persuaded to mutiny. What is his

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reward if he mutinies ? He is put against the wall and shot—rightly shot. What should you do with the man who tries to persuade the other man ? The other man is shot, and the first man ought to be shot too. One year's imprisonment is a miserable sentence ? He ought to be shot too. Supposing that the information given is wrong and that no such speeches have in fact been made. What harm is there in having a law like this ? If no such speeches are in fact made, what harm will be done in having a law like this ? None whatever. It is merely a precautionary measure in that case. I was interested to notice the other day, when I was looking a second time through Hitler's *Mein Kampf* that he said in it that he was glad that Britain was in India and nobody else. He did not go on to explain why. But I could not help wondering, when Mr. Pantulu was speaking, whether he would rather be under a Fascist Dictator. I rather doubt it.

THE HONOURABLE MR. RAMADAS PANTULU : I did not say it.

THE HONOURABLE MR. R. H. PARKER : Reference was made to the World War and to the help that India gave to England in the War—very great help indeed—as we all know, but I would say that if India had not helped England, and if in fact England had lost that war, the position of Indians today would be very, very much worse than it is now. I do not think they have any cause to regret any of the assistance they gave at that time.

As to the legal point which the Honourable Mr. Pantulu raised, I was rather upset about it, because he said that he staked his legal reputation. I cannot help feeling that he lost it. He apparently thinks that it is not unfair to deprive an army of recruits. I cannot follow his argument at all. It is surely unfair to interfere with the source of supply, for you are thereby attempting to create no army at all. I would very much like to know—and I am sure the Honourable Mr. Pantulu could tell us but he won't—what Congress would do if they were in the same position.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : Mr. President, the Bill as it was introduced in the Assembly was much different from the Bill as it has come to us. The Bill was thought to be non-contentious, but it proved to be bristling with points of differences at which people began to fly. In the other House, Sir, the Members had the advantage of being able to traverse all the field and all the subjects which could be tacked on to this subject of Defence. But, here, Sir, without casting any reflection on the Chair of the other place or on you, I can say that we will not be allowed to do so——

THE HONOURABLE THE PRESIDENT : I have allowed absolute indulgence. I have allowed every speaker to speak on subjects today which had nothing whatsoever to do with the Bill. The Honourable Mr. Pantulu spoke for an hour at the time on subjects which had nothing to do with this Bill. I have given this House abundant latitude and indulgence.

THE HONOURABLE MR. HOSSAIN IMAM : Then we are grateful to you for this reform of the Council of State.

THE HONOURABLE MR. P. N. SAPRU : May I say, Sir, that we deeply appreciate the latitude that you have given us ?

THE HONOURABLE MR. HOSSAIN IMAM : The improvements in the Bill as it has come to us was due to the amendments made under the guidance of Mr. Jinnah. The Honourable Mr. Sapru was good enough to say that the Bill has been much improved.

THE HONOURABLE MR. P. N. SAPRU : I did not say " much improved ". I did not belittle the improvements.

THE HONOURABLE MR. HOSSAIN IMAM : I have the authority of the Congressmen to say that on this Bill the Government have been really defeated. Mr. Satyamurthi in the other place said—I cannot read out his exact words—that Government had never occupied a more humiliating position in the four years that he (Mr. Satyamurthi) had been in the House than they had on the question of this Bill. He said that Government had succeeded in getting a Bill through the House although it was not the Bill which the Government had introduced. On the one side we had the statement of the responsible Deputy Leader of the Congress in the Assembly saying that the Government have been practically humiliated, and we have the Leader of the Congress Party here saying that the Bill is as bad as it was. I for one cannot reconcile this. But with the Congress these are very small matters.! As has been pointed out by Sir A. P. Patro when they say they will wreck the constitution they mean they will work it! In 1935 we believed the Congress, accordingly under the lead they had given, we in the Progressive Party opposed the Criminal Law Amendment Act tooth and nail ; and what has been the result ? The Bombay Provincial Government threatened to use it against Labour ; and Madras is using it every day ; and worse still, when a Bill was brought in the province of the Honourable Mr. Pantulu to repeal the Criminal Law Amendment Act, it was rejected by the Congress votes. A Bill that was not allowed even to be considered in this House is so good that it cannot be repealed by the new Congress Fascist mentality (as Mr. Sapru calls it). Are we to take it that the opposition in this case is of the same nature, so that when it is passed it will be worked, and the exigencies of the situation will be pleaded as justification for using this measure. The fact that it is being used in the Punjab will be cited as a reason why it should be used in the United Provinces too, because otherwise the Punjab may secure an ascendancy and a greater proportion of recruits in the Army in India.

Sir, much has been made of the fact that it is an interference with civil liberties. We are after all human beings and not automatic machines. We are actuated by sentiments. Circumstances change many of our rules of conduct. A motor car does not require to be clad in woollens when it is brought to Simla, but we do require woollens. Similarly, civil liberties are a thing which must be preserved. But it ill suits the Congress after a year of provincial autonomy to plead the cause of civil liberty. All the minorities, whether religious or economic, are feeling insecure in the Congress administered areas because they find that their fundamental rights are being trodden down. The same majority and the same mentality which actuates the Government

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in this House actuates the Congress Ministries in the provinces. (*An Honourable Member*: "Turn them out".) Turn them out. Are you so much in hate with democracy that you want to turn them out ? You have to take the bad with the good.

I was speaking of civil liberties. I yield to none in my love of civil liberty, and I claim that we have more cause (because I come from a minority province), to guard civil liberty. I have to guard the civil liberty of myself, not only from the Government of India but from my own Provincial Government. So we cannot lightly treat the question of civil liberty. But on this subject there must be clear thinking. The rights of the individual *vis-a-vis* the State must be clarified. There is a great deal of loose thinking. There are things which would be permitted, not only permitted but the neglect to do things would be criminal negligence. For instance, a doctor treating a patient for disease, if he thinks amputation is the treatment for it, he must amputate. But if a man does it without rhyme or reason he will be held criminally liable. Circumstances justify or do not justify action.

The question before us is whether recruitment to the army should be stopped now or should not be stopped. Those who are preaching are not preaching an abstract truth, that you should not join whenever war breaks out. I have been rather handicapped by the fact that Mr. Williams has not presented to us all that he had in his portfolio to throw a light on the subject. But let us consider this question. If the army is not maintained up to the strength required, what are the ways open to Government ? The ways open to them are three. They can augment the British personnel in India to maintain the army at its present numerical level and thus burden India with additional expense. That is one way open to Government if Indian recruitment were to stop. A second course open to them is to recruit a larger number of the brown mercenaries, the Gurkhas, who have no interest in British India. I have heard much in condemnation of the white army of occupation, but nothing from the Congress Benches about the brown army of occupation, the Gurkhas, who have nothing in common with us and who never show any compassion or feeling for Indian causes. They could be augmented. Then there is another field of recruitment open to the Government. They could recruit their army from the Indian States. Even in the Punjab there are a number of Indian States. From there they could recruit men of almost the same class as the Punjabis to fill the gap.

Now, does the Congress and those who oppose this Bill prefer that Indian expenditure on Defence should be increased while the British Indian personnel becomes less and less ? Those are the three ways open to the British Government, even if they do not embark on a policy of passing this law in the shape of an Ordinance or a Governor General's law. Last time in the case of the Criminal Law Amendment Act we went the whole hog, and the Assembly rejected the measure, would not even allow its consideration. What was the result ? Did you advance the cause of civil liberties by even a hair's breadth ? You made the position worse. It is all very well to say that I will not associate

myself with this and that. But that is being idealistic. It is not being practical. (*An Honourable Member*: "What is being practical?") According to the Congress being practical means that you should refuse to pass an Act and then use it and resist its repeal! We do not want to be as practical as that. We believe, Sir, in the adage that a stitch in time saves nine. We believe that it is better, powerless as we are, to improve our position as much as we can. No doubt in the other House as well as in this a proposition was enunciated that we should have demanded more for passing this Bill. There was a list of six items which was thought to be the price for this piece of legislation. I need not labour the point. Mr. Jinnah has cleared it up and said that the lever (*i.e.*, this Bill) which was sought to be used was too weak to demolish the big fetters of British Imperialism. This Bill has been brought rather hurriedly. That much I can concede. The matter might have been allowed to go to a Select Committee or for circulation till the 31st October if there was a genuine desire on behalf of our Congress friends to improve the Bill; and the only reason why I think it was not done in the Assembly was that people did not think that it was anything but a dilatory motion. The facts have not been quite clearly stated about the actual effect on recruitment which this campaign had. But I have learnt one interesting thing. The Congress has been championing the cause that recruitment can be and should be stopped pending a settlement of the question of control of the Indian defence forces, but the people who have been preaching this out in the country are not Congressmen and therefore they have admitted that there exists an organization which is more patriotic than the Congress itself, that it is working where the Congress is content to pass resolutions only. Those who have been addressing these 115 meetings in the Punjab up till December and 113 after December to July have been described as boys, socialists, communists. Congress now seems to rely more upon passing resolutions than in indulging in action.

There is no doubt that even the Government thought that the wording is not very happy. There was an amendment given to sub-clause (*3*) of clause 1 by Mr. Ogilvie which could not be passed on account of want of notice in the Assembly. Some Honourable friends of mine attacked the framing of this Bill, but I may say that merely because there is bad drafting it is no reason why this Bill should be rejected. It was open to Honourable Members to move amendments, and the Government too should adopt a reasonable attitude, and if there is any amendment not of substance but of drafting, it might be adopted in this House. After all, in other measures we have made improvements in this House and there is no bar against making an improvement in this Bill.

Sir, I do not wish to prolong the debate and therefore I shall conclude by stating that although the Muslim League has supported this measure, it should not be understood that it means an endorsement of the frontier policy of the Government of India. It is neither a sanction for increased army expenditure on the many improvements which are being made at the present moment. Nor should it be regarded as giving a long rope to the British Government to utilise the army, the British Army in India, for Imperial purposes. On that question there is a definite consensus of opinion among all sections of Indians

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that in future the Indian Army shall not be used outside India except with the sanction and concurrence of the Indian people. We may have our quarrels, but that refers only to our internal affairs. But on this one vital question the Congress and the Muslim League should be united and if ever a demand is made to utilize Indian forces on a large scale for Imperial purposes, it will be opposed tooth and nail by all patriotic Indians.

THE HONOURABLE MR. RAMADAS PANTULU : That is the object of the Bill.

THE HONOURABLE MR. HOSSAIN IMAM : We do not want to put the cart before the horse. I am not going to reduce the army from now onwards and make it weaker and weaker because I wish that it should not be used by England.

An Honourable friend of mine asked me about the recruitment policy. When Mr. Sapru broached this question I felt that he was adopting my child. From the first day when I came into this Council in 1931 I have been advocating a broad basis for the Indian Army and Imperial services. It should no longer remain the preserve of any one province, because it infringes the fundamental purpose of Government. The purpose of Government is to make a more equitable distribution of the wealth of the country. Now, equitable distribution of the wealth of the country is made through salaries and disbursements. That can only take place if all the provinces are taken in all the services of the Government. The army should not be singled out. I have been insisting on giving a provincial bias to the recruitment in all its services, and not only in the army. Madras has the monopoly of the Finance and Commerce Departments. They are not prepared to give us a right of entry there. Similar is the case with regard to the army so far as the Punjab is concerned. Bengalis have their share. Only three A. B. C. provinces are the most unfortunate in this respect, Assam, Bihar and the Central Provinces—three minor administrations. We have no place in the sun of the Government of India and in the army. So my Honourable friend knows my opinion on that.

Sir, we support this measure because we think that the time has not come to oppose it and when the time comes to oppose it the punishment will not deter us. One year or seven or eight years is nothing to a patriot. It is only the Congressmen who are now frightened and feel it. We do not feel like that. When the time comes we will fight, but as long as the time has not come we are prepared to give the Government a chance to make our army better and more efficient than it is at present.

THE HONOURABLE SARDAR BUTA SINGH (Punjab: Sikh): Sir, I must confess that it was something of a surprise to me when this Bill was introduced in the Legislative Assembly and the opposition that it encountered in its passage. It is my firm belief, and I am not speaking without knowledge, that if recruitment was started today, thousands will be ready to join the army and no persuasion on the part of any individual or party would deter them from following the profession of their fathers. Indeed, there is a good

deal of discontent in the countryside on account of restricted recruitment and short term of service. So far as my community is concerned it would welcome the raising of a few new regiments and training the youth of the community even on a voluntary basis.

The Opposition leaders have made no secret that they apprehend that war may at any moment break out. They know that other nations are busy arming themselves. Can India defend itself without an army ? Does not self-government require all patriotic men and women to revise their ideas about defence ? They who talk of severing connection with the Empire, what do they propose to do to make India impregnable ?

It is not true that when Indian armies fight in the far flung battlefields of the Empire, they are not fighting on behalf of India; one may as well say, that, when England went into the World War it did not fight for England. Fortunate are the countries that fight their battles on lands other than their own. Fortunate is India to enjoy peace, untroubled by the ravages of war. In fighting the battles of the Empire India is fighting her own. I sincerely believe that India has fought and will continue to fight her battles wherever it is called upon to do. We must assure Britain in our progress towards self-government that we are not going to forget the benefactor who has made the growth of self-government possible, and without whose protection progress towards self-government would remain an idle dream.

I have already said that introduction of this law was not required, but if Government feels that it must have a legal weapon ready for use if such a contingency arises, I cannot see how we can refuse our support. Even the most democratic countries are ready to accept conscription and we ought to be ready to play our part, and to take our share in the defence of the Empire which has given us unbroken peace for more than a century.

THE HONOURABLE MR. G. S. MOTILAL (Bombay: Non-Muhammadan): Sir, we know it too well to our shame that India is not a sovereign State, that the Dominions are sovereign States and that we are far from sovereignty. Yet, Sir, we also know that India is determined to achieve her object in that direction. She is not prepared to wait until some day England is prepared, if she so pleases, to confer sovereignty on India. But India will do everything possible to accelerate the pace of progress and be a sovereign State as the Dominions are.

Sir, we have to note that whenever any measure, whether a Bill or any other proposition, is brought before this House, we have to consider it on merits and all the relevant considerations must be weighed and if we cast our vote one way or the other, we are expected to state our reasons and grounds for it. For this reason, Sir, whenever any occasion arises it is not merely the text of a particular Bill with which we have to deal but it is the broader aspects of it as well which we have to take into consideration. My Leader has in his own admirable way dealt at length with the broad principles of the Bill as well as the textual aspects of it. It has been suggested that it was not the Government of India which was very anxious to bring this Bill but it was the Punjab Government who requested the Government of

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India to bring in this Bill. That was the effect of what had been said. The initiative was taken by the Punjab Government. It was the Punjab Government who wanted this Bill. Well, Sir, I was also, while reading the speech which was made the other day in another place, struck by the argument which was advanced by a leader of one of the parties there, that there was something in what he said that this was not a provincial subject or a concurrent subject and it was only this House, the Central Legislature, which had got to deal with it. But, although I was not quite satisfied with that argument when I came here, and discussed it with my Leader, the arguments which he advanced impressed me as being unassailable, in spite of what Mr. Parker might say. Mr. Parker might presume that he is a great authority on law, but with all respect to him I maintain that what my Leader has said is right, namely, that it is not in the exclusive sphere of the Central Legislature in which this Bill could be brought. It was open to the Provincial Government and it is open to this Government also to enact legislation on this subject. The contention was that, if the Provincial Government wants this Bill, it was proper for the Provincial Government to enact it. Why does the Provincial Government fight shy of a Bill which they want, and want to shift the responsibility to this House. We have not been given any reason for it. Well, it is not contended on our behalf that it was a provincial subject pure and simple and that it could not be brought in this House. What he wants and he still maintains—and I hope Mr. Williams will not contradict my Leader when he said that it is a question which falls under the concurrent list and not entirely under the Federal list.

Sir, I would like to make a few remarks now with regard to the broader aspects of this Bill. We have been told that it will affect the defence of India and it is to save our own necks that we want this Bill. For the interests of this country we want this Bill. If we were satisfied that in the interests of this country the Bill is required, we too would have supported it. But far from being satisfied that it is required in the interests of the country, we are convinced that it is against the interests of this country to pass such a law. Very often we use misnomers and incorrect expressions. The English language is particularly apt for them. You can almost have contradictions in terms: Like when the Government of India say that the defence forces of India are for the defence of India. The defence forces of India are intended to defend the British interests in India and incidentally Indian interests. If you were in a fortress defending yourselves and there in the fortress you had a number of servants and others also, if you said that you were fighting for the defence of those who were your servants, that would not be the correct position to state. The real truth is that the defence forces of India are mainly and principally for the defence of the British interests in India. I was not surprised to hear Mr. Parker saying that he entirely agreed with the Government. He always agrees with the Government, and for very good reason, because it is the British interests which he represents that are protected by the Government, although they are protected at India's cost. Our army is an Indian army in the sense that India has to pay for it. It has to fight for British interests and it has to

be manned by Indians. Except in that sense, the term "Indian Army" or the "Indian Defence Force" is a misnomer. We have declared times out of number, and we declare it again here today, that whenever some measure is necessary for the defence of India and in the interests of the country, no party in India will lag behind in adopting necessary measures. We object to this Bill on many grounds.

(At this stage the Honourable the President vacated the Chair which was taken by the Honourable Mr. Hossain Imam.)

One speaker suggested that if the drafting of the Bill was not very happy and perfect it could have been improved. But to suggest improvement is possible only when there is agreement on the principle of a Bill. It is the agreement on principle which is wanting in this case. We do not at all agree with the principle of this Bill, and we cannot make any contribution towards the improvement of its drafting. In the Statement of Objects and Reasons it is very clearly said that the Bill is required for the protection of the Empire. This is not the way to protect the Empire. To protect the Empire, you must have the spontaneous, genuine and whole-hearted sympathy and support of India. If you force India to support the measure, that support is a very dangerous support to obtain. It is open to England to obtain India's genuine support provided she makes the Indians feel that they are masters in their own house as are the Dominions or the people of England. All the speakers, whether they spoke in opposition to the Bill or in support of it, whether they disagreed with us and tried to ridicule us and flew at the throat of the Congress (we do not mind that—all of them agreed as to the fundamental principle enunciated by the Congress. My friend opposite says he does not agree, but his speech indicated that he did agree. Either I should believe his words or I should believe his nod. I am prepared to disbelieve either that he wants me to disbelieve. Anyway, barring the Honourable Member whose speech perhaps did not convey, or as he believes that it did not convey what I stated, to my mind, however, it did convey—and others also who have spoken have made it clear—that the defence of this country must be under the control of responsible Ministers, and until that is done, India is entitled to refuse to give you any support required for Imperial purposes.

(At this stage the Honourable the President resumed the Chair.)

Sir, I remember having read some years ago what Herbert Spencer said in one of his books, and although I do not remember the exact expressions used by him, I will express what he said. He said: "We, Englishmen, read with glowing admiration the accounts of the Zulu rebellion and read with horror the efforts made to put it down. But when we come to ourselves and see that the Hindu rises in revolt against our rule in British India, we see nothing but a heinous crime in it". The facts are the same, the motives are different. In the former case the Englishman has taken a very dispassionate view, but in the latter he is biased. In the case of India, there is a bias and there Spencer says the Englishman's judgment is warped, and therefore, when the Hindu rises in revolt against British rule, the Englishman thinks it is a heinous crime! What the Honourable Mr. Williams said was that "It was intolerable" that the Indians should have made the speeches ascribed to them. In his own country—we have

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read English history—Englishmen have risen many a time and have overthrown monarchs and established constitutional government without any compunction of conscience. That was tolerable because they were Englishmen and it was their own government which they wanted to establish. It is intolerable here when Indians want to establish a government of their own, and when they tell their own countrymen that this is a war in which they will be asked to go and fight, shed their blood and give their lives, not for India, but for the defence of England. I thought that in the year of grace 1938, at any rate, even Englishmen in India would realize that India like the Dominions should have freedom to join or not in an Imperial war. Even when war clouds are hovering in the atmosphere, the Dominions are saying that it would be for them to decide whether to engage themselves in the impending war or not. There is no question of their being involved in a war automatically. It does not mean that because England declares war, therefore, they must also join. Even in this situation they have made those declarations and we all know that their defence forces are not as adequate as that of India, and they depend a great deal upon the Imperial Navy and the Royal Air Force. True, they are trying to make up their deficiency, and we want also to make up our deficiency too. In these circumstances I would request Government to consider whether they should tell us that it is intolerable for them to hear us say that we shall go and tell our people not to enter the army. Sir, a country may enter a war, but then it must feel that it is a righteous war and a just war; and further there must be another consideration. It must stand to gain something very substantial or it must be to avert a national calamity. If it is not to avert a national calamity it need not involve itself in a war. Now, is not India entitled to ask herself this question, if there is an Imperial war what is the substantial gain for India? What is the national calamity which will befall India if she does not join in the war? We all know that in the Abyssinian campaign Italy was entirely wrong. There was justice on the side of Abyssinia. It was an entirely aggressive and unprovoked war, and many nations of the world sympathized with Abyssinia, but none of them raised even their little finger, and even Britain passed note after note, resorted to economic barriers against Italy, but it stopped short there. She would not involve herself in that war.

Now, if there is a war in Europe and England is involved why should India go to the help of England? She can only do so if it is definitely and clearly to her interest. We know that large promises were made during the last war when England wanted India's help and assistance sorely. They made very generous and very large promises, and I believe they were quite sincere too at that time. I remember soon after the outbreak of the war Lady Willingdon presided at a school prize distribution ceremony in Bombay and Lord Willingdon, the then Governor of the province, with a ring of sincerity at that school ceremony said that "India has a future so bright that it never had one like it before". That was in 1914. Twenty-four years have gone by since then and we all know what little has been done and the repressive regimés we have had to pass through and the few rights which India has obtained under the 1935 Government of India Act.

It is the control of defence which is the crucial test of a country's self-government and power. When India has that power then we can feel that England is really sincere in trying to put India on the road to self-government. Again, in the Indian Army there are 4,000 officers and out of them only 300 are Indian officers and they also are in the lowest ranks and their salaries are one-half or two-thirds of the salaries of the British officers. Recently, we have had an illustration of the way they do things in England. Because the emoluments were not sufficiently attractive to Britishers in their army and because a larger army is wanted at this time, even patriotic Englishmen had to be attracted by better emoluments; and now the emoluments of both officers and men have been increased. I feel that the Punjab Government is not unconscious of this. Even the Punjab Government knows that the Indian soldiers are daily getting to know that, though they are in no way inferior to their English comrades, they get only one-fourth the salary of the British soldier, leaving aside the other amenities with which the Britisher is provided and with which the Indian has to go without. That is quite sufficient to make an Indian discontented. I know that British recruits are not forthcoming; if you believe in a real partnership and want the help of India, if it is necessary for your defence to have a large army, why don't you recruit Indians for your home army? If such a proposal was made, we would consider it. But to tell the truth, the army in India is nothing but an army meant for protecting British interests, and it is intolerable that in this army you should use our men at a pittance of Rs. 15 or Rs. 16 a month to shed their blood outside our shores, and then penalize those patriotic souls who tell their countrymen not to join and fight for you. It is unrighteous and we cannot approve such a measure.

Sir, some friend has said on the floor of the House that the time has not yet come. " We should wait for the proper time to come and we can then make this law a dead letter. I quite believe they are sincere. I am sure they mean what they say. They are prepared to support this Bill here because they think that when the proper time comes this Bill will be ineffectual and meaningless. One year's imprisonment—or even if it were 10 years imprisonment—will not deter them from their course. This measure will not prevent them or us. That is one way of looking at things, I agree. Some statesmen do take that view also. I was told that in one Indian State a very distinguished statesman of the Mutiny days gave his support to the mutineers on the one hand and to the British Government on the other, and waited to see which way the scale would turn, and then lent his support to the winning side. But that is not our method of approach to any measure that will come up before this House. We want to say plainly, very frankly, what we are doing and what we will do. We do not want to delude the Government into believing before war is declared that we are with you and when the war is declared that we are not with you. It is for the Government to take the warning. I know that Englishmen are human beings and as such they have a bias, but may I ask my own countrymen very respectfully what bias they have in order to support, what patriotic or even communal bias they have to support, this measure? Once a man is in the army will you go and tell him, " Now you do not fight ". My Honourable friend Mr. Parker said that nations have been described as being

[Mr. G. S. Motilal.]

armed camps and that is exactly the reason why we say that nations in Europe being armed camps we should not throw our weight with them unless and until we are satisfied that we are in possession of freedom. Let there be no mistake. We shall fight another war for strengthening our own bondage. No, we want to break these fetters !

Sir, I may now briefly refer to some of the remarks which have been made by some Members whose privilege it is, and it gives them great pleasure to indulge in gibes against the Congress. It was said that the Indian Criminal Law Amendment Act which was vehemently opposed by the Congress has been used in the Madras Presidency in dealing with persons who have been opposing the introduction of Hindi in the manner in which they have done. There is all the difference between a responsible Minister using a particular power and an irresponsible Minister using it. You might know that John Stuart Mill has said somewhere that the danger is that where you have a responsible minister you give him too much power and not too little ; but there is the safeguard. If he misuses that power or abuses that power, he will have to say good-bye. Sir A. P. Patro was a Minister himself and he should have realized that if his policy had been really one which had the approval of the majority they would be able to still carry on ——.

THE HONOURABLE SIR A. P. PATRO : Steam-roller or the Car of Juggernauth ?

THE HONOURABLE THE PRESIDENT : Please do not make personal remarks.

THE HONOURABLE MR. G. S. MOTILAL : He cannot turn out the Honourable the Leader of the House, but he can surely turn out Rajagopalachariar. One Honourable Member referred to the intended use of the Criminal Law Amendment Act by the Government of Bombay with regard to some labour trouble. He said they are now using it. But it is forgotten that they are using it with the approval of the Legislature, of the electorate.

THE HONOURABLE SIR A. P. PATRO: Steam-roller !

THE HONOURABLE MR. G. S. MOTILAL : What is there to prevent my Honourable friend from going to the electorate and persuading them to support him and not be steam-rolled but put the steam pipe, into the Ministry.

THE HONOURABLE SIR A. P. PATRO : What a philosopher !

THE HONOURABLE MR. G. S. MOTILAL : There have been a number of by-elections held in all the provinces and they provided a test whether the Ministries had the support or not of the electorate. I do not say that for all time they alone will have the support. As long as they serve the people sincerely they will have it. I do not wish, Sir, in deference to your wishes to indulge in personal remarks ; in spite of provocation I will refrain from doing it. If the Congress is using that measure, it is not encroaching on civil liberties, it is to repel the encroachment on civil liberties. No fair critic can deny that the Congress has given greater civil liberties to the people than existed before they took up the Government.

THE HONOURABLE MR. HOSSAIN IMAM: Question ?

THE HONOURABLE MR. G. S. MOTILAL: I know Members can question, and I do not wish to prevent them from questioning. I am only saying that in their calm and dispassionate moments, fair critics will admit the correctness of my statement. I know there are incorrigibles also who would never admit anything, but that does not matter because one has to depend upon the good sense and the solid common sense of the larger number of people who are the proper judges of what the facts are.

THE HONOURABLE SIR A. P. PATRO: The majority in Congress assemblies!

THE HONOURABLE MR. G. S. MOTILAL: Some Honourable Member asked here, " If the British Empire goes down, do you know what will happen to India "? He did not himself describe what would happen to India. Is India the only part in the world ? If the British Empire goes down, what will happen to so many other countries ? Even Britishers are not so unimaginative to fancy that disaster will befall India when some day Britain ceases to dominate India. India will be a self-governing country. It may happen some day that some great disaster may overtake one country or another—though we do not wish it. If any one thinks that a large country like India should always depend upon another country, then I can only regret his mentality, his inferiority complex. Such people as he do not possess confidence in themselves. India has lived for thousands of years and will live for thousands of years, Sir, either in friendship with England, if England wants it, or as other countries have lived and are living. I do not believe that except for England India will be nowhere. Some members have said that there have been 115 speeches and so on and young men have been carrying on anti-recruiting propaganda. But the Honourable Member from the Punjab who has first-hand knowledge of his province told this House a short while ago that the people of the Punjab are eager to go into the army. They cannot be dissuaded by these speeches. I quite believe it. That is the correct position. And I say, Sir, that it was not necessary to bring in a Bill like this. But even if Government had some doubts they could have sent those Members who have been eloquently pleading for this measure to tour round the Punjab and persuade the people to go into the army for the support of the British Empire. I do not know why Government did not do so. And if they are loyal enough and I believe they are—why should they not themselves go instead of waiting till Government asks them to go ? Let them go to the villages, let them go from place to place and say : Look here, my Punjabi boys, go into the army ; it is for the good of the country ; it is for patriotic reasons. And if they have a good case, then after all they should be able to persuade them to enlist. Persuasion and dissuasion are two methods that can be employed by either party and whichever champions the better cause will be able to succeed. But there are people who want to use the British Army and Government and to take shelter behind them and say : " Without the British Empire we shall be nowhere ". Sir, this measure is entirely opposed to what I should call a sense of reasonableness.

Some reference was made to C.I.D. reports——

THE HONOURABLE MR. A. DEC. WILLIAMS: No reference was made to C. I. D. reports, at any rate by me.

THE HONOURABLE MR. G. S. MOTILAL: I did not say that reference was made by Mr. Williams, Sir.

THE HONOURABLE MR. A. DEC. WILLIAMS: Nobody is qualified to say anything about the C. I. D. reports. They know nothing about them.

THE HONOURABLE MR. G. S. MOTILAL: Sir, reference was made in this House by more than one speaker to certain C. I. D. reports. But merely because of such C. I. D. reports, are we to rush to a measure of this kind? Should not the Punjab Government be told that if they feel the necessity of it, they should, with the consent of the Members of their Legislature, enact a law of this kind? Sir, in this House there are representatives of provinces also. Well, if recruitment is affected in the Punjab, will anybody say that in the other provinces also recruitment has been affected? Our grievance has been that our Punjabi friends, whom we helped the British Government to subdue with our men in the army, are the only persons now recruited. I do not think even our friends from the Punjab would say that they and they alone should form the army and that the other provinces should be deprived of their share in the defence forces. The other provinces have been pressing this point. The recruitment figures do not show that recruitment has been affected in any sense. And no party in India will say, if it is a question of the defence of India, that recruitment to the Indian Army should be opposed. On the other hand, there is a Resolution coming very shortly before this House from a member of a province to the extreme south of India, who wants that his province should also get a due share in the recruitment to the army. But if the Government had followed a wise policy of getting the recruits to the army from each and every province, then they could have told the Punjab Government that it was not necessary to introduce such a coercive measure in order to maintain the recruiting strength. If recruitment is affected in the Punjab, there are other provinces to satisfy the requirements of the defence of India. The policy which the Government has adopted is to punish opposition to recruitment. Under these circumstances, we must, and do, oppose the Bill.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): Sir, I regret that I have to oppose the Bill whose consideration has been moved by my Honourable friend Mr. Williams. My regret is because the unpopular Bill should have to be piloted here by the former popular Secretary of this House and by Mr. Ogilvie (a very popular and able Punjab Civilian) in the other House. Again, my regret is that I should have to oppose a Bill which professes to prevent discouragement to recruitment for the Army in India. I am one of those who would make every young man undergo compulsory military training in order to form a militia for national defence. I belong to a community which has to its credit great martial traditions even though the British have failed to encourage them. I am all for training on a nation-wide scale in the art of national self-defence.

Holding these views why do I oppose this Bill ? The Bill, Sir, smacks of the very bureaucratic method which we all thought was a thing of the past. It is amazing how when provincial autonomy is working all over India the authorities at the Centre are displaying such a reactionary outlook. They seem to be living in a world of their own. They are not alive to the popular standards by which governments must justify their policies and actions.

My own belief is that the reason for this attitude of Government is the peculiar position of politics in another House. For some reason or other Congress and the Muslim League are at loggerheads. The latter must oppose the Congress whether the cause deserves it or not. The Government felt fortified by this unfortunate division in the ranks of the Opposition in another place and got the Bill passed in the teeth of popular disfavour. What did the Government do ? It did not examine the Bill in the light of popular opposition but in the light of conciliating a section of opinion whose minority support was required to pass the Bill. The Bill, therefore, as amended by the other House does not have popular sanction.

It may be argued legitimately that we in this House, representing vested interests, should not be swayed unduly by mass sentiment. I agree. But we cannot surrender the right of examining the Bill on its merits and if our view coincides with the mass view so much the better for national progress.

I have already made it clear that I do not support any one who would carry on propaganda to discourage recruitment in the army. But how would I oppose such men ? Would I arm the executive with extraordinary powers for repression ? No. My contention is that those who believe in the army's utility should preach it to the people and drown the voice of those who plead to the contrary. That is the fundamental basis of freedom of speech and freedom of thought. We must not impose our will on the people by laws passed in the teeth of their opposition.

It is said that the Punjab Government wanted this Bill to be enacted. At one time there was a disclaimer against this suggestion but I find from the speeches of the Punjab's Premier that he supports the Bill. May I ask whether Sir Sikandar Hayat is so afraid of public opinion in the Punjab that he wishes to arm his Government with these extraordinary powers ? We have been told day in and day out that the Unionists of the Punjab are the representatives of the masses and that their lead is accepted by the masses. If that is so why the need for this legislation ? Cannot Sir Sikandar flood the countryside with propaganda by his legionaries and counteract the propaganda by a handful of pacifists ?

To my mind, Sir, this Bill is not only a confession of incompetency by the Central Government, but what is more so, it is a confession of rapidly losing popularity by the Sikandar Ministry. I can understand the adoption of conscription as a national policy but so long as this is not adopted we must let citizens be free to choose whichever career they wish to adopt. The pacifist has as much right to preach his creed as the Recruiting Officer to paint a glowing account of an army career. I have enough confidence in the patriotism of our people to feel sure that the army will continue to attract the necessary number of recruits even though the army is not national and subserves an Imperialist purpose.

[Rai Bahadur Lala Ram Saran Das.]

I oppose the consideration of the Bill finally because I am afraid if this weapon may not be used by the Punjab Ministry to deal unjustly with its political opponents. I warn the Central Government that the responsibility for this unfair political warfare will fall on their shoulders and that they would be proving to the world that though Parliament has enacted a measure of reforms the Central Government remains the champion of reactionary opinions.

Sir, this Bill does not come to us in the form in which it was presented to the other House. In the present case the amended form in which the Bill was passed shows conclusively that the conditions which alone would make the Bill necessary is non-existent. We find that the reason for formulating this is to give Government the power of repression. Where was then the occasion for making this addition to the armoury of repression ?

A word about the Government of India's virtual change of front with regard to the Punjab. Their original position was that the Punjab Government wanted the Bill. That is why they included in the Bill provision for making the Bill immediately applicable to the Punjab. By accepting the Punjab Premier's recommendation, which I believe was only informal, this Bill was introduced in the other House. Sir, I might mention that there seems no necessity for this Bill at all. I agree with my Honourable friend Sardar Buta Singh that in the Punjab any number of recruits will be forthcoming whenever there is any real need. I know that recruitment is going on in the Punjab on a fairly good scale. The only fear is that as the Punjab Ministry is fastly losing its popularity, they want to be armed with this Bill. Sir, I must say that Government have introduced this Bill realizing that perhaps there may be influence on the masses by the persuasion of Congress people who do not favour recruitment. I would like the Government to study the root causes which led to their bringing this Bill before the Central Legislature. Sir, I have already said that during the Great War, the people were offering themselves as recruits in very large numbers, and as I mentioned before, I was instrumental in providing over 8,000 recruits to the army. So, I was in the personal know of what the feeling of the people then was. Many people came to me and said, " We want to enlist in the army ; give us preference over others ". But now I do want to know why this Bill is necessary. For those people who do not want to go to the army, you cannot force them to enlist. If I rightly remember, I understand that during the Great War, an Indian regiment which was sent abroad refused to fire at the enemy for communal reasons. I know the Defence Department had very great powers to deal with that particular regiment, the military law was, however, not fully applied and that regiment was withdrawn from that field. So, even those people who did join the army and whose sacred duty was to obey the commands of their commanders, refused to fire. This thing happened, if I rightly remember, in other places also. So, as my Honourable and esteemed friend Sir Phiroze Sethna remarked the other day, that you cannot make an unwilling horse drink water. You cannot entirely depend upon those whom you recruit by force.

The Honourable Sir A.P. Patro made an attack on me and submitted that the C. I. D. always make right reports. Perhaps that may have been his experience

as a Minister in Madras. Because he probably went by the C. I. D. reports, he does not want to admit the fact now. I can mention several instances in which the C.I.D. made wrong reports and misled the Government and the consequences were bad. I do not want to bring in personalities, but to illustrate and convince Sir A. P. Patro and the House I may say that some time back, when we had Mr. Mant (now Sir Reginald Mant) as Deputy Commissioner, Lahore, I went to see him one day on some business, and Sir Reginald Mant told me that all was peaceful in the town. I said that was wrong and I told him that his bungalow would be invaded the next day by a mob and every window pane would be broken. He was surprised to hear that and said there was no C. I. D. report about it. I said I was in personal touch with the masses and I knew that there was no peace and he was to be treated in the manner I had described to him. He telephoned to the Superintendent of Police, Mr. Rundall, and informed him of what I had said and asked if he had any information. The Superintendent of Police told him there was nothing to be anxious about and there was nothing in the C. I. D. reports. But the next day the bungalow was invaded by the mob and every window pane was broken. Sir Reginald telephoned to the Superintendent of Police for assistance which arrived though late but dispersed the mob.

How can one expect from an illiterate person correct reports ? If the C. I. D. recruits be the right sort of people, they will be of great assistance. I can give this House many instances in which the illiterate informers of the C. I. D.—I am not talking of the officers, very few of whom come in direct contact with the masses as the reporters do—have done so badly. There was a political crime in Lahore some time ago and several people were arrested. One of these was found to be a C. I. D. man from another province. After inquiry of course he was released, but though that man knew what was to happen he had not the courage to inform the Government.

THE HONOURABLE THE PRESIDENT : These are all secondary matters on which much can be said on both sides. And you have given enough illustrations.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Very well, Sir. Then Sir A. P. Patro said there was peace in the country. I can say that people in India have no peace of mind, and when there is no peace of mind, then where is the peace ?

Then, Sir, he talked about British prestige. I am one of those who want British prestige to be supermost, because I believe in the British connection. But, Sir, history repeats itself, and we find now that although raids are being made on British ships and on the British Navy the Government is taking it lying down. If you go on taking things lying down your supremacy will be in danger.

Sir, my own opinion is that the Punjab Ministry were induced to urge this measure because of Congress persuasion of the masses. That is my impression and that impression is strengthened because they did not approach the Government of India as a Provincial Government ; the Premier possibly did that informally.

[Rai Banadur Lala Ram Saran Das.]

Sir, I would ask the Government to open recruitment to all classes. My friend the Nawabzada Sahib said that I did not belong to a martial class. There he was wrong. I may not belong to those statutory martial classes which have now been created, but I can tell him that as long as my great grand-father was in command of the army not even the Maharaja Ranjit Singh could invade the then Lahore State. However, Sir, that is a matter on which I need not dwell longer. But what I must say is that when in the British Army the sons of tailors and cobblers are admitted as King's commissioned British officers and they prove to be good officers, why should there be class discrimination amongst Indians ? I can mention a few names to prove that what I am saying is right. There are two tailors at Lahore whose sons have got the King's commission in the British Army ; there is a third, a cobbler, whose son is now a captain. My contention is that the time has now come when with scientific war it is intellect which is now required and not merely physique. There was a time when a non-intellectual man might have served the army better than an intellectual one. But with science taking a major part in warfare now, it is in the interests of Government to extend recruitment to the intellectual classes. Then Government will never have a lack of people offering themselves. I know from personal contact with the masses that there will be no dearth of people coming forward from the Punjab. Resentment has been caused by the treatment meted out to the Indian officers in the army in particular. I won't mention any names but I can tell you that many officers now in the army have told me that the treatment accorded to them is not what it ought to be.

Sir, we also see that the Government is not Indianizing the army at the pace that public opinion demands. If these drawbacks are removed I think there will be no difficulty at all in finding recruits. I might mention that the Ghirths in the Punjab which is mainly an agricultural community rendered great service in the war, but as soon as the war was over that community was refused recruitment in combatant units although the authorities in the army admitted that they did well in the war. The same is the case with many other communities, and so, as other Members have observed, the time has come when recruitment should not be confined to the so-called martial classes which have been patronized by the Government and who have done well in the past. My belief is that any man who is given a good training can be as good a military officer as anybody else. Nawabzada Kurshid Ali Khan said that his views were confirmed by the Zamindar Conference which Kisans term as sarkari conference which was recently held at Lyallpur. I might say that it was a purely big landlords' conference who were generally exploiting the poor cultivating tenants and on whom Ministers in power brought their influence to bear. The Punjab has no longer a popular ministry now as the Nawabzada knows that there was a mammoth rival Kisan Conference where resolutions were passed condemning the present Punjab Ministry——

THE HONOURABLE NAWABZADA KHURSHID ALI KHAN: That was by the zamindars.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: You may hold all those who own lands as zamindars. I am a landlord myself and hold

that the real reason is that these zamindars are not giving fair treatment to their tenants. They generally take half of their produce for the work and for the hard labour that the cultivators put in. The Zamindars Conference was purely a conference of those landlords who do not work with their own hands, do not plough the fields themselves, and do exploit the poor cultivator (tenant) and had the patronage of the Ministry.

THE HONOURABLE MR. A. DEC. WILLIAMS: Surely, Sir, on a point of order what have landlords and tenants to do with the Bill?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: It is mostly tenants mainly who come forward for recruitment. The difficulty has been felt that those tenants do not offer themselves in such big numbers as they used to do in the past. Recruitment is so limited to certain classes that I know that although Jats are considered as very good fighting material, Jats of the Jullundur Division are not being freely enlisted in the army. Sir, the economic condition due to the depression in the Punjab is so low that people must come forward for recruitment to keep their body and soul together. Sir, I do not want to say any more on the subject but I can tell you that by adopting this Bill and making recruitment by force of law will not be in the interest of the army.

With these words, Sir, I oppose the Bill.

THE HONOURABLE THE PRESIDENT (to the Honourable Mr. A. deC. Williams): Will you reply now or on Monday?

THE HONOURABLE MR. A. DEC. WILLIAMS: I shall be very brief, Sir.

At the outset I must take the gravest exception to the observations made by my Honourable friend Lala Ram Saran Das in relation to the popularity or otherwise of the Ministry in the Punjab. Whether or not the information at the disposal of this Government was conveyed through that Ministry has nothing whatever to do with their popularity or otherwise, and the fact that this Bill was not brought in the Provincial Legislature is due to the view taken of the legal position by the Government of India. I am aware that it is a view which is not shared by Honourable gentlemen opposite, or some of them; but it is the view which was taken in another place by the Honourable the Law Member of the Government of India and it is the official view of Government; and so long as we take the view that this Bill regulates a List I subject it is manifestly impossible for the Bill to have been brought in the Provincial Legislature, and therefore no inference can be drawn as to the unpopularity or otherwise of that Ministry from the fact that it was not responsible for introducing the Bill in the local Legislature.

Now, Sir, as you yourself have pointed out to the House, an absolute welter of irrelevant matter has been brought up in connection with the consideration stage of this Bill. I think that perhaps it will make for expedition if I associate myself warmly with everything that every Honourable Member has said in this House which did *not* relate to this Bill (and that is practically everything that they did say). There were very few points made which appeared to be really relevant. One which struck me was made I think by my Honourable friend Sir Phiroze Sethna. It was this. Why, if Government

[Mr. A. deC. Williams.]

regards these activities as so serious in this country, does the British Government tolerate speeches of this kind when made in Britain ? Why do they allow the members of the Oxford Union to pass resolutions of such and such a character ? The explanation was partly given by my Honourable friend Mr. Sapru who said that the common sense of the British nation is such that they pay no attention to these speeches. I think it is a fact that the average British citizen—and I mean no disrespect to my Honourable friends opposite—has the greatest suspicion of anyone who is gifted with too much eloquence and who is given to political utterances at large. But I think there is another explanation of the tolerance of the British Government for speeches of this kind, and that is the sense of humour of the average British citizen. I do not know how many Honourable Members have heard public orators in Hyde Park on a Sunday afternoon, but they get quite as much laughter as applause.' So far as the Oxford Union is concerned, a body which is as likely as not to discuss whether marmalade is normally preferable to jam for breakfast, I do not think that Government need pay overmuch attention to its conclusions.

We have heard a great deal about different kinds of policy in connection with this Bill. I can assure the House in all sincerity that this Bill has no connection with *any* kind of policy, the policy of the Congress, the policy of the Muslim League, the policy of the totalitarian powers or even the policy of the League of Nations. It has nothing to do with any of these. It has not even anything to do with any particular policy of Government. It is the business-like effort of an employer to secure that his services shall be supplied with personnel and that that personnel shall be under decent discipline. It is no more than that. There is no trick about it, and for that reason and without further parley, I commend it to the Council for consideration.

THE HONOURABLE THE PRESIDENT : Motion made :

"That the Bill to amend the Criminal law, as passed by the Legislative Assembly, be taken into consideration."

The Council divided

AYES—26.

Abdus Sattar, Hon. Mr. Adur Razzak Hajee.
Buta Singh, Hon. Sardar.
Charanjit Singh, Hon. Raja.
Chinoy, Hon. Sir Rahimtoola.
Das, Hon. Rai Bahadur Satyendra Kumar.
Devadoss, Hon. Sir David.
Ghosal, Hon. Sir Josna.
Govindachari, Hon. Rao Bahadur K.
Haidar, Hon. Khan Bahadur Shams-ud-Din.
Hossain Imam, Hon. Mr.
Hydari, Hon. Mr. M. S. A.
Ismail Ali Khan, Hon. Kunwar Haji.
Jagdish Prasad, Hon. Kunwar Sir.
Khurshid Ali Khan, Hon. Nawabzada.
Lal, Hon. Mr. Shavax A.
Menon, Hon. Sir Ramunni.
Muhammad Yakub, Hon. Sir.
Mukherjee, Hon. Sir Satya Charan.
Parker, Hon. Mr. R. H.
Patro, Hon. Sir A. P.
Roy, Hon. Mr. S. N.
Russell, Hon. Sir Guthrie.
Slade, Hon. Mr. M.
Stokes, Hon. Mr. H. G.
Thorne, Hon. Mr. J. A.
Williams, Hon. Mr. A. deC.

NOES—8.

Mitha, Hon. Sir Suleman Cassum Haji.	Ray Chaudhury, Hon. Mr. Kumarsankar.
Motilal, Hon. Mr. G. S.	Roy Chowdhury, Hon. Mr. Susil Kumar.
Pantulu, Hon. Mr. Ramadas.	Sapru, Hon. Mr. P. N.
Ram Saran Das, Hon. Rai Bahadur Lala.	Sethna, Hon. Sir Phiroze.

The Motion was adopted.

THE HONOURABLE THE PRESIDENT : This Bill has been thrashed out most thoroughly and exhaustively today and I do not wish to trouble the Honourable Members to come specially here on Monday next to see it through. I presume it won't take more than 15 or 20 minutes to finish it now. But I am in your hands as to whether we should finish it now or adjourn its consideration till Monday next.

(A number of Honourable Members cried : " Take it now ".)

THE HONOURABLE MR. RAMADAS PANTULU : I feel, Sir, it is necessary to speak on some of the clauses and also on the third reading. There are two amendments by a member of my Party.

THE HONOURABLE THE PRESIDENT : What is the general sense of the House—to proceed now or to adjourn ? (Only eight declared for adjournment.) From what I see now the general sense of the House is that we should proceed with the Bill.

The Question is :

" That clause 2 stand part of the Bill ".

The Honourable Mr. Kumarsankar Ray Chaudhury has given notice of two amendments. In my opinion those amendments cannot be allowed because the amendments require the sanction of the Governor General and as that sanction has not been obtained I am afraid under the rules I cannot allow them. I shall read first rule 19A. the new rule :—

" (*1*) If any member desires to move an amendment which under the Act cannot be moved without the previous sanction of the Governor General he shall annex to the notice required by the Standing Orders a copy of such sanction and the notice shall not be valid until this requirement is complied with.

(*2*) If any question arises whether an amendment is or is not an amendment of the nature referred to in sub-rule (*1*), the question shall be referred to the Governor General and his decision on the question shall be final ".

In the present case, no attempt has been made to obtain the sanction of the Governor General. I draw the attention of Honourable Members to section 108 of the Government of India Act which states—

" Unless the Governor General in his discretion thinks fit to give his previous sanction, there shall not be introduced into, or moved in, either Chamber of the Federal Legislature any Bill or amendment which.....

(*c*) affects matters as respects which the Governor General is, by or under this Act, required to act in his discretion ;"

[Mr. President.]

And further I draw attention to section 313 clause (4) which says :

" Any requirement in this Act that the Governor General shall exercise his individual judgment with respect to any matter shall not come into force until the establishment of the Federation, but, notwithstanding that Part II of this Act has not come into operation, the following provisions of this Act, that is to say—

(a) the provisions requiring the prior sanction of the Governor General for certain legislative proposals ; .....

shall have effect in relation to defence, etc., etc. ".

So the Governor General's sanction is absolutely necessary for these amendments.

THE HONOURABLE MR. RAMADAS PANTULU : May I say, on a point of order, Sir——

THE HONOURABLE THE PRESIDENT : If you propose to question the ruling of the Chair, I cannot allow it, because the ruling of the Chair stands incontrovertible and is binding on all Members. If you want information——

THE HONOURABLE MR. RAMADAS PANTULU : I am making a submission to you. How does this relate to Defence ? This is a Bill to amend the Criminal Law.

THE HONOURABLE THE PRESIDENT : You have been arguing the whole day that the Bill relates to Defence. Every one of you has been arguing that this ought not to have been done. I do not think it lies in the mouth of Honourable Members, who have spoken the whole day in these terms against the Bill to say now that it does not relate to Defence.

THE HONOURABLE MR. HOSSAIN IMAM : On a point of information Sir. Did all the amendments that were moved in the Assembly have the previous sanction of the Governor General ?

THE HONOURABLE THE PRESIDENT : I do not know. I presume that they must have had the previous sanction of the Governor General. The President of the Assembly is a very old and experienced man and I do not think he would have allowed those amendments unless sanction had been given.

THE HONOURABLE MR. HOSSAIN IMAM : I would like the Additional Defence Secretary to enlighten the House on this point. I do not find any mention about it in the proceedings.

THE HONOURABLE THE PRESIDENT : It is no concern of mine as to what was done or not done in the other House.

THE HONOURABLE MR. HOSSAIN IMAM : I am asking the Honourable Mr. Williams to tell us.

THE HONOURABLE MR. A. DEC. WILLIAMS : I have no information. It makes very little difference having regard to the provisions of sub-section (2) of section 109 of the Act. Failure to obtain previous sanction in many cases does not invalidate a measure. It makes no difference.

THE HONOURABLE MR. HOSSAIN IMAM: Was sanction of the Governor General obtained for introducing this Bill?

THE HONOURABLE MR. SHAVAX A. LAL: That is printed on the Bill itself as introduced in the Legislative Assembly.

THE HONOURABLE MR. A. DEC. WILLIAMS: May I submit that the fact that the Governor General has given his sanction will operate as a ruling by him under rule 19A, sub-rule (2)? The question cannot be raised.

THE HONOURABLE THE PRESIDENT: Yes. We must carry out His Excellency the Governor General's orders.

The Question is:

"That clause 2 stand part of the Bill."

The Motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The title and Preamble were added to the Bill.

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

"That the Bill, as passed by the Legislative Assembly, be passed."

THE HONOURABLE MR. RAMADAS PANTULU: Sir, I rise to oppose this Motion. I promise that I will not take any long time over it ——

THE HONOURABLE THE PRESIDENT: I cannot stop you from talking as long as you please.

THE HONOURABLE MR. RAMADAS PANTULU: I know. I do not however wish to put you to the necessity of doing it. I will be failing in my duty if I record a silent vote, without once more raising our protest against this most inequitous and most obnoxious Bill. It cuts at the very root of the liberty of speech and liberty of public meeting in this country, and I am sure that the opposition to this Bill, when it is promulgated in any province, will make itself felt most unequivocally.

Sir, I only wish to say one word in reply to certain observations made by some Honourable Members with regard to the Criminal Law Amendment Act having been used by the Madras Government and that therefore the Congress Party is not acting here consistently in opposing this Criminal Law Amendment Bill when their own Party is using a similar measure in the Province of Madras. There are two misapprehensions about this. First of all, a declaration has already been made by the Congress authorities that very soon the Criminal Law Amendment Act will be repealed in that province. Secondly, this law is not being used at present in Madras to suppress the civil liberties of any individual but to bring to book those who are trying to interfere with the civil liberties of citizens. What the anti-Hindustani agitators are doing is to picket the houses of the Premier and the Education Minister in Madras. They gather in large numbers before their houses to disturb them and prevent them from doing their legitimate business and indulge in filthy abuse.

THE HONOURABLE SIR A. P. PATRO: No, that is wrong.

THE HONOURABLE MR. RAMADAS PANTULU: That is absolutely correct. That is what is being done.

THE HONOURABLE SIR MUHAMMAD YAKUB (Nominated Non-Official): Did not the Congress do the same thing? Was not the house of Sir Shanmukham Chetty, President of the Assembly, beseiged by the Congresswalas at Delhi and he was not allowed to vote and preside?

THE HONOURABLE MR. RAMADAS PANTULU: Why did you not proceed against them under the Act? I may tell you, Sir, that what is sought to be prevented is interference with the civil liberty of the Premier and of the Education Minister who are both citizens and are entitled to exercise their liberty. The anti-Hindustani agitation is not prohibited or suppressed.

THE HONOURABLE SIR DAVID DEVADOSS (Nominated Non-Official): How is all this relevant to the third reading of the Bill?

THE HONOURABLE MR. RAMADAS PANTULU: It is as relevant as the attack when it was made.

THE HONOURABLE SIR DAVID DEVADOSS: Two wrongs do not make one right.

THE HONOURABLE MR. RAMADAS PANTULU: So long as the Act is on the Statute-book, the Ministers are entitled to use it. There is a world of difference between a responsible Government using the Act and an irresponsible Government using it. There is all the difference, because if the Act was misused by a responsible executive there is the safeguard of the electorate or the Legislature for correcting it. You can turn the Ministers out of office. Let it be tried. Let my friend Sir A. P. Patro, and his party, go to the polls, try their luck and turn out Mr. Rajagopalachariar and his Ministry from Madras Legislature for the misuse of the Act. The constitutional procedure open to any Party that is aggrieved by the mis-government of any Ministry is to appeal to the electorate. There were many numerous bye-elections to the Madras Legislature; why did Sir A. P. Patro's party men not try their chance on this issue? Their appellate court is the electorate and not this House. There is no use of complaining to the Government of India or the Council of State that the Madras Ministry has been mismanaging affairs. Their electorate is his forum to judge and I would advise my Honourable friend Sir A. P. Patro to try his luck at the polls at the next opportunity that occurs.

THE HONOURABLE THE PRESIDENT: Motion made:

"That the Bill, as passed by the Legislative Assembly, be passed."

Question put and Motion adopted.

The Council then adjourned till Eleven of the Clock on Friday, the 9th September, 1938.

COUNCIL OF STATE.

Friday, 9th September, 1938.

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

QUESTIONS AND ANSWERS.

Release of Hansraj Wireless.

90. The Honourable Mr. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh) : Will Government state whether the question of the release of Hansraj Wireless has been referred to the Government of India by the Sind Government or any other authority ? If so, what is the decision arrived at in the matter ?

The Honourable Mr. J. A. THORNE : The Government of India were not consulted, but I understand that the prisoner has been released by the Government of Sind.

Ram Chand Bapat, convicted in Ajmer for attempt on the life of Mr. Gibson.

91. The Honourable Mr. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh) : (*a*) Was one Ram Chand Bapat convicted by the Administration of Ajmer-Merwara and classified as a " C " class prisoner ?

(*b*) Have the Bombay Government addressed the authorities of Ajmer-Merwara to take back this prisoner, who is undergoing imprisonment in the Sabarmati Jail ? If so, has this prisoner been taken back to Ajmer-Merwara, and if so where is he confined at present ?

(*c*) Of what offence was this prisoner found guilty, and when will he be released ?

The Honourable Mr. J. A. THORNE : (*a*) Yes.

(*b*) The prisoner is at present confined in the Central Jail, Ajmer, to which he was transferred on the 5th July, 1938 at the request of the Bombay Government.

(*c*) He was sentenced under section 307, I. P. C., on 21st May, 1932. His sentence, excluding remissions, will expire on 20th May, 1942.

REJECTION BY ALL-INDIA RADIO TO INCLUDE THE SONG " BANDE MATARAM " IN INDIAN PROGRAMMES.

92. THE HONOURABLE MR. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh) : Will Government state whether the All-India Radio authorities have rejected the suggestion of a number of radio licence holders to include the " Bande Mataram " song in the Indian programme ? If so, why was the suggestion rejected (*vide* the *Amrita Bazar Patrika*, dated the 20th April, 1938, page 18) ?

THE HONOURABLE MR. S. N. ROY : Yes. As the Honourable Member is perhaps aware, there has been some controversy about this song in which it was considered undesirable that All-India Radio should be involved.

REPATRIATION OF INDIAN LABOURERS FROM MALAYA.

93. THE HONOURABLE MR. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh) : (*a*) In consequence of the recent cut in the rubber quota in Malaya, are the local authorities there resorting to repatriation of Indian labourers ?

(*b*) What approximately is the number of Indian labourers in Malaya, and how many of them have been repatriated ; and to what places ? What facilities have been given to them ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : (*a*) Indian labourers are repatriated from Malaya to India for various reasons ; the reduction in the rubber quota is one of them. I would add that only those Indians are repatriated who wish to come back.

(*b*) The number of adult Indian labourers in Malaya on the 31st December, 1937 was 243,999 on rubber estates and 62,760 in other places. Repatriates from January to June, 1938, were 9,441 adults and 3,806 minors. They were repatriated to the Madras Presidency. The usual facilities of feed and keep at the immigration depots or camps both in Malaya and Madras or Negapatam, as well as free transportation to their houses, were provided.

MAULVI OBEIDULLAH SINDHI.

94. THE HONOURABLE MR. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh) : Have Government received any representation from M. Obeidullah, an Indian exile in Mecca, for permission to return to India ?

THE HONOURABLE MR. J. A. THORNE : Yes. Government have decided that they will raise no objection to his return to India, and have taken steps to inform him of this decision.

SCHEME OF COLONIZATION AT KOLUR FOR SOUTH AFRICAN REPATRIATES.

95. THE HONOURABLE MR. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh) : Is it proposed to form an agricultural colony for South African repatriates in Kolur, about 40 miles from Madras ? If so, how

many of the repatriates will be thus accommodated, and what arrangements have been made, or are proposed to be made in the matter ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : Government understand that the scheme, which was sponsored by a private individual, was considered by the Government of Madras but has been dropped as being unsuitable for South African repatriates.

MESSRS. MAHOMED ALI AND SONS, ABYSSINIA.

96. THE HONOURABLE MR. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh) : (*a*) Will Government state whether the firm of Mahomad Ali and Sons, who are winding up their affairs at Addis Ababa (Abyssinia) have not yet received payment of the balance of money promised by the Italian authorities ?

(*b*) If so, what amount of money is due, and what steps have Government taken to protect the interests of this Indian firm ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : (*a*) The firm in question have received in full the balance of money due to them by the Italian authorities.

(*b*) Does not arise.

INDIAN TRADERS IN SINKIANG, CHINA.

97. THE HONOURABLE MR. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh) : (*a*) Will Government state whether there are Indian traders in Sinkiang, China ? And if so, how many ? Have the traders there been experiencing difficulty owing to the Provincial Government's policy of devaluation of the internal currency ; and have many persons of importance among them been forced to leave the territory ?

(*b*) Have Government enquired into the matter, or do they propose to make an enquiry ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : (*a*) Up to the 16th June, 388 persons had registered themselves as British subjects at His Majesty's Consulate General, Kashgar ; of these, 138 registered themselves as traders.

The devaluation of the 3½ tael notes to 2 tael has caused some difficulty not only to Indian but to all traders in Sinkiang.

Only one important Indian trader has left Sinkiang. His departure, though it was probably due to the attitude of the Sinkiang authorities to Indian traders generally, was voluntary and in his own interests.

(*b*) Representations have been made to the Sinkiang Provincial Government through His Majesty's Consul General at Kashgar and every effort is being made to induce them to adopt a more reasonable attitude towards Indian merchants.

THE HONOURABLE MR. HOSSAIN IMAM : Is this an independent Government or is it under China ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : I think it is under the Chinese Central Government, but if my Honourable friend wants further information I shall have to ask for notice.

INDIANS IN KASHGAR AND YARKAND.

98. THE HONOURABLE MR. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh) : Will Government make a statement regarding the steps taken by them recently in connection with the position and status of Indians in Kashgar and Yarkand area, indicating the hardships to which they were subjected by reason of political disturbances, and the steps taken to improve their conditions ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : I would draw the attention of the Honourable Member to my answer to parts (*a*) and (*b*) of his question No. 77 in Final List on the 8th September, 1938.

TRADE AGREEMENT WITH EGYPT.

99. THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY: Will Government state whether they contemplate entering into any trade agreement with Egypt with regard to cotton and other goods ?

THE HONOURABLE MR. M. SLADE : No, Sir.

THE HONOURABLE MR. HOSSAIN IMAM : Will the Government explain the reason ?

THE HONOURABLE MR. M. SLADE : There is no proposal for a trade agreement at present before Government.

INDIAN STATES AND FEDERATION.

100. THE HONOURABLE MR. B. N. BIYANI : Will Government state—

(*a*) What Indian States have submitted their Instruments of Accession in order to join the Federation ?

(*b*) What are the reasons for other Indian States in not submitting their Instruments of Accession to join the Federation ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : The attention of the Honourable Member is invited to the statement made in the other House by the Honourable Sir James Grigg on the 10th March, 1938, in reply to Mr. T. S. Avinashilingam Chettiar's starred question No. 737 to which I have nothing to add.

SHORT NOTICE QUESTION AND ANSWER.

BURMA RIOTS.

101. THE HONOURABLE SIR PHIROZE SETHNA : Will the Honourable the Leader of the House be pleased to make a statement on the rioting in Burma which commenced on 26th July and is still continuing and the steps

either already taken or contemplated to be taken by the Government of India to safeguard Indian interests in regard to their personal safety in the future and also in regard to compensation for the losses sustained by them ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : 1. As Honourable Members are probably aware already, the rioting in Burma falls chronologically into two parts, namely, from the 26th of July till the 2nd of August approximately, and the recent revival. As regards the first stage, Honourable Members must already be familiar with the course of events and I need not go into that. The events of the second stage, to the extent of our information, may conveniently be grouped into (*a*) events in Rangoon and (*b*) events in the districts.

(*a*) *In Rangoon.*—Fresh disturbances first broke out on the afternoon of the 2nd September following an assault by Burmans on three Indians in a suburb of Rangoon. There was rioting in the centre of the town by Indians who stoned buses and assaulted Burmans. Apart from a few isolated assaults, the night was quiet. The 3rd of September passed without any disturbance, but on the afternoon of the 4th trouble broke out again in Rangoon and there were a number of cases of assault both by Burmans and Indians, but little looting is reported. On the 6th it was stated that conditions had considerably improved. The night of the 5th was quiet but on the morning of the 6th one Burman hermit was assaulted by Indians and two Indians were attacked by Pongyis. Reports received on the 7th indicate that conditions were quiet on the night of the 6th and on the morning of the 7th. Since the rioting re-started, the police opened fire on one occasion and have captured a number of *dahs* and other weapons.

(*b*) *In the districts.*—On the 29th of August sporadic cases of incendiarism, looting and assault were reported from Mandalay and the Indians there closed their shops for three days. The local police force was reinforced on the morning of August the 29th. On the 31st August the Commissioner there convened a Conference as a result of which all the shops were re-opened on the 1st of September. According to the latest information from the Government of Burma, the disturbance in Mandalay is now under control and conditions have returned to normal except for two isolated assaults on Indians reported on the 4th September. Other districts where tension still exists are Henzada and Shwebo, but in these too the situation is reported to be much easier. The extra reinforcements have not yet, with three exceptions, been withdrawn from the districts to which they had been sent.

2. Accurate figures of casualties among Burmans and non-Burmans for the whole country during the earlier part of rioting are not yet available owing to the wide area affected. The Government of India have requested the Government of Burma to furnish particulars of these as soon as possible. The total number of casualties from September 2nd until the morning of the 6th was 19 killed and 103 wounded.

3. As regards refugees, the Government of Burma informed us on the 19th August that the total number was estimated by the Indian community at 6,000, 4,000 from Rangoon and suburbs and 2,000 from the districts. It

was stated at the time that 300 had been sent back to their homes in India and 600 more were to be sent back during the following week. Exact figures of the numbers that have so far returned to India are not available. It has been suggested to the Government of India that, owing to the revival of rioting, the situation as regards refugees must have considerably worsened. The Government of Burma have been asked by telegraph to let us know the present position. The question as to what assistance the Government of India can render in dealing with this problem is under active consideration.

4. I would now state briefly the action which the Government of India have already taken or contemplate—

(1) The immediate need is the restoration of peace. Strong representations have been made that firm and effective action should be taken to this end.

(2) The Government of Burma proposed originally to appoint a tribunal to inquire into the origin of the affray on the 26th July, 1938, and the conduct of the police in the course of that affray. The Government of India are pressing that the scope of the inquiry should be widened to cover the whole course of the riots and the question of the adequacy or otherwise of the steps taken to cope with them. They have also recommended that the inquiry should be entrusted to a strong and impartial tribunal so as to inspire confidence.

(3) Government have now taken up the question of the payment of compensation to Indians for loss of life or property caused by the riots and the establishment of an independent agency for the purpose of assessing the claims.

(4) In view of the revival of rioting, they are taking steps to send immediately to Burma their Agent so as to keep them in touch with developments. The Government of India share with Honourable Members and the people of this country the sense of horror that these riots have aroused and the sympathy which every one must feel with the sufferers. They are doing and will continue to do their best to safeguard the legitimate interests of their nationals abroad.

THE HONOURABLE MR. P. N. SAPRU: A supplementary question, Sir. Will the Government of India be represented before this tribunal by any counsel? Are they proposing to send any one to represent the Indian case before this tribunal.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: Sir, I am not in a position to answer that question. First, the question of a tribunal has to be settled. As to what further steps the Government of India will take will depend on circumstances.

THE HONOURABLE SIR PHIROZE SETHNA: How soon is the Agent expected to be in Burma?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: We are taking steps that he should get there as quickly as possible.

THE HONOURABLE MR. HOSSAIN IMAM: When is that tribunal to be appointed which is to assess the damages?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: I am afraid I cannot add anything more to the very full statement that I have already made.

THE HONOURABLE MR. HOSSAIN IMAM: What I wanted to know was whether we have represented to the Secretary of State or to the Burma Government for this purpose.

THE HONOURABLE SIR JAGDISH PRASAD: The normal channel of communication of the Government of India is the Secretary of State for India who is also the Secretary of State for Burma.

CENTRAL ADVISORY BOARD OF EDUCATION.

THE HONOURABLE THE PRESIDENT: With reference to the announcement made by me on the 5th September, 1938, regarding nomination to the Central Advisory Board of Education in India, I have to announce that the Honourable Sir Ramunni Menon has been nominated to it. As there is only one candidate for one vacancy I declare him duly elected.

RESOLUTION *RE* SCHEME FOR INCREASING THE PAY, ETC., OF THE BRITISH ARMY IN INDIA.

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern: Non-Muhammadan): Sir, I beg to move the following Resolution:

"This Council recommends to the Governor General in Council that the scheme for increasing the pay and other conditions of service of the British Army in India should not be given effect to."

Sir, the general arguments in favour of a reduction of military expenditure and a more adequate contribution towards the cost of the British troops are well known and I do not propose to tire the Council by repeating them over again. I shall therefore at once come to the Resolution which protests against the proposal to saddle India with further additional defence expenditure. Sir, it will be within the recollection of the Council that on the 10th of March, 1938 Mr. Hore Belisha, who is Defence Minister, made a statement indicating that certain concessions would be hereafter available for British troops. It is proposed to give various allowances, like colonial allowances, marriage allowance, and rations for the British rank and file of the army. Honourable Members will find details in the Hansard Report of the 10th of March, 1938. The total cost of the proposals amounts to 1,600,000 apart from the building programme in 1938. Sir, it must be said to the credit of the Government of India—and I do not grudge them this credit—it must be said to the credit of the Government of India and its Finance and Defence Departments that they represented

[Mr. P. N. Sapru.]

to His Majesty's Government that this increase would have a serious effect upon the Indian budgetary position and increase the cost of British troops stationed in India. We do not exactly know the extent of the burden which is going to be cast upon us, but I rather gather from a question which I put to the Honourable Mr. Williams the other day that the cost of improvement in the conditions of the rank and file will be for next year Rs. 133 lakhs and for this year Rs. 122 lakhs. The full cost of improvements in the case of officers of the British service has not been fully worked out, but from a statement which was made in the other place by Mr. Ogilvie it is likely to be something like Rs. 20 or Rs. 21 lakhs. In addition we must be prepared for an increase in the cost of officers who are mainly affected as regards non-effective charges. This increase will not come into effect immediately, but will ultimately involve the Indian taxpayer in an increase of Rs. 14 lakhs of expenditure. These measures costing extra expenditure are going to be given effect to immediately in India as will be evident from Mr. Hore Belisha's statement. I will just read that statement out, Sir, to the House :

"In general, these measures, including the new time-scale of promotion and incremental stages, will apply as from the ruling date to the officers of the British Army on the Indian establishment. The consequential adjustments of Indian rates of pay issuable to the officers on the Indian establishment will be decided shortly".

Now, Sir, we would like to know what is the attitude of the Government of India towards the imposition of this burden. At one stage, they did protest. That too is evident from certain remarks which Mr. Hore Belisha made in the House of Commons. Now, are they continuing to make any representations to His Majesty's Government, and, if so, what is the nature of those representations ? I know, Sir, that the Government of India is a subordinate branch of His Majesty's Government. The Central Government, at all events, still continues to be a subordinate branch of His Majesty's Government. And as a subordinate branch of His Majesty's Government they are not in an effective position to negotiate on equal terms with His Majesty's Government. But this very fact, that His Majesty's Government is dealing with a subordinate branch ought to make His Majesty's Government more considerate towards the Government of India and the Indian taxpayer. Sir, His Majesty's Government claim to be trustees. Then they should execute their self-imposed trust in an honest, just and conscientious manner. Sir, it will be criminal to add a single pie to our already bloated military expenditure. If we take the revenues of the Provincial and the Central Governments into consideration, our proportion of expenditure on defence to the total revenues is in the neighbourhood of 30 per cent. No country except perhaps Fascist Japan spends in normal times as much as we do on Defence. It has been emphasized by us over and over again that the expenditure is so high because the army has certain Imperial purposes also. That there is an Imperial purpose in the Army in India will be evident to those who have read carefully the very excellent Minute of the two very distinguished members of the Capitation Tribunal, one of whom is a member of the Judicial Committee of the Privy Council and the other is an honoured member of the first Federal Court of India. I will not, therefore, labour this point further, Sir. I will not quote. The quotations

are with me but I think the House is familiar with the report of the Capitation Tribunal and I will not trouble it by reading out extracts from it. Sir, social services are starving in the provinces and we desire to have contributions from the Centre in order to give relief to the poverty-stricken masses of India. Have some consideration for these hungry masses, for the Provincial Governments who will be responsible for the development of these socia lservices to a hunger-stricken electorate. If you wish to secure the co-operation of India, if you wish to secure her whole-hearted co-operation, you must act justly by her.

There is another point that I would like to be made clear. I suppose that these concessions will apply to the British officers serving in Indian regiments. Does the figures Rs. 130 lakhs include these officers also ?

THE HONOURABLE MR. A. DEC. WILLIAMS : No, Sir.

THE HONOURABLE MR. P. N. SAPRU : Thank you, Sir. I am very glad that the Honourable Mr. Williams has made that point clear because that point was not very clear to me from the answer that was given in the House the other day.

A further point that I would like to emphasise is that I apprehend that these concessions are likely to lead to a similar demand from the King's Indian commissioned officers and the rank and file in the Indian Army. How can you with justice reject this demand ? What will be the cost of any increase in emoluments, etc., of these Indian commissioned officers and the rank and file of the Indian Army if increases are to be given to them on the lines indicated by Mr. Hore Belisha in regard to the British troops in India ? Sir, my point will become clear if I just indicate the nature of the concessions which it is proposed to give to the officers :

" In future, every subaltern will become a captain in eight years, and every captain will become major in a further nine years ".

Now, Sir, if you are to have every subaltern a captain in eight years, then you cannot obviously deny this promotion to the King's Indian commissioned officers also. The same thing applies to a major also.

" Every officer entering at the normal age will be sure of approximately 10 years' service in the rank of major, if not previously promoted.... The ages of retirement for each particular rank will be lowered. Generals and lieutenant-generals from 67 to 60, major-generals from 62 to 57, colonels from 57 to 55, lieutenant-colonels from 55 to 50, and majors from 50 to 47 ".

The effect of these proposals is to considerably accelerate promotion and you cannot accelerate promotion in the case of the King's commissioned officers and not in the case of the King's Indian commissioned officers.

" The effect of these proposals is considerably to accelerate promotion and thereby to give increased pay at lower ages. In the subaltern ranks, however, in the years before the advantages of this acceleration begin to operate, there will be a substantive increase of pay in the case of second-lieutenants by 1*s.* a day, and of lieutenants by 1*s.* 2*d.* a day ".

Now, Sir, I have never stood for equal pay as between the Britisher and the Indian. But you cannot give these increases in promotion, etc., and then justly deny to the Indian the same chance.

[Mr. P. N. Sapru.]

Then, Sir, I will give another quotation relating to the officers :

" Retired pay of £407 10*s*. per annum will be earned by a major at the age of 46, having 23 years' service, whereas an officer of the same age and similar service might have had to retire as a captain on retired pay of £271 10*s*. under the present regulations. These measures apply to all the combatant corps of the army and will come into effect on 1st August ".

So far as retirement and promotion are concerned, you cannot make any distinction between your British officers and your Indian officers. If the cost which will be incurred if these proposals are given effect to if Indian officers has been considered, we should like to have a statement on that point also.

Sir, as I said, the Indian military budget is already a bloated one. We cannot allow it to be increased. We happen to be an enormously poor country and we have to approach these problems from the point of view of the tiller of the soil, not from the point of view of British or Indian vested interests. You must, therefore, stop this mean and melancholy business. It is for these reasons that I would say that the Government of India should not give effect to the proposals made by His Majesty's Government. If His Majesty's Government want to force these proposals on us, let them pay also for any similar concessions that we may have to give to our Indian officers.

With these words, Sir, I commend this Resolution to the unanimous acceptance of the House.

THE HONOURABLE MR. A. DEC. WILLIAMS (Nominated Official) : Sir, the terms of this Resolution, as indicated in the concluding words of the Honourable Mover's speech, indicate a certain amount of misunderstanding as to the actual position. I would remind the Council of the answer given by His Excellency the Commander-in-Chief to question Nos. 265—267 on the 4th April this year. I will summarize that answer. His Excellency stated that the Secretary of State for War, in making his announcement of the proposed reorganization of the British Army and the measures proposed to improve its conditions of service recognized the difficulties which the fact that a portion of the Army is stationed in India presented not only to His Majesty's Government but also to the Government of India. The Government of India, on receipt of this announcement, made representations to the Secretary of State for India on the subject and emphasized the serious effect upon the Indian budget which the increased cost of British troops in India would necessarily bring about, and as a result the Prime Minister authorized the opening of discussions in April last between the Secretary of State for India and the Secretary of State for War on certain aspects of Indian defence in relation to the problem of Imperial defence as a whole. The Government of India accordingly have sent an expert deputation to England to participate in these discussions and to place their views on all aspects of the question before His Majesty's Government. Government hope that an announcement on the progress so far achieved in these discussions can shortly be made. I may, however, inform the Council that these discussions are by no means concluded, and that we hope thereby to obtain what may be briefly described as a new deal as a set off against the increased cost to India of the improved conditions

of service of British officers and other ranks which, as already announced may amount to about Rs. 1½ crores a year. It follows that any discussion of the Resolution now before the Council is premature, as Government are not yet in a position to say what advantages may eventually accrue to us, and such discussion is for obvious reasons undesirable during the continuance of these negotiations. The conditions of service for all ranks of the British Army must necessarily be approximately the same in whatever part of the world they may be serving. His Majesty's Government, who alone have the right to determine those conditions, have found that certain improvements were necessary in order to secure adequate recruitment, and these improvements automatically apply in India as well as in England. The only method by which India can avoid such application is by the removal of the British forces from India, a step which cannot, I think Honourable Members will admit, be contemplated as an immediate measure. It follows that the Resolution certainly cannot be accepted in the form in which it stands. The burden which Indian revenues have consequently to bear has been very largely increased. But, as I have already stated, detailed negotiations are still in progress with a view to securing substantially a new deal in relation to defence questions in this country and I trust that the Council will refrain at this stage from further discussions which might prejudice the course of these negotiations. We hope that when they are concluded India will find herself amply compensated for the additional cost of the British portion of the Army in India. At all events, I can assure Honourable Members that the Government is striving to secure the best possible terms for India, and I trust that in the circumstances the Honourable Mover will see his way to withdrawing his Resolution. After the conclusion of the negotiations the Council will be in a position to express its considered opinion on the results.

THE HONOURABLE SIR PHIROZE SETHNA (Bombay : Non-Muhammadan) : Mr. President, we can now understand the reason why you thought it advisable to call upon the Honourable Mr. Williams to address the House at this early stage. The explanation he has given will, I am sure, appeal to the House. We were not aware that an expert deputation was sent by the Government of India to discuss matters with the authorities in England. This is as it should be, and we hope that this expert deputation will be able to present facts and figures to the authorities at home which will result in this extra burden of Rs. 1½ crores not being imposed upon India. As the Honourable Mover has already pointed out, and as I had occasion to remark yesterday, 30 per cent. of the total revenue of the Central and Provincial Governments of this country are absorbed in military expenditure, which is a larger percentage than anywhere else in normal times except in Japan, as pointed out by the Honourable Mr. Sapru. We realize that the Home Government have waived the cost of the mechanization of the British units in this country, the exact figure of which I forget. We also realize that they have waived the amount of £100,000 for naval defence, which both amount to a fairly large sum. But, Sir, if the British Government give these sums with one hand and they propose to take away ten times that amount with the other hand as was proposed by the Secretary of State for War, and which would come to nearly Rs. 1½ crores —surely a grave injustice would be done to India. It is not only that we

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Indians feel that the amount of our military exenditure is very excessive, but even Europeans in this country feel the same. I cannot do better than quote a sentence from a leader in the *Times of India* of the 3rd August, wherein it is said

"There are definite limits to what our budget can stand and in the present circumstances a sum of 45 crores of rupees is regarded as the maximum available for any defence programme".

I hope our expert deputation will be able to convince the authorities on this score and as a result of that we shall be saved this extra taxation. After hearing the Honourable Mr. Williams I would certainly recommend my friend Mr. Sapru to withdraw his Resolution at the present moment because we shall certainly have an opportunity after we have heard the decision of His Majesty's Government to bring it forward once again if needs be.

THE HONOURABLE MR. RAMADAS PANTULU (Madras : Non-Muhammadan) : Sir, we listened very carefully to the sympathetic speech made by the Defence Secretary. But, Sir, there are two facts which cannot be controverted and which will not be solved by any further discussion between the Government of India and His Majesty's Government. Those two facts are these. Firstly, that the expenditure on the Army in India is already very heavy and cannot bear any addition. The second point is that the British Government having admitted that a portion of the Army in India at least is maintained for purposes of Imperial defence and not for internal security and aggression on the Indian frontiers the British Government must pay for that part of the army and not India. We have not found an adequate reason for the British scheme of Indian Army reorganization saddling this country with any further expenditure. These are the two facts for which we have received no satisfactory answer. Why add to our military burdens and why should not the additional burdens, if necessary, be borne by the British Government ? To say that the Indian Government has made representations to the British Government does not satisfy us. I for one do not make any distinction between the two Governments, for all practical purposes they are one and the same the one being subordinate to the other. Therefore, Sir, I do not think this House will be in a much better position to discuss this matter when the final conclusions are reached. I would remind this House that the explanation given by Mr. Ogilvie in the other House, which was precisely the same as that given by Mr. Williams in this House, did not induce that body to withdraw the Motion for adjournment, and the Government was badly defeated. That is another reason why this House should also express its opinion and show that it is not behind the Legislative Assembly in voicing the true feelings of the people of the country. This kind of explanation by the Indian Government that we have put our case before the British Government and we are helpless as a subordinate Government and therefore India must accept the burden as an accomplished fact is not the sort of thing which the people of the country will accept. I do not however propose to stand in the way of my friend withdrawing his Resolution and I am not going to oppose his request for leave to withdraw. All the same I feel very dissatisfied with the Mover accepting the

appeal made to him to withdraw and his accepting the explanation offered by the Defence Secretary.

THE HONOURABLE MR. P. N. SAPRU : The House will be grateful to the Honourable Mr. Williams for the lucid statement that he has made in regard to this matter. Negotiations, as he has pointed out, are going on between His Majesty's Government and the Government of India and an expert deputation has placed our case before the authorities.

As regards what was done in the Legislative Assembly in regard to this question, I think there is a difference between the Assembly and the Council. The composition of this House is not the same as that of the Assembly and I do not think I will be serving any useful purpose if I were to press this Resolution to a vote. I therefore beg leave of the Council to withdraw it.

The Resolution was, by leave of the Council, withdrawn.

RESOLUTION *RE* REPRESENTATION OF THE GOVERNMENT OF INDIA ON THE WEST INDIES ROYAL COMMISSION.

THE HONOURABLE SIR PHIROZE SETHNA (Bombay : Non-Muhammadan) : Sir, I beg to move :

" This Council recommends to the Governor General in Council that he may be pleased to ask the Secretary of State for the Colonies and the British Government (*a*) to include a nominee of the Government of India in the personnel of the Royal Commission on the West Indies which the Secretary of State for the Colonies has recently announced and (*b*) to consult the Government of India in framing the terms of reference to that Commission for the reason that large Indian interests are involved."

Recently the Secretary of State for the Colonies announced that the British Government intended to appoint a Royal Commission to investigate into the Labour and other problems in the West Indies. Since this Resolution was tabled, the Commission has already been appointed. Now, what I propose in this Resolution is this. The Indian Government should represent to the British Government that a nominee of the former Government should be included in the personnel of the Royal Commission and that they should be consulted in framing the terms of reference to that Commission. Honourable Members must have noticed that I have stated in the Resolution that large Indian interests are involved. This circumstance makes it necessary that the Commission should include a representative of the Government of India preferably an Indian and that whatever the terms of reference to the Commission may ultimately be decided, the Government of India should be consulted in settling them. A Reuter's telegram informed us yesterday that the Commission sails on October 13th. There is therefore yet time for the inclusion of an Indian representative.

The genesis of this Commission lies in the disturbances that have taken place in the British West Indies during the last few years. There have been a series of labour strikes in several of these Colonies, in particular British Guiana, Trinidad and Jamaica. Last year another Commission was appointed to inquire into the disturbances in Trinidad and recently there was a debate

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in the House of Commons on the Report submitted by that Commission. In the course of the debate, the whole Colonial administration came under review and there was a general feeling in the House of Commons that the British Colonial Administration called for a thorough overhaul. Mr. Malcolm Macdonald, the Secretary of State for Colonies, has responded to this general sense in the House of Commons and appointed a Royal Commission to investigate the situation, not in any particular Colony or Colonies, but in all the West Indian Colonies. It is a matter of regret however that no one has been appointed who may be regarded as a representative of the Government of India, and who may therefore be trusted to represent and safeguard the interests of the Indian settlers in these Colonies. I therefore urge in this Resolution that the Government of India should take immediate steps in order that the Colonial Secretary might yet be induced to include an Indian in the personnel of the Commission and that the terms of reference might be so framed that a thorough inquiry in the condition of Indian settlers would also be made.

What is, Sir, the position of our countrymen in the West Indies ? It is no exaggeration to say that it is extremely unsatisfactory. According to the Census Reports for 1931, the total Indian population in Trinidad is 138,667 out of a total population of 331,084 or 42 per cent.; in British Guiana it is 130,540 out of a total population of 310,933 also 42 per cent. In the neighbouring Colony of Dutch Guiana at Surinam, the Indian population numbers 39,300 out of a total population of 144,385 or 27 per cent. This is by the way but I may state that the Indian population in those Colonies, British or Dutch, consists of a majority of Hindus, besides Muslims and Christians. The Indian immigrants were brought into these Colonies as " indentured " labourers and they were allotted to sugar estates. Most of them were from the poorest labouring classes, mostly from the so-called depressed classes. The recruiting agents, of deliberate and set purpose, recruited such persons, thereby hoping that the owners of sugar estates would find in them a class of labourers who would submit without complaint to the hardest labour and who would be content to receive even the lowest wages. Though these estates are thriving on labour recruited from this country, little attempt is made to improve their condition economically, socially or educationally.

A good deal of light is thrown on the condition of the Indian labourers in these Colonies in the report of the Commission appointed in regard to the Trinidad Disturbances of 1937. In June of that year there were serious disturbances in the oilfields and on sugar estates in Trinidad. The report of this Commission was unanimous. In the same way, there were strikes continuously for some years on the sugar plantations in British Guiana, strikes in which both the Indian and the negro labourers took part, the British Guiana Government appointed a Commission to inquire into these strikes and the disturbances that resulted in consequence. Both the report of this Commission and that of the Commission on the Trinidad disturbances are highly illuminating and they leave no doubt whatever as regards the necessity of improving the condition of the Indian immigrants in both these Colonies. In British Guiana, nearly 50,000 Indians reside on the sugar plantations, and they form

over 90 per cent. of the resident labour employed on the sugar estates, besides a fair population of Indians who work on the estates, though they do not reside there. The point to be noticed is that the prosperity of the sugar plantation in British Guiana is largely due to Indian settlers.

For the limited purpose of my Resolution, it is not necessary to go into details as regards the grievances of the Indian labourers in these Colonies. I may however state a few particulars in order to bear out the contention that large taxation interests are involved. Strange as it may appear their condition has deteriorated since the discontinuance of the indenture system. That system was terminated in 1921 and though the Office of the Immigration Agent General was continued for some years longer, it was also abolished in 1932. Since then, the interests of the Indian immigrants have practically been neglected. The Commission itself has thus described the worsening of the position of the Indian labourers as a result of the discontinuance of the indenture system and the Office of the Immigration Agent General. They observe :-

" What the indenture labourer was to the employer under the 'indenture system ' the resident estates ' labourer is today under the ' plantation system '. But he is without the Associations, safeguards and means of ventilating grievances which indentured and unindentured East Indians alike had enjoyed from 1846 to 1932, for though provisions of the Immigration Ordinance became inoperative with the cancellation of indenture in 1921, the Immigration Department continued to function as Protector of East Indian labourers until the year 1932 when the post of Immigration Agent General was abolished and the duties of Immigration Agents distributed among offices of the District Administration Scheme ".

The principal grievance of the Indian labourers is that employers refuse to let the labourer know before he began to do some work as to the rate of wages to be paid to him. It may be mentioned in this connection that work on the sugar estates is done largely on the piece-work system and not on the daily wage system. Again deductions from the wages of labourers are made without adequate justification. With regard to these grievances the Commission says :—

" The main grievance, neglect or refusal of employers to inform labourers of the rates to be paid before commencement of work to be performed by task, and deduction from the earnings of labourers were offences under the Immigration Ordinances. With the discontinuance of supervision provided by Government, irregularities have crept in and as accumulation of minor grievances without easy means of ventilation has been responsible to a great extent for recent labour troubles on estates ".

Other grievances of the labourers relate to housing, grants of land, hours of work and also the rate of wages. Formerly, under the Immigration Ordinance, they were entitled to free housing, and frequently had free grants of land made to them for growing cereals or vegetables for domestic use. But during the last four or five years these concessions have been discontinued, with the result that discontent grew among them. In fact it appears as is pointed out by the Commission itself for years past the labourers have been more or less dissatisfied with certain conditions, economic and otherwise, prevailing on sugar estates. All these facts and circumstances point to the conclusion that steps must be taken to stem the tides of discontent among the labourers so that there may be no recurrence of strikes and disturbances in future and that the labourers may be content with their lot. The Commission itself has recommended that Government should create some authority invested with such powers as may be necessary for the efficient safeguarding of the interests

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of the employed no less than the employer. My own view is that a responsible Agent of the Government of India should be appointed to protect the interests of our countrymen in these Colonies.

In February last my Honourable friend Pandit Kunzru moved a Resolution urging that active steps should be taken to facilitate the settlement of Indians on land in British Guiana and to discourage their repatriation to India. That Resolution was accepted by the Government on whose behalf my Honourable friend Sir Jagdish Prasad stated that he would do his best to take up the matter with the Colonial Office. I shall feel extremely grateful if he will be so good as to enlighten this House with regard to the measures which have been adopted at his instance with a view to the general improvement of the condition of our countrymen in these British Colonies.

12 NOON.

The position of Indians in Trinidad is also far from satisfactory. Trinidad does not contain, even predominantly a British population. The vast bulk of the Trinidadian population of European extraction is of Spanish or of French origin, and the British are small in number. I have already citated that there are 138,667 Indians in Trinidad. There are also negroes whose population is about one lakh. This Colony is famous for its oilfield which is the largest in the British Empire. There is also the sugar industry which is subsidized by Government. Indian labourers are employed in the sugar industry and they suffer practically from the same grievance as those in British Guiana. In the disturbances that took place in 1937, the lead was taken by a negro leader, one Mr. Butler and those who took part in them were mostly non-Indians. Nevertheless they have suffered the same hardships as negro labourers. Most of the Indian labourers are, as I have already stated, employed in the sugar industry. But the conditions of employment are very unsatisfactory. Recently, even the Colonial Secretary spoke of the sugar industry in terms which amount to an indictment of the industry. He said : " Not only must the people be kept employed but must be employed under decent conditions and not under conditions of economic slavery ".

I have said enough I think to show that we in this country are vitally interested in the position of our countrymen in these Colonies. One thing is certain and no one can honestly dispute it. Both these Colonies are important for the economic prosperity of the British Empire. The oilfields in Trinidad are a vital element in the organization of the defence of the British Empire. The sugar industry also both in Trinidad and British Guiana forms a highly important economic asset of the British Empire. And in both these industries Indian labour is largely employed. I submit that it is the duty of the British and the Indian Governments to take every step to safeguard the interests of the Indian labourers. What is wanted is not that they should be regarded as mere hewers of wood and drawers of water, but as decent citizens who enjoy a fair standard of existence. Mr. Malcolm Macdonald, who presides at present over the Colonial Office, has shown a high statesmanlike spirit in deciding to appoint a Commission which will go thoroughly into the entire

question of Colonial administration. These Colonies are Crown Colonies, not Dominions enjoying full responsible government. Indeed, in Trinidad the Legislative Council has not even an elective majority, and whatever franchise there is, is very high. The Indian labourers contribute to their economic prosperity, but they do not seem to enjoy any of the rights of citizenship. I do not know whether any of them enjoys the franchise. It is no exaggeration at all to say that they are virtually exploited by the owners of those industries in which they are employed. Sir, as I consider the wretched condition of these countrymen of ours, I cannot but have a feeling that the principle of equality and of equal citizenship is yet conspicuous by its absence in there and in some other parts of the British Empire. In our own country, we have been working with steady progress and advancing with fair rapidity on the path of self-government. But the condition of our countrymen in these Colonies presents a contrast which cannot but excite our feelings to a high state of resentment. Some one has recently said that the British Empire or Commonwealth would ultimately be wrecked on the rock of the ill-treatment given to Indians in the British Dominions and Colonies. The Colonial administration of Great Britain is yet in a very backward condition, it is too wooden, too antediluvian. The present Colonial Secretary inherits noble traditions of advanced political thought and action. It is to be hoped that he will take every care to see to it that the Commission he has appointed will make a thorough enquiry into the condition of the Indian labourers in these Colonies, and make recommendations which will leave no cause of dissatisfaction in future. Be that as it may, it is the plain duty of the Indian Government to do all that they can to protect the interests of the Indian immigrants in these Colonies. In the first place they must strongly represent to the Colonial Government that no Commission would be considered satisfactory which does not contain an Indian representative of the Government of India. And secondly, they must urge that the terms of reference to the Commission must include all questions affecting the life, the status and the future prospects of the Indian labourers. They must also urge that the time is come when in all these important Colonies British India must be represented by an Agent appointed by the Indian Government. Sir, I have every hope that my Resolution will be accepted by both Government and the Council.

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern: Non-Muhammadan): Sir, not many words are needed to support the Resolution which has been so ably moved by our honoured Leader, Sir Phiroze Sethna. Sir Phiroze Sethna, Sir, has gone very exhaustively into this question. Large Indian interests are involved. He has told us that in Trinidad the Indian population is 42 per cent. of the total population and in British Guiana also the Indian population is 42 per cent. of the total population. The Government of India and the people of India have a special responsibility in regard to the Indian population in Trinidad and British Guiana. This Indian population went as indentured labourers. It was a very inhuman system of labour. It was abolished at the instance of Mr. Gokhale and we have, therefore, as we are responsible for this system, a special responsibility. He has also told us that little effort has been made in the past to improve the economic and educational conditions of the Indian labourers there. Sir, it is desirable that there

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should be an Indian on the Royal Commission which has been appointed by His Majesty's Government, and that the terms of reference should include an investigation into the conditions of Indian labour. In both these Colonies there have been many strikes and a Labour Commission which was appointed in British Guiana reported that the grievance of the labourers was genuine. Sir, I hope the Government of India will make strong representations in the matter. It is still possible for His Majesty's Government to appoint an Indian to this Commission and I hope, Sir, that the Government of India will also press for the appointment of an Indian Agent in Trinidad and British Guiana.

With these words, Sir, I give my strong support to the Resolution of the Honourable Sir Phiroze Sethna.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): Sir, I rise to support the Resolution which has been so ably moved by the Honourable Sir Phiroze Sethna. Sir, there is a Sabha, called the Punjab Sanatan Dharam Pratinidhi Sabha, a religious institution, which has sent some time back a missionary for religious work to Trinidad, Tobago, and British Guiana. This Sabha, of which I have the privilege to be the President, receives fortnightly information from this religious preacher, Dr. Pandit Parsaram, who reports from time to time that the conditions of Indians there is not at all good and that their representations to the Government do not get any response. Under the circumstances, Sir, it is the duty of the Government of India to safeguard the interests of the large number of Indians who are there and the sooner they appoint the Agent the better because without him those poor Indians cannot successfully approach the Colonial authorities there.

With these few words, I support the Resolution.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Education, Health and Lands Member): Sir, my Honourable friend Sir Phiroze Sethna, in moving this Resolution, has surveyed the conditions under which Indians live in the group of islands known as the West Indies. He has quoted extensively from the reports of the Commissions which were appointed to inquire into the disturbances which had occurred there, and he has pointed out that Indians in certain of these islands, especially Trinidad and British Guiana, form a very considerable proportion of the population and that, having regard to the circumstances in which they went to these Colonies it is incumbent on the Government of India to safeguard their interests and to see that the conditions under which they live are decent and proper. He has pointed out that since the system of indentured labour was abolished, there has been a deterioration in the machinery to look after these ex-indentured labourers. He is fortified in this assertion by the reports of the Commissions which were appointed. The Commissioners found that after the system was abolished, while there was a Protector of these indentured labourers before, no machinery which could take

the place of the Protector was set up in order to look after the interests of these ex-indentured labourers. I think it is unnecessary, in discussing the terms of this Resolution to go into the many detailed problems that concern so vitally Indians in the West Indies. These problems are largely economic and social. But my Honourable friend also mentioned in the course of his speech that there were political disabilities also. I should like to point out to my Honourable friend that in reply to a question in the House of Commons, when the terms of reference and the personnel of the Commission were announced, Mr. Malcolm Macdonald made it quite clear that these terms also included political questions. I might, with your permission, Sir, read out the question and answer in the House of Commons on the 28th of July. Mr. Creech Jones asked :

"Under the terms of reference, is consideration of the political disabilities of the inhabitants of the colonies excluded from the inquiry ? "

Mr. Macdonald replied :

" No, Sir. Those questions are covered by the terms of reference so far as they are connected with the economic and social conditions ".

I need hardly repeat in this House what I have said so often before that the Government of India fully realize their responsibility in regard to the welfare of their nationals abroad. We fully recognize that we cannot dissociate ourselves from the welfare of these men, who went with our consent from here. It has been, and it continues to be, the policy of the Government of India to watch anxiously over the disabilities, the needs and aspirations of their nationals abroad. In this connection this House has pressed for the appointment of an Agent. I may inform the House that the question is still under discussion with the authorities in England. The Government of India adhere to the policy which I announced when this question was last discussed in this House. We hope that some satisfactory solution will soon be found.

Now, Sir, as regards the actual terms of the Resolution, my Honourable friend has made two suggestions, *viz.*, (1) that in the personnel of the Royal Commission there should be a representative of the Government of India, and (2) that the Government of India should be consulted in regard to the terms of reference. As my Honourable friend already knows, the terms of reference and the personnel were announced as far back as the end of June, and as he has already mentioned a few minutes ago the itinerary of the Commission has also been announced. If he will kindly refer to the terms of reference he will find that apart from the Colonies in which we are primarily concerned, there are a number of other islands which come within the purview of the Royal Commission. The Royal Commission will deal with the social and economic conditions in Barbados, British Guiana, British Honduras, Jamaica, Leeward Islands, Trinidad and Tobago and Windward Islands. I have here a statement showing the Indian population in these islands. As my Honourable friend said, in British Guiana the percentage of the Indian population to the total population is a little over 42. Out of a total population in British Guiana of 332,898, 140,000 odd are Indians. In Trinidad and Tobago, there are about 151,000 Indians, making a proportion of 33·7 per cent. of the total population.

[Sir Jagdish Prasad.]

But when we come to Jamaica, the percentage is only 1·6 of the total population, and the number of Indians involved is about 19,000. In British Honduras, there are only about 500 Indians and the numbers are also insignificant in the case of Barbados and Windward Islands. Having regard to the territorial jurisdiction of the Royal Commission and the insignificance of the Indian population in four out of the seven Colonies which the Commission will visit it would have been rather difficult to insist on an Indian being appointed on the Commission. But we felt that it was extremely important that the Indian case should be properly put before this Commission by a representative of the Government of India. I cannot say anything more at this stage than that we are in active correspondence with the authorities in England in regard to this matter and I hope that a decision will soon be reached. All that I can assure the House is that we are fully alive to the very great importance of the Indian case being properly presented before the Royal Commission.

Also with regard to the terms of reference, as I have pointed out before, they are fairly wide. They now include the social and economic conditions and also political questions so far as they are connected with those conditions. In these circumstances and in view of the statement that I have made to the House, I hope my Honourable friend will withdraw his Resolution. I should also like to say that we are indebted to my Honourable friend for the moderation and knowledge with which he has moved this Resolution. The subject is undoubtedly of very great importance. The findings of the Royal Commission will affect, I hope for good, the lives of over 300,000 Indians in those distant Colonies, and it is only right and proper that the House should insist that the case for these people should be properly put forward by the Government of India before the Royal Commission.

THE HONOURABLE SIR PHIROZE SETHNA: Mr. President, it is a matter of gratification that the Government of India of late years, if I may be precise, from the time of the Viceroyalty of Lord Hardinge, are manifesting an interest in the welfare of our nationals overseas. This is as it should be and it is gratifying to hear from the last sentences of the Honourable the Leader's speech that he regards it as a paramount duty of the Government of India to look after the interests of Indians abroad.

My Resolution asks for a representative of the Government of India and preferably an Indian to serve on the Commission. The Honourable Sir Jagdish Prasad has explained to us his difficulties in this matter. The personnel of the Commission was announced some weeks back. At the same time it was not possible for us to bring forward this Resolution at an earlier date because the Council did not commence its work till last Monday. We are therefore pleased to know from him that, anticipating the Resolution, the Government of India have already moved in the matter. They have not moved in the matter in the manner contemplated in my Resolution, but they have done the next best thing, namely, they are trying to prevail upon the authorities in England to have a representative of the Government to explain to the Commission the entire situation as it affects the Indian

population in the West Indies. The Honourable the Leader of the House has not told us in what capacity his representative will be serving. He will, I take it, not be a member of the Commission. Will he be a sort of liaison officer between the Commission and the Indian population? For no matter what great importance the Commission may place in the advice this representative gives to it, we would certainly have preferred it if he could have been on a footing of equality with the other members of the Commission. I would appeal to the Honourable Leader that, whilst there is yet time because the Commission sails on October 13th, if he could yet manage to get his representative appointed a member of the Commission, I think such a move will be appreciated very much in the country. If, however, he thinks it is too late or if he meets with a refusal, then we must thank him for the course he has adopted. But we do hope that the representative he selects will be one whose name will inspire confidence in the minds of the general public and who may be trusted to plead the Indian cause before the Commission with ability and success.

The Honourable the Leader read out the terms of reference. They are to investigate social and economic conditions in the islands he named and matters connected therewith and to make recommendations. Does the Honourable the Leader think that this is wide enough to meet all our requirements? I have nothing to say, but if there is anything left out which, because of the wider knowledge he himself and his Department possess, he thinks would help the authorities in England, I hope he will inform the authorities. While thanking him for the action he has already taken, I would ask the leave of the House to allow me to withdraw the Resolution.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: I should like to say a word in regard to the specific questions that were put by Sir Phiroze Sethna as to the position of our representative. I think it will be within the recollection of my Honourable friend that we have in the past sent representatives from the Government of India to present our views before previous Commissions. For instance, when the Hilton Young Commission went to East Africa in 1927, we sent Kunwar Sir Maharaj Singh and Mr. Ewbank as our representatives. Again, in 1929, when Sir Samuel Wilson went to East Africa Mr. Sastri was deputed to help the local Indian communities to present their case. It will also be within the recollection of my Honourable friend that before the Joint Parliamentary Committee which had to consider the Hilton Young and Wilson reports, Mr. Sastri again went as our spokesman. It is our hope that our representative in this case will be in the same position as the representatives whom we have sent in the past, by whatever name he may be known, Observer, or whatever it may be. I am afraid, for the reasons I have already stated, it is now difficult, in view of precedents, to ask for the inclusion of an Indian on a Commission whose jurisdiction extends to territories where the Indian community has no dominating interest. But I can assure my Honourable friend that in the choice of our representative we shall certainly see that he is competent, that he will inspire confidence and that he will be able to plead the cause of the Indians with ability and vigour.

The Resolution was, by leave of the Council, withdrawn.

INDIAN PENAL CODE (AMENDMENT) BILL.

*THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN (United Provinces West: Muhammadan): Sir, I beg to move for leave to introduce :

"A Bill to amend certain provisions of the Indian Penal Code (sections 124A and 153A)."

THE HONOURABLE THE PRESIDENT: Do you wish to say anything in support of your Motion ?

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN: So far as the aims and objects are concerned, they are there. I have not got very much to say at this stage. I think the two amendments are very essential considering the political crisis that we are going through and they would meet the requirements of today. I do not wish to add anything at this stage.

The Motion was adopted.

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN: Sir, I introduce the Bill.

RESOLUTION *RE* CONSTRUCTION OF A RAILWAY LINE BETWEEN ISHURDI, E. B. R., AND SADHUGANG.

THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY (East Bengal: Non-Muhammadan): Sir, I beg to move the following Resolution :—

"This Council recommends to the Governor General in Council to take steps for the construction of a railway line between Ishurdi, a railway station on the E. B. R., and Sadhuganj, or some place near it on the Brahmaputra *via* Pabna City, at an early date."

Sir, the project of a line over this part of the country is an old one. It has been hanging in the air ever since 1910. It is a very short route which not only opens up the tract through which it passes, but serves with a little extension across the Jumna to link up Lower Assam and Chittagong division with the United Provinces and Bihar by the shortest possible route. The line is thus an important one from the railway point of view as a whole.

It was surveyed at first in 1910. In 1914-15 a reconnaissance survey was made from Ishurdi *via* Pabna to Sadhuganj and a detailed survey was made over the same route in 1916, and it was considered from the first to be a very paying line. This report was endorsed by Mr. Van Someren, the present Traffic Manager of the E. B. R., and the construction of the line was recommended to be taken up at once. But owing to the continuance of the great European war the project had to be dropped for the time being.

On the 6th February, 1922, the Chairman of the Pabna District Board who happened to be then a Member of the Bengal Council moved a Resolution in that Council urging the Local Government to move the Government of India

* Not corrected by the Honourable Member.

to take up the construction of the line without delay and the Local Government accepted the Resolution with a slight modification of the words " at an early date " for the words " without delay ". So in 1924 the Railway Board directed the Agent, E. B. R., to arrange for a detailed investigation of the traffic prospects of the project observing that the line had promised to be remunerative.

In accordance to that direction Mr. Bhandarkar, District Traffic Superintendent, who held the investigation submitted his report in 1925 by which he reversed the previous report of Messrs. Staunton and Yeld about the approximate estimates of earnings prepared in 1914-15 and said that the line would not be a remunerative one because the tract was well served with roads, boat and steamer traffic.

This, I submit was his opinion based on local conditions merely for he had to admit in his report that—

" country boats from as far away as Monghyr and Gorakhpur find their way into the interior and a regular business goes on in paddy and rice from Dinajpur and Maldah districts "

which are likely to be diverted to the railway line proposed to be constructed by the Natore-Nachoul and Dinajpur-Ruhia railway projects and he advocated that the Pabna line may be constructed after the construction of the above two lines so as to be able to tap the down trade from the United Provinces and Bihar to Eastern Bengal and Lower Assam just as the Katihar line was doing in the case of North Bengal and Upper Assam. And the Agent, E. B. R., in submitting this revised traffic report by his letter No. 216-C./W., dated the 6th July, 1926, to the Secretary, Railway Board, expressed his intention to take up the detailed investigation of the project after the construction of Dinajpur-Ruhia and Natore-Nachoul railways.

Though these two railway lines have been constructed about a decade ago, the detailed investigation of the Ishurdi-Pabna-Sadhuganj project as proposed by the Agent in 1926 has not yet been taken up.

Since the submission of Mr. Bhandarkar's report in 1925 the river Ganges has receded far off from the town of Pabna so that the Kustia-Pabna, the Panba-Paksey, the Bera-Bhangora and Sadhuganj-Ullapara steamer routes have been closed, the Calcutta-Patna steamer service on the Ganges no longer passes by Pabna town, the Calcutta Assam steamer route passing by the Jumna is constantly shifting its course causing constant dislocation of trade and traffic and the rivers Ichhamati and Barnoi flowing within this tract have dried up.

Even Mr. Bhandarkar had to admit in his report that merchants from Bera, a very important trade centre next to Pabna in the district —

" prefer sending goods by boat to Goalundo and then rail it, as steamer companies discourage combined booking ".

This boat traffic from Bera to Goalundo is also now impossible because the river from Bera to Junnua has dried up and boat traffic over the mighty rivers Jumna and Padma is liable to risk of considerable loss to life and property.

[Mr. Kumarsankar Ray Chaudhury.]

Of the four main roads serving the locality, the Pabna-Ishurdi road no doubt is in good condition, but the other roads being unmetalled are fast deteriorating and traffic over them during the rains is almost impossible. Moreover, the rivers which served these roads as outlets having dried up, they no longer serve the people of the locality as trade routes.

As Mr. Bhandarkar observed :—

" The position of the district through which the railway will pass is thickly populated and is rich in agriculture, it will tap a fairly big jute area as also seed, sugarcane and turmeric for the first fifteen miles the country is high ..... Beyond Pabna as far as Barnai Khal is again high..... From Dulai to Kashinathpur the country is higher.... The drainage of the country is from west to east and the rivers flow mostly in that direction ..... and the alignment will cross only one river Ichhamati..... There are a number of *bats* along the line ".

The intervening low lands as stated by Mr. Bhandarkar near Ichhamati a few miles and near Barnai Khal up to Dulai six miles and from Kashinathpur for seven miles have also since risen by process of siltation and the price of land and labour and other materials having fallen much below what they were in 1925 the cost of construction is expected to be much less than the estimate prepared in 1925. The income of the projected line is expected to be much higher, on the other hand, than the expected income in 1925 on account of the depreciation of the road and the closing up of the river traffic and the construction of the Natore-Nachoul and Dinajpur-Ruhia railway lines and the rapid industrial development of the locality by the starting of ten rice, oil, flour and cotton mills in Pabna and the project of the construction of a sugar factory there and the rise of the textile home industry and establishment of 150 hosiery factories which consume yarns worth Rs. 70 lakhs a year as given out in the reports published by the Director of Industries, Bengal, and the Director General of Statistics of the Government of India.

Sir, before the railway project was first entertained by the railway authorities in 1910 Messrs. Martin & Co. agreed to construct a light railway to Pabna and a guarantee of 4 per cent. interest was given by the District Board ; but the project was abandoned as the Government took up the railway project themselves.

In 1924 again a petition was submitted to Government for financial assistance and a guarantee of 5 per cent. on the capital outlay for the purpose of forming a public limited company by private enterprise and this was strongly recommended by the District Magistrate and forwarded by the Commissioner to the Government of Bengal but this scheme also was dropped on account of the publication of the Ackworth Committee Report which recommended that no further permission should be granted for construction of railway lines by private enterprise.

From 1924 onwards the District Board and Municipal Commissioners of Pabna have adopted a series of resolutions pointing out the necessity and urgency of this railway project and pressed the Government of India for it.

Since then various representations have been made to the railway authorities which have also been supported by the District Magistrate of Pabna

and the Commissioner, Rajshahi Division. Only one of the representations has been against the scheme and that from an interested quarter, *viz.*, the Pabna Motor Association, which cannot be expected to serve the needs of the locality so far as its heavy goods traffic is concerned.

A new alignment has been suggested up to Pabna town by the District Board which will not only avoid competition with the Ishurdi-Pabna motor road, but will pass through a densely populated area with almost no means of communication. The proposed new alignment will tap many additional marts and bring in considerably increased earnings, both from coachings and goods. The Ishurdi-Pabna motor road extends only up to Pabna town, and is only 18 miles in length out of a total length of 48 miles to be covered by this project. The communication of this part of the district is not only extremely difficult but risky. With the commencement of the rains, the people of this area are practically locked up in their houses and trade also suffers a great deal owing to defective communication.

The journey by motor buses is not only risky and inconvenient but far more costly. Motor accidents frequently occur on the Ishurdi-Pabna road.

As this line generally passes through high lands and as there are no rivers worth the name, big channels and other waterways to span, this line will not damage the crops of the agriculturists or overflow the homesteads of the people or injuriously affect the health of the localities through which it will pass. On the other hand, the proposed railway line will further the interest of trade and agriculture and give marketing facilities to traders and agriculturists and benefit them in other ways.

It was pointed out to the Commissioner of the Rajshahi Division by a deputation of the people of Pabna which waited on him on 23rd August last—

" that motor buses and trucks can never replace the need for railways the town of Pabna would never grow and expand. Large scale industries would never be established and the question of the communication of the area would never be satisfactorily solved except by the construction of a railway line in the area ".

All sections of the people and all statutory bodies, other associations, and the local press, except a few motor transport companies, have appreciated the urgent need of and are insistent on the construction of this railway line. People have to purchase their necessaries of life at high prices in comparison with the prices prevailing at the places connected by railways.

Out of the eight district headquarters in the Rajshahi Division, all the seven district towns, except the town of Pabna are connected by railway.

In normal times passenger traffic up to Pabna town may be served by the buses to same extent, but not the ever-increasing volume of goods traffic, which cannot bear expensive rates charged by the trucks as at present. These excessive rates are greatly hampering the development of industries in Pabna.

The advantages of this line can be summarized as follows :—

(*i*) Present bad condition of the ryots in the area and surrounding localities, due to low prices of agricultural crops, on account of want of proper facilities of transport, will improve.

[Mr. Kumarsankar Ray Chaudhury.]

(*ii*) General deterioration of the financial position of the merchants and traders in the area mostly due to defective communication will improve considerably.

(*iii*) Large scale industries would grow up in the town of Pabna.

(*iv*) It will afford considerable relief to poor passengers by reducing the fares by almost half. As has been pointed out by the Pabna District Muslim League, the district of Pabna, of which 75 per cent. population are Muslims will remain cut off from the centre of civilization by the non-construction of this line.

In view of the almost unanimous and pressing demand for this railway line, Government should examine its present position and have the revised traffic report prepared in 1925 reviewed in view of altered circumstances during the last 14 years. The review would not be at all expensive and can easily be undertaken and finished within a short time by the Research Officer of the E. B. R. The detailed investigation into this project, which was promised by the Agent, E. B. R., in his letter No. 216-C.W., dated the 6th July, 1926, to the Secretary, Railway Board, should now be carried out. The people and public bodies of Pabna are of definite opinion that the total cost of the construction of this project will be much less than the previous estimates and consequently the profit would be much more and it will in view of subsequent improved conditions be a commercial proposition, and in this view they are supported by the opinion of Mr. Van Somoren, the present Traffic Manager of the E. B. R.

With these words, Sir, I commend my Resolution for the acceptance of this House.

THE HONOURABLE MR. RAMADAS PANTULU (Madras : Non-Muhammadan) : Sir, I rise to support this Resolution. (*Cries of* " Shame ".) I see nothing wrong in the Resolution asking for a railway though at the same time, Sir, I confess I am not competent to speak on the merits of this Resolution because I am not familiar with the subject nor have I given any thought to the question as to how the proposed railway is going to affect motor transport. However, Sir, I wish to put before this House two important telegraphic communications which have been sent to me asking me to support this Bill. They may have some effect on Sir Guthrie Russell when replying to this Resolution. My support to the Resolution is mainly based on these communications.

The first communication is from the Pabna Mahajan Samiti and runs:

" Pray pass Ishurdi-Pabna-Sadhuganj Railway resolution ; line urgently necessary for economical transport with immense possibilities for development of large areas ; financial prospects quite good ; will be remunerative ; no unhealthy rail motor competition likely ; questions regarding flood, sanitation, health, agriculture not arise, as present policy of railway constructions with proper waterways after studying river physics by experts safeguards all these interests ".

I have also received a telegram from the Pabna District Congress Committee which runs :—

" Ishurdi-Sadhuganj Railway line urgently necessary for development industries and other business. Please carry out Resolution through Council ".

I commend these telegrams to the consideration of the Honourable Sir Guthrie Russell.

THE HONOURABLE SIR GUTHRIE RUSSELL (Chief Commissioner for Railways) : Sir, I congratulate the Honourable the Mover and also my Honourable friend Mr. Ramadas Pantulu on their championship of the cause of railway transport in Eastern Bengal. I entirely sympathise with the Honourable Mr. Kumarsankar Ray Chaudhury in his endeavours to improve communications in his part of the country and I entirely agree with him that adequate transport facilities are necessary for a country to develop. But what are adequate transport facilities ? This depends entirely on the nature of the country to be served, the amount of produce it produces and the amount of goods it can consume. In certain cases a railway may be essential ; in other cases the needs of the district may be met by road or possibly water transport. When is a railway essential ? It seems to me that there is a fairly simple answer to that question. The answer is, when the traffic offering is likely to give a reasonable return on the capital expenditure. I do not mean necessarily in the first year of opening, but say within five or six years of opening, and this is generally the criterion that we adopt when considering the financial prospects of any railway project. It should also be remembered that Government in the Railway Board are the custodians of the public purse so far as Railways are concerned, and if Railways are not to be a burden on the general revenues, I do not think we are justified in acting in any way except as a prudent business man would act if he was investing his own money. What are the chances of the line advocated by the Honourable Member being a paying proposition ? In my opinion frankly, none. The Honourable Mover has given us the history of this project—a fairly detailed history. But I do not think he has been quite fair to the Government of India or the Railway Board. It is perfectly true that in 1914-15, as the result of then investigations, the E. B. R. recommended that this line should be constructed and were of opinion that it would be profitable, and but for the intervention of the Great War, shortage of funds and the impossibility of obtaining material, the line would probably have been constructed. To that extent the Honourable Mover has been unfortunate. As far as we are concerned, I think we have been remarkably fortunate, because, I am almost certain that had the line been constructed then, it would have been one of the lines which we would now be considering closing down. The Honourable Member mentioned the reports made in 1926. There were actually two reports in that year. He quoted a letter from the Agent, but he entirely omitted to state that the Agent, in sending forward the report, said that the line was hopelessly unremunerative. Despite that, further investigations were carried out in 1928 and 1930. These gave much the same results. By that time the possibility of motor competition had to be considered. The line has always been subject to a certain amount of river transport competition. As the result of these final investigations, the Railway Board wrote to the Government of Bengal and said that there was no hope of the line ever paying and they proposed to shelve it indefinitely. It appears that this decision was accepted by the Government of Bengal, because I am informed that His Excellency Sir John Anderson, then Governor of Bengal, in replying to an address presented to him by the Pabna Municipality

[Sir Guthrie Russell.]

in 1936 said that he was not prepared to re-open this question as the line must be definitely unremunerative. This is 1937. I understand a good metalled road has been opened between Ishurdi and Pabna, if there was no chance of the line paying in 1930 when there was no such road, what chance has it of paying now ? But if the Honourable Mover can persuade the Bengal Government to pay for the cost of an investigation we will certainly carry that investigation out. We have already paid for four and I do not think we can be asked to pay for any more. It seems to me that this project has had a fair run for its money and that now it might be decently buried.

THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : Sir, I beg leave to withdraw this Resolution.

The Resolution was, by leave of the Council, withdrawn.

HINDU WOMEN'S RIGHTS TO PROPERTY (FURTHER AMENDMENT) BILL.

THE HONOURABLE MR. G. S. MOTILAL (Bombay : Non-Muhammadan) : Sir, I move for leave to introduce :

" A Bill to amend the Hindu Women's Rights to Property Act, 1937, and to make certain other provisions."

Sir, the objects of this Bill are mentioned in the Statement of Objects and Reasons. Briefly, the objects are these. Under the Hindu Law as it stands at present Hindu women are given certain rights in property, but those are limited rights, and are known as a woman's estate. The object of this Bill is mainly to enlarge the limited interests of Hindu women to absolute ownership and to provide for succession to such property. The objects have been explained in greater detail in the Statement of Objects and Reasons. So, I will not take up much time of the House. I apply for leave.

The Motion was adopted.

THE HONOURABLE Mr. G. S. MOTILAL : Sir, I introduce the Bill.

SHEBAITY BILL.

*THE HONOURABLE MR. SUSIL KUMAR ROY CHOWDHURY (West Bengal : Non-Muhammadan) : Sir, I move :

" That the Bill relating to the Shebaity right and the office of Shebaits and the devolution of such right or office in Hindu Debutter Endowments in favour of family deities be circulated for the purpose of eliciting opinion thereon. "

Sir, the Bill was introduced by me in September last and as this is a very important piece of legislation concerning properties dedicated by Hindus to family deities and over which there has been numberless litigation and conflicting decisions, it is right and proper that the Bill should be circulated for eliciting public opinion thereon.

* Not corrected by the Honourable Member.

Sir, with these words, I move that the Bill be circulated for eliciting public opinion.

THE HONOURABLE MR. J. A. THORNE: (Home Secretary): Sir, I do not propose to go into the meaning and merits of this Bill at any length. My Honourable friend opposite has set a good example of brevity. But I have to explain why Government must oppose this Motion. I am not a lawyer; I have not studied the subject and I am not qualified to express an opinion on the merits of the main provisions of this Bill. In fact, I may say that until recently I was wholly ignorant of the meaning of the terms which are used in the Bill.

1 P.M. Coming as I do from the South I find these terms both mysterious and in the literal sense outlandish. But, Sir, I invite the attention of the House to that part of clause 1 which says, "It extends to the whole of British India". Now, Sir, I submit as grounds for my opposition to this Motion and grounds on which I ask the House to reject it, that the Bill is not within the competence of this House and the Central Legislature. I do not think my Honourable friend will deny that the subject-matter of the Bill falls within the expression "charities and charitable institutions, charitable and religious endowments" which is item 34 in List II in Schedule VII to the Government of India Act.

THE HONOURABLE MR. RAMADAS PANTULU (Madras: Non-Muhammadan): On a point of order, Sir, is it open to a Member of this House to oppose the jurisdiction of this House to entertain a Bill of this sort after leave has been given to introduce?

THE HONOURABLE THE PRESIDENT: I was just going to ask why objection was not taken at the time the Bill was introduced? When the Member has finished I will deal with that question myself.

THE HONOURABLE MR. J. A. THORNE: Well, Sir, I was not a Member of this House when the Bill was introduced——

THE HONOURABLE THE PRESIDENT: But somebody must have represented Government?

THE HONOURABLE MR. J. A. THORNE: Yes, Sir, but I suggest that if objection was not taken it was possibly in accordance with the well-established convention that the Government do not oppose at the introduction stage a Bill brought by a private Member.

However, Sir, what I was saying is that this Bill is not within the competence of the Central Legislature. It is not of course denied that the Central Legislature has a limited power of legislation as regard subjects included in the Provincial List, but that power is specifically restricted by the provisions of section 100 of the Act. I will read in particular sub-sections (3) and (4). Sub-section (3) says:—

"Subject to the two preceding sub-sections the Provincial Legislature has, and the Federal has not, power to make laws for a province or any part thereof with respect to any of the matters enumerated in List II in the said Schedule (hereinafter called the "Provincial Legislative List)."

[Mr. J. A. Thorne.]

Sub-section (4) is as follows :—

"The Federal Legislature has power to make laws with respect to matters enumerated in the Provincial Legislative List except for a province or any part thereof."

And the context shows, Sir, that "province" there undoubtedly means a Governor's province. Thus, in respect of charitable and religious endowments the Central Legislature has not power to legislate for the whole of British India, and that is the term used in clause 1 of this Bill. I suggest to the House that "to circulate" in this Motion means to circulate throughout British India, and to circulate a Bill which on the face of it this House and the Central Legislature has not power to pass would be a most unreasonable course and one which would damage the repute of this Chamber. I must, Sir, on this ground alone oppose the circulation Motion. I would suggest to my Honourable friend that the best course for him is to withdraw this Bill in its present form and, if he is so advised, bring in another Bill which is within the scope of the Central Legislature. But if he is not prepared to adopt that course, Government have no alternative but to oppose the Motion.

THE HONOURABLE MR. SUSIL KUMAR ROY CHOWDHURY : I submit, Sir, that under section 100, sub-section (4) my Bill is quite *intra vires* as it does not relate to any particular province but to the whole of British India. Sub-section (4) of section 100 says that

"The Federal Legislature has power to make laws with respect to matters enumerated in the Provincial Legislative List except for a province or any part thereof".

My legislation does not relate to any particular province : it relates to the whole of British India, including the centrally administered areas. So I submit my Bill is quite *intra vires* and I ask your ruling on this point.

THE HONOURABLE MR. RAMADAS PANTULU : I do not wish to say anything on the merits of the objection taken by Mr. Thorne because it is a question of law which I have not yet looked into. But I would submit that the present occasion is not the proper time for taking an objection on the ground of jurisdiction. When the Bill is to be considered by this House it will be open to the Member opposite to say that this Council cannot consider it for certain reasons but not on a Motion for circulation. Therefore, I think this objection should have been taken at the time when leave to introduce was asked for. I beg to submit this is not the proper time for this objection.

THE HONOURABLE MR. SHAVAX A. LAL (Nominated Official) : I would just like to make one point clear. The Honourable Member who has just spoken seems to be under a misapprehension. This is not a point of order. This is an objection to the Bill on merits.

THE HONOURABLE THE PRESIDENT : I did not attach any importance to it as a point of order. I only heard him as a Member.

THE HONOURABLE MR. SHAVAX A. LAL : There is no question of a ruling now. We are just arguing against the Bill on merits and we say that it will be entirely futile for this House to consider this Bill when, even if we were to pass it, it would not be treated as valid by any court of law.

As for the legal argument put forward by the Honourable Mover, I have only to say that if his argument were valid then the Central Legislature can legislate on any matter in the Provincial List on the simple ground that it is purporting to legislate for the whole of British India and not for a province. If the Bill had been restricted to the centrally administered areas it would be a different thing, but he says that it purports to apply to the whole of British India, and that is our objection on the merits.

We could not take the objection at the time when the Bill was introduced because, Sir, it would not be in the fitness of things to ask for a ruling of the Chair on a constitutional issue, because the constitutional question has ultimately to be decided by the Federal Court. It is as an objection on the merits of the Bill that we are putting forward on this argument of the Bill being *ultra vires* of this Legislature.

AN HONOURABLE MEMBER: Could you not confine the administration of the Bill to the centrally administered areas?

The HONOURABLE SIR DAVID DEVADOSS (Nominated: Indian Christians): Seeing that this point has been taken and evidently the other side are not prepared to meet it, would you consider having it some other day? Because if this is beyond our competence, as Mr. Thorne said, it won't look well for us to circulate a Bill which we have not jurisdiction to pass. I would suggest, with your permission, that this question may be discussed at some length, because the other side is not prepared to meet it now. On the face of it, as Mr. Thorne said, the question of Shebaits concerns only one or two provinces. For instance, in Madras, though as lawyers we know what the law is, and in the Bombay Presidency and in one or two other provinces there are no such things as Shebaits. We have no doubt religious trusts and temple trusts, and so on, but Shebaity or private trust is not known in the South and in Bombay I think. It is only a question which concerns Bengal and probably Bihar. I do not know whether it prevails even in the United Provinces. I do not want to take up the time of the House, but my suggestion is, if you agree, this question might be discussed at some length some other day.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Leader of the House): Sir, we do not want to trouble you for a ruling on a legal point. As my Honourable friend the Home Secretary said in the course of his speech, he took this as one of the grounds of objection to the Motion made by my Honourable friend and whatever may be the legal merits of the case, I think the issue might be put to the vote of the House whether the Bill should or should not be circulated for eliciting public opinion.

THE HONOURABLE THE PRESIDENT: Am I to understand that there are a large number of Members who would like to study this question in view of the fact that it would affect their provinces and similar Bills might be brought forward in the future. If that is the general sense of the Council I am quite prepared to permit the Honourable Member to have the discussion on the Motion adjourned to a later date. But I want to be convinced on that point,

[Mr. President.]

first, whether it is the intention of the Council. I myself personally feel that the question which has been raised by the Honourable Mr. Thorne is a very important and a very intricate question. I personally would like to give some thought to the matter.

THE HONOURABLE SIR DAVID DEVADOSS: It is entirely in your discretion, Sir, to adjourn the discussion.

THE HONOURABLE THE PRESIDENT: Will you accept my suggestion to postpone the discussion of the Motion ?

THE HONOURABLE MR. SUSIL KUMAR ROY CHOWDHURY: Yes, Sir.

THE HONOURABLE THE PRESIDENT: And bring it up at a later stage to allow Honourable Members to have an opportunity of studying this very important and intricate question ?

THE HONOURABLE MR. SUSIL KUMAR ROY CHOWDHURY: Yes, Sir.

The Motion was, by leave of the Council, adjourned.

THE HONOURABLE THE PRESIDENT: Honourable Mr. Motilal, you do not wish to move your Motion about amendment of the Standing Orders ?

THE HONOURABLE MR. G. S. MOTILAL: No, Sir, I do not wish to move.

POLYGAMOUS MARRIAGE REGULATING BILL.

THE HONOURABLE MR. SUSIL KUMAR ROY CHOWDHURY (West Bengal: Non-Muhammadan): Sir, I move:

"That the Bill to regulate (restrain) polygamy in British India be circulated for the purpose of eliciting opinion thereon."

It was introduced only the other day. As this is a very important piece of social legislation it is right and proper that this should be circulated to receive the seal of approval of the general public before it becomes the law of the land.

With these words, Sir, I move that this be circulated for eliciting public opinion.

THE HONOURABLE MR. J. A. THORNE (Home Secretary): I have something to say on this Bill, Sir. It may take some little time.

THE HONOURABLE THE PRESIDENT: You are entitled to as much time as you want.

THE HONOURABLE MR. G. S. MOTILAL: Are we sitting late, Sir ?

THE HONOURABLE THE PRESIDENT: That is for me to decide later.

THE HONOURABLE MR. J. A. THORNE: Sir, I am sorry to have to criticise the Bills begotten by my Honourable friend opposite, but I must express the opinion that this Bill in its present form is certainly unacceptable. If I may say so, it reads more like a rough draft of a Bill than one duly framed for the consideration of this House. Government will not oppose the Motion,

that is to say, if it is the wish of the elected Members of this House that this Motion for circulation should be adopted Government will not oppose it, because on matters affecting social and religious customs it is the policy of Government to leave it to elected Members. But the Government cannot *support* circulation; and I must say that my own opinion is that it would be a mistake to circulate a Bill framed in these terms. Circulation is a process which involves a certain cost and labour at this end; it involves a great deal of labour at the other end—all over British India. I suggest that the only result of circulation would be to collect a large number of opinions which would make plain the obvious defects of this Bill. Now, Sir, some of those defects are as follows——

THE HONOURABLE THE PRESIDENT: Is it necessary at this stage to go into those defects, because if the Motion is accepted and the Bill is circulated for opinion, when the opinions are received and when the Motion is next made it will be open to any Member to ask for a Select Committee and all those defects will be considered by the Select Committee and decided. My personal opinion is that at this stage to recapitulate all those objections will not serve any useful purpose. Bills are hurriedly drafted in many cases. After circulation Bills are referred to Select Committee and then they emerge from the Select Committee much improved. If you wish to argue any further I have no objection.

THE HONOURABLE MR. J. A. THORNE: I have so often been at the other end and have received as District Magistrate Bills which have been circulated both by the Provincial and Central Legislatures and I should myself have received great assistance if at the earliest possible stage in the Legislature the defects had been brought to notice.

THE HONOURABLE THE PRESIDENT: We cannot improve the defects here.

THE HONOURABLE MR. J. A. THORNE: I am entirely in your hands, Sir. If the view of the House is, as I think it must be on their reading this Bill, that the defects are so manifest that no words of mine are required, then the course open to the House appears to me obvious.

THE HONOURABLE THE PRESIDENT: When a Motion has been admitted, there are two courses open at a subsequent stage for any Honourable Member, first, to move that the Bill be circulated for eliciting public opinion or secondly that it be taken into consideration. One of the two courses must be adopted, and that is what the Standing Order says. I have no power therefore to hold that the Motion is out of order when the Honourable Member has asked that it be circulated for eliciting opinion. As regards defects, there may be many; it is not my concern at this stage. When the Bill comes back, it will be open to the Mover or any Honourable Member at that stage to move as an amendment that it be referred to a Select Committee. I therefore hold that the Motion is in perfect order at this stage.

Motion made:

"That the Bill to regulate (restrain) polygamy in British India be circulated for the purpose of eliciting opinion thereon."

Question put and Motion adopted.

HINDU POLYGAMOUS MARRIAGE RESTRAINT BILL.

THE HONOURABLE MR. G. S. MOTILAL (Bombay : Non-Muhammadan) : Sir, I beg to move :

"That the Bill to declare illegal polygamous marriages among Hindus be circulated for the purpose of eliciting opinion thereon."

Sir, Hindu law has no doubt given liberty to men to marry any number of wives in the lifetime of their first wives. But the Hindu jurists have not approved of this practice nor does Hindu society approve of it. The restraints which used to operate and prevent such marriages do not now work in the same effective way as they did before. For these reasons, Sir, it is necessary that we should provide such restraints by legislation. And we know it is the policy of the Government not to bring in social legislation but to leave it to the non-official Members to do so. I therefore, Sir, request that public opinion may be elicited on this Bill so that the House may be in possession of the opinion of the public and Government may also be in possession of that opinion and form their policy and their attitude having regard to the opinion of the country.

Sir, I move.

The Motion was adopted.

The Council then adjourned till Eleven of the Clock on Tuesday, the 13th September, 1938.

COUNCIL OF STATE.

Tuesday, 13th September, 1938.

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

MEMBER SWORN:

The Honourable Mr. Dhirendra Nath Mitra (Nominated Official).

QUESTIONS AND ANSWERS.

SITUATION IN WAZIRISTAN.

102. THE HONOURABLE MR. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh): Will Government make a statement on the military situation in Waziristan, with special reference to the recurrence of hostilities, the steps taken to cope with the situation, and their financial implications?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: As regards the first portion of the question, I refer the Honourable Member to the press communiqué issued on the subject on the 30th August, 1938.

The extra expenditure actually incurred from the 1st April to the 31st July, 1938, is about Rs. 12 lakhs.

SETTLEMENT OF CLAIMS IN CONNECTION WITH THE ABANDONMENT OF THE ABATTOIR AT LAHORE.

103. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government state whether all the claims in connection with the abandonment of the Lahore Cantonment abattoir have now been settled? If so, what are the details of such claims settled under the various heads.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: With the exception of one small item (of Rs. 10,000) all claims in connection with the abandonment of the abattoir in Lahore have been settled. Claims on contracts amounting to Rs. 32 lakhs have been settled by payment of Rs. 24½ lakhs.

GHIRTHS, BAHTIS AND CHANGS OF THE PUNJAB.

104. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government state how the Ghirths, Bahtis and Changs of the Punjab acquitted themselves during the Great War as combatants and whether these tribes are now eligible as combatant recruits in the Indian Army or not? If not, why not?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I refer the Honourable Member to the reply given by me to question No. 228 asked by the Honourable Member himself on the 5th October, 1937. There has been no change since that date.

ANNUAL CAMPS OF UNIVERSITY TRAINING CORPS, ETC.

105. THE HONOURABLE MR. P. N. SAPRU: (*a*) Are officers required to live in the mess during the annual battalion camps of the University Training Corps?

(*b*) Is it possible for an officer to take his wife and children along with him to the camp?

(*c*) Will Government state whether an adjutant in the 3rd United Provinces Battalion University Training Corps lives outside the camp area and takes his family along with him?

(*d*) Did the adjutant ever consult the University authorities in connection with the expenses of the companies incurred by him during the battalion camp?

(*e*) Did he ever enquire from the University authorities whether they were in a position to incur such financial expenditure?

(*f*) Who gives contracts for messing in the officers' mess of the 3rd University Training Corps?

(*g* Has the practice that the contracts should be given by the president of the mess committee been adhered to in the 3rd Battalion University Training Corps? If not, why not?

(*h*) Have certain officers from Lucknow and Allahabad resigned? If so, what are the reasons for their resignation?

(*i*) Was an officer of ten years' standing holding a responsible position in the University and the rank of captain in the University Training Corps discharged without a thorough enquiry?

(*j*) What is the length of service of this adjutant in the army and what are his particular qualifications for the post?

(*k*) Was this officer only able to pass the promotion examination for captaincy only after several attempts?

(*l*) Do Government propose to appoint in future as adjutant only such officers who have held the rank of captain in the Regular Army for

at least three years prior to their appointment in the University Training Corps ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (*a*) No.

(*b*) While an officer cannot take his family into a camp, there is no rule which prevents him having his family residing outside the camp provided he makes arrangements at his own expense.

(*c*) No.

(*d*) and (*e*). Government have no information.

(*f*) The matter is arranged by the local military authorities.

(*g*) Government have no information.

(*h*) Yes : two during the current year. Both applications were voluntary, one in accordance with paragraph 31 of Regulations for the Indian Territorial Force and the other as he was unable to devote to the work of the Indian Territorial Force the amount of time necessary for it.

(*i*) One officer of the rank of captain was discharged under the provisions of rule 11 (2) (*c*) of the Indian Territorial Force Rules after the matter was fully considered by the military authorities concerned.

(*j*) The adjutant has 15½ years' service. He fulfils the necessary requirements for the appointment as regards length of service, capability and satisfactory reports.

(*k*) This officer passed the necessary promotion examination for captaincy in March, 1930, that is with seven years' service which is above the average in the service taking it all round.

No mention is made of the officer prior to that date and therefore if he sat for any previous examination he did so under arrangements made by the War Office.

(*l*) Officers of the ranks of lieutenant and junior captain are eligible for employment as adjutants of an University Training Corps unit of the Indian Territorial Force. I have no intention of amending this rule.

SUPPRESSION OF SLAVERY IN THE TRIBAL AREAS OF ASSAM.

106. THE HONOURABLE MR. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh): Will Government make a statement regarding the steps taken, including the military expedition which was despatched to suppress the practice of slavery in the tribal areas in Assam, and the results achieved ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: Attention is invited to statements on the subject which appeared in the Press in 1937 and 1938 and copies of which are laid on the table of the House for ready reference.

Issued early in 1937.

India is a party to the Slavery Convention, 1926, and has undertaken to bring about progressively and as soon as possible the complete abolition of Slavery in all its forms. It was however found necessary to make a reservation in respect of certain outlying and inaccessible areas bordering on Assam and Burma where it was thought, it would be difficult to implement our undertaking effectively. Recently the Government of India have agreed to the reservation being withdrawn in respect of certain areas including the tribal areas East of the Naga Hills District in Assam. As a first step towards the fulfilment of the requirement under the Slavery Convention to bring about the abolition of Slavery in this area, the Government of India, at the request of the Government of Assam, agreed to an expedition, headed by the Deputy Commissioner, Naga Hills, and composed of a column of Assam Rifles. The object of the expedition was to acquaint the headmen of the villages with the determination of Government to suppress the practice of Slavery and, if they persisted in an attitude of defiance, to punish them. This action was rendered imperative by the conduct of one of the villages in that area, namely Pangsha, which, with the assistance of certain other villages, had been raiding and destroying the weaker villages in their neighbourhood and holding their captives as slaves in defiance of warnings from Government. The expedition was a complete success; and the following report of the Deputy Commissioner, Naga Hills, is released for the information of the public.

I left Mokokchung on November 13th with two and a half platoons of the 3rd Assam Rifles under the command of Major Williams, and 360 carriers under the command of Mr. Smith. Dr. von Furer-Haimendorf of Vienna University accompanied the expedition as an anthropologist. On the 19th Panso came in to see me at Chentang and their friendly overtures relieved our anxiety regarding our flank. On the same day there arrived a truculent challenge from Pangsha. On November 20th we reached our advanced base at Chingmei where the loyalty of my old friend Chingmak was of inestimable value. There we found that Pangsha had handed over to him all their slaves but one; they still defined us to visit them, and I found they had terrorised the whole neighbourhood, threatening to destroy any village which helped us. My first object was to visit Yimpang. They had already returned the only slave they held to Mokokchung when they heard that a column was really coming out, and they had had some reason for raiding Kejuk, who had abetted Tuensang in their treachery—or rather the treachery of Saiyo a notorious rogue whom the decent elements in Tuensang now talk of killing for the good of the village. I wished to show Yimpang that when we intended to visit a village we did so, but that we harmed no one with whom we had no quarrel. This I accomplished on November 22nd, returning *via* Waoshu, a small village which had been dragged into the Saachu raid against their will out of fear of Pangsha. Noklak had sentries watching us from the range to the East of our camp and sent an armed force to move parallel to us on our way to Yimpang; their men walked into Yimpang as we walked out, and announced that they had been ready in case Yimpang wanted any help.

On the 24th the column, with as few loads as possible, when to Noklak on the way to Pangsha. Noklak were evidently terrified at the thought of offending Pangsha and refused to clear the path for us. Most of it was a narrow, overgrown ledge along a precipitous cliff. Not only was it guarded by "panjis" (bamboo spikes) put there owing to their war with Chingmei, but additional "panjis", newly sharpened, had been planted for our benefit. In spite of the utmost care one advance scout was spiked right through the foot and one lance-naik and another scout were gashed. It was long before we could get in touch with the Noklak men and when we saw them they were very nervous. Eventually some were persuaded to come forward and talk. I knew that their hostility was due to pressure by Pangsha, and it was important not to have a hostile village behind us when we passed them. I therefore promised safety.

On November 25th we proceeded towards Pangsha and camped in the bed of the Langnyu River below the main village. Our route lay along the flanks of the hills on the west bank. Pangsha being on the slopes of the East bank. Soon after passing the Noklak-Pangsha boundary we saw a small, unarmed party of Pangsha men in the distance. Four were induced to come and speak to us, and brought with them a goat and a chicken. They asked whether we would make peace. There was not the slightest doubt as to the only possible answer. To have made peace, turned back, and abandoned the remaining slave at the price of a goat, a fowl and some smooth words would inevitably have been interpreted as a sign of weakness. Friends who had helped us would have been massacred and raid would have continued. I therefore told the envoys that I did not believe their statement that they could not produce the slave girl, and that I was going to punish them for their conduct and insults to Government. I then sent them safely away.

By this time a very large armed party was already on the move to cut us off. We saw them crossing the Langnyu valley and out manœuvred them by cutting a path straight down to the river, and moving upstream in open ground. While getting into camp an armed body appeared

above us and were dispersed, probably without casualties. Then three men rushd down to get ahead from the coolies cutting bamboos. They were fired on and turned back. Two fell, but picked themselves up.

On November 26th we burnt the main village, nearly losing four coolies who struggled against orders. In the afternoon we moved down stream to below the separate Wenshoyi "khel". Next morning the baggage with one platoon was sent straight back to Noklak, and one platoon with a few scouts and dobashis went up to burn the "khel". We were very heavily attacked on on our way down in a last effort by Pangsha to wipe us out. It was only the skill and coolness of Major Williams and his force that enabled us to make a safe withdrawal to Noklak, without losing a man and after inflicting losses on the enemy, whom ground and cover enabled to charge to within 50 yards before they were stopped.

That evening Chingmei and Noklak made peace, Noklak being no longer in any doubt as to the safer side of the fence. I also fined Noklak for their previous hostility. Ponyo, who may have sent a contingent to help Pangsha, also came to see me. I sent word through them to Pangsha that if they would come and talk to me at Chingmei their envoys would be safe. This they did two days later. They admitted defeat and promised to stop slave-raiding and to return the remaining slave. All three villages swore an oath of friendship and were sent home with presents of salt. Pangsha kept their word and the slave girl was sent for and brought to our camp at Chentang on December 7th and is now safe with her parents.

Ponyo produced him at my request. He is now a freed man married in Ponyo and ignorant of a single word of Chang. He is perfectly happy and has no wish to return to Chang relations whom he cannot remember. I therefore sent him back to Ponyo at his own request, with an assurance from Ponyo that he is perfectly free to leave the village if he should ever desire to do so. The next task was to deal with Nokhu. We arrived at Panso on December 3rd and were given a great welcome as the conquerors of their sworn foes Pangsha. I got in touch with Nokhu, and reprsentatives of every 'morung' came to see me. They confirmed, what I had already heard, that of the three slaves they captured one died, and two were returned to their relations as soon as news came that a column had really started. Enquiries left me no reason to doubt the truth of their statement and it can be accepted. Nokhu said they had no wish to suffer the fate of Pangsha and asked to be regarded as friends.

While at Panso I heard of yet another slave, a child captured by Sanglao from an unknown village called Phang, somewhere on the Assam side of the Patkoi to the South.

A Naga messenger from Panso takes a whole day to get there and a whole day to get back. A column from Panso could not have dealt with the village earlier than on the 3rd day. There are no local supplies at all, as no rice is grown, and with the rations we had it was impossible to undertake such a further unexpected extension of our tour. I therefore tried to negotiate with Sanglao. This was able to do indirectly, though not directly, since no messenger from Sanglao ever got beyond the huge rabbit warren of Panso village and had always left by the time we heard he had arrived. The village sent in daos as a sign of freindship and has promised to try and get the child from his owner Dhingmak of Chingmei will continue to emphasise the seriousness of the message I sent that a column would certainly go out and destroy Sanglao if the slave is not handed over. From Panso we returned *viâ* Chentang and Tuensang to Mokokchung, arriving there on December 13th.

Summary of results.

(I) All the slaves captured by Yimpang and Pangsha, for the recovery of whom the expedition was originally sanctioned, have been rescued and restored to relations or friends.

(II) Steps are being taken to recover the slave held by Sanglao, of whom information was only received when the column was about to return.

(III) A hitherto unknown Chang slave now at Ponyo was brought in by that village. I satisfied myself that he is free and perfectly happy.

(IV) By the punishment of Pangsha a reign of terror over a wide area has been ended, at any rate for some time, and possibly permanently.

(Issued in the cold weather of 1937-38.)

"India is a party to the Slavery Convention, 1926, and has undertaken to bring about progressively, and as soon as possible, the complete abolition of slavery in all its forms. It will be remembered that a successful expedition was sent to the Pangsha tribal area in Assam in 1936 with a view to informing the headmen of the villages that Government were determined to suppress the practice of Slavery in those parts. After the 1936 expedition it transpired that certain villages in the tribal area still held slaves in spite of repeated warnings, and at the request

of the Assam Government a further expedition to Nokhu and other villages in the tribal area was agreed to by the Government of India in 1937. The expedition was successful and the following report of the Deputy Commissioner, Naga Hills, is released for the information of the Public ".

After the 1936 expedition to Pangsha, it transpired that the village of SANGLAO still held one slave and inspite of constant warnings refused to release the slave. The Deputy Commissioner, Naga Hills, accordingly asked for permission to warn Sanglao that unless the slave were released the village would be visited and punished. Government permission was accorded to this action. It subsequently transpired that the village of NOKHU had not released their slaves in spite of their affirmations to the Deputy Commissioner last year, and that the village of PESU, south west of Sanglao the position of which was then unknown, held at least one slave. It was not known whether villages further South held slaves or not. The sanction to the expedition was duly obtained from the Government of India. Throughout the rainy season constant attempts were made to get the villages concerned to release their slaves but although it was reported that Sanglao had obeyed Government orders, Nokha and Pesu remained obstinate.

Accordingly on the 1st November a column composed of the 3rd Assam Rifles with a Civil Officer and other necessary staff left Nokokchung with the object of releasing the slaves, and suppressing slavery for the future.

Chingmei village was reached on the 7th November without incident. All villages en route were most friendly. The 8th and 9th November were spent at Chingmei and loads were divided, as it had been arranged to send the surplus baggage and carriers to join the main column at Zungki River on the 19th November. The baggage column subsequently had an uneventful journey except at YIMTSUNGAENRR village which refused to supply carriers. The neighbouring villages however promptly turned out to help, and the original programme was adhered to.

On the 10th the main column reached Nokluk and on the 11th a last attempt was made to get Nokhu to release their slaves. Ever since the 6th November at Chentang, Nokhu had been sending in various deputations each with a different story as to where the slaves were, but alike only in saying that the slaves were not in the village. Each deputation had been told that the slaves must be produced. Upto the 11th however no slaves had appeared. Nokhu believed up to the last minute that as Government had not visited their village last year, they would not be visited this year.

The 11th November was spent in visiting Nokluk, a most friendly and interesting village, and in having a good look at the approaches to Nokhu and on the 12th November the column moved to Nokhu. On the way up to the village four slaves were produced. They had, of course, been in Nokhu the whole time. The column with the slaves moved up to a camp site close to Nokhu. The various messengers were then told to go back to the village and warn all concerned, that last year and this year they had lied consistently to Government. Their village would accordingly be burnt the following morning and any one found in the village would be regarded as hostile and shot. Next morning the village was attacked. Nokhu had left three sentries in the upper khel to give warning of our approach. One of these was shot dead and the other two wounded. We were told afterwards that this unexpected loss caused the main ambush waiting for us to leave the upper khel to panic and that there were many casualties caused by the panjis laid for us on the path we did not take. On the 13th and 14th November we halted at Nokhu, and got in touch with the villagers who were all secreted in various nallahs through the good offices of HANUNG of Iangyok, a most useful and intelligent ambassador. Finally the fine exacted was paid and Nokhu swore a most impressive oath of future fealty to Government.

We halted for both the 13th and 14th November at Nokhu as I thought it advisable to realize a fine from Nokhu as a sign of submission to Government and to make peace formally.

On the 15th we started out for Sanglao. We had nowhere been able to get a glimpse of the village and it was a good deal further than we had thought. The path ran over the top of every hill on the ridge and it was a tiring march. Sanglao were overwhelmingly friendly. They had previously had one slave which they had handed back to Chiliso village on receipt of Government orders (Chiliso subsequently confirmed this).

We spent the 16th at Sanglao trying in vain to get in touch with Pesu, and recover the slaves. Owing to the efforts of Chilem, a Panso headman, three slaves were produced during the night but we failed to get in touch with Pesu at all. We could not afford another day's halt and accordingly on the 17th started for Pesu, the exact position of which was unknown. Just after going through Sanglao word was passed up that one of the slaves had vanished. The slave had been calmly lifted from the column by one of the Sangalo headmen as he had a claim against the salve's father. We were in consequence considerably delayed and unfortunately

had no time to deal with that headman. We were again delayed by finding a large crowd of Panso men fully armed, on look out for loot on our tail and nearly had to use violence before they would go home. Further delay was caused because Pesu at last sent a representative to meet us and we had to hear him at length.

The raid on WAPHARR or WONGPONG was admitted and there was no excuse offered. As the raid had taken place on the 2nd November, it had clearly been a gesture of defiance. Accordingly information was sent that we were going to burn the village and any one found in it would be regarded as hostile. I had to give the Pesu representative start of half an hour and we then proceeded to Pesu, which was much further down the slope than we had thought, and burnt it without opposition. There was no water near Pesu and we accordingly pushed on to Chiliso, the chief of which village was with us and made camp by moonlight.

RAILWAY BRIDGE OVER THE BRAHMAPUTRA RIVER, E. B. R.

107. THE HONOURABLE MR. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh): (*a*) Will Government state whether the survey of the project for the construction of a railway bridge on the Brahmaputra at Pandu in Assam has been completed? If so, what is the result?

(*b*) When will the construction of the bridge be taken in hand; and what will be the approximate period of its completion, and also its estimated cost?

(*c*) Will there be any provision for wheeled traffic on the bridge?

THE HONOURABLE SIR GUTHRIE RUSSELL: (*a*) Yes. The E. B. R. anticipate a return of about 5 per cent. on the cost.

(*b*) The project is now under examination by the Government of India. If it is ultimately sanctioned, construction would probably take three working seasons; the cost is estimated at about Rs. 71 lakhs.

(*c*) This matter is under discussion with the Assam Government.

THE HONOURABLE MR. HOSSAIN IMAM: When do Government propose to take action on the construction of this bridge?

THE HONOURABLE SIR GUTHRIE RUSSELL: After we have examined the estimates and seen if the scheme is likely to be a financial success.

INCREASES IN EGYPTIAN TARIFFS ON COTTON GOODS.

108. THE HONOURABLE MR. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh): (*a*) Have heavy import duties been recently brought into force in Egypt on textile goods imported into that country which are more than double the old rates?

(*b*) Are Government aware that this increase in duty will cripple seriously the growing export market for Indian industry?

(*c*) What steps have been taken, or are proposed to be taken in this connection?

THE HONOURABLE MR. M. SLADE: (*a*) and (*b*). Yes.

(*c*) The matter is engaging the attention of Government.

THE HONOURABLE MR. HOSSAIN IMAM : What is the amount of trade in textiles between India and Egypt ?

THE HONOURABLE MR. M. SLADE : I cannot give the figures, Sir. I must have notice.

NAMES OF STATE PRISONERS CONFINED UNDER REGULATION III OF 1818.

109. THE HONOURABLE MR. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh) : Will Government state the names of the prisoners confined under Regulation III of 1818, the provinces to which they belong, and their present places of confinement ?

THE HONOURABLE MR. J. A. THORNE : A statement giving the information asked for by the Honourable Member, so far as the Central Government are concerned, is placed on the table.

State prisoners under Regulation III of 1818.

Serial No.	Name.	Country or province to which prisoner belongs.	Present place of confinement.
1	Sardar Abdul Aziz Khan	Afghanistan ..	Calcutta.
2	Khan Baba	,, ..	Belgaum.
3	Muhammad Ibrahim	,, ..	,,
4	Muhammad Hassan	,, ..	,,
5	Mohammad Ismail	,, ..	,,
6	Taj Mohammad	,, ..	,,
7	Ali Ahmad	,, ..	Satara.
8	Sardar Abdulla Khan	,, ..	Jubbulpore.
9	Sardar Abdul Hamid Khan	,, ..	,,
10	Sardar Abdul Qayyum Khan	,, ..	,,
11	Khwaja Abdul Karim	,, ..	Saugor.
12	Muhammad Nasir	,, ..	,,
13	Atta Mohammad	,, ..	Chhindwara.
14	Sirdar Abdul Hakim Khan	,, ..	Yercaud, Salem District.
15	Sirdar Amin Jan	,, ..	Kotagiri in Nilgiris District.
16	Sirdar Ghausuddin Khan	,, ..	Kodaikanal.

State prisoners under Regulation III of 1818—contd.

Serial No.	Name.	Country or province to which prisoner belongs.	Present place of confinement.
17	Rippudaman, ex-Maharaja of Nabha	Nabha, Punjab	Kodaikanal.
18	Sardar Abdul Rahman Khan ..	Afghanistan	Coonoor.
19	Sardar Muhammad Azam Khan..		Dehra Dun.
20	Sardar Muhammad Akram Khan		
21	Sardar Muhammad Afzal Khan		
22	Sardar Sultan Ahmad Khan ..		Allahabad.
23	Sardar Muhammad Sarwar Khan		
24	Sardar Sher Ahmad Khan ..		
25	Sardar Muhammad Umar Khan*		
26	Sardar Nur Ahmad Khan ..		
27	Sardar Abdur Rashid Khan ..		
28	Sardar Muhammad Hasan Khan		Shahjahanpur.
29	Sardar Abdur Rahman Khan ..		Meerut.
30	Sardar Muhammad Umar Khan		Dehra Dun.
31	Sardar Gul Muhammad Khan ..		
32	Sardar Abdul Ali Khan ..		
33	Sardar Abdur Rahim Khan ..		
34	Sardar Muhammad Azim Khan ..		
35	Sardar Muhammad Mohsin Khan		Sitapur.
36	Ghulam Nabi		
37	Mohammad Din		
38	Mohammad Siddiq		
39	Abdul Hakim		
40	Abdul Majid		
41	Muhammad Jan		
42	Bhawani Sahai	Alwar State .	Delhi.
43	V. R. Vaishampayan	Gwalior .	
44	Jwala Parshad	Ajmer-Marwara	

* Escaped from surveillance in October, 1937, and has not yet been traced.

TRAVELLING TICKET EXAMINERS ON RAILWAYS.

110. THE HONOURABLE MR. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh): Are Government aware that travelling ticket examiners on Railways are sometimes possessed of inaccurate and defective hand scales, with which they weigh the baggage of third class passengers in running trains, and thereby cause loss and annoyance to them? Do Government propose to take necessary steps to see that the passengers are not unnecessarily put to inconvenience or loss?

THE HONOURABLE SIR GUTHRIE RUSSELL: Government have no reason to believe that the allegation in the first part of the question is justified and the second part does not arise; but if the Honourable Member knows of any specific cases, he would be doing a service by bringing them to the notice of the administration concerned.

RETURN OF ANTIQUITIES OF BURMA TO BURMA.

111. THE HONOURABLE MR. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh): Have the Government of India been approached by the Burma Government with regard to the return to Burma of Burmese antiquities, which include among other things, the lion throne of King Mindon, which is now in the Calcutta Museum, and a mat woven out of silver strips, which King Thebaw used on ceremonial occasions, and the Burmese historical records, and other antiquities? If so, what have the Government of India decided in the matter?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: The answer to the first part is no; the second part does not arise.

ADVERTISEMENT FOR A LINO OPERATOR BY THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

112. THE HONOURABLE MR. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh): (*a*) Has the attention of Government been drawn to an advertisement published in the press (*vide* the *Leader*, dated the 3rd May, 1938), over the signature of the Manager, Government of India Press, New Delhi, inviting applications for the post of a lino operator? If so, why "the post is reserved for a Muslim" only?

(*b*) What are the instructions of Government with regard to appointments on communal basis in this Department?

THE HONOURABLE MR. M. S. A. HYDARI: (*a*) Yes. Vacancies and not posts are reserved for communal representation. The vacancy in question is reserved for a Muslim in accordance with the orders on the subject.

(*b*) The Honourable Member's attention is invited to the Home Department Resolution No. F.-14/17-B./33, dated the 4th July, 1934, a copy of which is in the Library of the House.

THE HONOURABLE MR. HOSSAIN IMAM: Do Government publish the number of Muslims and non-Muslims recruited in this Department?

THE HONOURABLE MR. M. S. A. HYDARI: I do not know, Sir.

MANUFACTURE OF LOCOMOTIVES BY THE B. B. & C. I. R.

113. THE HONOURABLE MR. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh): (*a*) By an Act of Parliament, was the B. B. & C. I. R. Workshop at Ajmer precluded from manufacturing engines for any other Railway administration in India? If so, what was the reason of this prohibition?

Has this prohibition been lately withdrawn?

(*b*) Is the Ajmer Workshop now engaged in manufacturing locomotive engines? If so, how many, and for what railway system?

(*c*) Have locomotive engines been manufactured by any other workshop in India?

THE HONOURABLE SIR GUTHRIE RUSSELL: (*a*) The answer to the first and last parts is in the affirmative. In regard to the second part I cannot reasonably be expected to say what was in the mind of Parliament when it passed the B. B. & C. I. R. Act over 30 years ago.

(*b*) Yes. The construction of nine metre gauge locomotives is now approaching completion and work on ten others is being commenced. These are for the B. B. & C. I. R. Orders have also been placed with the Workshops for the manufacture of nine locomotives for the A. B. R. to be supplied in 1939-40.

(*c*) Yes, locomotives were at one time built in the E. I. R. Workshops at Jamalpur.

ADMISSION OF DOMICILED INDIANS TO PUBLIC SERVICES IN BURMA.

114. THE HONOURABLE MR. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh): Will Government state whether Indians domiciled in Burma are disqualified from appearing for certain civil services examination, or employment in public services in Burma? If so, what steps have been taken to redress this disqualification?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: The attention of the Honourable Member is invited to section 144 (1) of the Government of Burma Act, 1935, which prohibits the placing of such disabilities on Indians domiciled in Burma.

CONTROL OVER THE CALCUTTA UNIVERSITY.

115. THE HONOURABLE MR. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh): Have the powers of control over the Calcutta University vested in the Government of India now been delegated to the Bengal Government? If so, what powers have been delegated, and did the Bengal Government ask for such delegation?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: Yes. A list of the delegated functions will be found in the Education, Health and Lands

Department Notification No. F. 55-1 (*vi*)/38-E., dated the 7th April, 1938, published in the Gazette of India, dated the 9th April, 1938, copies of which are available in the Library of the House.

The reply to the last part of the question is in the negative.

THE HONOURABLE MR. P. N. SAPRU: I do not wish to put question No. 116, Sir.

(Question No. 116 was not put.)

MR. G. M. HUDDAR.

117. THE HONOURABLE MR. V. V. KALIKAR: (*a*) Has the attention of Government been drawn to a news appearing in the *Hitawada*, dated 12th August, under the heading " Nagpurian as Franco's Prisoner " ?

(*b*) Has Mr. G. M. Huddar, an Indian of Nagpur, who had been to republican Spain in September last, been taken prisoner by General Franco's Government ?

(*c*) Will Government state the steps taken by them up till now for securing the release of Mr. Huddar and other Indians who are Franco's prisoners ?

(*d*) If the answer to part (*c*) is in the negative, will Government state the steps they propose to take for securing the release of Indians who are Franco's prisoners ?

(*e*) Do Government propose to make representations to the Foreign Office in England for securing the release of Mr. Huddar and other Franco's Indian prisoners ? If not, why not ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: (*a*) Yes.

(*b*) to (*e*). The Honourable Member's attention is invited to the answer which I would have given today to the Honourable Raja Yuveraj Datta Singh's question No. 116 if it had been put. But I can read out that answer. The answer is :—

" (*a*) and (*b*). Government have received no information regarding the alleged arrest but enquiries have been made from His Majesty's Government".

THE HONOURABLE MR. V. V. KALIKAR: Are Government aware of the fact that a Commission has been appointed by the British Government, of which Field-Marshal Sir Philip Chetwode is the Chairman, for the exchange of prisoners ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: That does not arise out of this question but I have seen a press report to that effect.

THE HONOURABLE MR. V. V. KALIKAR: Will Government make representations to that Commission to get Mr. Huddar's release ?

THE HONOURABLE THE PRESIDENT: He says it does not arise and so the supplementary question is not admissible.

MEASURES AGAINST GAS ATTACKS.

118. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government state what steps they are taking for protecting and for training the people of India, particularly in cities and towns, to deal with enemy gas attacks by aeroplanes or otherwise and whether they intend keeping a sufficient stock of gas masks and other relative articles to meet an emergency?

THE HONOURABLE MR. J. A. THORNE: I refer the Honourable Member to the reply which I gave to his question No. 2 on the 5th September, 1938.

APPOINTMENT OF AGENTS OF THE GOVERNMENT OF INDIA IN CERTAIN COLONIES.

119. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government state whether they intend to appoint their Agent in Trinidad, Tobago and New Guinea for safeguarding the interests of the Indians in those Colonies? If so, when, and if not, why not?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: The attention of the Honourable Member is invited to the reply given by me on the 5th September, 1938, to the Honourable Sir Phiroze Sethna's question No. 38. I may add that, as far as the Government of India are aware, there are no Indians in New Guinea and the appointment of an Agent in that Colony is not therefore under contemplation.

SURCHARGE ON RAILWAY FREIGHT ON COAL.

120. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government state whether they intend to withdraw the surcharge on railway freight on steam coal? If so, when, and if not, why not?

THE HONOURABLE SIR GUTHRIE RUSSELL: Government have no proposal at present under consideration for withdrawing the surcharge, as the financial position is not such as to justify the sacrifice of revenue which the withdrawal of the surcharge must involve.

THE HONOURABLE THE PRESIDENT (to the Honourable Mr. V. V. Kalikar): Do you wish to press your Motion for adjournment?

THE HONOURABLE MR. V. V. KALIKAR: As negotiations are going on between the leaders of the communities and the authorities for an amicable settlement, I do not wish to move.

DIVIDENDS AND INTEREST RETURNS BILL.

THE HONOURABLE MR. G. S. MOTILAL (Bombay: Non-Muhammadan): Sir, I move for leave to introduce:

"A Bill to provide for the submission of certain statements of companies incorporated in or carrying on business in India."

The Motion was adopted.

THE HONOURABLE MR. G. S. MOTILAL: Sir, I introduce the Bill.

RESOLUTION *RE* ENLISTMENT OF MADRASIS IN THE INDIAN ARMY AND INDIAN AIR FORCE.

THE HONOURABLE SIR DAVID DEVADOSS (Nominated: Indian Christians) : Sir, I beg to move the Resolution standing in my name :—

"This Council recommends to the Governor General in Council to take early steps to enlist suitable men from the Presidency of Madras for the

(*i*) infantry,

(*ii*) cavalry,

(*iii*) artillery of the Indian Army, and also for

(*iv*) the Indian Air Force."

It has been the declared policy of the Government of India for more than a quarter of a century to disband all Madras regiments and to cease to enlist to the combatant units of the army from the people of the Madras Presidency. The reason assigned is that the martial races of the north form better material for the army than the Madrasi. It is very difficult for us outsiders to know who invented this myth. Who defined a martial race ? What are their peculiar characteristics ? We have never heard the English and the Irish being styled martial races. Yet there is no finer or better soldier in the world than the English and the Irish. Evidently the Defence Department has a convenient memory. Has it forgotten all that the Madras sepoy has done in the past ? Who defended Arcot and offered to be satisfied with rice water so that the British soldier may have the rice grains ? The Madras sepoy. Colonel Malleson says that the foundation of the British Empire in India was laid in the successful defence of Arcot. The defenders were Madras sepoys with a handful of British soldiers. Who won the battle of Plassey ? The Madras sepoy. Who helped to quell the great Mutiny in 1857 ? The Madras sepoy. Who captured Burma in the early Eighties of the last century ? The Madras sepoy. Recently during the Great War the Madrasi acquitted himself creditably in Mesopotamia and other places. Such being the achievements of the Madras soldier in the past, why should his claims be ignored now by the Government of India ? Granting for argument's sake that the northern races have stouter bodies and stronger muscles, they do not count for much in modern warfare. Armies are seldom in sight of one another. We have heard it said that the Indian contingent went to the war in France in 1914, the Indian soldiers asked, "Where is the enemy ?" The enemy was miles off and only bombs and shells fell on them. The days when a cavalry charge decided the fate of a battle are gone for ever, never more to return. The army which has the largest amount of poison gas and incendiary bombs has the best chance of success. As I said some time ago in this House, the fate of nations is being settled in the laboratories of the chemist and the physicist. In modern warfare what is wanted is not heavy bodies and strong muscles, but unflinching courage, quickness in action and implicit obedience to orders. Has the Madras soldier been ever found deficient in any of these qualities ? If he is properly trained and properly led he will be more than a match for

Punjabi soldier. Let me read to the House the observations of the Madras Government on the Simon Commission report at page 18. They say :—

"There is one other matter connected with the army upon which the Madras Government wish to stress, namely, the need for the revival of the old Madras regiments. In Volume I, paragraph 116 of the report the Commission notices the remarkable variations in the contributions which provinces make to the Indian Army. The Government of Madras would remind the Government of India that the pre-eminence of the Punjab and the United Provinces as recruiting grounds for the army is comparatively recent and has been the natural consequence of the gradual reduction of the old Madras regiments till there are now only three Madras regiments left. The Madras Army has a fine record of gallant and loyal service and military traditions are still strong in many parts of the Madras Presidency. If the North India recruit is admittedly superior in physique, the Madrasi claims superiority in intelligence which is likely to count for more in the future than it has done in the past. The Government of Madras consider that the interests of the province demand that the military tradition and the proved capacity of the Madrasi should be recognized by the restoration of the old Madras regiments. So long as the army is an Imperial concern it is obviously desirable that it should be associated by recruitment with as wide an area as possible ; and the revival of the Madras regiments may also help towards the attainment of the goal mentioned in Volume II, paragraph 211 of the report. The possession by a self-governing India of military forces of its own ; for the fact that at present such an overwhelming proportion of the army is recruited from the Punjab and the United Provinces is one of the obstacles to the formation of an Indian national army, on which the Commission has laid stress ".

What are the consequences of this short-sighted policy of the Defence Department ? I say advisably "short-sighted policy". You do not look to the future. You look only to the present. By stopping all recruitment to the fighting forces of the country you kill the martial spirit of the people. You want the major portion of India to be full of lotus eaters. As long as the strong arm of Britain protects them, much harm may not be done. But if the day ever comes for the British to quit the shores of India, Heaven forbid that such a day should ever come, I say if the British happen to give up India, the greater part of it will fall an easy prey to an invader if this policy is persisted in for long. The Government of India do not seem to realize the danger of making the army the close preserve of a few favoured races in the north. Suppose a soldier of fortune belonging to one of these races gets a commanding influence over the army and revolts against the Government, what will be the fate of India ? What a lot of trouble, bloodshed and loss a water carrier was able to cause in the neighbouring State of Afghanistan. I mentioned what follows for what it is worth. I am told that some time ago a company of Indian soldiers refused to fire against the enemy because the enemy belonged to their faith.

There is another important consideration namely, the economic condition. When a career in the army was open to the Madras people many joined it and thereby were able to support their families and relations. You have taken away their bread from their mouths. The unemployment question in Madras is a very pressing question. Educated young men are starving for want of employment. Such men if drafted into the army the presidency as a whole will be benefited. Instead of pampering one province and spending all your money upon it, have different units in different parts of India and thereby promote the peace and prosperity of the country. The Criminal Law Amendment Bill which we passed the other day would be a dead letter if the Government would recruit to the army from all the provinces of India. Above all, the safety of the country should be the prime consideration of the Government

[Sir David Devadoss.]

of India and that can only be achieved by reviving and fostering the martial spirit of the various races that inhabit this vast sub-continent. It is a mistake to keep all the army, at least the most effective part of it, in the north. India is a vast country. It is nearly 2,000 miles from Cape Comorin to the Punjab. To leave the South of India practically unprotected is wrong. The Government have not learned a lesson from what happened about this time in 1914. The " Emden " bombarded Madras on one fine night about 9-30 P. M. On hearing the report of guns the military authorities there bestirred themselves and some enterprising person went and loaded an old gun. Lo, the charge would not fire! Meantime the " Emden " was miles away from Madras. This was not the state of things many years ago. There were several batteries such as the Napier's, Clive's, etc., on the seashore. When I was a college student there used to be gun practice. It was a beautiful sight to see the cannon balls jumping on the sea water and raising spray to a considerable height, at a distance of one or two miles. Now, Sir, the only guns that we see on the glacis of Fort St. George are those used for firing salutes. Is it wisdom, I ask, to leave the southern portion of India unprotected ? If there is an air raid, by the time the army authorities in Simla wake up, rub their eyes, and ask what is the matter, cities on the coast like Vizagapatam, Madras, Negapatam and Cochin would have been reduced to ashes and not thousands but millions of women, children and inoffensive civilians would have been massacred. Let us learn a lesson from what happened in Abyssinia and what is happening today in China and Spain. Is the war a war of civilized nations ? Is dropping bombs, poison gas shells and incendiary bombs on innocent women and children war ? Is bombing the civil population war ? When first class powers are at war, as Bertrand Russell says in his work, all attempts will be made to end it in a week by slaughtering innocent people and reducing large cities like London, Liverpool and Glasgow to ruins and by destroying aerodromes and munition factories and stores.

Sir, we are living in very anxious times. We do not know what a day may bring forth. There are wars and rumours of wars. The next war will be a world-wide war—an armageddon—and when that armageddon comes those who study the trend of events carefully are of opinion that Japan will not be on the side of England as she was in the late war. It is not to her interests to join hands with England in fighting the totalitarian powers. Such being the gloomy prospect before us, can I be charged with being an alarmist when I say that the coast towns and cities in South India will be targets for air raids from the Far East ? There is no protection for any of them. Are there any anti-aircraft guns in any of them ? Is there any protection against poison gases and incendiary bombs ? The enemy will destroy the wireless stations first in order to prevent intimation of the raid reaching Simla or Delhi. The army in the north will not be of any service to the teeming millions of the Madras Presidency.

Sir, the Defence Department will not easily give up any policy which it pursues. Any one who has read the *Life of Florence Nightingale* would have observed how obstinate was the War Office in clinging to its way in spite of

clear proof that they were wrong. After the Crimean War she spent all the years of her long life in fighting the War Office so that it might mend its ways. After years have proved that she was right in all her charges against the War Office. The Defence Department of the Government of India is not likely to give up its cherished policy easily. In order not to antagonize it I will grant for the sake of argument that the so-called martial races furnish the best material for the three arms—infantry, cavalry and artillery. What about the air force ? Strength of muscle and a heavy body are not required for raining bombs from the air. What is wanted for the air arm is intelligence, quickness of judgment and keen observation. The Madrasi is very brainy. He is very intelligent and admittedly more intelligent than the so-called martial races. You may say I am blowing my own trumpet. Let the Madras Government speak for me.

"If the North India recruit is admittedly superior in physique, the Madrasi claims superiority in intelligence which is likely to count for more in the future than it has done in the past"—mark the words " which is likely to count for more in the future than it has done in the past ".

This was written eight years ago. Things have considerably changed since then, the air arm is becoming the most important branch of the fighting force. The Madrasi is the fittest person for manning the air force by reason of his intelligence, ready judgment and quickness of perception. Try him and see if he is not all that I claim him to be. Look at the Madras University Training Corps. What a fine set of young men they are. They need encouragement. They want opportunity for service. Don't be blind to his qualities and hug some fetish to your bosom.

Sir, I do not want to be a prophet of evil. But I fear that if the present policy is persisted in notwithstanding my earnest appeal for fair play and justice, a day will come when the Defence Department of the Government of India will repent sitting in sackcloth and ashes ! Alas ! it will then be too late !

With these few remarks, Sir, I commend my Resolution for the acceptance of the House.

THE HONOURABLE MR. RAMADAS PANTULU (Madras : Non-Muhammadan) : Sir, I beg to move the amendment that stands in my name. The amendment runs as follows :

" That after the word ' Madras ' the following be inserted, namely :—

' and other provinces and areas not adequately represented in the defence forces'."

Sir, if you will permit me, I will speak on the amendment and the Resolution together. Sir, the Resolution raises a very important question of principle and policy regarding future recruitment and organization of the Indian Army.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : May I interrupt for one moment ? I understand the Mover's amendment is objectionable because he has not given the ordinary notice ; but I wish to say that I have no objection to that and so he can carry on. But I would like to point out that I only got the amendment last night and I have not had two days' notice.

THE HONOURABLE THE PRESIDENT: Unless there is any special reason, my practice is always to allow these amendments.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I do not object.

THE HONOURABLE MR. RAMADAS PANTULU: I am thankful Sir, for His Excellency not objecting to it.

THE HONOURABLE THE PRESIDENT: You can move the amendment.

THE HONOURABLE MR. RAMADAS PANTULU: I have moved it, Sir.

THE HONOURABLE THE PRESIDENT: Do you wish to say anything in support of it now? I am going to allow a simultaneous debate on the Resolution and the amendment.

THE HONOURABLE MR. RAMADAS PANTULU: I will make a speech both on the amendment and the Resolution if you will permit me?

THE HONOURABLE THE PRESIDENT: Yes, I have no objection. Please read the amendment.

THE HONOURABLE MR. RAMADAS PANTULU: Sir, I move:

"That after the word 'Madras' the following be inserted, namely:—

'and other provinces and areas not adequately represented in the defence forces'."

THE HONOURABLE THE PRESIDENT: Sir A. P. Patro's Resolution is almost similar to yours and may also be moved now, so that the debate can proceed on the original Resolution and both the amendments at the same time.

THE HONOURABLE SIR A. P. PATRO (Nominated Non-Official): Sir, I move my amendment that is more or less in the same terms as that of the Honourable Mr. Pantulu:

(*1*) "That for the words 'suitable men from the Presidency of Madras' the following be substituted, namely:—

'Suitable men from all presidencies for the defence forces'.

(*2*) That clauses (*i*) to (*iv*) be omitted'."

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa: Muhammadan): May I suggest, Sir, a verbal change—that "provinces" be substituted for "presidencies"?

THE HONOURABLE THE PRESIDENT: Madras is always known as a presidency.

THE HONOURABLE MR. HOSSAIN IMAM: But, Sir, the other provinces will be excluded if we say "presidencies".

THE HONOURABLE THE PRESIDENT: Well, Madras, Bombay and Bengal will be included. However, it is immaterial. The debate will now proceed on the original Motion as well as the two amendments simultaneously.

THE HONOURABLE MR. RAMADAS PANTULU: Sir, the Resolution raises a very important question of principle and policy regarding the future

recruitment and organization of the Army in India. The aim of the Resolution, as I understand it, is to make the army representative of the whole country by drawing the men who serve on it as far as possible from all areas and classes. It is, of course, not the intention of the Resolution to prescribe any proportions for the several provinces on a population or any other rig d basis. Nor is it the intention of the Resolution to change the methods of recruitment in such a way as to affect the efficiency or discipline of the army. We also, Sir, make allowance for the theories that now obtain in the Defence Department of the Government with regard to recruitment. First of all, they say that the races which furnish the best sepoys are not those which exhibit the greatest accomplishment of mind. It may be a half-truth but for the purposes of argument I am prepared to concede that. I am also prepared to concede that units to be efficient should be fairly homogeneous and not heterogeneous. I am also prepared to concede that, having regard to the limited size of the Indian section of the army, namely, 150,000, recruitment on a wide basis from all areas and classes will not be quite possible without swelling the numbers to almost inconvenient size. I am willing to concede for argument's sake all these theories which obtain in the Defence Department of this Government. But I say they are half-truths and I do not admit their correctness ; but so that I may not be confronted with these theories, I am only conceding them for argument's sake.

Sir, making concessions for all these considerations I feel—and I hope that my friends on this side of the House also feel—that the policy of recruitment to the Army in India is not conceived in the national interests or in consonance with national needs and requirements. It is still based on a distrust of nationals. And there is an evident desire running through the whole policy of recruitment to perpetuate differences between the races and creeds in this country as the ultimate safeguard of British interests and British domination in this country.

Sir, before I proceed to substantiate my points by reference to figures and facts, I would like to say a few words about the history of the Madras Army, and the vicissitudes of its fortunes. My friend the Honourable Sir David Devadoss has already dealt with the question in a masterly manner in his exhaustive speech. I will add a few figures and facts to his lucid exposition of the case of Madras. Sir, the Madras Army is a very old army. Next to Surat, the ports on the east coast of Madras were the earliest settlements of the East India Company. The first Madras Fusiliers of the old Madras Army could trace back their origin to 1748 when Major Stringer Lawrence arrived in Fort St. David and took over the command of all the forces of the Company in India. He was the first Commander-in-Chief of the British forces of India and first predecessor of His Excellency the Commander-in-Chief who is now adorning this House as a Member. In Madras, Sir, Indian sepoys were employed with great effect by all the European powers who struggled for supremacy in that part of the country, specially the French, the Portuguese and the British. Lord Clive and others testified to their loyalty and efficiency. It was said by Lord Clive, Sir, that in the Carnatic wars the Indian sepoy was content to live on the

[Mr. Ramadas Pantulu.]

gruel and leave the boiled rice to his British comrade, and fight unflinchingly by his side. Many soldiers and statesmen have testified to the bravery and discipline of the Madras sepoys. Sir, after the battle of Plassey when the army was reorganized, Indian sepoys were employed in all the three presidency armies of Madras, Bombay and Bengal. And not only were sepoys employed, but all the subordinate officers were Indians. Again, in 1824, when there was a new reorganization of the armies in this country, dividing the native regiments into single battalion regiments, Bengal had 68 regiments, Madras 52 and Bombay 24. In regard to regular cavalry, Bengal and Madras had eight regiments each and Bombay three cavalry regiments. In Madras the Telugus, misnamed Teluganas, Tamils and Mussulmans supplied most of the sepoys. There is contemporary record to show that caste prejudices and other disruptive factors were not much in evidence in the Madras Army and it showed no inclination to join any of the forces which revolted against the Company's Government. Sir, there were only trivial revolts in Madras. The 1806 incident of the sepoys of Vellore was trivial and the mutiny was due to the prohibition of caste marks and ear-rings on parade and also shaving their beards. But it soon subsided. The real mutiny in Madras was by the European officers in 1809, three years later, which the Company found it much more difficult to suppress. Even after the transfer of the Company's forces to the Crown in 1858, Madras, Bengal and Bombay had their provincial armies and their history is so well known that I do not wish to go into it now for want of time. They all became parts of the Royal Artillery and the Royal Engineers. But still, the Bengal and Madras Armies as reorganized, maintained their distinctiveness till 1893 when the British Parliament abolished the three Provincial Commands and combined the army, though it was not till sometime later that it was actually known as the Army of India technically for constitutional purposes. But after the Mutiny of 1857, the recruitment policy had undergone a change. Somehow or other, after 1886, the fortunes of Madras began to wane considerably in regard to recruitment to the army. Eight of the Madras battalions were permanently located at Burma which was then a part of the Madras Command. Of the three Provincial Commands, the Madras Command then included Burma also. So, they were drafted to Burma and further recruitment to the battalions that were transferred to Burma was from the north-western areas. From 1895 the recruitment of the Telugus to the army was completely abandoned, and between 1902 and 1904, Moplahs, Gurkhas and the Punjabis replaced the recruits to the infantry and cavalry of those regiments. So, Sir, Madras, and particularly the Telugu country, was practically wiped out from the recruitment map of India from 1895.

But the evidence with regard to the efficiency of the Madras and the Telugu sepoy is unchallengable and I do not think that any reliable authority can be quoted to show that he was not as efficient as any other sepoy. I will only quote one testimony, that of Sir Frederick Haines, then Commander-in-Chief of the Madras Army. What he said was---

"I cannot admit for one moment that anything has occurred to disclose the fact that the Madras sepoy is inferior as a fighting man. The facts of history warrant us in assuming the contrary. In drill, training and discipline the Madras sepoy is inferior to none, while in point of health, as exhibited by returns, he compares favourably with his neighbours".

Sir, I do not know what exactly is the reason for the change in the recruitment policy for some years past. The position in regard to the Indian Army, as disclosed by the Simon Commission's Report, is this. Out of a total of 158,000 troops at the time when the Simon Commission Report was prepared, 86,000 troops were recruited from the Punjab, 19,000 from Nepal, an independent country, 16,500 from the United Provinces, 7,000 from Rajputana, 7,000 from Bombay, 6,500 from Kashmir, 5,600 from the North West Frontier Province, 4,000 from Madras, 3,000 from Burma, 300 from Bihar and Orissa, a very small quota of 100 from the Central Provinces, nil from Bengal, nil from Assam, and Miscellaneous 1,900 ; in the Indian States, 700 from Hyderabad and 100 from Mysore. If you take all the provinces together, this shows that about 52 per cent. come from the Punjab, and if you exclude the Gurkhas, who come from an independent territory, Nepal, then 62 per cent. come from the Punjab and the North West Frontier Province. Sir, the present position, that is since the Simon Commission Report was written is still worse. It shows that 75 per cent. of the Indian Army comes from the Punjab, the North West Frontier Province and the United Provinces. These areas are all in the north-west of India and yet 75 per cent. of the army comes from these areas alone. Is there any justification for this ? It is said that the Punjab is the province which can furnish the best material for the army. Sir, may I know whether the British had always the Punjab for them ? They wanted the Indian sepoys from the other provinces not only to conquer the Punjab but also to lead them across the borders to fight those outside India. Therefore, the plea that only the north-west of India, namely, the North West Frontier Province, the Punjab and the United Provinces are the only proper recruiting grounds for the Indian Army does not convince us. I must not be understood as saying anything against the valour, the loyalty and the past services to the British Government rendered by the Punjab and the North West Frontier. But I hope that even those provinces will agree with me that in recruiting to the army, fair treatment should be accorded to all the provinces and areas of this country.

With regard to Madras I have one more submission to make. The Madras Army was put to a fresh test very recently during the Great War. In the Great War, recruitment was widely thrown open to all provinces and no province which was willing to contribute recruits was denied the right. What happened ? Madras made the third largest contribution to the army which was recruited for the Great War. I would refer to page 97 of the Simon Commission's Report where the contribution in men which the various provinces made during the recruitment to the Great War is mentioned. I am only taking the combatant recruits. I am omitting the non-combatant recruits. Even if you take the total, Madras stands third. The Punjab came first with its 349,688 ; United Provinces with its 163,578 stood second and Madras with 51,223 stood third. Then came Bombay with its 41,272, and then the North West Frontier Province with its 32,181, and so on. Even if you take the total recruitment, combatants and non-combatants, Madras stands third with its 92,340.

THE HONOURABLE THE PRESIDENT : Your time is up. Will you please bring your remarks to a close ?

THE HONOURABLE MR. RAMADAS PANTULU : If in 1914 to 1918 Madras could furnish recruits and could stand third among the provinces for contributing recruits, why and when did it deteriorate ? Why Madras has been considered to be unfit for recruitment after the war, I really cannot understand. I do not think any case has been made out to restrict the recruitment only to a few provinces. If you want a national army, all parts of India must be adequately represented consistently of course with the aim of securing homogeneous and efficient units for the army. Whatever the spokesman of the Government in this country may say, we feel that the policy of recruitment is still largely guided by considerations other than those of the needs of India or the needs of the national interests of India. I do not wish to detain the House with any long quotations, with regard to the policy of the British Army in this country. It has certainly not been a policy of making India a nation with regard to the army. There are other countries in the world from which the British Government in India could have learned good lessons. For instance, take Italy, which in 1861 had no national army. There were all sorts of people——

THE HONOURABLE THE PRESIDENT : You cannot go into a new subject now. You have already exceeded your time. I will allow you three minutes more.

THE HONOURABLE MR. RAMADAS PANTULU : I will finish within that time, Sir. I repeat that the policy of recruitment in India is not conceived in the national interests of India. There is no attempt to form a national army. In Italy, the Venetians, the Genoaese, the Milanese, the Tuscans, the Neapolitans, people with their own dialects, their own customs and their own peculiar prejudices, formed the army in 1861. But what do we find today ? The Italian Government have made an Italian army. Similar is the case with Japan. Every section of the Japanese people and not only the martial section of Samurai are now enlisted in the army. There is no such attempt made here. This is not a new policy which is being pursued. It is a very old policy. I will only give two extracts from a book which I hold in my hand by Captain G. V. Modak. One is a statement of Lord Elphinston, ormer Governor General of India. He said :—

" I have long considered this subject, and I am convinced that the exact converse of this policy of assimilation is our only safe military policy in India. ' Divide et impera ' was the old Roman motto, and it should be ours. The safety of the great iron steamers which are adding so much to our military power and which are probably destined to add still more to our commercial superiority is greatly increased by building them in compartments ".

I will read only one more extract. It is a statement by Brigadier Coke. He says :

" That in a rising of the Mussulmans, you would always have Sikhs, Dogras, Gurkhas, and Hindu corps to defend or *vice versa*. By mixing the castes in one corps they become amalgamated and make common cause, which they never do if they are kept in separate corps. The result of mixing them in one corps has been to make them all join against Government and not only the soldiers but through them the Hindu and Mussalman zamindars were incited to make common cause which they never would have done, had the races been kept in distant corps. Our endeavours should be to uphold in full force the (for us fortunately) separation which exists between the different religions and races, not to endeavour to amalgamate, them. ' Divide et impera ' should be the principle of the Indian Government ".

Sir, I have got 25 more extracts from this book. I do not want to read them. Those which I have read fairly illustrate the policy of recruitment in this country. I do not wish to detain this House longer. The Government of India want to set up Federation as embodied in the Government of India Act. Even those who differ from them want a Federation, though not of the same kind. This question of responsible government for this country is inextricably intermixed with the formation of a national army. In denying recruitment on a national basis you are denying us responsible government. All the units of the Federation of India should be interested in the national army. Without the co-operation and consent of the various Federal units you cannot have a national army or real Federation, and no responsible government is possible. Therefore, Sir, the army policy in this country is indissolubly bound up with the question of the political independence of this country. Therefore, I appeal to His Excellency the Commander-in-Chief to see the reasonableness of our Resolution. We do not commit him to any particular proportions. We do not commit him to any particular methods of recruitment. All that we ask is that the Indian Army should be made representative of the whole country by recruiting as far as possible from all areas and all races.

THE HONOURABLE SIR A. P. PATRO (Nominated Non-Official): Sir, the scope of the Resolution is such that it does not conflict with any other province. The interests of the Punjab and the United Provinces are not at all affected and recruitment from those provinces is not discounted. What it aims at is the placing of a grievance before this House and before the Army Department that Madras has been treated very unfairly and justice has not been done to the people of Madras. That is what this Resolution aims at. This Resolution says that it is high time that the Defence Department saw things in a different light. They must avoid the ostrich attitude and face realities. What are the realities of the situation today? According to the views of the Commander-in-Chief recently expressed, it is difficult to remove the distinction between the martial and non-martial classes, that it is to be continued and that he would not like to have inferior material imported into the army and thereby cause it to suffer in efficiency. Those are the expressed views, and I know what is going to be the ultimate result of this Resolution. But we have a strong case for Madras deriving from its history and traditions and past services. Madras people sacrificed much in order to establish the British Raj in Southern India. What would have been the position of the British in Southern India but for the help of the Madras sepoy in the Carnatic wars. Sir, there is a very reliable official account published in what is known as the Manual of Madras, showing how the Madras Presidency gradually grew bit by bit and how territories were added to what was originally Madras Town and how ultimately it has come to be one of the biggest provinces in India. Sir, it was through the sacrifice and the shedding of the blood of the people of Madras, the Kalingas, the Telingas and the Tamils, as against their own countrymen, who stood firm by what they believed to be just and proper, that the British have succeeded. And after succeeding what is the attitude of the British? It is quite un-British like to discard the people who have helped them to build up their power in South India. Whatever may be the official

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view today, British officials must remember the contribution which the Madras regiments made to the success of the British not alone in the Carnatic wars but also in other important battles, you have got a vivid account of the paintings in Seringapatam on the walls of the Court House. The Fort was considered impregnable. It was the Madras regiments which first dared to cross the river and swimming across to the other side defeated the Mysore army. The Sultan's army was trained by a French captain, and he was present with all his force of artillery, and yet it was the Madras army which assisted in defeating them and captured Seringapatam. And on the walls of the Sultan's palace you have today a living record of the achievements and the glory of the Madras regiments. And there was no European army present on that occasion except a handful, there were not more than 150 Europeans in all. It was the Indians, the Madras regiments which defeated the Sultan. That must appeal to the Commander-in-Chief, the valour and courage and determination which the Madras regiments showed in conquering Mysore. What has become of that Madras Army? If the British be fair and just they cannot forget the achievements of the Madras regiments in Mysore and at Seringapatam.

Then, Sir, I would take a little more of your time and mention the Mahratta wars. Tanjore was a Mahratta centre from whence they governed. You again find the account in the palace at Tanjore. The Mahratta army was a trained force, again assisted by the French, and according to the standard of those days it was up to date. And it was the Madras Army which again helped the British to defeat the Mahrattas in the South and to conquer the Madura and Tanjore districts for the British Empire. Sir, it was no mean achievement for a force in those days to defeat the Mahratta forces, who were trained fighters. But the Madras regiments were equally heroic and disciplined, and it was they, who today are classed as non-martial, who helped the British to overcome the Mahrattas.

Now, my friend has referred to the Burmese wars. I had my people and relations serving in both the first and second Burmese wars. They gave us, then little children, accounts of how Mandalay was captured and how Thebaw the King of Burma was arrested. Now, the accounts will show what a difference there is today. When we went out to recruit for the army in 1914 and 1915 and those war years and travelled about the districts to recruit people for the army, the answer we got was, " Yes, we were found unfit all these years, and now you come to us for the purpose of helping the Government ". That is the answer given by the present cultivators. It is not a few intellectuals who will save the country and the British. It is the peasant soldier who will ultimately stand by the British and by his own country—not the intellectuals. Therefore, Sir, beware if you do neglect the condition of the peasant population and the countryside, if you do not take note of the people who have served efficiently and loyally in previous wars, then your position will become very difficult. I would ask a question of the Defence Department. When did this love and affection for martial as against non-martial classes come

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about ? Who fought the wars that raged in the Punjab and in the north ? Did not the Madras regiments take part in the Afghan War ? Did not the Madras regiments help the British in connection with the wars in the Punjab ? Then, Sir, how have you forgotten the great sacrifices which the Madras regiments have made in establishing the British Raj in the Punjab and in the north ?

Sir, as I said, this problem can be looked at from two points of view, namely, the past record of the Madras regiments, the testimony of impartial observers, military and civil, and also from the point of view of strategy and from the point of view of practical wisdom. Tomorrow suppose it happens, as unfortunately it happened some time ago, that there is unrest in the Punjab, what is to be the fate of the British in this country, if only they depended upon the loyalty, courage and heroism of the Punjab ? Will that help them ? An European army cannot be maintained according to the opinion of the Congress people today. The 30,000 or 40,000 people must be sent away and if the Indian Army is to remain according to their demands and requirements of a particular section of the people, then what will be the position of the British, what will be the position of the country ? That is the question which must be considered from a strategic and practical point. It is a short-sighted policy always to depend on a particular province or provinces ; there must be distribution throughout India in the matter of recruitment, and it must include those classes and communities which proved themselves to be courageous and martial in past wars. Therefore, I appeal in the name of those persons, the descendants of those who have shed their blood, who have sacrificed their men, their relations, in large numbers. Now, do not disappoint us, do not create discontent and resentment in our hearts. The peasant cultivator appeals to the British to recognize their services in the past. Would you deny that ? Are you prepared to face the difficulties that will arise sooner or later in the matter of recruitment when you have got the peasant soldiers to be recruited ? Therefore, Sir, these considerations ought to influence the judgment of the authorities in deciding this matter of martial and non-martial classes. Why did you demartialize the Madras people ? Has any opportunity been given to the Madras regiments within the last 40 years to fight and can you say that these are inefficient and they cannot hold their own in the army. Under what circumstances are you able to come to this decision, namely, that the Madras regiments are non-martial and only the Punjab and the United Provinces are martial races ? Sir, I think that the authorities are not at all just and fair in this matter. When did this question of recruitment from one province alone arise ? I repeat the question. When the Punjab itself was in turmoil, when there was unrest in the Punjab, who were they that stood by the British ? That is the question that they have to answer and they have to consider what will be the future. These records of the Madras regiments have been made by a very eminent military man assisted by a civil service man. They describe the great achievements of the Madras army in the past and the opinion of the Officer Commanding the Southern Army has also been expressed, namely, that the Madras sepoys are not behind anyone in the matter of courage, bravery and heroism. In the face of these opinions recorded in the past and officers

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in charge of these regiments expressing these opinions in unmistakable terms, what is there to prevent you from revising your decision, the unfortunate decision, which you came to 40 years ago ? It is time enough for them to realize that other provinces also should have an equal share in the matter of recruitment. Well, on the one hand, we find in India a section of the people say that people should not be allowed to be recruited because of political reasons, on the other hand the descendants of the peasant soldiers who stood by the Government and who helped them to establish the British Empire are asking for recruitment ; they drank the *kanji* and gave away the solid food to the British soldiers. It is therefore necessary to recollect and recall these exploits of the Indian Army. Sir, recently there was a tribal war in the agency tracts more or less like the one in the North West Frontier and Colonel Russell reported how with the help of these people he was able to conquer the tribes. It was the Telunga and the Tamil who fought and quelled the rebellion from Godavary to Gumsoor on the borders of Orissa. These are wild tracts, full of jungles and hills and rivers and most difficult country. Colonel Russell had the wisdom and the tact to enlist short service people and under the head of Bapan Patro and Sunder Singh who were given jagirs, these people helped Colonel Russell and ultimately quelled the wild races that inhabit the agency tracts. To forget such service is not just. The descendants of these people are now crying and they helped you to establish peace and order and to conquer and subdue their own people. It is not wise that this feeling should be rankling in their minds in the countryside. Do not judge by the few educated people you have got. Take the countryside and see what is the feeling today, if you try recruitment. You will find that recruitment will be extremely difficult not because of the political prejuduce of the people, not because of the shibboleths that are set up by the people, but because they feel that the British Government has been very unjust and unfair, that they have ignored the legitimate claims of the descendants of the people who have shed their blood for establishing the British Empire in India defeating their own people. How are you going to remove that feeling unless you help them ? I warn you from my experience of what took place during war time in 1914.

THE HONOURABLE THE PRESIDENT : You have exceeded your time.

THE HONOURABLE SIR A. P. PATRO : Thank you, Sir. You have got sectional armies with their colours---the Surrey regiments, the Worcestershire regiments and Essex and Yorkshire, and so on, in England. They are proud of their colours. Why not have a similar system in this country so that they may have their own colours ? The Madras regiment may be divided into three parts and different commands may be established. And like the Surrey army, the Yorkshire army, and so forth, just as these people are recruited from the different districts, you could recruit men from the different provinces, and make a distinct unit of each. Then, Sir, you will satisfy the people. When unfortunately things happen to the detriment of the British Government, it is these people that will stand by you, not the intellectuals and the intelligentsia. Remember that it is the people of the

countryside, the cultivators who will stand by you and not the intellectuals in times of crisis. Therefore, I urge on the authorities that they must give up this idea of discrimination between martial and non-martial, that they have to go and look into whether there is or is not a competent and efficient element in the province or in the communities who have served the country in the past and stood by you and acquitted themselves gloriously.

Sir, I refer not only to the records of the past but to the Russell report also The Russell report records also the courage, the bravery and the assistance which was given to the British Army by the people of the countryside who formed the Indian section. Now, Sir, the only question I have to place before you is, why did the army authorities allow this excellent spirit, dormant spirit, to go to waste and not utilize it for the benefit of the British Government, for the benefit of the people of India. Therefore, it is high time that they should desist from their ostrich attitude and face the realities that are now confronting them. People are very much disappointed. I remember an incident, Sir, in the time of the King's Jubilee, when ex-soldiers, sepoys, subadar pensioners, were all collected together. It was an excellent sight to see them. Old men of 70 and 80 years coming in from distant places in the villages. Why ? Not that they were paid to come. Not that they were subsidised people. But it was their martial spirit which actuated them to travel miles and miles and come and show their loyalty. Now, Sir, why do you take away that spirit from them ? It would be suicidal for you to destroy the spirit that has prevailed here. This feeling is dormant and it is wise and prudent that the policy should be revised and reconsidered. I know the views which His Excellency has expressed already but I am confident that in the light of the observations I have made, in the light of the evidence that I have placed before him, he will admit that it is time that the policy should be revised so that all the provinces and particularly the provinces in which the armies have distinguished themselves in the past in the wars of the Carnatic, Burma, Afghanistan, in helping the British Army in other parts of India, that the descendants of these people may be recruited again in the army. There should be no discrimination as between martial and non-martial. What is meant by non-martial ? Is there not in the blood of these people whose fathers fought for the country and the Government, a martial spirit ? Therefore, I cannot for the life of me understand the distinction between martial and non-martial in regard to these races and communities whose record is available, and therefore I say that it is high time that there should be a reconsideration of the whole problem of army recruitment. Otherwise may I in all respect and humility warn that it will be too late for you to enlist the sympathy of the peasant soldier in the countryside.

ANNOUNCEMENT BY HIS EXCELLENCY THE COMMANDER-IN-CHIEF ON THE QUESTION OF DEFENCE.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : Sir, I have been asked, with your permission to make a rather important announcement in this

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House with regard to the question of Defence, which is being simultaneously made in the other House at this hour.

THE HONOURABLE THE PRESIDENT: I will suspend the debate on this Resolution for a few minutes till His Excellency has made his statement on Defence.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I think, Sir, that everyone here is aware of the discussions that have been taking place in London during the summer and I am now authorized to make the following statement by His Majesty's Government with regard to this question to indicate to you how the matter now stands.

As was indicated by Secretary of State for War in his speech on the Army estimates on March 10th of this year the Prime Minister at that time authorized the initiation of discussions regarding the role of the land and air forces in India in relation to defence problems of India and the Empire.

Both the military and financial aspects of this question have been considered in detail. The outcome of these discussions at the stage so far reached has recently been considered by His Majesty's Government.

The need for early action to place the defence organization of India on a more satisfactory basis is accepted. It has not been possible in the time available to reach agreement on all matters which have presented themselves for consideration in the course of these discussions. But definite progress has been made, and in the light of this progress, an offer has been made by His Majesty's Government in the United Kingdom, subject to approval of Parliament, to increase by £500,000 as from April 1st next the annual grant of £1,500,000 which has been paid to the Government of India since 1933, in aid of Indian defence expenditure in accordance with recommendations of the Garran tribunal. In addition His Majesty's Government in the United Kingdom propose to ask Parliament to authorize offer to Government of India of a capital grant up to five million pounds for re-equipment of certain British and Indian units in India and in addition to authorize provision of aircraft for the re-equipment of certain squadrons of Royal Air Force. The precise scope and cost of these proposals has not yet been determined in detail. Further it has been agreed that four British battalions should be transferred from Indian to Imperial establishment; three battalions will be transferred at once and the fourth will follow as soon as it can be conveniently arranged. Finally, in connection with discussions which have taken place in London the Government of India have suggested that His Majesty's Government should send out an expert body of enquiry to India at the earliest opportunity to investigate the military and financial aspects of problems on the spot, and to submit a report before discussions between the two Governments are carried to their conclusion. His Majesty's Government have accepted this suggestion and appointed an expert committee with the following terms of reference:

"Having regard to the increased cost of modern armaments to the desirability of organizing, equipping and maintaining the forces in India in accordance with modern requirements and to the limited resources available in India for defence expenditure, to examine and

report, in the light of experience gained in executing the British rearmament programme how these resources can be used to the best advantage and to make recommendations ".

The expert committee, with which the Defence Department of the Government of India will be associated will be presided over by Admiral of the Fleet Lord Chatfield. They will leave England during October and it is hoped they will be able to report in early 1939.

RESOLUTION *RE* ENLISTMENT OF MADRASIS IN THE INDIAN ARMY AND INDIAN AIR FORCE *contd.*

*THE HONOURABLE RAI BAHADUR SATYENDRA KUMAR DAS (Nominated Non-Official): Mr. President, I rise to support the amendments. As a Member hailing from Bengal I think it my duty to say something on behalf of the Bengali as would-be recruits to the Indian Army. Sir, there exists a strong feeling in Bengal in favour of recruitment of Bengalis to the Indian Army. To cite instances on the point, I would refer to the existence of the Dacca University Corps, the existence of the Calcutta University Corps and the services rendered by Bengalis in the last war in Mesopotamia. In this connection, Sir, I would also like to draw the attention of the Government to the Resolutions unanimously passed in the Bengal Council on the 28th February, 1934 and the 28th January, 1938 urging upon the Government of India the necessity of giving military training so as to form a permanent unit for incorporation in the army. Sir, in view of the support given to the above Resolutions by all sections of the House in the Bengal Legislature it will be evident that the demand for military training in Bengal is a genuine one. That being the case, Sir, I would like to know as to the steps the Government propose to take to enable Bengalis to participate effectively in the various measures of defence which the military authorities may have to adopt in the case of foreign aggression.

With these few words, Sir, I support the two amendments so ably moved in this House.

THE HONOURABLE SIR RAMUNNI MENON (Nominated Non-Official): Sir, I cannot help feeling that a certain amount of emotion has been introduced —perfectly naturally into the discussion on this Resolution. I venture to submit, without any disrespect to the previous speakers, that the Resolution can be supported by an appeal to reason and common sense. In the first place I am very glad that the Resolution has been moved by my Honourable friend Sir David Devadoss. He is not a politician any more than I am, and the fact that a Resolution of this kind has been introduced by a non-politician and is being supported by another might to some extent help in assuaging, if not completely removing, the feeling of suspicion that seems to exist in certain quarters that this kind of Resolution is always inspired by political considerations.

* Not corrected by the Honourable Member.

[Sir Ramunni Menon.]

Coming to the Resolution itself, previous speakers have gone into historical considerations either as affording an explanation of the existing state of affairs or as justifying the demand that is contained in the Resolution. For my own part I do not think that anything of value will emerge from these historical considerations. The position as it stands at present is simply this, that recruitment to the Regular Army is practically confined to a very limited area and certain specified classes of India, and other areas and classes are excluded from it. I am not aware that the official view has attempted to justify the existing state of affairs on the ground that suitable military material is not available in the excluded areas and classes. As far as I am aware, the main arguments that are advanced in justification of the present system may be briefly summarized as follows. The army has to be kept at a very small size on account of financial considerations. That being so, it cannot find room in it for anything but the most efficient elements. Experience has shown that the present enlisting classes furnish very suitable and efficient material. Further, the multiplicity of languages and creeds in this country makes it undesirable—almost impossible—to include more than a very limited number of classes in the army, and therefore the present system is practically the best. To these arguments I think it will be permissible to add another. The present enlisting classes seems to have acquired a kind of vested interest. They seem to feel that the army is practically their preserve and naturally enough they are opposed to any change which will reduce their opportunities for a career. I venture to say that all these considerations are important and they should be accorded their due weight. But they are not the only considerations which have a bearing on the question at issue, and they cannot by themselves be allowed to determine it.

Now the principle underlying the Resolution, a very general principle, is simple and that is this, that every national who possesses the necessary qualifications should be given opportunities for sharing in the defence of his country. That is a principle to which no exception can be taken and I do not imagine that any exception will be taken from the official side. The importance of that principle has been substantially increased by recent constitutional changes and the need for its application has become somewhat urgent. The very conception of provincial autonomy carries with it the implication that a province should be allowed to provide for the maintenance of its internal security and to have a share in the defence of the country. I do not think that anybody will be disposed to dispute these contentions on theoretical grounds, and it is only overwhelming practical difficulties that can be allowed to stand in the way of their application in the building up of the defence forces of the country. Nobody has ever suggested that the scheme now in force should be suddenly given up. All that is meant by the Resolution is that a beginning should be made and that at least a certain number of units should be recruited from areas which are not now included in the areas of recruitment. It does not follow from the Resolution that any existing military unit should be disbanded. Certainly not. While all those who are in the army at present have a perfectly legitimate claim for being retained in

the army, it cannot be argued that the classes from whom recruitment is now made have any claims for the continuance of recruitment. Therefore, as vacancies arise, it should be possible by some kind of readjustment to set free a certain number of units in course of time which can be recruited from other territories. That is all, as far as I can see, that the Resolution, if accepted, will amount to.

Now, it cannot be supposed for one moment that this Resolution or resolutions of this kind can be supported only on the ground of sentiment. There is another justification, probably a far more important justification, from the point of view that is put forward by people like us. In this vast country, with its variety of creeds and castes, it is somewhat of a surprise that about 85 per cent. of the army has its provenance from about 30 per cent. of the total area of the country. I have seen that statement somewhere and I believe it is perfectly true. Now, it is not a question of distrusting any particular classes or the inhabitants of any particular area. The objection to this state of affairs would exist in all its force if the areas of recruitment were shifted either to the east or to the south. The objection is to the system itself. I maintain that it would be a perfectly legitimate apprehension on the part of the inhabitants of this country if they feel that they cannot always depend for the protection of their lives and property and for protection from external aggression on an army composed in this fashion. It is all right to say that we must get over our religious and class differences. I perfectly agree. It is no doubt deplorable that we have these differences in this country. But nothing is gained by shutting our eyes to the actual fact; and as long as that fact remains, nothing but an army having a wider area of distribution and composed of units drawn from different classes, between which there is a proper balance and counterpoise, nothing but such an army can ensure the sense of security and freedom from internal disorder in this country.

I therefore feel that for these reasons a change in the present system is absolutely necessary. I do not suggest that the change should be introduced at once. All that I need say is that, if His Excellency the Commander-in-Chief will make a sympathetic gesture and agree to have this Resolution considered at his leisure fully and thoroughly, I for one shall be perfectly satisfied.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Sir, I should like if I may to congratulate the Mover of this Resolution and the Movers of the amendments on their able speeches. It must be remembered that recruitment to the Indian Army is at present on a class basis and not on a provincial basis. In other words the military authorities have found by experience that certain classes do, as a whole, make shall I say the most efficient soldiers and these classes are recruited for the army without regard to provincial boundaries.

I do not for a moment wish in any way to decry the merits of the Madrasis as soldiers; they have for long, and still do, serve with distinction in the army. I thoroughly endorse the remarks which have been made in their praise by those who have spoken today. Again, I have no wish to criticize the maxim that no

[His Excellency the Commander-in-Chief.]

citizen, from whatever part of the world he may come, should be debarred from taking his share in the defence of his country. In theory that maxim cannot be criticized ; in practice it is impossible to put it into effect in a country of the size of India, the army of which amounts to about one three-thousandth part of its population. Madrasis make very good soldiers indeed, particularly when they are fighting in suitable climatic conditions. Financial considerations make it imperative however that we should retain as small an army as we can consistent with the efficient discharge of responsibilities of defence and the sole justification for the present policy is that it guarantees the best possible material for each branch of the army and therefore the highest possible return for the taxpayers' money. No one will agree, I think, that it would be in any way justifiable to disband, especially at this juncture, a good regiment and substitute another which might not be so good in order to satisfy provincial feeling. If this principle were pushed to its logical conclusion, the result would certainly be that India would not I am afraid have anything like the best army she could have as a whole.

Madrasis are, I would remind you, however, among the classes authorized for recruitment. They are recruited now in the Indian artillery, in the Sappers and Miners and in the Indian Signal Corps and there are a few also in other arms. In all of these they are doing extremely well. The actual strength of Madrasis in the army at present is 4,545.

As regards the Indian Air Force, officer ranks are open as you know to Madrasis as to everyone else and the same, of course, applies to the officer ranks of the army. Competition for 30 vacancies annually is entirely unrestricted and no class or province is given any preference here at all. It is only where the rank and file are concerned that we have to restrict ourselves to those classes which do, in point of fact appear to us at any rate, supply the best military material in bulk.

While, therefore, I have every sympathy with the desire of Madras to be more strongly represented in the army than at present, I must, with regret, oppose this Resolution. In doing so, I wish again to lay stress upon the fact that the policy which dictates the composition of the army, has nothing whatever of a political nature behind it but is prompted entirely by the determination to secure the best fighting material available, up to the limit of our financial resources.

As regards the amendments, I have already made it quite clear that the over-riding considerations of efficiency combined with economy, make it necessary for us to select certain classes for recruitment. We cannot afford to expand our army beyond certain limits and no one, I think, can hold the view that provincial as opposed to national interests are so strong that the best troops that we can obtain should be disbanded and others of perhaps less military value substituted for them.

There is really very little more to be said on this subject but, at the risk of repeating myself, I wish again to emphasize the fact that financial considerations unavoidably limit the size of our army and within those limits it must

be the best that we can create out of the material available. Here, if anywhere, national interests must come before provincial.

It is therefore evident that the reasons I have given for not accepting the main Resolution apply with even greater force to the amendments and I regret I am unable to accept them.

*THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : Mr. President, the Resolution which is being discussed today is a justification of the attitude which we took up in regard to the Army Recruitment Bill. India is anxious to fill the army with soldiers not only from the Punjab but from the whole of India. It is not the intention of the Nationalists to cripple the strength of the army at present. It was only an attempt to prevent a future occurrence.

Coming to this Resolution, Sir, we have to regret that the Indian caste system has been given official sanction and approval by the Government of India in the Defence Department. It is being condemned all through the country but the Defence Department says that it should be perpetrated and should remain for all time to come.

(At this stage the Honourable the President vacated the Chair which was taken by the Honourable Rai Bahadur Lala Ram Saran Das.)

The Mover of the Resolution and others have not suggested in so many words that the Punjab army should be disbanded.

THE HONOURABLE SIR DAVID DEVADOSS : No.

THE HONOURABLE MR. HOSSAIN IMAM : They have not suggested that recruitment from the Punjab should be stopped. What they suggest is that there should be a broad basis for recruitment of the Indian defence forces in future. There is a safety valve by means of which we can reconcile the interests of the Punjab with the rest of India. Even if we leave the Punjab alone, there is, Sir, the brown army of occupation known as the Gurkhas who have nothing in common with us. They are foreigners to British India ; they will have no place in the future Federation of India. To all intents and purposes they are mercenaries and an army of occupation. Now, when His Majesty's Government is prepared and has sanctioned the reduction of the strength of the British Army in India by four battalions, it would not be too much to ask that future recruitment of Gurkhas should be stopped and in place thereof people from other parts of British India should be taken. The Gurkhas form about 19,000 men in the Army in India. That is, Sir, a very large number. If it could be distributed to the provinces which are not represented or are poorly represented in the defence forces, you would for the present at least satisfy us, because I believe in the old saying first deserve and then desire. I agree with His Excellency the Commander-in-Chief's predecessor's statement that we cannot afford to tamper with the army and make an experiment with the army ; we must be on secure ground on those cases, but you cannot condemn out of hand without trial a whole people and say that they are unfit for military

* Not corrected by the Honourable Member.

[Mr. Hossain Imam.]

service. The plea has been taken that they get the best value for the money in the army which we recruit at present. That might be so, but surely other considerations also must prevail, economic considerations, political considerations, the prospects of the future. It would be unthinkable to have autonomous provinces which have no military strength in them. We wish that there should be military traditions in the provinces demilitarized. The future is supposed to be based on a Federal basis. It would be wrong that only one part should supply the defence forces of India and the rest should be deprived of it. I could agree to a proposition that the one province which has been tried and found to be more efficient to have a greater share than its population and other circumstances would justify. But, Sir, the question before us is whether in the larger interests of the country we should not make even experiments to find out the capabilities of the people of British India living in other provinces. I am not going, Sir, to sing the praises of the Bengal Army but I can only say that the foundation of the British Empire in Northern India was laid with the help of the Bengal Army. And the only reason, Sir, why we believe that this army has incurred the displeasure of the Defence Department is that it indulged in what is called the Indian Mutiny, or what some people prefer to call the First War of Independence.

Sir, that is the main cause because at that time (1857) the Punjab Army could be relied upon and therefore it had the favour of the Defence Department. Sir, it would be not quite human, it would be angelic, if they were to forget the past and if they were not to give a premium to people whom they found to be loyal at the time of need. And it is for this reason, Sir, that we on this side would support this Motion on the distinct understanding that it would not in any way mean the disbanding of the Punjab regiments.

(At this stage the Honourable the President resumed the Chair.)

But, Sir, at a time like this, when no one knows what may happen in the future, when conditions are so fluid and so precarious, it is wrong to condemn a whole population of about 200 million people who live in the non-enlisted areas as unfit for military service.

THE HONOURABLE THE PRESIDENT : Who has condemned them ?

THE HONOURABLE MR. HOSSAIN IMAM : Because they are not eligible for enlistment in the Indian Army.

THE HONOURABLE THE PRESIDENT : That is quite a different thing.

THE HONOURABLE MR. HOSSAIN IMAM : There is, Sir, a recruitment station at Gorakhpur which recruits people outside British India—I mean Gurkhas—but the Bhotpuris who have proved their mettle in many wars from 1757 onwards are not eligible for enrolment in the Indian forces. People living next door to the recruitment officer are not eligible but people living across the border are eligible and he goes out of his way to recruit them. These, Sir, are things which may have had some justification at a time when the British Government controlled the destinies of the people of India. But with the

grant of provincial autonomy and the prospect of the establishment of a more democratic centre, it is necessary that the basis should also be broadened. We do not mind if the pace is slow. We would not, Sir, object if only a beginning is made but we seriously object, Sir, to condemnation without trial. It is this that is happening to people outside the recruitment areas. The defence of the country, Sir, is a privilege in which all of us wish to join. His Excellency the Commander-in-Chief pointed out that the strength of the Army in India gives a ratio of one in three thousand. But, Sir, while the proportion may be so infinitesimal, the size of the provinces should also be taken into consideration. They are bigger than many of the European countries. One presidency, the Madras Presidency, has a larger population than England, Scotland and Ireland. If you have a small quota and a large population, that will nevertheless give you a quite substantial number. An infinitesimal proportion in a small country would not give us any workable basis. But considering the size of the provinces in India, the divergence of the conditions in the provinces, it is essential that the future policy of the Defence Department should be less exclusive and more broad-minded. The consideration of pounds, shillings and pence is all right. We have been asking the Defence Department all the time to consider authorized methods of retrenchment and it would ill-suit us to ask them to squander any money. But, in matters like this, we would want an experiment to find out the suitability or unsuitability of people, and I think in the larger interests of the country the Defence Department would be well advised to embark on a practical test of the capacities of the people in different parts of British India.

With these words, Sir, I support the amendment of my Honourable friend Mr. Ramadas Pantulu.

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern : Non-Muhammadan) : Mr. President, I desire to support the Resolution which has been moved so ably by our respected friend Sir David Devadoss, as also the amendments which have been moved by the distinguished Leader of the Congress Party Mr. Pantulu, and our esteemed friend Sir A. P. Patro. His Excellency, Sir, has very frankly told us that recruitment to the Indian Army is based upon a class basis and not on a provincial basis. Now, Sir, I want to examine the implications of that statement. What is going to be your objective hereafter ? Your objective hereafter is Dominion status. Your objective is complete responsible government. Your objective is an Indian Federation. Now, is it not right, is it not proper, that you should revise your policy in regard to recuitment in the light of your declared objective ? Why should a province which contributes to the central revenues be denied the opportunity of serving in the Indian Army ? You cannot have Madras contributing to the revenues of India and then deny her sons the opportunity of serving in the Indian forces. You cannot have Bombay contributing to the central revenues and then have those central revenues spent upon one particular province—the Punjab. Sir, I think the future of Indian self-government will not be safe if we do not base our army upon a national basis. We, Sir, stand for the abolition of caste. We, Sir, stand for the breaking down of class barriers, and we who stand for the abolition of caste and for the breaking down of class barriers cannot support an

[Mr. P. N. Sapru.]

army which is based upon class and caste considerations. Sir, we do not want an army which will be dominated by one particular caste.

Then, Sir, a practical suggestion was made by my Honourable friend Mr. Hossain Imam. He referred to the brown army of occupation, namely, the Gurkha army. Now, Sir, Nepal is not a part of India. Nepal is an independent State. Why should you get soldiers from Nepal ? You deny an opportunity to His Majesty's subjects to serve in the army but you take 19,000 men from an independent kingdom for service in the country. If you are going to recruit from Nepal then why not recruit your army from Afghanistan ? Why not recruit your army from China ? Why not recruit your army from French Morocco ? (*An Honourable Member* : " Or Germany ? ") Sir, I hate Germany and Italy so much that I would not even name them. Well, I think it is not right that any part of our money should be spent upon people who are not our subjects. You say that the efficiency of your army will be affected if you revised your army policy. Now, Sir, for that we have got to go back into the past. Before 1857, you had the Madras Army, you had the Bengal Army, you had the Bombay Army, and I think it is generally agreed that these armies were very efficient armies. The Honourable Sir David Devadoss was able to tell us a great deal about the glories of the Madras Army. The Honourable Sir A. P. Patro pointed out that to the foundation of the British Empire the Madras people contributed a great deal. I do not know whether I can put that down as something to their credit, but, however, they helped in the foundation of the Empire and they are entitled to get something out of that Empire. Why did you change your policy after 1857 ? The reason for that is a political reason. If you want to understand that political reason, you have to read the evidence given before certain Commissions that were appointed between 1857 and 1879 ; you have to read the history of the period between 1857 and 1880. The real reason was a political reason. You do not trust the other provinces. You had a particular trust in the Punjabi. You had found him a creature who could be manipulated. We have heard a great deal about the glory of the Punjab and about their valour and all that sort of thing. But my Punjabi friends will forgive me if I say that they are lacking in guts, and they submit to domination or to bullying more easily than the people of the other provinces. What happened in the Punjab during the martial law days is inconceivable in any other part of the country. The Punjabi stands on a different footing from the rest of India. You have got to remember that modern war is not a war of professional soldiers. Brains count so far as modern wars are concerned and I have no doubt that so far as brains are concerned, we, who come from the other provinces have a very great deal of contribution to make to the Punjabi. So far as brains are concerned, people from Madras, Bombay and Bengal will have many lessons to give to our Punjabi friends. Therefore, you have to revise your policy in the light of present-day requirements. Sir, His Excellency was pleased to say, " It is all right that citizens should be allowed to have a share in the army. I do not dispute the validity of this principle. But it is impossible to put it into practice immediately ". It is not suggested by the Honourable Mr. Pantulu or Sir A. P. Patro that the present army should be disbanded.

1 P.M.

We are more concerned with the future than with the past. What has been suggested is that a beginning, a very very serious beginning, should be made so far as the future is concerned. Try and give a more national basis to your army so far as the future is concerned. That is the suggestion embodied in this Resolution. If you reduce the number of British troops in India, it will be possible for you to increase recruitment from the other provinces. You can provide for more soldiers from the other provinces by recruiting less men from the Punjab, by reducing the number of British troops and by stopping entirely the recruitment of foreigners, who in the language of my esteemed friend Mr. Hossain Imam, are no better than mercenaries. It is unnecessary to dilate on this Resolution at any length. Much has been said about it by other Honourable Members. But I should like to point out one fact regarding the recruiting centres. You have recruiting centres at Peshawar in the North West Frontier Province, at Rawalpindi, Jullundur, Lahore in the Punjab, at Delhi, at Meerut, Agra, Lucknow and Gorakhpur in the United Provinces. You have a recruiting centre at Gorakhpur because you want this mercenary army from Nepal. You have no recruiting officers or centres in Bengal, Bihar, Assam and Orissa. I do not think you have any recruiting centres in Madras either.

THE HONOURABLE MR. RAMADAS PANTULU : Bangalore.

THE HONOURABLE MR. P. N. SAPRU : But that is not in Madras. That is in an Indian State. Burma is no concern of ours, and I am not therefore referring to recruiting centres in Burma. Why can't you have recruiting centres in provinces where you are not recruiting ? You can also make a very serious beginning by extending the scope of your auxiliary and territorial forces. That would hardly be relevant to the Resolution. That is a separate proposition altogether. But it is possible, I suggest to you in all seriousness, to give a more national basis to your army without impairing the efficiency of the army. We are as much interested in the efficiency of our army as the British Government. Who will suffer more than the people of India if the integrity of India is threatened ? Therefore, if you will substitute for your present policy a policy of greater trust in the people, it will be possible for you to give a more national basis to the army. Otherwise, you will have one day or other to face the dangers which were pointed out by the Honourable Sir A. P. Patro. He is a very, very moderate man, and therefore his words should carry weight with you. We on this side of the House are more extreme than Sir A. P. Patro, and when Sir A. P. Patro thinks that there are dangers in your present policy, you must really begin to think seriously ! It must be assumed that he is right and you are wrong !

With these words, Sir, I have very great pleasure in supporting the Resolution and the amendments.

*THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR (Madras : Muhammadan) : Sir, I give my whole-hearted support to the principle underlying both the Resolution and the amendments. Sir, I do not think

* Not corrected by the Honourable Member.

[Mr. Kumarsankar Ray Chaudhury.]

which costs four times as much. The British Committee just announced is coming to India shortly and the Government should press for the removal of the British troops or that their cost should be placed upon the British estimates. My friend Mr. Hossain Imam has already spoken about the Gurkhas and I need not dilate upon the matter. Then the next question was the question of efficiency. With the gradual process of mechanization of the armies it is intelligence and alertness that is more necessary than mere physical strength and there is no ground for saying that the Punjab has a monopoly of these qualities. The British Army stationed in India in an uncongenial climate is certainly less efficient than the Indian Army and should be replaced on that ground.

THE HONOURABLE SIR MUHAMMAD YAKUB (Nominated Non-Official) : Sir, before going into the discussion on the Resolution, I would like to say a few words about the important announcement which was made by His Excellency the Commander-in-Chief this morning. While I must express my gratification, and, probably, the gratification of a large number of the Members of this House (Applause) on the enormous sum of money which the British Government have decided to contribute towards the expenses of the Indian Army, I cannot fail to express my disappointment at the decision to reduce the Indian Army at the present time. Mr. President, I am not a general or a soldier, but from the point of view of a layman I do not find any wisdom in reducing the army in India while we find that every other country in the world is arming itself to the teeth ; that the clouds of war are gathering very thick on the horizon of the world cannot be doubted. About a month ago when Pandit Jawaharlal Nehru was in Prague he thought the chances of war and peace were 40 to 60. Even at that time I thought that the chances of war to peace were 60 to 40, but the news which we have received during the last two or three days, and particularly the speech which was delivered by the Dictator of Germany, Hitler, last night has brought the chances of war much nearer and today I consider that the chances of war are 80 to 20. That being so, I do not think that any country would be justified in reducing its army at the present moment. I think the British Government and the army authorities in India must have considered twice before they came to this decision.

THE HONOURABLE THE PRESIDENT : The Council and the Assembly will have another opportunity of discussing this matter and I think now it will be better if you confine yourself to the Resolution.

THE HONOURABLE SIR MUHAMMAD YAKUB : I will not say a word more about it. As the announcement was made this morning I thought that it would be in the fitness of things if I were to make few observations on the statement.

As regards the Resolution before the House, it is interesting to note that during this session in this House, as well as in the other House, military questions have come up more than once and it is also interesting to note that the Members of the Central Legislature are showing so much interest in the army

in India. This ought to be considered a matter of satisfaction to a certain extent. But, Sir, the way in which this question has been handled is not very satisfactory and does not seem to be very encouraging. Great objection has been taken by Honourable Members in this House, as well as in the other place, over making recruitment the monopoly of certain classes or over the division of martial and non-martial classes. Well, Sir, the division of martial and non-martial classes is not the creation of the British Government. This division was created thousands of years ago by the predecessors of the Honourable Members who have spoken against it. When humanity was divided, in perpetuity, into four classes, namely, the Brahmins, the Kshatriyas, the Vaishyas, and the Sudras, the occupations of each class, which later on assumed the name of caste, were fixed in perpetuity. It was then that only one class of humanity in India was considered as fit for being recruited to the Army and the three other classes were excluded. The result was that the demilitarization of those classes for thousands and thousands of years has rendered them now unfit for becoming soldiers and for being recruited to the army. Of course, among the Mussalmans there were no such classes ; we had no Sudras or Kshatriyas or Vaishyas or Brahmins, and all classes among the Mussalmans were warlike. So much so, that even some of our slaves were great generals in our armies. But since we migrated to this country and adopted the social systems and habits of the people of this country, we also have turned our occupations and callings into castes, and the result has been that a number of people belonging to certain occupations have been demilitarized and have become unfit for serving in the army.

Mr. President, by teaching the people drill or telling them how to right turn and left turn and shoulder arms and all that, you cannot make them soldiers. It certainly requires military traditions for several centuries. It requires courage and indifference to death. It requires great valour in one's blood to become a great soldier and therefore it would not be right to say that every man who is born in the country can become a soldier or be recruited to the army. The Commander-in-Chief has told us this morning that there is no statutory prohibition against the recruitment of the people of any province or any presidency. People of all the provinces and presidencies, if they are fit to become soldiers, are entitled to be recruited. But, Sir, we do not require the non-violent and non-combatant militia at which the Congress is aiming. On the other hand, we require in the Indian Army a real soldier who will be able to fight the battles of the country against the military forces of other countries. We do not want the sort of army which, Sodà, a famous Indian poet has described in one of his couplets when he said :

" Sawar voh jo gre sote charpai se
Piyoda voh jo dare sar mondate nai se ",

which means that the cavalryman of the army was so efficient a rider that he would fall off his bed at night when sleeping, and the infantryman was so brave that he felt afraid of his barber when he opened his razor to shave his head ! Well, we do not want soldiers of that type, whether they come from Madras, Bengal or Bombay, or the Punjab, or any other place. On the other hand, we want real soldiers.

[Sir Muhammad Yakub.]

Now, Sir, it has been said—and certain friends of mine have shown great pride in the past history of their provinces—and they said that their people did this and that and that they fought their own countrymen for the British Government and established the foundations of the British Empire in this country. I think, Sir, that if the people of certain provinces and presidencies, in the past, proved traitors to their own people and fought for the foreigners, the foreign Government will have to think twice before trusting in such traitors of the past. The people who were traitors to their countrymen cannot be expected to be loyal to a foreign government. (*An Honourable Member*: "Dangerous doctrine.")

Well, Sir, again, great stress has been laid on forming a national army in India. Several speakers have said that, unless you have recruitment from all the provinces you cannot have a national army in this country. Well, I would ask my Honourable friends to tell me whether they have got a nation in this country, whether they have a nation in this country, whether the opportunities which were given to them during the last 18 months have been utilized by them to come nearer the idea of nationality in this country. If you have got dissension and your people are divided among themselves so that my friend Mr. Chaudhury is afraid of the domination of the Punjab in the country because they consists mostly of Mussalmans, then I say it is idle to talk of a national army, when you have got no nation in the country.

THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : It was Mr. Jinnah who introduced the subject.

THE HONOURABLE SIR MUHAMMAD YAKUB : It was not Mr. Jinnah but he said that in reply to certain questions which were put by certain Honourable Members like yourself !

Sir, during the Great War, I am told that a great leader of one of these provinces and presidencies—I will not name it—went to see the commanding officer of his province and made the same request which has been made by my friend the Mover of the Resolution this morning, that more people from his province should be taken into the army. Well, the commanding officer said : "My dear Sir, your people have not proved their valour. Experience shows that they are not efficient soldiers and therefore we cannot enlist any more of them". But the leader said : "We are as brave, we are as good soldiers as anybody else, and I am here to put to the test my gallantry if you like". Well the army commander said : "All right, you had better sit down on the chair and my orderly will come and shoot through your hat and I will see whether you are nervous or not". Well, the great leader of the province sat tight in the chair with his hat on his head, and the orderly came and shot through his hat and the bullet went clean through it. Then the commanding officer said : "Well, Sir, you have proved your valour ; really you are a brave man, and now we will see what we can do for you". When he was leaving, the commander asked his orderly to bring another new hat for this gentleman because his hat had a hole right through it. As the orderly was going to bring

the hat, the leader of the province said : " Well, Sir, I am afraid I shall also require a new pair of trousers "! And this was the way in which he proved his valour and his capacity for enlistment in the army. I do not know how far things have changed since then.

THE HONOURABLE THE PRESIDENT : You had better come to the Resolution now.

THE HONOURABLE SIR MUHAMMAD YAKUB : This is all about the Resolution, Sir. I am showing how it will not be possible to make reckless recruitment from all the provinces and from all the classes and communities without seeing whether they are fit to become good soldiers or not.

The Honourable the Mover of the Resolution said that the people of Madras were very superior in intellect and therefore they must be taken in the army. But the other gentleman from his province, the Honourable Sir A. P. Patro, said that it is not the intellectual man who is fit to become a soldier, but it is only the peasant in the field who is able to become a soldier. Therefore, that argument was demolished by his own friend himself.

3-5 P.M.

THE HONOURABLE SIR A. P. PATRO : On a personal explanation, Sir——

THE HONOURABLE THE PRESIDENT : The Honourable Member has not given way.

THE HONOURABLE SIR MUHAMMAD YAKUB : I am not giving way.

THE HONOURABLE SIR A. P. PATRO : You are misrepresenting me.

THE HONOURABLE SIR MUHAMMAD YAKUB : No, I am not. I do not doubt the intellectual superiority of my friends from Southern India, from Madras, and it is for this reason that we generally say that the Government of India is being run by Madrasis and Chaprasis ! They have got their reward for their high intellect. In fact, they predominate the Finance Department of the Government of India, and they hold the purse strings of the Government of India, which is more important than becoming an ordinary soldier. I think that my friends from Madras should not have any grievance if their number in the army is a bit smaller than it ought to have been.

A suggestion has been made that the number of Gurkhas in the army should be reduced and that this Resolution does not aim at the reduction of the quota from the Punjab. I do not think how it can be practical ? If you increase the number of recruits and divide it among the different provinces, it is necessary that the quota from the Punjab should be reduced, if not today at least tomorrow or the day after tomorrow. Honourable Members have said that they do not want this reduction today. This quota may not be reduced today, but slowly the number of recruits in the other provinces will increase and it will be necessary that the quota of the Punjab should be reduced, and that for the reasons which have been explained by my Honourable friend Mr. Chaudhury.

THE HONOURABLE THE PRESIDENT: Your time is exhausted. Will you please bring your remarks at a close ?

THE HONOURABLE SIR MUHAMMAD YAKUB: As regards the reduction of Gurkhas, at other times I would not have made any objection, but at the present time, when the clouds of war are threatening, it would not be wise for the Government of India to make a new experiment. Of course, in times of peace, when there is no danger of war, this experiment can be beneficially adopted.

For these reasons, Sir, and agreeing with the reasons which have been given by His Excellency the Commander-in-Chief this morning, I oppose the Resolution in the form in which it has been proposed.

THE HONOURABLE MR. V. V. KALIKAR (Central Provinces: General): Sir, I heartily support the Resolution and the amendments. I am extremely glad to find that the scene has been shifted from this side to that side of the House. In 1935, my Honourable friend Mr. Sapru moved a Resolution about recruitment and at that time the then Commander-in-Chief, Sir Philip Chetwode, trotted out the argument that there were administrative difficulties and so he could not accept the Resolution. In order to give an opportunity to the Government to explain to the country whether there were really administrative difficulties and in order to solve those difficulties satisfactorily I moved a Resolution in the last Budget session for the appointment of a committee to go into these matters. I was then attacked by my Honourable friend Sir A. P. Patro for moving that Resolution. Even now I have no fetish for committees. But I wanted to see whether the Government were really honest and whether there were really any insurmountable difficulties. So I wanted to give them a chance. The same arguments that have been urged since 1935 have been trotted out also this morning against the Resolution and the amendments. I exhaustively dealt with this matter in the last Budget session and I do not want to repeat what I said then. But my earnest appeal to the Government is this. We, Indians, regard that there is some political motive behind this division of classes into martial and non-martial. No arguments are necessary to prove that there is some motive. The past history of India since 1857, the history of India during the 1857 troubles, clearly shows that there are political motives behind this policy and that this policy has been intentionally followed since 1857. Sir, I do not want to refer to past history, but I cannot but refer to certain matters about the past history of certain provinces from which recruits were taken and who fought, whether for the British people or against the British Government, in the past wars that were fought in India. I belong to a class which tried to establish a Mahratta Empire throughout the world. I think that people of other provinces do not need reminding from me that we, the Mahrattas, had come to Delhi. It is no use repeating the past glorious traditions about our martial character. If there is a will, if the Government really desire that British India should have Dominion status, if really the British statesmen desire to lead us to the status of a Dominion, then they cannot run away from the position and they must make efforts to establish a national army in India. If they fail

to establish a national army in India they are sure to come in conflict with the autonomous provinces that have been established under the present Act. Sir, I am extremely glad to find that today there is a large number of Honourable Members of this House who are for recruitment, and I am sorry that the worst sinners in the matter of anti-recruitment are the Government of India who are having a propaganda against recruitment. You do not want a recruitment Bill here after today's debate. So many Honourable Members who hold divergent views on political matters are unanimous in their demand for a national army recruited from all the provinces in India. If the Government of India desire to encourage recruitment and to put down dissuasion from recruitment, if they are really sincere and if they do not distrust Indians, they cannot but change the present policy of differentiating between martial and non-martial classes. I have no grudge against the Punjabis and the Muhammadans and the tribal people of the Frontier, but I do have a grudge against those who are not my countrymen. The Gurkhas are not my countrymen. I have a grudge against those foreigners who are paid out of the pockets of the Indian taxpayer and who have great influence in shaping the defence policy of this Government.

If it is a sin to desire a national army recruited from all the provinces, then I plead guilty to the sin of saying that we must have a national army if we want to have real Dominion status. My Honourable friend just now said that the clouds of war are hanging over us and I would like to impress upon the Government that this is just the time to reconsider their policy and to abolish this artificial distinction between martial and non-martial classes, to consider the situation in the autonomous provinces which have been recently created and enlist the army from all the provinces. I therefore, Sir, heartily support the Resolution and the amendments.

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN (United Provinces West: Muhammadan): Sir, the House has before it the case of both the sides ably supported by various Members from each side. His Excellency the Commander-in-Chief has given us only two reasons for not accepting the Resolution. One is that he wants the efficiency of the army. The other is that recruitment is not by provinces but is based on class system. So far as those two points are concerned I wholeheartedly support His Excellency so far as the principle of recruitment for the army is concerned. But I fail to understand how those two reasons affect the Resolution and why on those grounds His Excellency is not prepared to accept it. It is not said in the Resolution or in the amendment that the class distinction must be abolished or that the recruitment should be made from those classes who have been proved by experience to be unfit for the army. What it says is only that the recruitment should be made from all provinces. His Excellency will find that the people who are fit to be recruited for the army are residing in almost every province and in large numbers. Why should this Resolution be not acceptable to him on that ground? It does not ask that recruitment should be made from a particular class which does not come within the definition of a martial class, the list of which was prepared by the Government some time ago and

[Haji Syed Muhammad Husain.]

on considerations other than the consideration of their being a martial or non-martial class, and it is high time that the list was revised. It should not now be based on the experience of the past, and by past I mean the period preceding the preparation of the list. It should be based now on the experience gained in the recent war and particularly in view of the changes in the army itself and the methods of warfare. I entirely agree with His Excellency that you cannot altogether avoid some distinction among classes particularly in recruiting for the army, because certain classes of people have a tradition which means a good deal so far as the fighting spirit is concerned. So far as that goes I support that point of view in every respect. At the same time I would request the Government Benches to consider that the Resolution in no way affects that point of view. I admit that there are certain classes in this country, and may be elsewhere, who consider it a crime to kill even a poisonous snake. There are classes who consider it a sin to kill even a fly. There is another growing class committed to the principle of non-violence, and that is infecting even some of the martial classes as well. Some of them are becoming members of the Congress. They subscribe to the creed of non-violence. I must say that I sympathize a great deal with His Excellency in not wishing to have an army of non-violent Congressmen who are likely to squat before the Germans or the Japanese army and perform Satyagraha ! (*An Honourable Member*: "It is the best material".) But that is not the material which is wanted in the army ; that is not the material wanted for defending the Frontier. That is a material which is very effective for purposes of political bluff and for putting pressure on the Government ! But where there is real violence as in warfare, an army of that material is entirely useless and can be washed out of consideration. (*An Honourable Member*: "You do not understand the Congress".) I do not know whether my friend was a member of the Congress when I was. The principle of non-violence was put forward for the first time before the Congress when I was a member of that body and I had a good deal to do with it. I put a question to Mahatma Gandhi as to what would happen, if, supposing by any means we established our own Government and the British Government only left one soldier behind with a whip in his hand with directions to go round and turn out all the judges and magistrates from their court rooms ? He said : "I will do nothing ; he will get tired himself" ! So, that was the principle of non-violence which was said and which I understood. Anyway, that is about one of the classes. There are other classes of people in this country and not in this country alone but everywhere, who are absolutely unfit for military services. But it does not follow that the Resolution or the amendment should not be accepted. You can certainly choose for military service people who are fit for it and it cannot be said that in Madras—or in other provinces—people of that type do not exist. Why Madras, Bihar, Assam and Bengal have been ignored by the military authorities is difficult to say. Of course, some of my Honourable friends pointed out that it is more political reason than the excuse of martial classes and I agree with them. It does not matter whether this Resolution is accepted or not or whether it goes through or falls, the army list of martial classes must be overhauled and reconsidered. In

that connection, before I pass on to the next point, I would point out that I am one of those who are not included in the list of martial classes, that is Saiyeds, and I want to draw the attention of the military authorities that Saiyeds were the first people to come to this country and I am here to accept challenge from any military man so far as martial spirit is concerned. Therefore the list of martial classes was not prepared on the merits alone but there were other considerations also in its preparation which should be left out now.

Now, the second point was the efficiency of the army. As I said, I entirely agree that the efficiency of the army should be maintained very strictly and no doubt the choice should be left to the people who are responsible for Defence. No Commander-in-Chief or officer would take the responsibility of leading an army composed of people in whom he has no confidence. It is a pity that Indians have not as much control as they desire in the Defence Department. It is regrettable that those who are responsible for that are people who have different considerations in deciding upon the class of people from whom they recruit. But as long as they are there and as long as we are not able to change that system, the thing no doubt must be left to those who are responsible for leading the army. But we want to draw the attention of those responsible people who have the class system or political considerations in their mind, that they will always find in almost every province in this country people whom they can choose even according to their own standard of choice. Therefore I would submit that the Resolution and the amendments are such which ought to be accepted and the reasons given against them do not really go against the spirit of the Resolution.

One thing I want to make clear on behalf of my Party, *i.e.*, the Muslim League. The Honourable Mr. Hossain Imam and the Honourable Mr. Padshah both have already spoken, but I do not know whether it was quite clear to the House or not. I had a talk about that with the Mover of the Resolution also. It must be understood that this Party is supporting the Resolution and the amendment on this condition that the recruitment from other provinces should be done with a view to replace these four battalions about which His Excellency the Commander-in-Chief announced today and the Gurkhas and should in no way affect the recruitment in the Punjab.

THE HONOURABLE MR. G. S. MOTILAL: Why, Sir? What are the reasons for it?

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN: My Honourable friend has asked the reason and I think it is fair to him that I should give it. My Honourable friend ought to understand that the number of martial races is much more in the Punjab than elsewhere. If in the army there are more Sikhs, if in the army there are more Mussalmans, and if there are more Jats, they are there not only because they are pets of the Government, they are there because they know how to serve in the military; they sacrifice their lives more cheaply and readily than people in other provinces. That is one of the reasons. The other reason is the fear that you find in the speech of Mr. Chaudhury, *i.e.*, the domination of the Mussalmans in the army. If he does not like that and if he does not want them I want them.

THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY: More than your fair share?

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN: Much more than our share and for the reason that we are much more competent than you are.

THE HONOURABLE MR. G. S. MOTILAL: Question.

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN: You have tested the metal of Mussalmans for centuries and they have proved their competency to the hilt not only to you but to the world, and they can claim their lion's share in the army. It is not only past history, but they have again proved it very recently. Forty-two rebels in Turkey have proved to the world their guts. These are the reasons-----

THE HONOURABLE MR. SUSIL KUMAR ROY CHOWDHURY: They are not of the same blood.

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN: They may not be of the same blood. A Mussalman is a soldier not because he belongs to a certain race, but because of his religion. It is his religion which makes him a soldier. If a Mussalman dies in war he is a Shaheed and if he survives he is a Gazi.

THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY: That is also the precept among the Hindus. A man goes straight to heaven if he dies on the battle-field.

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN: They have not proved it in practice. I will give you an instance. It was only on the 6th of September that I was cross-examining a witness in an important murder case at Allahabad and I asked him: "Why did you not make a statement for ten days after the incident?" He said: "Sir, immediately I saw the murder I ran away to a village outside Allahabad city leaving my wife alone behind in the house". Well, I remarked: "It does not seem to be very fair to your wife" and the Judge who knew more about the mentality of his own people, *i.e.*, Hindus, said "Mr. Muhammad Husain, don't you see, that is the mentality of these people". These are the reasons for which I want-----

THE HONOURABLE MR. G. S. MOTILAL: It is all wrong.

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN: It is all very well to say in this comfortable room "It is all wrong", but it has to be proved in a field. That is why I say that the Punjab should be left alone.

With these words, Sir, I support the Resolution and the amendments.

THE HONOURABLE SARDAR BUTA SINGH (Punjab: Sikh): Sir, I must begin by sympathizing with the motives of the Mover of this Resolution. The problem of the defence of this country is an all-India problem and it is my opinion that the whole of India should be prepared to defend and to maintain our precious heritage of peace. I may, however, say that with the army

as with other professions, inheritance and tradition are factors which cannot be ignored. Other provinces may as well leave soldiering to provinces that have hitherto been the recruiting ground for the army. I do not, however, deny that every province of India should have a militia of its own. We have the smallest army in the world compared with our long frontiers both on land and sea. The army can only remain effective if it is composed of picked men whose fighting qualities have been tested in far-flung battle-fields of the Empire. Today when the skies are overcast with clouds of war, I definitely feel that we cannot take the risk of impairing the effectiveness of our army.

I am sorry Mr. Sapru questioned the possession of guts by us Punjabis. We are proud of the achievements of our forefathers and our present record is not less bright than that of the past. I can only submit that, if bravery can be proved in battle-fields, then there is ample proof. But if, on the other hand, proof consists of mere speeches, then I concede that Punjab may be a little behind. Punjab says less but does more. Though with some provinces it is otherwise.

Sir, I oppose the Resolution in the form in which it has been moved by my Honourable friend Sir David Devadoss, and also the amendment of the Honourable Mr. Pantulu.

*THE HONOURABLE CHAUDHRI ATAULLAH KHAN TARAR (East and West Punjab : Muhammadan) : Mr. President, my friend the Honourable Sir David Devadoss has moved a Resolution urging upon the Government the desirability of making future recruitment to the army from the Madras Presidency. The Resolution has justifiably been followed up by two amendments advancing the claims of other provinces as well.

The Resolution has engaged the serious attention of the House and I feel that it has aroused the keen interest of almost all the Honourable Members and a consensus of opinion seems to me to be strongly in favour of the Resolution. I, however, fail to see eye to eye with the Honourable Mover, and cannot, on grounds of public importance rather than on account of any prejudice, subscribe myself to the proposition.

I hail from the Punjab and naturally it is my duty as well as my right to speak on behalf of my province. The bulk of the people of the Punjab are afflicted with illiteracy. The only career open to them is in the military service and they are eminently fitted as events have proved. The hard life and the family traditions that have been handed down from past generations strengthen the Punjabis' case for priority in their claim to military recruitment. If, however, even this door is closed upon them, their fate as a people is sealed.

A Punjabi soldier gets about Rs. 18 a month, a miserable pittance compared to the fat salary of say Rs. 1,800 drawn by a Madrasi. The former earns this paltry sum at the risk of his life ; his is a hard duty unenviable while the latter rolls in luxury and yet I wonder why my Honourable friend would wish

* The Honourable Member spoke in Hindustani and submitted this translation of his speech.

[Chaudhri Ataullah Khan Tarar.]

the Madrasis to make active service their career. Will they do so or have they ever done that before ?

Some of the Honourable Members in the course of their speeches have expressed themselves in favour of recruitment from other provinces as well in addition to the Punjab. In other words, they have sought to introduce the principle of provincial equality in the matter of recruitment. The population of the Punjab is nearly 2½ crores while the total Indian population is nearly 35 crores. Should the principle of provincial equality be applied the Punjab would suffer immensely as a consequence inasmuch as the Punjab's quota would fall short of the present strength by nearly one-half. And that means untold suffering for my province—suffering that would be the direct outcome of unemployment. The only other alternative whereby the usual number of the Punjab's soldiers can be maintained would be the proposal to double the strength of the Indian forces. That however is, for obvious reasons, out of the question.

Since the people of Madras and other provinces are better qualified for civil offices and have nearly wholly captured clerical jobs in all branches of Government, I wonder why they should wish to oust from the army the Punjabi who, unfortunately partly on account of his illiteracy, has only a military career to depend upon.

I am only repeating a fact when I say that every man being more or less endowed with different capacities is fitted for a particular work. The same rule applies to members of different provinces. By their very mode of life, their traditions, their physical build and their proverbial fighting spirit, the Punjabis possess all the qualities that make for fine soldiers. In a small village in the Punjab you may be able to raise a full battalion while I doubt very much if in a whole division of Madras you can meet one real soldier.

The Honourable Members are well aware of the fact that most of the provinces excluding the Punjab are under Congress rule. That is obviously due to their having adopted the Congress ideals. Now, we also know that the Congress creed hinges itself round the much-boasted principle of non-violence. Should this spirit of non-violence also permeate the military recruited from Congress-ridden provinces, defeats and not victories would be the net result and in case of war, such armies may refuse even to defend themselves.

And should however these gentlemen change their creed and their mentality they might very well choose to fight against their own employers, *i.e.*, the Government of India. My friend the Honourable Mr. Kalikar in the course of his speech, pointed out that the Simon Commission in their report paid a tribute to the intelligence of the Madrasi. I would be the last person to grudge my friend this encomium. But the Madrasi's intelligence will best serve the country in lines of a technical or clerical nature. Physical build and loyalty to King and country are the two outstanding qualities that make a soldier. These the Punjabis possess in an eminent degree, while the Madrasis have a shaky constitution that disqualifies them for a military career.

I would further like to point out that should Government, in spite of the arguments I have urged in favour of recruitment from the Punjab, still decide the other way about, it will be raising armies only against itself.

In view of what I have said, I oppose the Resolution with all the force at my command.

THE HONOURABLE MR. G. S. MOTILAL (Bombay : Non-Muhammadan) : Sir, I rise to give my support to the amendment moved by the Leader of my Party to the Resolution which has been tabled by the Honourable Sir David Devadoss. Before I speak on the Resolution I congratulate the last speaker on the very fine speech which he made in Hindustani and I wish that I could also be allowed to speak in Hindustani. Unfortunately, the rules do not give you latitude and therefore I cannot plead for it. (*An Honourable Member* : "You have forgotten Hindi".) No, that is my mother tongue and I can speak better in my own mother tongue than in any other language. (*An Honourable Member* : "Is not Gujrati your mother tongue ?") Gujrati is my second tongue. (*An Honourable Member* : "You have got two mother tongues ?") Yes, Sir. We know, in India, we have a mother of whom we are born and we have also ——

THE HONOURABLE THE PRESIDENT : Anyway you speak in English now !

THE HONOURABLE MR. G. S. MOTILAL : I am speaking in English, Sir.

I congratulate the Mover on his bringing forward the Resolution which voices the deep and abiding feelings of the people of India and on the ability with which he has supported it. He has argued very eloquently for his Resolution. I am sure he would also accept the amendment moved by the Honourable Mr. Pantulu. He has not said so yet, but he knows that there is an amendment and I assume that he is not opposed to it. Although there are 137,000 men in the Indian Army at present, if we look at the provincial distribution, we find that the Province of Bengal, such a vast province with a population of 51 millions, has only ten men in the entire army. Not 110, but just ten. These figures were given in answer to a question recently in the other House, and these figures relate to the position as on the 1st January, 1938. From Assam the representation is a magnificent three ! If it is argued that the men from these provinces are not as good material as those from the Punjab, I should like to know whether these ten men are as good material or not ? If these ten men are good material I should also like to know why only ten have been taken ? Have they migrated from the Punjab ? How are they different from the other Bengalis ? We talk of recruitment from the Punjab, but it is only certain districts in the Punjab which predominate in this matter. I must admit that whenever His Excellency the Commander-in-Chief speaks in this House, it is a pleasure to hear him. When he said that he sympathized with the Resolution and the amendment, it was a great pleasure to hear him say so. I hope, like the great soldier that he is, he will translate his sympathy into action. Various reasons have been advanced by His Excellency the Commander-in-Chief and

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I may be allowed to refer to them before I refer to the strong communal note that has been introduced unfortunately by some of the Members who desire to make this House an arena or cock-pit of communal fight.

THE HONOURABLE MR. HOSSAIN IMAM: Who started it?

THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY: Mr. Jinnah.

THE HONOURABLE MR. HOSSAIN IMAM: In this House?

THE HONOURABLE MR. G. S. MOTILAL: Who started it, we know it very well. We did not start it.

Sir, His Excellency said that the army is not on a provincial basis. He also said that the most efficient material is recruited. We fail to understand how it is the monopoly of certain districts in the Punjab to have this most efficient and best material. We should like to know by what tests the "best material" is judged? We, on this side of the House, are not so ignorant of the reasons underlying this policy of the Government. This has been a definite policy of the Government after the Mutiny. Before the Mutiny, the Indian Army was not recruited so largely from these districts of the Punjab. Before the Mutiny, the army was more on a national basis. With the experience of the Mutiny, those who controlled the policy of defence thought - and from their point of view rightly thought - that the army should be so organized that it should be safe for British rule in this country; and ever since then such has been the defence policy. More men come to be taken from certain districts of the Punjab after the Mutiny and the army was reorganized to represent castes and classes. Times have changed a great deal since then. It was convenient in those days to use men of one community against the other, and members of one caste against the other. What we now urge is that there should be a re-orientation of this policy. If the Government's policy is to continue the British rule in India, then this policy should be continued. But now the avowed policy of the British Government in India is to establish responsible government in this country, and hence the policy so far followed in the matter of recruitment to the defence forces also has got to be changed. I may be permitted to congratulate my friend Sir Parshuram, who has justified his name. He has spoken with a depth of feeling on the subject which deserves to be considered. I think he has spoken only one-tenth of his mind. We would feel very much obliged to His Excellency the Commander-in-Chief if he would lay down the tests of fitness and efficiency for recruitment of the best material to the army. We can have opinions but there must be some ground for those opinions. It cannot be denied that the present policy is based on the experience of the Mutiny and the British Government then thought it was expedient that the Bengal Army which rose in rebellion should be disbanded and those who helped them in suppressing the Mutiny should be enlisted in the army. If this is not the reason, if such consideration is not to prevail with Government, but solely one of military value, of the best material then we should certainly request Government very strongly that they should lay down definite tests of suitability.

We know that valour in the army is of very great value. But valour is not the monopoly of any particular district. If it was so, those districts would have been ruling not only India but the whole of the world. Therefore we again and again ask the Government to lay down even strict but definite tests. We know that games and sports do furnish a sort of test, and in games and sports the other provinces have not lagged behind. History of course can be interpreted sometimes according to one's views, and every one takes credit for the valour of his own people. Some Members have spoken in this House as if they were foreigners who came here and are still here as conquerors of India and that they alone form the martial classes. I have heard from Afghans themselves that an Afghan mother when she wishes her child to go to sleep, tells him that the Mahrattas will come if he doesn't go to sleep. But some people say, we alone, because our religion teaches us war, are the best soldiers. I do not think my friends on the other side, if they speak with knowledge, will say that Islam teaches war and nothing else. The very word "Islam" means peace. All the founders of religions have been peace-loving men and but for them the world would have been more savage and worse than it is now. My point is, if certain tests are laid down—physical as well as other requisite tests—and then if the other provinces do not satisfy those tests then by all means reject those unsuitable men.

Some Members have said the Gurkhas are foreigners to this country. Gurkhas have served this Government well and bravely. They have been a valuable asset, it is not right to say they should be turned out tomorrow. After all Nepal is a part of India and it is an independent country of which we are proud. It is one part of India at any rate which is independent, and my friend Mr. Sapru wants the Gurkhas to be considered as mere mercenaries. The Honourable Member who comes from the Punjab and made a very fine speech in the vernacular said that the Punjabi is also serving for the sake of Rs. 15 or Rs. 18. The Gurkha is no worse than him. He is as much interested in India's honour as any other son of India.

Sir, we want now an army which is not a mercenary army, we want an army which will have also the intelligence to understand which way lie the interests of their country and to support the right cause. Sir, I should say that when British India has achieved the independence which Nepal already possesses, then it would be time for us to suggest that Nepal should join the Federation of India, and if it then does not join, there will be cause for us to feel that we should not have Gurkhas in our army. But until then there is no reason to say that Gurkhas should be turned out. They are fine and brave soldiers, but I can not for a moment be convinced that other provinces cannot produce equally fine and brave men also. Some one has said in this House that because India has been divided into four primary castes, the non-military castes are not fit for the army. Well, the very name of Parshuram reminds me that, a Brahmin of Brahmins as he was, he preached and enjoined that when the interests of the country warranted every Brahmin should go into the army and fight and he himself led a mighty war in the past.

Now, Sir, it is easy to say that there are only ten men in the army from Bengal which shows that it does not furnish the best material so far as valour

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is concerned. There can be no more specious argument than this. Bengal's young men in their thousands in the recent past have buried five fathom deep this unfounded charge that Bengal lacks in valour and manliness. Even Mahatma Gandhi, who has done whatever was possible for him to do and than whom none has done more, speaking some years back in the Benares Hindu University praised their courage and valour, though none disagrees with their activities more than he. If the Government had only the imagination to take those young men into the defence forces they would not have been anarchists but would have been the finest material for the Army in India of which His Excellency would have been proud. I hope His Excellency will translate his sympathy into practice and see that it is not only one province but all the provinces and parts of India are represented adequately in the army. Sir, I know this Government is not responsible. But Government have told us very often on the floor of the House, if not here in the other place, that they are responsive. I wish and trust they will show as regards this Resolution, bearing fully in mind the feeling even of the Members on their side of the House that they are ready to act if not in the manner that a responsible Government would act, at least in a manner which a responsive Government and a man of the sympathy of His Excellency the Commander-in-Chief would act.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): Sir, I rise to support the Resolution which has been so ably moved by my esteemed friend Sir David Devadoss. As the subject-matter of the Resolution has been so exhaustively dealt with by my colleagues that it does not leave much for me to say. So I will confine my observations to some facts which have not been brought before the House.

I expected from His Excellency the Commander-in-Chief when he was speaking on his Resolution to tell us what other countries in the world observe the distinction between martial and non-martial classes. Is there any country where such a discrimination is made? As far as I know there is none. Any suitable person, I mean a man of good intellect and good physique, if he is given a sound training can be as good a soldier as any member of the so-called martial classes.

4-5 P.M.

Sir, Sir Muhammad Yakub in opposing the Resolution made some observations. In the first place he thanked His Excellency the Commander-in-Chief on the statement that he made this morning. Unless we fully examine the statement and examine its *pros* and *cons*, we shall not be in a position to express any opinion on it. Superficially it seems, if I have rightly understood the statement, that the War Office in England will bear the total expenses of three battalions of British troops serving in India in future, and if I am wrong His Excellency will kindly correct me. Our demand is that the British Army in India is an army of occupation and therefore its total expenses ought to be borne by the British Government and not a portion only. Then, Sir, it has been proved since recruitment of all classes to the officers' grade started that those who do not belong to martial classes according to the definition of the Defence Department, have also proved a

success. The only question which remains is that in the ordinary rank and file of the army there should be recruitment of all classes without any discrimination. I admit that among the ordinary recruits you enlist men who have a very poor commonsense, because, as far as present policy is concerned, you want those recruits who will carry out orders without making any suggestion whatsoever. I do not mean by this that there should be no discipline in the army. I am one of those who want strict discipline. But my Honourable friend Sir A. P. Patro has proved to you that those races which have conquered the Punjab and these races which have done well in the post should not be scratched simply because Government have not recognized their valuable services during the last 40 or 50 years. One of my colleagues has said that even slaves have proved a good unit for the army. I know that in Hyderabad and in Bahawalpur States there is a detachment of slaves (negroes) for the bodyguard of the ruling princes. They have a good tradition behind them and those who have advanced this argument, mean that when even slaves have proved of good worth to the army, why not the other classes ? Sir, my friend Syed Muhammad Husain has observed that Muslims are warlike people. I admit that, because I know that more than 90 per cent. of them are converts from Hindus and my friend there supports me.

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN: But that conversion to Islam also converted them into martial class ?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Whatever I have said is a fact and the fact can never be denied. Can simply conversion, my friend observes, give martial spirit. I may for his information tell him that during the Great War a number of people in the Punjab got themselves converted into those martial tribes who were favoured for recruitment, and if my memory does not fail me I can say that a number of sweepers (mehtars) got themselves converted into Sikhs and got enlisted into the army. Sir, conversion of faith does not produce any martial spirit. It is, Sir, the training and the environment that makes people martial. Another Member observed that a community which does not even kill a snake cannot produce good soldiers. Sir, for the information of my Honourable colleague I might say that in the Punjab most of us are meat-eaters and as such that plea does not apply to the Punjab anyway. Whenever we find a snake we always kill it. The present time demands intellectual warfare and so simply good physique without intellect ought not to be credited. Now, scientific warfare is being adopted by all the civilized nations and thus purely physique will be a matter of discount rather a disqualification for the present-day soldier. Therefore it is time that intellectual people should be recruited in larger numbers than in the past. The Government ought not to depend upon one province for its recruitment, and the Punjab being a province on the Frontier naturally consists mostly of those people who have always fought and who are good fighters. Sir, in case of invasion from the border and annexation of a portion of the Punjab—there have been various schemes of Muslim Powers to make the Punjab, rather Hindustan, into a Pakistan. Government ought to have some other provinces also as their feeding centres for recruitment. My Honourable

[Rai Bahadur Lala Ram Saran Das.]

friend Mr. Sapru observed that Punjabis have no guts. On the matter being pointed out to him by my friend Sardar Buta Singh, I am glad my Honourable friend Mr. Sapru replied that he never meant to apply it to all Punjabis.

Well, Sir, a point was raised that there should be no further recruitment of Gurkhas as they are not Indians. I might mention in that connection that in the Punjab a good number of Gurkhas did settle for several generations past. So we cannot apply that to every Gurkha serving in the army. Gurkhas belong to the mountains and for mountain fighting they are considered to be the best of all the classes. However, Sir, what I want to say is that the principle of forming a national army is a principle which ought to be adopted before Dominion status comes. It is the paramount duty of the Government to extend patronage and train all classes of people for military service and therefore, Sir, it is incumbent upon them to break that old fossil-like policy and try to infuse the martial spirit, which I hold does exist in every province of India, so that recruits may be able to serve in every part of India and in every climate. I know, Sir, that my Madrasi friends may not be able to stand the extreme heat of the North West Frontier Province but at the same time they may be equally good for the climate similar to Madras. I can also say that perhaps Punjabis may not be able to stand for a considerable time the damp climate of Assam, but the Assamese and those people who are accustomed to living in very damp climates will do better than those who are not accustomed to live in such highly malarious and damp climates.

Sir, I may also say that India had its own Empire in times before Christ and its Empire extended as far as Java and Sumatra and as far as Germany in Europe. (*An Honourable Member*: "When was that?") Before you and I were born, in Asoka period. Therefore, Sir, I consider that the time has now come when Government should open the army career to every member of those classes who have done well in the pre-British days.

THE HONOURABLE SIR DAVID DEVADOSS: Sir, I am thankful for the support that I have received with regard to this Resolution. I will first address myself to the remarks of His Excellency. I am very grateful to him, Sir, for not in any way depreciating the value of the services rendered by the Madras sepoys. He has fully recognized their efficiency and he has stated that they form good material. But the reasons assigned by His Excellency, I venture to submit, are not sufficient to refuse the request that I made. First, is the question of finance. He says we are spending as much as possible and therefore we cannot increase the expenditure. The second is that we are getting good material and therefore we cannot recruit from Madras. Sir, I do not at all for one moment quarrel with these two propositions but what I do ask is: If you find efficient material in Madras, why don't you recruit such people? My Resolution, Sir, is very carefully worded. I said "suitable men". That will exclude Jains and others who are afraid of killing mad dogs and who, I am told, won't even kill bugs. Well, I exclude them. I am not at all asking that anybody and everybody should be recruited but those people who have proved themselves worthy of being in the army.

The second point that I wish to urge is that I do not at all for one moment ask that any of the present units should be disbanded. His Excellency, I don't know how he got the impression from my speech that I wanted that. I do not ask that the present army should be disbanded. That would be suicidal. We cannot ask you to disband the present army in the hope of raising another army in the course of a few years. What I respectfully ask is a change of policy. From today, recruit suitable men, men belonging to suitable classes in the Madras Presidency, to the army. The army in Madras, Sir, has shown itself worthy of fighting side by side with the British soldier, not only in India, but also outside in various theatres of war, and therefore I say the present policy is a short-sighted policy. Allow me to say, Sir, that it is short-sighted because it looks only to the present. I want the Government to look to the future. What will happen if an invader attacks the Southern Presidency ? Keeping an army in the north would be of very little use because by the time your army reaches Madras or any place in the south, thousands if not millions would have been killed. Therefore, I say, have Madras units in the Madras Presidency, and of course other presidencies will also furnish their own units. That is the burden of my song.

So my first reason is the question of safety. My second reason is—you take away bread from these people, thousands and thousands of families who gave their men to the army and therefore had the benefit of their service, that is to say, the benefit of the pay. Now, you have taken away all that. Hundreds and hundreds of people are without employment because of the present policy. You will find, Sir, as Sir A. P. Patro said, that people are really grumbling at the way in which they have been kept out of the army service.

And the third point is, Sir,—are we not entitled to protect our own interests ? Of course, the Commander-in-Chief very willingly granted that it is the privilege of every citizen to fight for his country, but that privilege has been taken away on account of the wrong policy, I submit, which has been pursued by the Government of India.

Sir, I do not want to take up the time of the House by going into the various observations made by various Members. I will only deal with one or two. The Honourable Sir Muhammad Yakub talked about the old caste divisions. Are we living in the First Century before Christ ? We are living, Sir, in the Twentieth Century. Things have changed. He is referring to something which has no longer any validity. Of course, as a lawyer he must quote some authority good or bad and so he has fixed upon this. As the Honourable Rai Bahadur Lala Ram Saran Das said, who are these Muhammadans ? They were Hindus some time ago.

THE HONOURABLE SIR MUHAMMAD YAKUB : Not all of them. Very few of them.

THE HONOURABLE SIR DAVID DEVADOSS : A good many of them. We do not want to go into that, however. What I say is that the present circumstances are different from what they were two thousand years ago in the

[Sir David Devadoss.]

time of Manu. Sir, I have got here Caldwell's History of Tinnevelly, which refers to the southernmost district in the whole of India. You will find, Sir, how the people defended themselves against the British troops, how they fought pitched battles, and held out against the British though they had only a mud fort. I do not want to take up the time of the House by referring to the various passages. But the book is here and it will show that the martial spirit is there. Only don't kill it. My submission is that by not recruiting from Madras you are killing the martial spirit of the Madrasis. Well, what will happen ? Some years hence you may need their help, and then you will find yourselves helpless. Therefore, it is no use saying that two thousand years ago people were divided into various classes and therefore they are not fit.

With regard to the observations made by some of the Honourable Members from the north, I do not at all say that the Punjabi should not be recruited. Let them, by all means, be recruited. Why should they be afraid ? But let them not have a monopoly, because monopoly always leads to trouble. My fear is that sometimes it might happen that somebody will get the upper hand and cause a lot of trouble. Government ought to look to the future, not to the present. It is not at all my desire that the army should not be efficient. If we have an army, it must be an efficient army. No use of having an inefficient army. That will be no protection to us. But when you have got sufficient material which would make an effective army, make use of that material and not confine yourself to one province. Also, as the Honourable Haji Syed Muhammad Husain said, revise the list of these martial and non-martial races. If people are prepared to fight, take them into your army. Do not make a classification and then exclude them. That is a wrong policy. That is a blind policy. People who have got vested interests will always stick to the vested interests and cry down the other people. I may at once disclaim any political motive as underlying my Resolution. As I said, I am fighting for Madras so that the Madras people may have bread to eat. They want a place in the army so that they may also show that they deserve the sympathy and regard of the Government. I am not concerned with a national army or any other army. That may be for the future. When Federation comes, the provinces may by all means think of a national army. But when an army is recruited, the only consideration should be efficiency.

Then, it was said by the Honourable Sir Muhammad Yakub that you find the Madrasis in the offices and so on. I did not want merely intellectual people to be included. I do not want a lawyers' corps. There is a Devil's Own in England. But I am not pleading for the lawyers or people of that ilk. The Honourable Sir Muhammad Yakub said that here, in Delhi, all the offices are filled by Madrasis and Chaprasis. Fortunately there is no Madrasi chaprasi. If they fill any places, it is by their merit. They fight their way up. They are pampered by nobody, they are patted on the back by nobody. If they got up at all it is by sheer industry and intellect, and therefore, we are not ashamed of what we have acquired. But what I said was that in modern warfare, intelligence counts more. Let me again repeat what the Madras

Government have said. It is not I that have said it. With your permission, Sir, I will read only one sentence. They say:

"If the North India recruit is admittedly superior in physique, the Madrasi claims superiority in intelligence which is likely to count far more in the future than it has done in the past".

Sir, the Madras Government could not have written those lines without due consideration. It is written, not by lawyers or people who talk wildly but by responsible people—by English civilians. That was written eight years ago. Nowadays, intelligence is required, not merely physique. I do not want to decry the Punjabis, or the Northern races. What I said was that no doubt in the past mere physique was considered to be of great importance, but now it should not be so. In the air arm, for instance, mere physique won't do. Intelligence is required. You want intelligence, judgment and quickness of action. For those things, I said the Madrasi would be the fittest. That has not been controverted by anybody. Even His Excellency the Commander-in-Chief has not said anything about it. What he said was that everybody has got a chance to enter. When you have everything in the north, how can you influence people in the south to enter? There is nothing there. They cannot see. No doubt there are a few aeroplanes here and there, but everything is kept in the north. Your army is kept in the north; your aeroplanes are kept in the north. People in the south have no chances of studying the question of entering them. Most of our young men would like to come in. As I said, the University Training Corps contains a set of men who would all be willing to join the army.

Once more, Sir, let me ask the Government of India to change their policy for the future. I have one remark to make with regard to the so-called martial spirit. Sir, the late Sir Fazl-i-Husain, when he was a Member of Council, when talking to me one day said that in order to enter the army sweepers become Sikhs and then they enter the army. Don't they make fine material? When the army officers recruit them, do they find any difference between the ancient Sikhs and the new Sikh who becomes a convert only today for the purpose of entering the army? Therefore, martial spirit is not a thing which is the peculiar property or the quality of any particular section of the people. No doubt, some people have been fighting for a long number of years. For instance, the Afridis have always been fighting. But that does not mean that other men cannot fight. You do not call the Englishmen a martial race and yet they are the best soldiers in the world. The word "martial", therefore, should not be applied to any particular class of people. Other people will also be martial if you only train them and lead them properly. If the Madrasi is properly drilled and led, he would be more than a match for any soldier in India——

THE HONOURABLE THE PRESIDENT: I would remind the Honourable Member that at this stage of reply he is limited to only 15 minutes. If he has any important point to make, he can proceed to it.

THE HONOURABLE SIR DAVID DEVADOSS: I submit, Sir, that my Resolution is a very modest one and I ask the Government to accept it. With these words, Sir, I press the Resolution.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Sir, so much has been said on this subject since I spoke that I find it impracticable to deal with all the points raised. I find however that my original remarks deal generally with the main question raised and I have nothing to add to them.

I should however like to mention three points raised by three separate Honourable Members.

I was rather bewildered by some of the remarks of my Honourable friend Sir Muhammad Yakub, but I am grateful to him for giving me a tip on testing the valour of any class we may consider for recruitment in the future!

With regard to the Honourable Mr. Kalikar's remarks, the only thing I would like to comment on is his remark regarding our having political reasons for our recruitment policy. I have already stated quite clearly that there is nothing whatever of this nature behind the policy and I am surprised to find that he has not accepted what I said.

With regard to the Honourable Haji Syed Muhammad Husain's remarks I noted he mentioned only two of my reasons for opposing the Resolution. He has omitted my most important one, that is to say, finance. So long as I am restricted in this respect I cannot give effect to the expansion of our recruitment programme in the direction which many speakers have indicated, even if it was thought desirable to do so.

THE HONOURABLE THE PRESIDENT: Two amendments have been moved. They are both analogous in their terms and have the same objective. It is for me to decide which amendment I will put to the Council. I prefer Mr. Ramadas Pantulu's amendment for the reason that it includes the excluded areas also and it is more exhaustive than the other. I will therefore put his amendment to the Council.

The Question is that the following amendment be made to the Resolution, namely:—

"That after the world 'Madras' the following be inserted namely:—
"and other provinces and areas not adequately represented in the defence forces."

The Motion was adopted.

THE HONOURABLE THE PRESIDENT: I will now put the amended Resolution before the House. The Resolution as amended reads thus:—

"This Council recommends to the Governor General in Council to take early steps to enlist suitable men from the Presidency of Madras and other provinces and areas not adequately represented in the defence forces."

Question put: the Council divided:

AYES—14.

Abdus Sattar, Hon. Mr. Abdur Razzak Hajee.
Devadoss, Hon. Sir David.
Hossain Imam, Hon. Mr.
Kalikar, Hon. Mr. V. V.
Menon, Hon. Sir Ramunni.
Motilal, Hon. Mr. G. S.
Muhammad Husain, Hon. Haji Syed.
Padshah Sahib Bahadur, Hon. Saiyed Mohamed.
Pantulu, Hon. Mr. Ramadas.
Patro, Hon. Sir A. P.
Ram Saran Das, Hon. Rai Bahadur Lala.
Ray Chaudhury, Hon. Mr. Kumarsankar.
Roy Chowdhury, Hon. Mr. Susil Kumar.
Sapru, Hon. Mr. P. N.

NOES—21.

Ataullah Khan Tarar, Hon. Chaudhri.
Buta Singh, Hon. Sardar.
Charanjit Singh, Hon. Raja.
Commander-in-Chief, His Excellency the.
Ghosal, Hon. Sir Josna.
Haidar, Hon. Khan Bahadur Shams-ud-Din.
Hydari, Hon. Mr. M. S. A.
Ismail Ali Khan, Hon. Kunwar Haji.
Jagdish Prasad, Hon. Kunwar Sir.
Khurshid Ali Khan, Hon. Nawabzada.
Lal, Hon. Mr. Shavax A.
Mitra, Hon. Mr. Dhirendra Nath.
Muhammad Yakub, Hon. Sir.
Mukherjee, Hon. Sir Satya Charan.
Nixon, Hon. Sir John.
Parker, Hon. Mr. R. H.
Roy, Hon. Mr. S. N.
Russell, Hon. Sir Guthrie.
Slade, Hon. Mr. M.
Stokes, Hon. Mr. H. G.
Thorne, Hon. Mr. J. A.

The Motion was negatived.

CRIMINAL PROCEDURE CODE (AMENDMENT) BILL.

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN (United Provinces West: Muhammadan): Sir, I move for leave to introduce:

"A Bill to amend certain provisions of the Criminal Procedure Code."

The Bill is before the House and the aims and objects give the reasons for the amendment of various sections. It is a very important and useful Bill. I do not wish to say anything at this stage and move for leave to introduce.

The Motion was adopted.

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN: Sir, I introduce the Bill.

HINDU WOMEN'S RIGHTS TO PROPERTY (FURTHER AMENDMENT) BILL.

THE HONOURABLE MR. G. S. MOTILAL (Bombay: Non-Muhammadan): Sir, I move:

"That the Bill to amend the Hindu Women's Rights to Property Act, 1937, and to make certain other provisions be circulated for the purpose of eliciting opinion thereon."

The Bill is one that endeavours to improve Hindu women's rights in their family property. Sir, before the recent legislation on the subject of Hindu women's rights was enacted, the rights of Hindu women were too meagre. That legislation has removed certain hardships and has given them better rights. It was intended by the Mover of that Bill in the other House to give rights to daughters also, but that principle was not acceptable and daughters were removed from the benefit of the legislation while widows were given more rights than they had. Notwithstanding such amendment of the Hindu Law the Hindu women get only a limited interest in the property which they inherit or otherwise get. In certain events they succeed to the property of their husbands as also of other persons, but all

[Mr. G. S. Motilal.]

that they get is what is known as woman's estate. The Hindu society I believe is not now satisfied with restricting the right of the women to such estate and Hindu women have also become more conscious of the disabilities under which they have been labouring. In other countries too at one time women had restricted rights ; they have been widened by legislation. The object of this Bill is to enlarge the rights of Hindu women so that they may get what passes to them as full owners. In the case of the death of a man who has no wife or son, the daughter gets the property of her father but that property she gets only for life ; she cannot transfer that property, nor give it in charity except to a very limited extent, whereas when the very daughter's son succeeds to the property he takes it as full and absolute owner, but not his mother. In the case of the mother, it reverts back to the heirs of the original person from whom she got it. Now, Sir, I feel that the Hindu society desires that this restrictive right should be extended. It is in this respect that the Bill before the House goes to make a change. It does not give any share equal or otherwise to a daughter along with a son in her father's property. The other provisions of the Bill restate in clearer language the principle embodied in the recent legislation on the subject. The effect of that Bill was to produce some changes which were not intended. For instance, under the old Hindu Law a daughter came in as an heir to her father when he left neither a son or a son's son nor a widow surviving him. Now, as the amended law stands, a daughter is superseded and deprived of the right of inheritance. If there are daughters-in-law they get the property and the daughters do not get it. My attention was drawn to it only very recently, but it was too late for me to amend this Bill, I say this aspect will have to be considered.

Sir, the responsibility for the drafting of the Bill is entirely mine and of those who have assisted me. I do not wish it to be understood that Government are at all responsible for the drafting of the Bill. So far as non-official Bills are concerned, it is for the Members who introduce the Bill to take that responsibility. If I had applied to Government they might have helped me, but it was not found necessary by me to apply to Government. I know it is not realized by the public at large that when non-official Members introduce Bills the responsibility for drafting is entirely theirs and Government have no lot or part in drafting their Bills. If the Bill is circulated we shall have the opinion of the Hindu community and of those who are competent to speak with knowledge and express a considered opinion. Then this House and the Government will be in a position to decide what attitude to take on this Bill. For these reasons I move :

"That the Bill to amend the Hindu Women's Rights to Property Act, 1937, and to make certain other provisions be circulated for the purpose of eliciting opinion thereon."

The Motion was adopted.

The Council then adjourned till Eleven of the Clock on Thursday, the 15th September, 1938.

COUNCIL OF STATE.

Thursday, 15th September, 1938.

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

QUESTIONS AND ANSWERS.

AGREEMENT WITH MESSRS. TATAS SONS, LTD., AND INDIAN NATIONAL AIRWAYS, LTD., FOR THE OPERATION OF THE KARACHI-COLOMBO AND KARACHI-LAHORE AIR MAIL SERVICES, RESPECTIVELY.

121. THE HONOURABLE MR. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh) : Is there any proposal before Government with regard to the renewal of the agreement with Tatas, and Indian National Airways ? If so, on what lines will such agreements be concluded ?

THE HONOURABLE MR. S. N. ROY : The Government of India have negotiated with Messrs. Tata Sons, Ltd., and Indian National Airways, Ltd., new agreements for the operation of the Karachi-Colombo and Karachi-Lahore air mail services respectively in connection with the Empire Air Mail Scheme. A statement giving the main terms of these agreements is laid on the table.

Main terms of the agreements with Messrs. Tata Sons, Ltd., and Indian National Airways, Ltd., for the operation of the Karachi-Colombo and Karachi-Lahore air mail services respectively.

The services will connect with the Empire services between England and India at Karachi and will be operated to the same frequency as the Empire service, *viz.*, four services a week each way at first increasing later to five a week.

The schedules of the services will be arranged so as to provide normally an advantage over surface means of transport, which will be at least 48 hours in the case of the Karachi-Colombo service, and at least six hours in the case of the Karachi-Lahore service.

The companies will employ on the services aircraft of a type approved by Government, and will increase their fleet as required to meet the demands on the services.

The companies will be given for carriage on their respective services all Empire mails, non-Empire air mails and internal air mails for which the time tables of the services provide a saving in time over any other means of transit. Tata Sons will be paid for such carriage the sum of Rs. 15 lakhs a year with an additional payment of Re. 1 for each pound of mail carried by them in excess of 500,000 lbs. in each year. Indian National Airways will be paid the sum of Rs. 3½ lakhs a year with an additional payment of Re. 1 for each pound of mail carried by them in excess of 130,000 lbs. in each year. These rates will be subject to revision at the end of every fifth year from the date of commencement.

The companies will, so far as suitably qualified Indians are available, use their best endeavours to employ Indian personnel to the fullest extent.

Government will allow the companies free use of their aerodromes and afford them wireless and meteorological facilities where they exist.

The companies will use their best endeavours to develop the services technically and to develop passenger and freight traffic.

In the case of the Karachi-Colombo service, the Government of Ceylon have undertaken obligations similar to those of the Government of India and will pay to the Government of India for the carriage of Ceylon mails on the service Rs. 4½ lakhs a year with an additional payment of Re. 1 for each pound of such mail carried in excess of 150,000 lbs. in each year.

A penalty of Rs. 1,000 in the case of Tata Sons and Rs. 300 in the case of Indian National Airways may be levied in respect of every flight required by the agreements which is not operated by the company concerned; and Rs. 500 and Rs. 150 respectively per each delayed flight. No penalties will however be levied if the cancellation or delay of a service is due to *force majeure* or other cause not within the control of the company concerned.

The period of validity of the agreements is 15 years from the 28th February, 1938.

INDIAN COINS.

122. THE HONOURABLE MR. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh) : Is there any proposal before Government with regard to the change in the shape, or value of the various denominations of Indian coins ? If so, what are those changes ?

THE HONOURABLE SIR JOHN NIXON : The reply is speaking generally in the negative. But I remind the Honourable Member of the reply which I made to his own question No. 168 on the 7th March last. Also there is in contemplation a slight change in the two anna nickel piece.

ADVERTISEMENT FOR ASSISTANT AIRCRAFT INSPECTORS.

123. THE HONOURABLE MR. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh) : (*a*) Has the attention of Government been drawn to an advertisement published in the press (*vide* the *Pioneer*, dated the 5th May, 1938) over the signature of the Secretary, Federal Public Service Commission, Delhi, inviting applications " from British subjects or subjects of Indian States " for two posts of Assistant Aircraft Inspector (Grade I) in the Civil Aviation Directorate ?

(*b*) Will Government kindly state why the posts are open to " British subjects " other than Indians, and why the appointments are not confined to Indians only ?

(*c*) Why the posts in British India are open to " subjects of Indian States " ?

(*d*) Are Government aware that most of the Indian States have by rules discouraged the employment of British Indian subjects in their territories ?

THE HONOURABLE MR. S. N. ROY : (*a*) Yes.

(*b*) and (*c*). As there are not many Indians possessing the necessary qualifications it was thought desirable to widen the field of recruitment.

(*d*) So far as Government are aware, no States debar British Indian subjects from employment in their services, though certain States give preference to their own subjects.

DEPORTATION OF SYED AMIR HASAN MIRZA FROM THE U .S. A.

124. THE HONOURABLE MR. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh) : (*a*) Will Government state the circumstances under which Syed Amir Hasan Mirza of Bengal, was deported from the U. S. A. by the Washington authorities ?

(*b*) What are the facts of his career as they have come to the notice of the Government of India, and what steps, if any, have been taken in connection with his deportation ?

THE HONOURABLE MR. J. A. THORNE : (*a*) and (*b*). Syed Amir Hasan Mirza gained admission to the U. S. A. in January, 1937 as a student for the purpose of entering the Eastern Baptist Theological Seminary in Philadelphia. He was not a satisfactory student and was informed, after one term, that he could not be enrolled for the following session. He made several unsuccessful attempts to enrol in other approved educational institutions. The immigration authorities having been informed that there was little prospect of his being accepted by another institution, took the only step possible as he was without funds, *i.e.*, deportation proceedings on the ground that he had failed to maintain his status as a student. He expressed his willingness to be deported and to return to India. He was deported as a result of those proceedings but not before being given one more chance, at the instance of His Majesty's Embassy, to regain his student status. He took no steps in this direction and there is nothing the Government of India can do.

ARREST OF INDIANS IN RUSSIA.

125. THE HONOURABLE MR. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh) : (*a*) Will Government state whether almost all the Indians in Moscow and Leningrad in Russia have been arrested recently ? If so, how many Indians have been arrested, what are the charges against them, and what steps have been taken for securing their release, and for safeguarding their rights ?

(*b*) Among those arrested is Mr. Virendra Chattopadhya, a brother of Mrs. Sarojini Naidu ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : (*a*) Government have ascertained through His Majesty's Government that the British Embassy in Moscow have no information of any cases of British Indian subjects in Russia who have been arrested. It is stated that there may be such cases among Indians, who have not registered at the Embassy as British subjects, but the Embassy point out that no useful representation can be made in any case, unless full particulars are given as the basis of such representation. The second part of the question does not arise.

(*b*) Nothing is known about Virendra Chattopadhya's present whereabouts, but under instructions from His Majesty's Government an enquiry has been addressed by His Majesty's Ambassador to the Soviet Government.

LOWERING OF THE RUPEE RATIO.

126. THE HONOURABLE MR. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh) : Have Government received any representations from any Provincial Governments regarding the question of lowering the rupee ratio ? If so, what Provincial Governments have made such representations and what replies have been given to them ?

THE HONOURABLE SIR JOHN NIXON : Communications between Governments are confidential.

RECIPROCAL ARRANGEMENTS BETWEEN THE GOVERNMENTS OF INDIA AND BURMA IN CONNECTION WITH EXEMPTION FROM DEPOSITS TO BE MADE BY INSURANCE COMPANIES UNDER THE INSURANCE LAW OF EACH COUNTRY.

127. THE HONOURABLE MR. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh) : Will Government state what reciprocal arrangements have been arrived at between the Government of Burma and the Government of India to secure for the Insurance Companies of either country working in the other, exemption from making deposits under the Insurance Act ?

THE HONOURABLE MR. M. SLADE : The matter is under consideration.

CONVICTION OF THREE PERSONS IN DELHI FOR UNLAWFUL POSSESSION OF SWORDS, REVOLVERS AND GUNS PURCHASED AT A GOVERNMENT AUCTION.

128. THE HONOURABLE MR. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh) : (*a*) Were three persons in Delhi or New Delhi convicted and sentenced in May last for keeping without licence about 22 swords, five revolvers, and half a dozen guns, which they had purchased at a Government auction, ordered by the Civil Court in execution of a decree against a Film Company ?

(*b*) Will Government state why the arms were sold and delivered over by the Government officer who conducted the auction to persons who were not in possession of licences ?

(*c*) Has any steps been taken against the official concerned ?

THE HONOURABLE MR. J. A. THORNE : (*a*) Yes.

(*b*) The arms were auctioned by the Court auctioneer under the impression that they were dummy weapons, as the Bailiff who was entrusted with the execution of the warrant of attachment reported them to be so.

(*c*) Yes. The Bailiff has been punished.

EXTRADITION AGREEMENTS WITH CERTAIN INDIAN STATES BORDERING ON SIND.

129. THE HONOURABLE MR. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh) : Did Miss Millicent Shephard, the Central Organizer of the Association of Moral and Social Hygiene in India, make a representation to the Government of India suggesting them to enter into

mutual extradition agreement similar to those with Bikaner and Khairpur States with other Indian States surrounding Sind in respect of offences of enticing away married women for immoral purposes ? If so, what is the result of this representation; and what steps, if any, have been taken in this connection ?

THE HONOURABLE MR. J. A. THORNE : Yes. Miss Shephard has been informed that in suitable cases the extradition of persons who are alleged to have offended against section 498 of the Indian Penal Code is even now possible in the discretion of the Central Government under the procedure laid down in section 9 of the Indian Extradition Act, 1903 (XV of 1903), and that in these circumstances no further action appears to be necessary.

DISCOVERY OF ANCIENT PATHAN COINS.

130. THE HONOURABLE MR. P. N. SAPRU (on behalf of the Honourable Raja Yuveraj Datta Singh) : (*a*) Has the Archæological Department of India recently made a discovery of several ancient coins of the old Pathan period which bear the inscription of " Sree Giasuddin Toghlak " in Devnagri character ?

(*b*) If so, where were these discoveries made, and where have the coins been kept in deposit ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : (*a*) No.

(*b*) Does not arise.

GRIEVANCES OF RAILWAY LICENSED PORTERS.

131. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Have the licensed railway coolies (porters) approached the courts of law at various stations for the redress of their grievances ? If so, will Government state whether they propose to invite tenders for the supply of licensed coolies on the terms and conditions which prevail at present ?

THE HONOURABLE SIR GUTHRIE RUSSELL : So far as I am aware, licensed porters at only one station, *i.e.*, Hyderabad (Sind) have taken their case to a court of law, but allegations have recently been made that similar action has been taken by licensed porters at Lahore. The arrangement for licensing porters at railway stations is a matter for Railway Administrations to deal with. I understand the Honourable Member's question refers to the N. W. R. and will, therefore, convey the suggestion in the last part of the question to the General Manager of that line for such action as he may consider necessary.

MOTION FOR ADJOURNMENT *RE* ANNOUNCEMENT BY HIS EXCELLENCY THE COMMANDER-IN-CHIEF IN CONNECTION WITH THE SUBJECT OF DEFENCE.

THE HONOURABLE THE PRESIDENT : Honourable Members, I have received a notice of adjournment. I will read to you this notice :—

" Sir, we wish to move an adjournment of the House on the 15th instant to consider a matter of urgent public importance, namely, the announcement made by His Excellency the

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Commander-in-Chief in the Council of State on behalf of His Majesty's Government regarding India's claim for (*a*) a more adequate contribution by the British exchequer towards Indian defence expenditure, and (*b*) a reduction in the matter of British troops stationed in India".

This notice is signed by the Honourable Mr. Hossain Imam and the Honourable Mr. Sapru. I will ask the Honourable Members to satisfy me firstly as regards (*a*) that it is a matter of definite and urgent public importance, and, secondly, as regards (*b*) that it is a matter of urgent public importance.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa: Muhammadan): Mr. President, the urgency of the question, as regards the first part, lies in the fact that His Majesty's Government is going to place its proposals before Parliament and when once a certain sum is sanctioned by Parliament it would be very difficult to induce His Majesty's Government to get it revised.

As regards the second part, Sir, we on this side of the House think that a reduction of a larger number should have been made and therefore when once a subject is being taken it is better to broach it before final orders are passed.

THE HONOURABLE THE PRESIDENT: I want to know how this matter of the reduction of the British Army becomes a matter of urgent public importance.

THE HONOURABLE MR. HOSSAIN IMAM: It would entail a lot of saving to the Finance Department, a saving of nearly a crore of rupees, if we had a reduction of even 10 per cent. in the British Army in India. That is the reason why we wanted to introduce a 10 per cent. reduction.

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern: Non-Muhammadan): Sir, I would emphasise what the Honourable Mr. Hossain Imam has said as regards the urgency of this matter. His Excellency the Commander-in-Chief told us that the proposals will be placed before Parliament and we want Parliament to have the opinion of this House before it takes any action. If we do not discuss this matter now, it may be too late for Parliament to consider any representations that we may make hereafter. This is so far as the first part of the Motion is concerned.

THE HONOURABLE THE PRESIDENT: That is on the question of urgency. Neither the Honourable Mr. Hossain Imam nor you have satisfied me as to the matter being "definite". You have conveniently dropped the word "definite" from your Motion.

THE HONOURABLE MR. P. N. SAPRU: That is probably a drafting mistake for which we are sorry, Sir.

THE HONOURABLE THE PRESIDENT: I do not think it was a drafting mistake.

THE HONOURABLE MR. P. N. SAPRU: If we had remembered that word when we were drafting the Motion we would have put it in. It is a matter of public importance. The finances of India are involved. The budgetary position will have to be considered by the Finance Member before he

actually frames his budget. The announcement may have repercussions upon the entire budgetary position. Therefore, I would say that so far at all events as the first part of the Motion is concerned, it is a matter of public importance. So far as the second part of the Motion is concerned, that too is a matter of urgent, definite public importance because if a further reduction is effected in the British troops stationed in India, our budgetary position will improve. These are the grounds on which I would support the adjournment Motion and I would ask you to consider admitting it.

THE HONOURABLE THE PRESIDENT: Honourable Members, it is open to me to summarily disallow this Motion for adjournment under rule 12 (*ii*) which says:-

"Not more than one matter can be discussed on the same Motion, and the Motion must be restricted to a specific matter of recent occurrence".

There are two questions which the Honourable Members have raised in this Motion of adjournment, first, the inadequacy of the contribution offered by His Majesty's Government, and, secondly, the reduction in British troops. These two subjects are entirely opposed to each other and are of a different nature and character. They cannot be put in one single Motion and debated on an adjournment Motion. However, as the matter is very important, I do not propose to disallow the Motion only under rule 12. I shall go into the merits and show that the first part of the Motion is neither definite nor of urgent public importance, and the second part is not at all of urgent public importance. I have already informed the House that the word "definite" has been omitted by the Movers because they themselves realized that the statement which His Excellency the Commander-in-Chief made the other day is not of any definite character. My Honourable friends probably did not remember exactly what His Excellency the Commander-in-Chief said. I have sent for the statement from the Legislative Department and I will analyze that statement and show that it is neither of a definite nor of an urgent character. In the first paragraph, His Excellency the Commander-in-Chief began in this way:-

"I think, Sir, that everyone here is aware of the discussions that have been taking place in London during the summer and I am now authorized to make the following statement by His Majesty's Government with regard to this question",

and then he uses the words:

"to indicate to you how the matter now stands".

That means, how the matter stands at this stage. Lots of other stages it has got to go through. He has only mentioned at this stage how the matter stands. I will omit the next two paragraphs, as they are not important and in the next paragraphs he said:—

"The need for early action to place the defence organization of India on a more satisfactory basis is accepted. It has not been possible in the time available to reach agreement on all matters which have presented themselves for consideration in the course of these discussions".

It is admitted that an agreement has not yet been reached. The whole matter is still in the stage of conversation. It has to be further thrashed out and definite decisions have to be reached hereafter. His Excellency continues:—

"But definite progress has been made and in the light of this progress",

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that is, definite progress in the matter of discussions, not in the matter of results. Only definite progress has been made in the discussions, not the final results.

"an offer has been made by His Majesty's Government in the United Kingdom, subject to the approval of Parliament, to increase by £500,000 as from April annual grant of £1,500,000 which has been paid to the Government of India since 1933 in aid of Indian defence expenditure in accordance with recommendations of the Garran tribunal. In addition, His Majesty's Government in the United Kingdom propose to ask Parliament to authorize offer to Government of India of a capital grant up to five million pounds".

So, there is nothing definite here. They say the offer is to be placed before Parliament for their sanction. Parliament might reject the offer, Parliament might increase the offer, or Parliament might reduce the offer. There is nothing definite. Only, His Excellency has informed the Council of what is going on, because the Council at some time expressed their anxiety to know what was going on in England, and His Excellency has only made a statement regarding the matters which are being discussed. So, you will find there is nothing definite. But the whole matter as regards the definite character of the Motion is set at rest by the subsequent paragraphs. It appears clearly from the paragraphs which I have read to you that this is simply an offer. His Majesty's Government have not come even to a definite decision in connection with this matter. They have not yet finally decided. They are hazy, they are very doubtful about the matter themselves and therefore they are going to send an expert committee to India to thrash out the matter, which is of a technical character, with the Commander-in-Chief and other experts, and for this purpose His Majesty's Government have decided to send out to India an expert committee which will go into all these matters with definite instructions.

THE HONOURABLE MR. HOSSAIN IMAM: Will it go into the financial aspect also?

THE HONOURABLE THE PRESIDENT: I will presently tell you. I am afraid you did not hear His Excellency the Commander-in-Chief's statement. He said:—

"Further it has been agreed that four British battalions should be transferred from Indian to Imperial establishment, etc. Finally in connection with discussions which have taken place in London the Government of India have suggested that His Majesty's Government should send out an expert body of enquiry to India at the earliest opportunity to investigate the military and financial aspects of problems on the spot, and to submit a report before discussions between the two Governments are carried to their conclusion".

So it is all vague. Discussions are to take place between the two Governments. Then definite instructions have been given to this Expert Committee and the issues on which it is asked to report are definitely stated:

"Having regard to the increased cost of modern armament and to the desirability of organizing the equipment and maintaining the forces in India in accordance with modern requirements and to the limited resources available in India for defence expenditure, to examine and report in the light of experience gained in executing the British rearmament programme how those resources can be used to the best advantage".

When those recommendations are made, if His Majesty's Government thinks fit, they will ask for the sanction of Parliament. It will all depend on those recommendations whether the sanction of Parliament will be asked.

I have shown that the whole thing is in the melting pot. Absolutely nothing has been decided. Only an offer has been made and that offer has to be considered by an Expert Committee in India and the Government will decide on the recommendations of that committee. The Honourable Mr. Hossain Imam says, once this amount is decided it will be difficult to get it changed. But as you will see from what I have read, His Majesty's Government simply suggest that £500,000 is to be added to their annual contribution and a grant of £5 millions, which is a very large grant, is suggested to be given. Are we in a position at this stage to say that this is a definite guarantee or offer or will it help our position by having a discussion in this House at this stage? The grant may be raised to £10 millions or it may be reduced. When that question is finally decided it will be time enough for us to support or quarrel with Government and to attack the definite proposals which are submitted to Parliament.

Therefore I feel on the first ground, definiteness and urgency, the Motion for adjournment is inadmissible. It may take some months for a decision to be arrived at, and on both those grounds I think this Motion is inadmissible. That concludes clause (*a*), I will now come to clause (*b*).

THE HONOURABLE MR. RAMADAS PANTULU: Before you give a ruling I want to say one word. Will it not help the Government of India to have the views of the Central Legislature before they finally accept the offer made by the British Government? In that sense it is urgent.

THE HONOURABLE THE PRESIDENT: To my recollection during the last two years, and when I deal with the second aspect of this Motion I will show that, the views of the Honourable Members of this House have been so vigorously and so often expressed on that question that it leaves no doubt as to their views, especially through the composite Resolutions moved by the Honourable Mr. Kalikar in this House and also the Resolution moved on the 6th September by the Honourable Mr. Sapru. The views of this House in those debates have been expressed in a very pronounced and emphatic manner and you cannot improve on them by any further debate on this point.

Now clause (*b*) relates to the reduction in the number of British troops stationed in India. Now the Council will remember that the question of reduction of British troops in India has been discussed in season and out of season in this House. In every budget debate an attack is made on military expenditure and the first point raised is that the British section of the army should be dispensed with. I have had a statement prepared of the occasions when the question of military expenditure and the admission of Indians in larger numbers into the army has been discussed within the last 18 months, and it shows that there were no less than twelve such occasions. If my Honourable friend wants to see this statement he is welcome to see it. The first time this question was discussed was on the 16th March, 1937, and then our esteemed friend Mr. Kunzru raised the exactly similar question of the replacement of British troops by Indian troops in the Army in India. So that particular question has been definitely discussed only a few months ago. The views of other Honourable Members of this House on it have been definitely placed before Government. Then on other occasions similar resolutions were moved,

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on 27th September, 1937, Mr. Kunzru moved for the nomination of members of the University Training Corps to the Indian Military Academy, it was there discussed that British soldiers were not needed in India. Then on the same day there was a Resolution about Cadet Corps in Schools, etc. On the 21st February, 1938, there was another Resolution of Mr. Susil Kumar Roy Chowdhury on the military training of Indians and the admission of Indians in larger numbers in the army. On the 10th March the Honourable Mr. Kunzru again moved a Resolution regarding the distribution of defence expenditure between the land, sea and air forces, and on that occasion this same question was again discussed.

I have brought with me all these proceedings but I will not occupy your time by reading extracts from them. I will ready only one or two to show that the question has been discussed threadbare in this House. Then there were the Resolutions of Mr. Hossain Imam, Mr. Kalikar and lastly Mr. Sapru's Resolution. Here is one extract to show that the question has been thoroughly discussed :—

" It is necessary ", Mr. Kunzru said, " for us to consider why it is that such a large British element is maintained in the Army in India, why it is that the Indian Army cannot do without the presence of a large British force. We have been hearing for a long time that the Indian Army owes its value as a fighting machine at the present time entirely to the leading of the Indian soldiers by their British officers. But we had not heard till a few years ago that the British soldier was also needed in order to stimulate the Indian soldier and to get the best out of him. Lord Rawlinson made such a statement in this House in 1921. I believe the statement was repeated by Sir Philip Chetwode. The army, Sir, showed a little enterprise a few years ago and carried on a little propaganda to convince the people of India that its present strength and expenditure were absolutely necessary in the best interests of the country and it brought out a pamphlet dealing with the various branches of the army ".

I have got other quotations from recent debates on exactly the same lines. These things have been pointed out to Government. Even Mr. Hossain Imam has said in this Council : —

" The question of cost will not come in the way if Government have the will. It will always loom large as an insurmountable barrier, almost of Himalayan heights when they are pleased to reject a Resolution, and trot out a lame excuse. Sir, in the present political condition of India, it is essential that the foundations of a citizen army should be laid. When Dr. Bhagwan Das in another place advocated the possibility of starting a citizen army it was, I am sorry to say, not only rejected, but it was practically laughed at ".

There are various quotations. I have got them all here, but I shall not take up the time of the Council when we have got a very important and a full agenda today. I only now want to point out that this question of the reduction of the British Army in India is not a question of urgent public importance at this stage. If it was so, it was open to Honourable Members who have given notice of the Motion of adjournment before the session commenced to have given notice of a Resolution and that Resolution would have been admitted and the matter further discussed. The question has been so often discussed in this House that its urgency is lost, and not being a matter of urgent public importance I must confine myself within the limitations of the rule and hold that this Motion as regards both parts (*a*) and (*b*) is out of order and I therefore disallow it. (Applause.)

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Am I to understand from the statement that you have made, Sir, that the Government has now started giving intermediate information to this House on the progress of important matters ? If that is the case, I welcome that procedure.

THE HONOURABLE THE PRESIDENT : It is so.

THE HONOURABLE MR. HOSSAIM IMAM : May I ask you, Sir, to intercede on our behalf and request Government to allow us a day for discussion of the first part of the adjournment Motion ?

THE HONOURABLE THE PRESIDENT : I think the Honourable the Leader of the House will probably bear your request in mind.

THE HONOURABLE MR. HOSSAIN IMAM : Will the Honourable the Leader kindly consider this ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Leader of the House) : As regards the request that has been made, as my Honourable friend knows, this is a matter which the Government as a whole will have to decide. So I cannot give any undertaking.

RESOLUTION *RE* BIHTA RAILWAY DISASTER.

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern : Non-Muhammadan) : Sir, I rise to move the following Resolution :—

"This Council deplores the loss of life occasioned by the Bihta railway disaster, offers sympathy to the relatives of the dead and the injured, records its grave concern at the finding of the Honourable Sir John Thom that XB engines on the E.I.R. have been failures, that the railway authorities were grossly negligent in handling the situation and in using the particular XB engine, that the attitude of the authorities of the E.I.R. Administration and some of their high officers mentioned in the report after the accident and during the enquiry was most unsatisfactory, and recommends to the Governor General in Council that he should make full investigation into the individual responsibility of officers responsible for the accident and after such independent investigation, take suitable action against those officers who have been adversely commented upon by the Honourable Sir John Thom, and further that the design, purchase and continued purchase of XB engines should be the subject of a thorough, searching and independent enquiry, and that action should be taken and all measures adopted for avoiding similar accidents in future".

Sir, in the first part of the Resolution I express the sympathy of the House with the victims who suffered in the Bihta disaster. The accident which took place near Bihta on the E.I.R. was probably the worst railway accident in India. The train was carrying 450 passengers ; 107 out of them were killed ; 117 were injured severely and quite a number sustained injuries which did not necessitate their detention at any hospital. Sir, we all deeply deplore the accident and our hearts go out to those persons who were the victims of this unfortunate disaster. Human suffering is a terrible thing. We cannot be indifferent to human suffering. There is far too much suffering in this world. It is but right and proper that we should begin our discussion of this solemn

[Mr. P. N. Sapru.]

Resolution by placing on record our genuine grief at the loss which the disaster occasioned. We live, Sir, in an age of mechanized transport, speed and hurry. When we travel by rail, motor, boat or air, we take risks with our lives and nothing that man can do will eliminate accident altogether from life. But here in the case of the Bihta disaster, as I shall show, we shall be dealing with an accident which was avoidable and this is what adds poignancy to our grief. Those of us who have travelled on the E.I.R.—it is our biggest railway—we the people of Northern India are proud of our E.I.R. can testify to the general efficiency of that Railway. It is a Railway which we, the people of Northern India, constantly use and I am sure that the House and the people are grateful to the many railwaymen, big and small, drivers, firemen, guards, signalmen, who have hard jobs to do and who have shown commendable efficiency in securing the safety of the public which travels on the Railway. I would like, therefore, Sir, to endorse everything which the Honourable Sir John Thom has said about the E. I. R. Administration and its staff generally. On page 68 he says :—

" From the facts above set forth the conclusion that the Railway Company have been guilty of gross negligence is inevitable. The Company has undoubtedly a good record. Its standard of efficiency has been high. This is clear from the figures which were given by the Agent at the Inquiry. Millions of passengers every year are carried millions of miles with comparatively little loss of life. Loss of life in the year 1936-37 was two and in 1935-36 nil ".

Sir, before dealing with the report, the House will perhaps permit me to thank the eminent Chief Justice who conducted this inquiry and who presides over our Court for the great care and thought which he gave for months to this inquiry. Sir John Thom, Sir, has the reputation of being a just and conscientious Judge and those of us who have the honour and privilege of practising in His Lordship's Court feel a legitimate pride in the fact that the report for which he is responsible enhances the reputation which he justly enjoys in our province and the country as a good Judge.

I will now deal, Sir, with that part of my Resolution which records our grave concern at the findings of Sir John Thom. Those findings, as I shall show, constitute a grave condemnation of the Railway Administration and particularly the Railway Board so far as the purchase, design and use of XB engines is concerned. They also constitute a strong criticism of the attitude of the authorities of the Railway Administration and some of the officials of that Administration after the accident and during the inquiry. And it is these findings that lend importance to the Resolution. It is these findings which have caused us such grave and justifiable concern. The irresistible conclusion to which one is driven is that the principle cause of the accident was the use of an XB engine on a train for which, under the link system, a different engine should have been allotted and the failure of the Administration to enforce the speed regulations. The case of the Railway authorities was that the accident was due to weakness of the track and its prior distortion, that the speed of the engine was not excessive, and that the particular engine XB 1916 was not hunting sufficiently violently to distort a track of normal strength. Sir

John Thom has rejected this case altogether and his finding is that XB engine 1916 had a tendency to hunt violently and that in fact it was hunting violently when approaching Bihta on July 16, 1937. In arriving at that finding he has relied on certain direct evidence and has refused to base it on the testimony of experts, which is, as he says, I think, rightly, in a sense theoretical and often based on inferences and deductions from premises which are doubtful and not open to direct observation. He has gone further and shown that XB engines are faulty and dangerous and that that particular XB engine was particularly faulty and dangerous and that the Railway authorities were quite well aware of the defects of the engine and that they had taken no steps either to scrap it or replace it. Now, Sir, so far as these XB engines are concerned, their history is to be found in Exhibit 172 of the evidence given before Sir John Thom. They were designed in India in 1926 and manufactured in England and came out to this country in 1928. They were first introduced in 1928 on the E.I.R. with which we are most directly concerned. Sir John Thom finds it clearly established that they had a tendency to excessive hunting from the very start and that this tendency of theirs to hunt violently caused the Railway Administrations the greatest concern. They used to oscillate and hunt to an excessively grave degree—(the cause of hunting is not known : that was one of the questions about which experts were not very clear)—and distort the track, and the distortions were not confined to 88½-lb. rails. The first recorded case of track distortion of an XB engine occurred on the 26th June, 1928. The track distorted consisted of 90-lb. flat-footed rails. Again, on the 8th February, 1929, one of these engines got involved in an accident at Talanda. On account of this accident and their generally unsatisfactory behaviour, they were withdrawn on June 12, 1929 from the fast passenger services for which they were intended. Between June, 1929 and April, 1931 certain modifications and improvements in the engines were effected and so we find that at the end of two years they were again restored to use on fast passenger services. But the modifications and improvements effected did not entirely eliminate the hunting tendency of the engines. They continued to hunt and distort the track and they were (so the evidence shows) a continuous source of anxiety and trouble to the engineers. This, Sir, will be evident to anyone who cares to read Exhibit 191 on page 282 of Volume IV of the Report. In spite of all this, they continued to be used until 1933 when an XB engine was involved at Ganj Khwaja near Moghal Serai. It appears that on that occasion a train derailed as a result of the distortion of a track by an XB engine 9109. Sir John Thom was particularly dealing with the E.I.R. but he says that from Exhibit 172 it is clear that these engines have been a source of trouble to other Railways also. Following the accident near Moghal Serai the E.I.R. imposed a restriction in speed during the monsoon of 45 miles per hour on this class of engine on 75-lb. and 88½-lb. rails. The E.I.R. has over 700 miles of 88½-lbs. rail track. This speed restriction was imposed on June 1st, 1934, and it has not been removed. The Railway Administration continued to keep an observation on these engines even on 90-lb. rails. Further following four cases of track distortion in the month of June, 1934, these engines were taken away from mail services and have not been reintroduced in those services. Now, the point that one would like to know is,

[Mr. P. N. Sapru.]

what were the steps that the Administration took to see that this restriction of 45 miles an hour was strictly enforced ? It is clear from what Sir John Thom says about XB engines that they had not been so improved by one device or another as to be incapable of excessive hunting at a speed under 65 miles an hour. The conclusion at which Sir John Thom arrives is that the derailment was due to distortion and that the distortion was caused by a heavy XB class engine running at an excessive rate of speed—nearly 55 miles per hour—that is his finding—and hunting violently.

This brings us, Sir, to the main charge of negligence on the part of the Railway Company, a question with which the report deals, is:

"Is the accident in any way attributable to negligence on the part of the railway authorities ?".

That is the question I propose to consider now. A speed limit of 45 miles an hour had been put upon XB engines and they had been withdrawn from mail service. Unfortunately, XB 1916 was allotted by Jhajha shed authorities on the early morning of July 16th to the 13-Up. The engine which was taking the 13-Up to Moghal Sarai was to return with the 18-Down. This was a fact within the knowledge of the authorities. An HP engine and not an XB engine ought to have been attached to the 13-Up, but it would appear that no HP engine was available at the Jhajha shed on the 16th July. It appears that under the link system, for which the Operating Department of the Railway is responsible, certain types of engines are allotted to certain classes of trains. XB class engines were not being allotted to fast passenger service as a maximum speed of 45 miles per hour had been prescribed for them during the monsoon season. The power position at Jhajha shed was weak. Many engines were out of action or under repair, and by July 10th, the shed authorities knew that they had not a sufficient number of non-XB engines to work non-XB links. We are faced with the fact that an XB engine was attached to a train which under the link system should have been worked by a non-XB engine. It was a train which had a booked speed of 45 miles an hour. It appears that in spite of this link system, an XB engine was in regular use upon the 17-Up train which had a speed of over 45 miles an hour and that we find is the reason why it was allotted by the shed foreman on the 16th to 13-Up. A booked speed of 45 miles an hour means that a train has to run at a speed much higher than 45 miles an hour. The Agent had himself on a previous occasion declared that there ought to be a margin of 12 per cent. between the booked speed of trains and the maximum permissible speed of the engine attached to the train. How did it happen that an XB engine came to be attached to 17-Up the booked speed of which was 45 miles per hour ? There was no margin of 12 per cent. here. The point is important because the Assistant Foreman at Jhajha justifies his action in putting an XB engine to 13-Up on the ground that that class of engine was being used on a train, 17-Up, which had a booked speed of 45 miles per hour. There can, therefore, be no doubt that in the language of Sir John Thom the Operating Department of the Railway were negligent in the manner in which the time table and the link system were drawn up. As regards

the contention that it was the duty of the drivers to observe the speed restrictions and that where there was a conflict between the speed restrictions and the time table, the speed restriction was to prevail, it may be pointed out that the evidence establishes that so far as the Operating Department was concerned, punctuality was all important. Sir, I would like to refer in this connection to the letter of Mr. Robertson on page 51 of the report. He ways :—

"I call absolute punctuality 'quite satisfactory' and nothing else. The views of some Divisional Superintendents on what constitutes 'quite satisfactory' are not the same as mine".

On page 53 of his report Sir John Thom says :—

"It would appear, therefore, that so far as the Operating Department was concerned, punctuality was all important".

The Railway authorities knew what these XB engines were like. They had received complaints about them before. The Agent in his evidence said that the Railway Company, apart from reports, had been definitely warned by a large number of letters of complaints from subordinate officers about XB engines. In one of these letters, the XB engine has been described as positively dangerous. In Exhibit 277 we have a letter, dated the 7th September, 1936, from Mr. B. G. Smith to the Chief Operating Superintendent in which it is said :—

"We are clearly asking too much of these engines. There is not a single part of the engine which has not given trouble except the boiler of it. No boiler has burst".

On one of the reports, the Chief Operating Superintendent, Mr. Robertson, noted that no advantage had been gained by the purchase of these large and expensive engines. There was a letter, dated October 15th, 1936—I am referring to Exhibit 187—by Mr. Turner to the Operating Superintendent in which he said in regard to XB engines that he could not force out much better results or even maintain the result in trains running under the present conditions. Here, you have letters from responsible railway officials to the Railway Administration warning them that they should not attach the importance that they were doing to speed and that they were sacrificing everything to speed. Was any attention paid to these letters ? What was the attention paid to them by the Railway authorities ? This is a question which we are entitled to ask from the Railway authorities. Speed was being emphasized by the Chief Operating Superintendent, Mr. Robertson, and he had indicated to all drivers on the E. I. R. that he regarded speed and punctuality as of supreme importance. Is it to be expected that drivers who have to be judged by speed and punctuality would disregard in their own interest the orders of the Chief Operating Superintendent ? A driver could not get credit for driving his train slow. The fact remains that 17-Up was being run by an XB engine, that it was being run fairly punctually, and as it was being run fairly punctually, it must be assumed that it was exceeding the limit which had been allotted for its speed. It may be that a speed limit was imposed by the Railway authorities but they failed to enforce that speed limit. The conclusion therefore is irresistible that the railway company were guilty of negligence so far as XB engines and the speed at which they were run is concerned. The position in regard to the particular engine 1916 would seem to be somewhat like this. Between the 1st and the 14th July three drivers of

12 NOON.

[Mr. P. N. Sapru.]

considerable experience had reported that engine for bad hunting. No action was taken on those reports. The only thing that was done was that the bogey springs were changed. The authorities knew that XB engines had a tendency to hunt. Repeated cases of bad hunting had been brought to their notice, and yet no instructions were ever issued to the shed foreman that cases of bad hunting should be brought to the notice of higher authorities. This fact suggests that there was something fundamentally wrong with railway administration, and the conclusion that is forced upon one's mind is that Sir John Thom is right in his conclusion. I would respectfully ask the House to endorse the verdict of Sir John Thom which is to be found at page 70 of his report.

"I am satisfied after a full consideration of the entire evidence that the Railway Administration have been guilty of negligence. It was suggested in the course of arguments that the Railway Administration in relation to the matters under discussion had throughout acted in a manner consistent with ordinary railway working. I am unable to accept this contention. The law on the matter is perfectly clear. It demands from a railway company, as indeed from every other concern which has a duty to make provision for the safety of the public, that care, caution and circumspection which a prudent man of business would exercise in the direction of his own affairs. The Railway Company in my judgment have clearly failed in the discharge of their function to exercise that ordinary care upon which the law insists".

I come now, Sir, to the part of my Resolution which draws the attention of the House to the unsatisfactory attitude of the E.I.R. Administration and their high officials after the accident and during the inquiry. I wish to speak with restraint on this part of my Resolution as I do not like to comment on the conduct of officials who are not present to defend themselves here. I do not wish to go into the individual cases of these officials. Sir John Thom has had to comment on the unsatisfactory nature of the evidence of these officials. He has disbelieved many of them. He has also had to comment on the conduct of some of these officials during the inquiry. About one officer he says at page 21 :—

"It is most unfortunate that the Deputy Chief Mechanical Engineer" he was persuading some people to say that the engines were not hunting "should have interviewed them and adopted toward them the overbearing attitude which his question to them clearly indicated he assumed".

Sir John Thom has shown in great detail how this preliminary attitude resulted in vitiating the entire testimony that fell not only from him but from other drivers as well. It was their endeavour to avoid the word "hunting", and to use some other word that created difficulties in the way of the inquiry.

There is another official, about whom he has had to say a great deal, who according to Sir John Thom went hectoring these people not to use the word "hunting" and to give evidence not damaging to the Railway Administration. It is a tribute to the class from which our drivers are drawn that, notwithstanding this hectoring, some of them came forward and gave honest, truthful and straightforward evidence.

Now, Sir, it is not suggested that these officials should be punished without any opportunity being given to them of pleading their case before the Public

Service Commission or departmental authorities. Even a man who has been declared to be a liar by the highest courts of law has further opportunity of showing that the view taken by the court in regard to his statements and conduct was not correct, and I should not like this elementary principle of justice to be reversed in the case of Government officals. But I do insist upon a fair and impartial and thorough inquiry into the individual cases of the officials who have been reported against by Sir John Thom. Sir, I do not want a whitewashing inquiry. I want an independent and impartial inquiry into the individual responsibility of these officials. It is a serious thing for an official to be disbelieved by a competent judicial officer. It is a serious thing for a competent judge to say of a man that he has been tampering with witnesses.

Since the Resolution was sent an announcement has been made that the design, purchase and continued purchase of these engines will be the subject of a thorough, searching and independent inquiry. That was the principal recommendation Sir John Thom made and I know that the Government has already appointed a committee of experts. One of these experts I understand is a French expert. We have 99 XB engines and 38 of them are on the E.I.R. A considerable amount of public money has been spent on the purchase and design of these engines. Now, Sir, as men who are interested in wishing that our railways are run efficiently it is our business and our duty to see that this inquiry is conducted thoroughly and efficiently. I do not feel myself competent to comment upon the composition of this committee. I assume that the men who have been appointed on this committee are experts in the real sense of the term. But there is one request that I would like to make to the Honourable Sir Guthrie Russell. There is one guarantee I would like him to give to this House, and it is that this House should be given an opportunity of considering the report of these experts when it is available. A lot of money has been spent upon these XB engines and as taxpayers, as men interested in the purity of our railway administration and in its efficiency, it is our right that we should be given this opportunity of considering the report when it is ready. The Railways represent a great commercial undertaking. If a business concern had been found guilty of negligence of this kind it would have had to face an outraged body of shareholders. We who represent the public, who are interested in the safety of our passengers, in the safety of the lives of our women and children, cannot treat the Railways less severely than private shareholders would have treated their directors if those directors had been guilty of gross negligence.

Lastly, I would urge that humanity and, more than humanity, justice requires that compensation should be paid on a generous scale to the victims and the relations of those who have suffered by this accident. This accident was the result of gross negligence on the part of the Railway Administration. Therefore, Sir, we should not grudge the victims who have been permanently disabled for work, and we should not grudge the relations of those who were killed, a generous compensation. Sir, I hope that Sir Guthrie Russell will be able to reassure us on these points. I would be sorry if this Resolution was regarded as a controversial Resolution. It is a Resolution which affects the safety of all of us, Europeans and Indians alike, and I should be sorry if it

[Mr. P. N. Sapru.]

were regarded as a political Resolution. It is a Resolution which is based upon the findings of a Judge of great eminence and we have to assume that those findings have been arrived at on the evidence that was tendered before him.

THE HONOURABLE THE PRESIDENT: Your time is exhausted.

THE HONOURABLE MR. P. N. SAPRU: I shall therefore request the Honourable Sir Guthrie Russell to reassure us on the points which I have emphasized in my speech.

THE HONOURABLE THE PRESIDENT: I have at the commencement of the discussion of this Resolution received a notice of amendment from the Honourable Mr. Ramadas Pantulu. This amendment proceeds practically on the same lines as the amendment that was moved in the Assembly. However, I shall read the amendment and point out the Standing Order. As proper notice has not been given it is for you to decide whether you will allow this amendment to be moved or not. The amendment runs thus :

" This Council deplores the loss of life occasioned by the Bihta railway disaster, offers sympathy to the relatives of the dead and the injured, records its grave concern at the findings of the Honourable Sir John Thom and recommends to the Governor General in Council that he should make full investigation into the individual responsibility of officers and after such independent investigation, take suitable action, and further that the design, purchase and continued purchase of XB engines should be the subject of a thorough, searching and independent inquiry and that action should be taken and all measures adopted for avoiding similar accidents in future ".

A similar amendment was moved and accepted in the other House. I draw your attention to Standing Order 64, which says :

" If notice of such amendment has not been given two clear days before the day on which the Resolution is moved, any Member may object to the moving of the amendment, and such objection shall prevail, unless the President, in the exercise of his power to suspend this standing order, allows the amendment to be moved ".

Sir Guthrie Russell, have you any objection ?

THE HONOURABLE SIR GUTHRIE RUSSELL: I have no objection, Sir.

THE HONOURABLE THE PRESIDENT: Has any other Member any objection ?

SEVERAL HONOURABLE MEMBERS: No objection.

THE HONOURABLE THE PRESIDENT: Mr. Ramadas Pantulu, you may move your amendment.

THE HONOURABLE MR. RAMADAS PANTULU (Madras: Non-Muhammadan): Sir, I thank you very much for the concession you have shown me and I thank the Honourable Sir Guthrie Russell. Sir, I move the amendment that for the original Resolution substitute the following :—

" This Council deplores the loss of life occasioned by the Bihta railway disaster, offers sympathy to the relatives of the dead and the injured, records its grave concern at the findings of the Honourable Sir John Thom and recommends to the Governor General in Council that he should make full investigation into the individual responsibility of officers and after such independent investigation, take suitable action, and further that the design, purchase and continued purchase of XB engines should be the subject of a thorough, searching and independent inquiry and that action should be taken and all measures adopted for avoiding similar accidents in future."

Sir, the object of my moving this amendment is very simple. In the Resolution there are certain conclusions mentioned which were disputed in the other House as not correctly stating the conclusions of the Honourable Sir John Thom. Therefore, I wanted to see that the contested matters are eliminated because the report stands by itself and what Sir John Thom found is to be gathered from the report itself. Honourable Members who gave notice of certain amendments in the other House were met by the Honourable Mr. Clow by the argument that the amendments did not correctly state the findings of the Honourable Sir John Thom. Therefore, to eliminate that weakness from the Resolution I have moved this amendment which I hope the Honourable Sir Guthrie Russell will accept, because the Honourable Mr. Clow has accepted a similar amendment in the other House. Sir, I do not wish to make any speech on the merits of the Resolution or the amendment because they are self-explanatory and almost all the points that have to be urged have been urged by the Honourable Mr. Sapru in his able speech with which he moved the Resolution. I however wish to make a complaint against the Government. In the other House an opportunity was given to the Members of that House to discuss Sir John Thom's report without any necessity for any Member to move a Resolution of this sort. I think it is the correct procedure; on matters of great importance like this, on which an inquiry was held and a report was submitted, a formal Motion for the consideration of the report, which is a parliamentary method of opening the discussion, should have been tabled; when that courtesy is shown to the Legislative Assembly a similar courtesy should have been shown to this House also.

THE HONOURABLE THE PRESIDENT: Did you ask for this opportunity?

THE HONOURABLE MR. P. N. SAPRU: Yes, I did.

THE HONOURABLE MR. RAMADAS PANTULU: I hope in future when important reports are to be discussed in the Legislature, when a Motion is made for their consideration in the other House a similar Motion will also be made in this House. In the amendment which was accepted in the other House there was also another clause which I have omitted from my amendment.

THE HONOURABLE THE PRESIDENT: Please do not refer to it.

THE HONOURABLE MR. RAMADAS PANTULU: That only asked the Government to place the report of the expert committee when it is made before the House for consideration. As the Honourable Mr. Clow has accepted that suggestion, I felt that it would be similarly brought up before this House and that this House will be given a similar opportunity to discuss that report. So I did not include that request in my amendment. I appeal to the Honourable Sir Guthrie Russell to treat this House in exactly the same way as the Government treats the other House in regard to the discussion of the expert committee's report. With regard to the composition of the expert committee, I do not feel very happy. I appreciate the very weighty arguments which the Honourable Mr. Clow put forward in the other House in favour of appointing an expert committee of outsiders. Of the five members I think four are outsiders, three British experts and one Continental expert. His reason is

[Mr. Ramadas Pantulu.]

this. The questions that will come up for examination will be the responsibility of the Railway Board and its subordinate officials in this country and serious allegations are made against them both by the public and in the report. Therefore, any enquiry by Indian experts who are somehow or other connected either with the Government of India or the Railway Board is not likely to command that amount of confidence which an inquiry by outside experts is likely to command. There is certainly great force in the argument used. Sir, I feel that it is not however satisfactory. India in future should be more and more dependent upon the investigation made by her own experts and not on experts from outside. Our experts are no doubt largely the experts of the Government. We can however trust them to deal efficiently and honestly and justly with such matters, though they are the servants of the Railway Board or the Government. Sir, there was a very big airline disaster in England the other day in which one of the cabinet ministers lost his life. The British Government set up an inquiry of experts to investigate into the causes of the disaster and to suggest remedies to avoid future accidents. But did they go outside for their experts ? Probably German experts may be better than English experts, or American experts may be better than English experts in the air. But still they thought fit to appoint their own men to investigate the matter. So, even if there is a suspicion that Indian experts may be zealous of the reputation of the Railway Board and the Government of India, I would welcome an examination by a committee of Indian experts. It may be that there is a tinge of politics in this desire—I do not deny it but national self-respect demands that in such matters the Government of India should depend upon our own experts and not on foreign experts.

Sir, there is one other observation that I wish to make and that is about the compensation that the relatives of the victims should get. From the statement made by the Honourable Mr. Clow in the other House, I find that proper arrangements are made to assess the compensations by impartial agencies. Difficulty in assessing compensation in a matter like this is that it is not regulated by any statutory provisions. In the case of the Workmen's Compensation Act, for instance, we know exactly how to assess the compensation, but in a case of an accident like this there is no guidance to be had from any statute which is in force in India. Various considerations have got to be taken into account, such as the amount of financial assistance which the relatives of the victims used to get during his lifetime. People who never had any financial assistance from the victims or were not actually his dependents might come forward with claims ; there may be other considerations which the Government ought to take into consideration in assessing these compensations. I feel, Sir, that what is necessary is a just compensation and not a generous compensation. Just compensation will be adequate. I say this for this reason that the compensation is being given out of the taxpayers' money. The E. I. R. is also a State Railway and when compensation is to be paid from public funds, what we should demand is a just treatment and a just adjudication of claims and not a generous adjudication. Because there is no reason for giving to the relations of the victims any compensation which they are not justly and properly entitled

to. I am as zealous of the revenues of the country as of the rights of the claimants and I do not think we ought to be over-generous in this matter. No one is entitled to compensation unless they make out a case for getting compensation from either the Railway or the Government.

Sir, I do not wish to take up any more of the time of this Council with any further details. There are one or two accusations which are most prominent in the findings of Sir John Thom. One is that too many XB engines have been purchased without testing how they behaved before further orders were placed. Between 1926 and 1930 about 100 of these engines had been purchased and there is evidence that even in 1928 these engines had shown erratic behaviour on more than one occasion. And the E.I.R. do not seem to have been wholly responsible for investing a large amount of money in these engines. The responsibility is thrown on the Railway Board who through their Standards Office have practically forced them on the E I.R. The Agent of this Railway, I understand, protested against the suitability of these engines but his protest was not heeded.

THE HONOURABLE SIR GUTHRIE RUSSELL : Who protested ?

THE HONOURABLE MR. RAMADAS PANTULU : The Agent of the E.I.R. protested. At least that is what I gathered. If it is not correct, I would like to be put right. That is what I gathered from the report and the evidence. I did not read the whole report but only the summary of it which appeared in the press.

Then, Sir, another accusation that was made is that the Railway Board allowed Mr. Robertson, who was a very important witness, to leave the country during the inquiry. The excuse which was given is very, very lame indeed. That has been so fully and completely dealt with in the other House that I do not wish to repeat it. If it is possible to get back Mr. Robertson he may be sent for and asked to give evidence before the Expert Committee. In these days of aeroplanes it should not be difficult to do this. Of course, it should be left to the experts themselves to decide if they want him. I am not insisting that he should be called.

Sir, these are serious allegations against the Railway Board and I hope that the Government of India and the Railway Board will take the public of this country into their confidence and give full opportunity for them to represent their case before the Expert Committee that has been appointed. The Honourable Mr. Clow promised not only an inquiry by an expert committee into the matters suggested by Sir John Thom but also other matters which have since been included. I am glad to say that the scope of the inquiry has been made wider than what Sir John Thom suggested. He suggested an inquiry into XB engines, but the terms of reference of the Expert Committee include also an inquiry into XA and XC engines which are of similar type—broad gauge passenger train engines. Mr. Clow has also promised an inquiry into the conduct of the individual officers concerned. Of course, he did not say by whom this departmental inquiry will be held and as matters are going to be thoroughly investigated I do not wish to say any more at this stage. Sir,

[Mr. Ramadas Pantulu.]

I hope and trust that the Honourable Sir Guthrie Russell will accept the amendment. It does not commit the Government or the Committee which is set up to anything and it only asks for a thorough, searching, and independent inquiry and for action to be taken on the report.

THE HONOURABLE THE PRESIDENT : As the amendment has been read twice to the House, I do not propose to read it again. The debate will now proceed on both the original Resolution and the amendment.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, I rise to support the amended Resolution. After what my Honourable friends Mr. Sapru and Mr. Pantulu have said, there is very little left for me to say. I wish, Sir, that the Expert Committee which is now inquiring into XB and other Pacific type engines may also inquire into the very serious matter of the repair of engines and rolling stock. Sir, my information is that after the recommendations of the Dickinson Committee the outturn from the workshops has increased without any increase in efficiency. My information is that only a certain time is allowed for the repair and overhaul of engines and coaches. When that time expires, the foremen in charge say : "Well time is up; better send out the engine or the coach—if there is any defect left, it will come back again for further repair". Well, Sir, in case an engine is seriously defective, it should not be sent on the line for work Sir Guthrie Russell shakes his head, but I can tell him that I am talking on reliable information.

THE HONOURABLE THE PRESIDENT : And I can tell you that this has nothing to do with the Resolution!

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Sir, it has to do with the Resolution in this sense that, when the engines are not properly repaired and are turned out of the shops after a fixed time, whether the repair is fully complete or not, is a source of danger. I am afraid that when this No. 1916 XB engine went to the workshop, it was not properly and fully repaired and was sent out on the line in a condition unfit for service and hence may have been the cause of overhunting.

I also wish that in future, all such inquiries and award of compensation should be entrusted to a committee on which there will be more independent non-officials, because, after all, the public get more satisfaction in case there is a majority of the non-official element on such inquiry committees. I find that one Indian has been put on this committee, but that Indian being a civil engineer, perhaps may not be so competent to go into the mechanical details of these engines. An Indian with mechanical experience ought to have been put on the committee in addition. However, Sir, I do not want to detain the House long. I gave this suggestion because I think that incomplete repair in the workshops to engines will add to the number of accidents and will not be in the public interest.

THE HONOURABLE MR. V. V. KALIKAR (Central Provinces : General) : Sir, a layman like myself, on reading the report of Sir John Thom and the bulky evidence that came before him comes to the regrettable conclusion that

there was negligence on the part of the authorities in using these XB engines. Sir, the facts which have been so ably submitted before this House by the Honourable Mr. Sapru and the facts that found a place in the report clearly show that XB engines were giving trouble to the Administration since their arrival in India and their being attached to fast trains. The Railway authorities ordered 30 engines in 1926-27, and when they arrived in 1928, they did not wait to give a trial to these engines, but in the same year they gave an order for 24 more engines. I find from the report that since these engines arrived here and were used for carrying trains, they were found hunting and unsatisfactory and the engineers took some trouble to re-balance them, and after re-balancing, they were still found unsuccessful. If that was the case the Honourable Sir Guthrie Russell will correct me if I am giving incorrect information—what was the necessity for giving a further order for 26 engines in 1929, and again for 16 engines in 1930 ? I find that an engine costs about Rs. 1,05,000 and nearly 97 or 98 engines have been so far purchased. To a layman like myself it appears that proper care was not taken for examining whether the first lot of engines was quite fit for the work for which it was intended. The first accident that was brought to the notice of the Railway authorities was in February, 1929, and they came to know then that these engines were not working properly on fast passenger trains, that they were showing a tendency to hunt violently and also they were distorting the track. In 1929, the authorities discontinued the use of these engines for two years. In 1931, the engines, after some changes, were again put on fast passenger service. In 1933 it was found that the engines were still hunting and producing distortion. There was another accident in 1933 and after six months it was decided to withdraw the XB engines from mail service, and after another six months an order was passed that from 1st June, 1934, the speed limit of these engines would be restricted to 45 miles an hour, when these engines were operating on 88½-lb. rail tracks during the monsoon season. We have heard just now that the Agent directed that there ought to be changes accordingly in the time table, but in spite of orders restricting the speed to 45 miles an hour, we find another XB type engine was used to carry a fast passenger which was booked to run over 45 miles an hour. That shows that the authorities were not careful in finding out particular types of engines for fast work when this type was working unsatisfactorily. I find from the report that this XB type was used for the 17-Up train and the train had a booked speed of over 45 miles an hour. But in spite of the restriction order of the Agent, this XB type of engine was used for that train, and this clearly proves negligence on the part of the authorities to take proper care for the lives and safety of the passengers in the train. And the next thing that I find very surprising is that the Senior Government Inspector has reported that an engine fit for a speed of 45 miles an hour cannot be attached to a train whose booked speed is in excess of 40 miles an hour. This statement clearly shows that the authorities were not careful and did not exercise proper caution in making use of this engine on a fast passenger service. The authorities knew that the engine was booked to take out a train running at a speed of over 45 miles an hour though there was an order by the Agent that the speed of this engine should be restricted to 45 miles an hour only.

[Mr. V. V. Kalikar.]

Then Mr. Sapru has told us what is corroborated by the evidence and appears in the report that at the time when this XB engine was put on 17-Up there was no other engine in that particular shed, the Jhajha shed. That shows that no proper care was observed, when the authorities knew that between 1928 and till 1937 there were so many incidents which ought to have shown to them that this type of engine was quite useless for fast trains, and in spite of that they used that engine on the 17-Up train.

Then Mr. Sapru has referred to a letter which the Divisional Superintendent of Dinapore had written to the authorities about the unsatisfactory nature of the working of these engines. That shows clearly that though the authorities knew that the engines were not working satisfactorily still they used those engines on fast passenger trains and they therefore could be charged with negligence.

Sir, as my time is over I would deal with only one point and that is about the unsatisfactory nature of the conduct in the inquiry on the part of the Railway authorities. We have before us the statement of the learned Chief Justice that during the inquiry the Railway authorities trifled with his orders about producing books, documents and certain papers. Not only that, but as the report shows, a witness who wanted to give correct evidence before the inquiry was hectored and bullied by another official. If this inquiry had taken place in an ordinary civil court, I am afraid they would have been charged with contempt of court. The position is this, there was no judicial inquiry in such matters up till now. When an accident happened it was suggested that it was due to sabotage and the matter was whitewashed. So I find they were reluctant to afford ample opportunities to the Tribunal to come to a definite conclusion. I therefore submit that this action on the part of the Railway authorities is not satisfactory.

Sir, I am really sorry to find also that one of the officers left India before the inquiry. I understand he was Mr. Robertson. I do not understand why he should have left. The remarks of Sir John Thom can be found on page 71 about this officer. Sir John Thom states that this officer deserted his colleagues when the inquiry was going on. His presence at the inquiry was most essential and steps ought to have been taken by the Railway authorities to detain him.

In conclusion I submit that to a layman like myself it appears that there was gross negligence on the part of the Railway authorities in not taking proper care in using these engines on fast passenger services.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : The Resolution which my Honourable colleague Mr. Sapru has so ably moved does not require much to be said in favour of it, because most of it is based on the findings of a judicial inquiry presided over by a Judge of the eminence of Sir John Thom. The real matter at issue in this Resolution is

this: are we satisfied with the action taken up till now by the Government in the Railway Department, or do we wish something more to be done. I will not weary the House with all the details which have been dealt with by other Members, but I should like to say one thing. Mr. Ramadas Pantulu in his speech has said that these engines were received without knowledge whether they would work well or badly and hasty orders were placed; but my complaint is that they were purchased in spite of definite proof that they were a failure. The engines were first bought in 1928 and from the very beginning there were troubles. The first case of distortion of track was noticed on the 8th February, 1929. On the 12th June, 1929 they were withdrawn from fast passenger traffic. They were imported because it was thought that they would be cheaper and a more efficacious means of locomotion, but within a year and a half even this slow-moving Government realized that they were proving a failure. They continued the purchase of these locomotives in spite of failure and of the opposition in the two Houses of the Legislature. We had occasion in this House to point out how big a failure these XB engines had been. We, Sir, are laymen, but even when their own people point out that the thing is not a success, still the purchases are not discontinued. What was behind this? There ought to be a searching enquiry into the motive behind this purchase. A thing is provided in the country by their own experts, by the people who are using it themselves to be unsuitable, still why should the purchase be continued? I might also question the competence (or rather the possibility of improving on what is to be obtained in the general market) of our Central Standardization Office, because these engines were designed, I am told, by this big department of ours. It was on their own design basically that these engines were manufactured. I am not going to weary the House with all the details of the track distortions and other troubles which these engines gave. Suffice it to quote only one sentence from an expert which has been quoted by Sir John Thom. This statement is made in paragraph 70. The learned counsel for the Railway Company said:

"I may mention, in passing, my Lord, that my instructions are that in the earlier stages of running this type of engine in 1928 their behaviour was so extraordinary and unforeseen that the engineers sat down to rebalance them".

After the improvements made in 1933 it was theoretically found that they would not give any more trouble and that hunting would cease. In January, 1934, four cases of track distortion occurred which resulted in the second withdrawal of these engines from hauling mail trains. In paragraph 67 the contention of the Railway Company that these engines would not distort the track below 60 miles per hour has been refuted. The Honourable Mr. Clow in the other place while discussing this Motion said——

THE HONOURABLE THE PRESIDENT: Please do not read it.

THE HONOURABLE MR. HOSSAIN IMAM: I will just paraphrase it. He admitted that in spite of endeavours these engines have not been cured of their hunting tendencies. Technical improvements were made, but the net result is that the defect is not fully cured and the engines have never been satisfactory. Those were the words that he used. What I wish to insist is that

[Mr. Hossain Imam.]

the Expert Committee which has come out to India to inquire into this matter should deal not only with the improvements which ought to be made in the engine but it should go into the past history and find out the motive behind this continued purchase. I want an inquiry on the lines on which inquiries are held in the United States of America.

THE HONOURABLE SIR GUTHRIE RUSSELL: If the Honourable Member will suggest what the motive is I shall be able to reply.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, the thing has proved an absolute failure.

THE HONOURABLE THE PRESIDENT: You talk about the motive and the Chief Commissioner for Railways would like to know the motive. I understand that you insinuate that there was something behind it.

THE HONOURABLE MR. HOSSAIN IMAM: I am not insinuating anything, but I want a searching inquiry into the past history to find out whether it was really false pride: that because the thing has been evolved in India and it needs must be A1, that was responsible for this continued purchase; or was there any other reason? I do not know the motive behind it, but there must be some motive behind it.

THE HONOURABLE THE PRESIDENT: Sir John Thom does not say that there was motive behind it, and so I think you have no authority to say anything of that sort because the judgment of the Tribunal is quite sufficient to show that there was no motive.

THE HONOURABLE MR. HOSSAIN IMAM: In paragraph 182 Sir John Thom says:

"I am of the opinion that in the interests of the public the design, the purchase and the continued purchase of these engines should be the subject of a thorough, searching and independent inquiry".

THE HONOURABLE THE PRESIDENT: That is quite different.

THE HONOURABLE MR. HOSSAIN IMAM: He does not only refer to the continued purchase but he also refers to the purchase originally made——

THE HONOURABLE THE PRESIDENT: But he does not attribute any motive.

THE HONOURABLE MR. HOSSAIN IMAM: He is a judicial officer of a very high standard and his words are such that I cannot copy, but when he wants an inquiry into the purchase, into the past history, what does it mean? You do want to know why it was continued. If the thing has not proved such a gross failure we would not have suggested that the past history should be raked up and Sir John Thom would not have said that the continued purchase of this type of engine should be subjected to an inquiry; he refers to the purchase as well.

Now, Sir, I come to two definite matters more and then I shall conclude. The Honourable Mr. Sapru has suggested that an inquiry should be made into

the conduct of officers who are responsible for this accident directly or indirectly.

THE HONOURABLE MR. RAMADAS PANTULU: It is promised.

THE HONOURABLE MR. HOSSAIN IMAM: I want a list of the people whom the Railway Board regard as persons who would be asked to reply to chargesheets, and I also wish to know what steps they propose to take against Mr. Robertson and also the Agent for his error of judgment in allowing him to proceed on leave on the most flimsy ground that could possibly be made—that he had to deposit some amount of money at a London bank. In these days it does not require my personal presence in Calcutta if I wish to deposit any money in a bank there. I can do it through my bankers over here. Transfer of funds is not at the moment a physical transfer of bullion. It is done through the banks. Secondly, Sir, the fact that he had taken a house for the winter in Switzerland is that a sufficient excuse for a man of his position, a head of a department, which is subjected to a judicial inquiry of which there is no example in India? When we read the statement of the Agent of the E.I.R. in the papers at the time of the inquiry, we were shocked and Sir John Thom has very mildly stated this matter in his report by saying it is regrettable that he elected to desert his colleagues. And the remark which Sir John Thom makes on his excuse is that such considerations were in the circumstances small and petty. I go further, Sir, and say his absence amounts to contempt of court.

1 P. M.

Secondly, Sir, I would like to say a few words about the remarks of our Honourable colleague Mr. Pantulu about compensation to the sufferers and the relations of the victims. Sir, people have incurred the highest loss that they could suffer—loss of life. Are we at this moment to consider the petty matters of pounds, shillings and pence? Is not the existence of the State itself a method by which inequalities should be removed? And at such a juncture, after such a disaster, however generous you might be you cannot give adequate compensation for the loss of life. And is this a time for the Leader of the Congress Party to trot out the truism that it is the taxpayers' money and therefore it should not be spent? I think, Sir, it is going too far.

THE HONOURABLE MR. RAMADAS PANTULU: I want justice.

THE HONOURABLE MR. HOSSAIN IMAM: Justice, Sir, is based on the capitalistic principle that a rich man deserves a greater reward and a poor man a lesser reward. Human life is valuable and no amount of compensation is enough to pay for that.

Sir, before I sit down I should like to say that I hope that, as the Resolution is mostly based on the recommendations of Sir John Thom, the Government will see its way to accept it, and I entirely endorse Mr. Pantulu's request that the Honourable the Chief Commissioner should lay the report and let us discuss it.

THE HONOURABLE SIR GUTHRIE RUSSELL (Chief Commissioner for Railways): Sir, I have been asked by the Honourable Member for Railways to apologise to the Council for not being present here this morning to take part

[Sir Guthrie Russell.]

in this very important debate, but, as you know, Sir, he is engaged in piloting the Motor Vehicles Bill through the Assembly and it is quite impossible for him to be in two places at the same time.

Now, Sir, I am in rather a difficulty about this Resolution. To a certain extent my lips are sealed because many of the things that arise from Sir John Thom's report are at present *sub judice*. There are certain portions of the Honourable Mr. Sapru's Resolution which I can accept without the least hesitation, and there are others that I must oppose, mainly for the reasons I have given, that cases are *sub judice*. Certain officers have been accused or it has been suggested that they were negligent. These cases are *sub judice*.

My Honourable friend Mr. Pantulu has done me a service. He has put forward an amendment to the Resolution very much on the lines that I was thinking about myself. When considering Mr. Sapru's Resolution, I actually took his Resolution and scored out certain lines and said to myself: " As far as I can see, I can accept most of the rest ". Well, apparently the Honourable Mr. Pantulu has done very much the same thing and we have got to very much the same result. But I think it is due to the Honourable Mr. Sapru that I should explain in a certain amount of detail why I cannot accept his Resolution in full. I, like my Honourable friend, deplore the loss of life occasioned by the Bihta disaster and offer my sympathy and the sympathy of every railwayman in India to the relatives of the dead and the injured. It is not within the power of Government to alleviate all the distress of mind that has been caused by this accident. All Government can do is to try in some material way to compensate the relatives of the dead and the injured. Unfortunately, that is all the Government can do. I think it was my Honourable friend Lala Ram Saran Das who stated that for assessing the compensation payable independent committees should be set up. I do not think he can have read the Honourable Mr. Clow's speech in the Assembly, when I think he explained more or less the composition of the committees we have set up. Five Governments—Bengal, Bihar, Orissa, the United Provinces, and the Punjab, have agreed to set up local advisory committees for assessing compensation. These committees comprise the district magistrate, a railway representative, and a gentleman of the district nominated by the district magistrate. Now, I can think of no more independent committee than that. The procedure is as follows. Claims are received. These claims are examined by the Railway authorities and offers are made and in certain cases accepted. Other cases are sent to the district committees. (*An Honourable Member*: " What about the many suits that have been filed in the Calcutta High Court ?") I have not been informed of these. The cases I am dealing with at present are such as are being settled amicably. The Railway Company communicates to the man what compensation they are prepared to pay ; if the claimant is not satisfied the case is sent to the appropriate district committee for consideration; the district committees call before them, it may be the injured man or it may be a legal representative or some other representative of one of the relatives of the killed and they state their case. These committees have authority to increase the amount of the compensation suggested by the Railway up to 20 per cent. or Rs. 300,

whichever is less. If they consider that even this is not generous enough, they refer the case back to the Railway and I may say that in certain cases the Railway have already accepted the recommendations of the committee for increased compensation, and up to the present, so far as I know, the Railway have not refused to accept any of the recommendations of the committees.

The actual state of the case on the 10th September was as follows :—136 claims have been received covering 97 killed and 99 injured. Offers of compensation have been made in 97 cases covering 53 killed and 80 injured, the total amount of compensation offered so far being Rs. 1,42,000 odd. Acceptances of offers of compensation have been received in 47 cases covering 19 killed and 44 injured. Pay orders in these cases have been issued to the extent of over half a lakh of rupees. 21 cases have been referred to district committees for settlement.

To go on with the Resolution. I also, like the Honourable Mr. Sapru, view with grave concern, the findings of the Honourable Sir John Thom. Up to this point there is no disagreement between us. But beyond that, there are a number of lines that I have scored out, and the reason I have done this is as follows. If we accept the Resolution as it stands it involves accepting the guilt of a certain number of Railway officers. Now, as the Council, I think, are aware, under British Indian jurisprudence every man has the right to be heard in his own defence before he is condemned. Sir John Thom himself in his report has made it quite clear that he was not there to assess personal responsibility. In fact, he says : " It is no part of my task to allocate responsibility". Before we condemn any officer, as I said, he has a right to be heard, he has a right to have his case reviewed by the Public Service Commission before the Government of India pass orders. Further, he has a right to produce fresh evidence if he can. The findings of the learned Chief Justice are based on the evidence that was laid before him. But, if in the course of further inquiry, an officer can produce further evidence which contradicts some of these findings, he has got a perfect right to do so. I will take one case, and then two or three cases raised by various Honourable Members. Take, for example, the strictures passed on Mr. D. M. Robertson in paragraph 174 where the learned Chief Justice says :

" On Mr. Turner's letter no action whatever was taken. This is, indeed, amazing, in view of the terms of that letter, etc.".

Now, evidence which has come to light since the inquiry was held shows that immediate action was taken on the letter by Mr. Robertson.

THE HONOURABLE MR. HOSSAIN IMAM : Why was not that evidence placed before him ?

THE HONOURABLE SIR GUTHRIE RUSSELL : The E.I.R. Administration should have placed that evidence before Sir John Thom.

THE HONOURABLE MR. HOSSAIN IMAM : Who was responsible for that mistake ?

THE HONOURABLE SIR GUTHRIE RUSSELL : I do not know.

THE HONOURABLE THE PRESIDENT : Counsel, I suppose.

THE HONOURABLE MR. HOSSAIN IMAM : No, Sir.

AN HONOURABLE MEMBER : Was he instructed ?

THE HONOURABLE SIR GUTHRIE RUSSELL : Whether the action taken was adequate or not is a matter for investigation, but action was taken.

THE HONOURABLE MR. HOSSAIN IMAM : What was the action taken, may we know ?

THE HONOURABLE SIR GUTHRIE RUSSELL : The time tables were gone into and the timings were reviewed. That was the action taken.

My Honourable friend Mr. Hossain Imam took the Agent to task for allowing Mr. Robertson to go on leave. To get a full appreciation of the case, you have got to read the report with the evidence. The learned Chief Justice on page 976 of the evidence states :

" I do not take the matter as very serious except that it would have been better if he had been cross-examined ".

The accusation is against the Agent. I may tell the Council that the Agent himself consulted the Railway Board and Mr. Robertson was allowed to go on leave with the cognizance and full approval of the Railway Board. So, if there is anybody to blame, it is the Railway Board. At the time when Mr. Robertson was allowed to go, there was no indication whatsoever that he was in any way personally responsible. Admittedly it was unfortunate that he was allowed to go, I agree that as things have turned out, he should have been kept behind.

(At this stage, the Honourable the President vacated the Chair which was taken by the Honourable Sir Ramunni Menon.)

My Honourable friend Mr. Sapru, I think it was, took the Chief Operating Superintendent of the Railway to task for making punctuality his watchword. Well, if he knows of a single Chief Operating Superintendent on any railway throughout the world who does not insist on punctuality, consistently of course with safety, I would like him to introduce me to that man. Presumably he bases his opinion on the demi-official letter of Mr. Robertson in paragraph 142 of the report. He also talked of Mr. Robertson's craze for speed. In that letter, as far as I can see, Mr. Robertson never mentioned the question of increasing speed. All he said was that the trains on the E.I.R. ran so slowly that there was no necessity for them losing time. I must admit that when I got the Honourable Sir John Thom's report, I was rather amazed at the table showing the time made up by drivers. I had the specific case mentioned at page 53 checked. It is said that the driver made up 23 minutes, but actually he made up only 18 minutes, because five minutes are allowed in the time table for restrictions. When making up that 18 minutes, he never needed to run over 56 miles an hour. Take the cases of the other drivers. So far as possible, the timings of the trips on which these drivers were engaged during October, 1936, have so far as possible been checked and so far as we can make

out in no case was it necessary to exceed the maximum permissible speed of 60 miles per hour.

The Honourable Mr. Sapru referred to Mr. Jones, the Deputy Mechanical Engineer, and accused him of tampering with witnesses. I think some Honourable Member said that in an ordinary court, he would have been prosecuted for contempt of court. The decision to have a court of inquiry was made on the 1st or 2nd of September. Before that, nobody outside the Government of India could have any knowledge that a court of inquiry was going to be held. The conversation referred to took place on the 12th August, that is, roughly three weeks before the decision to have a court of inquiry was made. A court of inquiry had never sat before on any Indian railway accident, in the history of Indian railways. I do not think even Mr. Sapru could claim, with that explanation, that Mr. Jones was deliberately attempting to tamper with witnesses. I think these examples will show how dangerous it would be for me to accept the whole of my Honourable friend's Resolution. I am quite certain that the learned Chief Justice would not accept it himself.

That is as regards officers. Now for XB engines. Sir John Thom has said that

"The evidence placed before me during the course of the inquiry leaves me in no doubt whatever that XB engines, *so far as the E.I.R. is concerned* have proved a failure".

He also stated to Counsel :

"I have indicated again and again that I intend to pass no judgment on the type of XB engine".

Now, it is a fact that on certain Railways in India XB engines have been running successfully. Till recently on the M. and S. M. Ry., XB engines were subject to a speed restriction of 70 miles an hour without any cause for anxiety. This speed has been reduced awaiting the report of the Pacific Locomotive Committee, not because the Administration considered it necessary but merely as a safeguard. Are there any special conditions on the E. I. R. which affect the running of these locomotives or are there special reasons for the difficulties which they have experienced in their use or is the cause negligence on the part of the Administration. If the latter, a number of officers are involved and we cannot pass judgment, as I have already explained, till all these officers have had a chance of stating their cases. If it has something to do with some special features of the E.I.R. track, or special features of the soil, we shall hear what the Pacific Locomotive Committee has to say about it.

My Honourable friend Mr. Pantulu's amendment omits certain words from the original Resolution. These are roughly the words that I myself had thought of asking my Honourable friend Mr. Sapru to delete and are as follows :—" Responsible for the accident " and " against those officers who have adversely commented upon by Sir John Thom ".

As regards the last part of the Resolution, as the Council are aware, Government have already accepted this portion of the Resolution and the Pacific Locomotive Committee is at present functioning. Actually today,

[Sir Guthrie Russell.]

I understand, it is at Jamalpur. It has completed its inquiries on the S.I.R., the Nizam's State Railway and the G.I.P.R. and it is now on the E.I.R. So there is no difficulty about accepting that part of the Resolution.

Certain Honourable Members raised questions about the suitability of the personnel of this Committee. One Honourable Member stuck to his opinion that Indian experts would have been better. Now, if the Committee had been composed of Indian experts they would have been drawn from the Railways ; there is no other source of supply. What would this Council have said if we had appointed Railway Officers and they had cleared the XB locomotive ? The Council would certainly never have accepted the opinions of officers connected with our Railways if they had given XB engines a clear bill of health. I do think the composition of the present Committee is a reasonable one. We have got three experts from Britain and one from France, and we have an eminent Indian civil engineer. Somebody pointed out, that we have not an Indian mechanical engineer. There is no Indian mechanical engineer of the same eminence, and after all civil engineers do know something about mechanical engineering.

I cannot prophesy what the recommendations of that Committee are going to be, except for one thing. I can prophesy they are not going to impute dishonesty to the Members of the Railway Board, the Consulting Engineers and those responsible for building these engines. That is the only thing I can prophesy. I understand that that was my Honourable friend Mr. Hossain Imam's allegation, though when I tried to get him to come out into the open he went back into his burrow !

I can assure the Council that any recommendation made by that Committee will receive the fullest consideration of the Railway Board and we shall endeavour to do our best to avoid similar accidents in the future and to maintain, or perhaps Honourable Members would prefer that I should say to re-establish the reputation for safety which Indian railways have had for so many years. I accept therefore the amendment to the Resolution put forward by my Honourable friend Mr. Pantulu.

I do not think I need say very much more. The Council might be interested in what action has been taken by the Railway Board as a result of the Honourable Sir John Thom's report. Immediately on receipt of that report the Railway Board sent a telegram to every first class railway administration in India convening a meeting to discuss the situation. At that meeting were Agents, Chief Engineers, Chief Operating Superintendents, Chief Mechanical Engineers. Each Railway had I think about two representatives, and the Senior Government Inspectors were also present. At the same time we advised Railways with X class locomotives, not only XB class, to reduce the speed to an absolute maximum of 45 miles an hour where there had been any signs of distortion accompanied by hunting during the previous year. Many things were discussed at this meeting but the main item and the one which I think should interest the Council most was as follows : -

"The adequacy of existing safeguards from the point of view of the public, including—

(i) the necessity, if any, for serious changes in operating technique, *e.g.*, speed restrictions, prohibition of certain types of engines on certain sections ;

(*ii*) the question of the margin between booked speeds and the maximum permissible speed of engines ;

(*iii*) the necessity, if any, for works not at present contemplated, *e.g.*, relaying or re-sleepering ;

(*iv*) the question of standing instructions to subordinate authorities for guidance in emergent situations (paragraphs 153-155 of Sir John Thom's report) ;

(*v*) the present arrangements for bringing to the notice of Railway Headquarters or the Central Standards Office and/or the Railway Board abnormal occurrences such as track distortion and hunting ".

In opening the meeting I remarked as follows : –

" Our present operating technique has grown up after very many years and has been altered from time to time. I think I am correct in saying that it is based on the operating technique in Great Britain but there may be loopholes and weak links. If there are, it is for us to fill up the loopholes and strengthen the links ".

And that, I can assure the Council is what every Railway in India is doing today.

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

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

THE HONOURABLE THE PRESIDENT : I understand that Sir Guthrie Russell has accepted the amendment of the Honourable Mr. Ramadas Pantulu. As this is the last non-official day, I am very anxious to finish all the work on today's agenda paper. I would like to know if other Honourable Members are desirous of speaking on this Motion. Unless there is something new which they have to state, I would like to call upon the Honourable Mr. Sapru to reply.

THE HONOURABLE MR. HOSSAIN IMAM : Some of us are very anxious to speak. The agenda is not very heavy ; many of the items down below will not be moved.

THE HONOURABLE MR. R. H. PARKER (Bombay Chamber of Commerce) : Sir, I have just two or three small points which have not been mentioned. It does not follow that because this particular locomotive is a failure that all locomotives of that type are failures. I have myself known a bad Rolls Royce. Further, apart from this technical inquiry which naturally ought to take place and which is taking place, I presume there will be full investigation into the responsibility of any railway official concerned and I think we gathered that from what the Honourable the Chief Commissioner for Railways said. I do not want to make any reference to any individuals except one, one gentleman who was accused by Mr. Hossain Imam and who was accused also in another place of running away. I think that is rather unfair because he is not here to reply. I think we must accept the explanation given by the Honourable Mr. Clow and the Chief Commissioner—that he volunteered to stay, the Agent referred to the Railway Board, and the Railway Board thought he might go. We must leave it at that. I have nothing more to add.

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN (United Provinces West : Muhammadan) : Sir, I have a very few words to say. When

[Haji Syed Muhammad Husain.]

I saw the Resolution on the agenda I wondered why this Resolution was put, because I always believed that the recommendations contained in the report of Sir John Thom would necessarily be looked into and the inquiry or investigation would be held, but then I thought that it was the usual suspicion which most of us have against the bureaucracy of whitewashing their mistakes that this Resolution was tabled to get an assurance that the recommendations will be acted upon and I am really very glad that the Chief Commissioner for Railways got up and dispelled that suspicion of ours. When an inquiry is made, it is made with a certain object. It is made to elicit the facts and to obtain a considered opinion with a view to act upon it ; and when the Government appointed a person of such integrity and impartiality as Sir John Thom I expected that his opinion will be given due weight ; and, as I said, the Chief Commissioner for Railways has already taken some actions and is prepared to take others. When the Honourable the President asked whether there were other speakers and my friend Mr. Hossain Imam answered in the affirmative, it was because I wanted to say that the Honourable Mr. Hossain Imam did not mean to attribute any motive when he said that there must be some motive in maintaining and also in acquiring these dangerous white elephants, *i.e.*, the XB engines. What he meant was that according to the report of Sir John Thom, a searching investigation was recommended to be made into the continued purchase of these engines. He meant that there is something extraordinary about it—when, in spite of the experience gained of these XB engines and their naughty behaviour, the authorities still persisted in purchasing and maintaining them. It is extraordinary and it certainly requires explanation. That is why the Chief Justice recommended an inquiry in his report and my colleague the Honourable Mr. Hossain Iman wanted that it should be made, and the reason why favour to XB engines was being shown should be given to the House.

So far as the amended Resolution is concerned, it is absolutly non-controversial and I do not think that it is possible for anyone to oppose it. It may be that the remarks made by Honourable Members in the course of the debate might require some refuting, but so far as the Resolution is concerned, it is absolutely sound and necessary and I am glad that the Chief Commissioner has accepted it.

THE HONOURABLE SIR A. P. PATRO (Nominated Non-Official): Sir, I take the hint which you have given, namely, that the debate may not be prolonged ; but there are a few facts which I wish to place before the House. This Resolution has brought out two prominent facts, strange facts. One is that the Congress and the Government do join hands together in the matter of amending the Resolution and it is strange that so suddenly the Government should have accepted the amendment suggested by the Congress Party. Secondly, it is also strange that one who feels very great sympathy for the suffering millions in this country and who wants justice to be done to the poor people, to give them adequate compensation for any damage in the matter of crops or failure of crops, water supply, etc., even in this case where a tragedy like this has occurred and lives were lost, people had been mutilated and their

life had become a misery, yet the great sympathy of the Congressman does not give them generous compensation, but only just compensation. That is the kind of sympathy which the Congressman has disclosed in the debate on this Resolution. These two strange facts, namely, Government and Congress joining hands———(*An Honourable Member*: "That shows that Government is so fair".) Yes. Therefore, my point is this, that there is no difference then between the views and policies entertained by the Government officials and by the Congress side and all the agitation that is made and all the criticism that is offered and all that has been said here or elsewhere against the Government is only show, is not real. That is the point that I want to submit to the House. That this Resolution has disclosed these two strange facts.

Sir, there is another matter which I wish to bring to the notice of the House, namely, that the report of the Chief Justice has dealt with the matter very well and exhaustively; it is a very learned report based on the evidence that was placed before him, which he sifted on all sides before he came to conclusions. There are two matters on which he came to conclusions,—that this grave disaster—the derailment of the 18-Down train near Bihta resulted from distortion of the track which was caused by XB class engine No. 1916 running at excessive speed and hunting; secondly, that the accident is directly attributable to negligence on the part of the Railway Company, and the Railway Company are accordingly liable in damages to those who were injured and the dependants of those who were killed in the accident. That is the conclusion arrived at by the learned Chief Justice who had gone into the matter. Ultimately says the report that the physical cause is attributable to the negligence of the Company. The Company had noticed that this particular engine had not been behaving properly, that on three preceding trips it had shown a marked tendency to hunt violently and was hunting very violently when the engine reached the new bank over the submerged opening when the track gave way. Therefore, Sir, the officials who were responsible for this trip of this engine were aware of the defects in the engine and knowing that they nevertheless allowed it to go in this way. Now, the railway officials wanted to make out that it was all due to the bad track, that the track was not at all sound and gave way. But the evidence of the mechanical engineers is discounted by the learned Judge who finds that that was not the cause. The track was good. The Company was not responsible so far as the track is concerned. Where their responsibility comes in is that, in all the circumstances which they had before them of the previous working of this engine, they should have taken no care to see that this engine should not have been used. Therefore, Sir, with their eyes wide open they allowed this disaster to take place. Apart from the reports of track defects and bookings for hunting, the learned Judge says the Railway Company was most definitely and pointedly warned of the danger that attended the use of these XB engines, but the warning was not heeded. What was wrong was that the caution order was not properly communicated. But the point that I wish to emphasise is this, that the investigation will have to be, for the purpose of compensation, by the district magistrate, a nominee of the district magistrate and a representative official. I have no quarrel with the composition of this committee and I am sure that the committee will do justice to all those who have suffered in the disaster. But the matter

[Sir A. P. Patro.]

to be remembered is that they should not omit to take evidence of the status of those who have suffered by this. It is that the estimate of damages should be in accordance with the position of the people who have suffered in the disaster. As I said, it is not merely a question of dealing justice according to a standard which some people may have. My Honourable friend would like that capitalists and others who suffered damages should be awarded full and generous compensation, but in the case of these poor people the compensation should be just and not generous. What is the standard of just compensation ? My friend has no idea. Nor could the Congress people set up an ideal by which this just compensation could be judged. Therefore, it is very vague. But I am sure that the committee will have before them all the evidence relating to the economic and social position of the parties and generous compensation will be given so that these people may be properly compensated for loss of life. In some cases, where the only person who was the earning member of the family has been cut off, what is to become of the family ? Therefore, in such cases, not only compensation but generous compensation is needed. It is not merely a compensation which will satisfy the representatives of the capitalists, but one which will satisfy the man in the street. (*An Honourable Member*: "What is your idea of a generous compensation ?") Wait and see.

Sir, in the matter of placing the report before this House for the purposes of discussion, I would like to support the right of this House for the purposes of discussion. Certainly the Government will give an opportunity for discussion. But the discussion cannot be more than what we have had today nor can anyone improve on the discussion we have had today. No useful purpose will be served by further discussion, unless it is only for making a point that we have been able to force the Government to place the report before the House. The report has been exhaustively debated in the other House and here today. What else are you going to discuss ? Therefore, I say that such demands and such requests can only come from persons who are not real advocates of the people but only opportunists for the time being and for the purpose of demonstration.

Now, Sir, you also had a demand from one Honourable Member that these experts must be from India. But look at the points which the experts have to discuss. They can only be discussed by men with engineering experience, by men who are acquainted with the working and the mechanism of these engines and who have seen varieties of these engines and can give an opinion on such matters and say whether these engines should continue to be purchased or should be dispensed with. It is not for lawyers and landholders like ourselves to say whether these engines are particularly suited to the track. It is an absurd argument to say that laymen can be of use on an expert committee. Therefore, I say it is not a real request. These contentions are only for the purpose of advertisement. (*An Honourable Member*: "What are you doing ?") I do it because it is my duty. But I feel that it is my duty to expose the hypocrisy of these people.

THE HONOURABLE MR. G. S. MOTILAL: Sir, are these expressions—"advertisement" and "hypocrisy" parliamentary language ?

THE HONOURABLE THE PRESIDENT: Well, he is advertising himself!

THE HONOURABLE SIR A. P. PATRO: I cannot yield to my friend's opinions in the matter of politics or in the matter of legislation. I accept him as a good companion for the purpose of making money but I cannot accept him for the purpose of legislation. Therefore, I say I am rather surprised that out of ignorance my friend may stand up——

THE HONOURABLE MR. G. S. MOTILAL: I rise to a point of order, Sir. Is it Parliamentary to say "out of ignorance"? Otherwise, it should be withdrawn.

THE HONOURABLE THE PRESIDENT: I agree with you. It is not a question of Parliamentary expression but a question of good taste.

THE HONOURABLE MR. RAMADAS PANTULU: Decency.

THE HONOURABLE THE PRESIDENT: I hope the Honourable Member will not proceed to cast further reflections on his colleagues.

THE HONOURABLE SIR A. P. PATRO: I did not mean any reflection on my Honourable friend whom I know too well. What I do say is, whatever the form of the Resolution or the amendment, they point to the same conclusion. The Resolution wants that there should be an investigation and compensation. The amendment wants that there should be just compensation. Therefore, the Resolution and the amendment amount to the same thing, and therefore, there is no objection to having either the Resolution or the amendment.

THE HONOURABLE THE PRESIDENT (to the Honourable Mr. P. N. Sapru): I understand you accept the amendment?

THE HONOURABLE MR. P. N. SAPRU: Yes, Sir. But I will just explain my position. I shall come at once to the speech of my Honourable friend Sir Guthrie Russell. I was rather disappointed with his speech in one respect, and that was his attitude towards Sir John Thom. He did not thank him for the thoroughness of the inquiry. He did not say a word of thanks for the able report that he has submitted to the Government of India. It is quite clear that he does not like the report. But I think, Sir, that the thanks of the Government of India should have been conveyed to him and if the Government of India are not prepared to thank him——

THE HONOURABLE THE PRESIDENT: It is his concern, not your concern, whether they want to thank him or not.

THE HONOURABLE MR. P. N. SAPRU: I shall then come to the questions that have been raised by the Honourable Sir Guthrie Russell. I find that there is agreement between the Honourable Mr. Ramadas Pantulu and the Honourable Sir Guthrie Russell in regard to the character of the Resolution that this House should pass. Mr. Pantulu represents the Madras Government and Sir Guthrie Russell represents the Government of India and both of them can appreciate each other's point of view. We, Sir, represent neither the Government of India nor the Madras Government——

THE HONOURABLE SIR DAVID DEVADOSS: Mr. Pantulu does not represent the Madras Government.

THE HONOURABLE MR. P. N. SAPRU: Unofficially. Every Congressman, particularly a Congressman of his status, looks upon himself as the Government of the day.

THE HONOURABLE MR. RAMADAS PANTULU: I do not.

THE HONOURABLE MR. P. N. SAPRU: So, it is quite natural that there should be agreement between the two Governments, the Government of India and the Madras Government. So far as the amendment is concerned, I have no objection to it. It is substantially the same as the Resolution. He records his concern at the findings of Sir John Thom. My Resolution also expresses its concern at the findings of Sir John Thom. I went into greater detail. The amendment does not go into quite the same details. That is the only difference. Therefore, I have no objection to the amendment, and as there is no substantial difference between the amendment and the Resolution, I will not press my Resolution. But I would like to say a word about this compensation business. I think, Sir, compensation ought to be on a generous scale, and I endorse every word on this question of Sir A. P. Patro. I was rather sorry that Mr. Pantulu suggested that the compensation given should take into consideration the financial position of the Government——

THE HONOURABLE MR. RAMADAS PANTULU: I did not say that.

AN HONOURABLE MEMBER: He said it should be just not generous.

THE HONOURABLE MR. P. N. SAPRU: I would go further and say that it should be generous and not only just. Justice is a very difficult word to define. I think there are lots of people who have been hit by this disaster and our compensation should be on a generous scale. I have no objection to the machinery that Government have devised for settling this question of compensation.

I would now like to say one or two words about the conduct of the Railway authorities towards this inquiry. Sir Guthrie Russell did not actually justify the Chief Mechanical Engineer but he rather seemed to suggest that Sir John Thom had overlooked certain extenuating circumstances. I think he has not overlooked those extenuating circumstances. What Sir John Thom says is that when the Senior Government Inspector came to hold an inquiry, then the Senior Government Inspector was not given proper facilities for holding that inquiry because some of the railway officials were interfering at that time with the evidence which was being given by drivers and others——.

THE HONOURABLE SIR GUTHRIE RUSSELL: How does the Honourable Member get that from the report that during the time of the inquiry, any railway officer was interfering with the evidence?

THE HONOURABLE MR. P. N. SAPRU: I will just read from page 21, paragraph 61:—

"It is clear from the questions which were put to the drivers on the 12th August by the Deputy Chief Mechanical Engineer—a very senior officer—that he was trying to persuade them to

say that, despite the fact that they had booked the engine for hunting, the engine in fact did not hunt. He failed, but as one of the witnesses stated at the inquiry he gave the drivers the impression that he did not believe them. This may to a certain extent have accounted for the fact that during the inquiry the drivers J. and T. L. Martin were inclined to minimize the importance of the bookings. In view of the fact that these drivers were almost certain to be called upon to give evidence at an inquiry, judicial or otherwise, it is most unfortunate that the Deputy Chief Mechanical Engineer should have interviewed them and adopted towards them the overbearing attitude, which his questions to them clearly indicate he assumed".

What would you say, Sir, if a Sub-Inspector——

THE HONOURABLE SIR GUTHRIE RUSSELL: What the Honourable Member indicated was that during the Senior Government Inspector's inquiry there has been tampering with evidence. The Senior Government Inspector's inquiry was finished long before the 12th August.

THE HONOURABLE MR. P. N. SAPRU: Then this refers to the inquiry before Sir John Thom?

THE HONOURABLE SIR GUTHRIE RUSSELL: Yes.

THE HONOURABLE MR. P. N. SAPRU: That is much worse. During the time that the inquiry was going on, a high officer of the status of a Deputy Mechanical Engineer was trying to influence the witnesses to say things in which they did not believe. Nothing could be worse than that.

THE HONOURABLE SIR GUTHRIE RUSSELL: Sir, this conversation between Mr. Jones and the witness took place on the 12th August. Sir John Thom's inquiry started in the middle of October, to the best of my recollection. No orders were issued for that inquiry till September. How could this conversation have taken place during any inquiry?

THE HONOURABLE MR. P. N. SAPRU: When was the inquiry announced?

THE HONOURABLE SIR GUTHRIE RUSSELL: I think the inquiry was announced some time about the first or second week of September. The orders of the Government of India were I think dated the 1st September but I have already explained that in my reply.

THE HONOURABLE MR. P. N. SAPRU: Am I to take it that this statement of Sir John Thom is wrong?

THE HONOURABLE SIR GUTHRIE RUSSELL: The statement on the evidence he has before him is perfectly correct.

THE HONOURABLE THE PRESIDENT: You know as a lawyer that a Judge sometimes makes statements on matters not within their knowledge. What bearing has this on the Resolution?

THE HONOURABLE MR. P. N. SAPRU: It has a great bearing. Take the case of a sub-inspector who knows that a certain case is going to come before the court——

THE HONOURABLE SIR GUTHRIE RUSSELL: Surely the Deputy Chief Mechanical Engineer——

THE HONOURABLE THE PRESIDENT: What useful purpose will be served in this debate by your alluding to this so vigorously? Government have accepted the amendment of Mr. Ramadas Pantulu which means the Government have agreed to make an investigation into the responsibility of certain officers.

THE HONOURABLE MR. P. N. SAPRU: I have no desire to go into these questions, but I would like to say, Sir, that the inquiry into the individual responsibility of officers should be a thorough and searching one and no officer however high he may be should be spared. It must not be the drivers and foremen who should be dealt with but the bigger guns also, men like the Chief Operating Superintendent and the Deputy Mechanical Engineer and the other officials also who have come in for criticism. It should be an impartial departmental inquiry. Do not catch only the small fry but also the big fry.

THE HONOURABLE THE PRESIDENT: You have no reason to assume that the Honourable the Chief Commissioner is not going to take notice of the big fry.

THE HONOURABLE MR. P. N. SAPRU: That is quite true. I have no reason to assume that, only the speech of the Honourable the Chief Commissioner left on my mind the impression that he was in a sort of way apologising for these big guns, and that is why I considered it necessary to refer to certain passages from Sir John Thom's report. Otherwise I should have made no reference to this matter.

Well, Sir, that is all I have to say about this Resolution and in view of the fact that my Resolution is not substantially different from the amendment proposed by Mr. Ramadas Pantulu, I take leave of the Council to withdraw my Resolution.

THE HONOURABLE THE PRESIDENT: There is no question of withdrawing your Resolution. If the amendment is first put and if it is passed, then the Resolution automatically drops.

Sir Guthrie Russell, would you like to say anything more?

THE HONOURABLE SIR GUTHRIE RUSSELL: Just one or two words, Sir. I think in justice to my Honourable friend Mr. Pantulu and myself I should say that there was no unholy alliance, on this occasion we merely happen to agree.

There is one other thing I have to mention. One Honourable Member asked if the report of this Committee now functioning would be laid on the table. I can give the House that assurance. The report will be laid on the table, but I can give no assurance of an opportunity for discussion, that will depend on the course of business but I shall not oppose such a proposal. I also want to make it quite clear Government cannot commit themselves not to take any action on the report before its discussion. We cannot hand over the executive to the Council of State.

THE HONOURABLE THE PRESIDENT: The Question is that for the original Resolution the following Resolution be substituted and adopted: —

"This Council deplores the loss of life occasioned by the Bihta railway disaster, offers sympathy to the relatives of the dead and the injured, records its grave concern at the findings of the

Honourable Sir John Thom and recommends to the Governor General in Council that he should make full investigation into the individual responsibility of officers and after such independent investigation, take suitable action, and further that the design, purchase and continued purchase of XB engines should be the subject of a thorough, searching and independent inquiry and that action should be taken and all measures adopted for avoiding similar accidents in future."

The Motion was adopted.

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN (United Provinces West: Muhammadan): Sir, in view of the discussion which took place in the Assembly and in view of the statement made by the Leader of this House the other day about the Burma riots and the representation made by the Burma deputation, I would not like to move my Resolution at the present stage and wait for further developments.

THE HONOURABLE THE PRESIDENT: If you do not wish to move your Resolution, it is the practice here not to make any speech and you don't have to ask the leave of the Council to withdraw.

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN: Sir, I do not move the Resolution standing in my name.

CIVIL PROCEDURE AMENDMENT BILL.

THE HONOURABLE MR. SUSIL KUMAR ROY CHOWDHURY (West Bengal: Non-Muhammadan): Sir, I move for leave to introduce:—

"A Bill to amend the Code of Civil Procedure for certain purposes (section 104)."

The aims and objects are given in the Statement of Objects and Reasons. I do not want to say anything further now. I move for leave.

The Motion was adopted.

THE HONOURABLE MR. SUSIL KUMAR ROY CHOWDHURY: Sir, I introduce the Bill.

RESOLUTION *RE* EXCAVATIONS ON THE SITE OF KORKAI, ETC., TINNEVELLY DISTRICT.

*THE HONOURABLE SIR DAVID DEVADOSS (Nominated Non-Official): Sir, I move the Resolution which stands in my name, namely:—

"This Council recommends to the Governor General in Council that in the interests of archæology and Dravidian history orders be passed directing excavations—

(*i*) on the site of Korkai (Kolkai of Periplus) in the Tinnevelly District, Madras Presidency; and

(*ii*) on the site of pre-historic burials in a hillock near Tinnevelly town, Madras Presidency, which was recently brought to the notice of the revenue authorities."

The Dravidian civilization is a very ancient one. The Dravidians were highly civilized people with languages and literatures of their own long before the Aryans came down south. There are four Dravidian languages,

* Not corrected by the Honourable Member.

[Sir David Devadoss.]

namely, Tamil, Telugu, Malayalam and Canarese. Tamil is the eldest sister of the group and its literature goes back to the second millenium before Christ, if not earlier. Modern investigations and excavations go to show that the Dravidians came originally from Mesopotamia and built Mohenjo Daro and Harappa and other cities in the north and finally settled in South India, leaving traces of their progress, for instance, in the languages of the Bhils and Gonds of Central India. The excavations in Mohenjo Daro go to show that it must have been built at least three milleniums before Christ and attained a state of very high civilization. In fact their sewage system found in it has excited the admiration of modern engineers. That the Dravidian languages have a close affinity to the language of Ur of the Chaldees is proved by the fact that Ur is the same as *Oor* in Tamil meaning a town. It is the termination of so many cities and towns in India. Woolley's book on the Ur of the Chaldees is worth perusal. Though the history of the settlement of the Dravidians in South India is shrouded in obscurity yet the Tamil literature contains the narration of many events which can be said to be historic. One of the most important cities during the first millenium before Christ was Korkai. The following passages from Dr. Caldwell's History of Tinnevelly will show how ancient and of what great importance Korkai was. On page 9 this is what the learned author says :—

"The early Hindus must have been acquainted with the mouth of the Tamraparni long before they know anything of its inland course or of the falls in the mountains, so that I conclude that it was near its mouth, and probably at the place where its junction with the sea took place, that people bathed and performed austerities, as the gods are represented to have done, in the time of the Mahabharata. It would seem probable that there also, at Korkai, was formed the first settlement of civilized men in Tinnevelly, and it was there that the name of Tamraparni, by which the river became known, was first given to it".

Let me quote another passage. On page 14 this is what Dr. Caldwell says :—

"This at least seems certain from those statements that it was the belief of the earliest Singhalese that the Pandya Kingdom was in existence before the arrival in Ceylon of Vijaya and his colony of adventurers, that is, before the introduction into Ceylon of Aryan civilization, which can hardly have been later than 550 B. C. This seems to carry up the era of the first introduction of Aryan civilization into the Pandya country, probably at Korkai, to a very early period; shall we say about 700 B. C.? Ceylon was often invaded in early times by Tamilians from the mainland, but the invaders seem generally to have been, not Pandyas, but Cholas".

Then, Sir, let me read one or two passages from Maclean's Manual of the Administration of the Presidency.

"The most ancient capital of the Pandya country was Korkay at the mouth of the Tamraparny river. Korkay was the seat of Government at the time of Vijaya. It was esteemed even by the Greeks, several centuries later as the first port in Southern India, and they named it from Coletur or Gulf of Munnar. As the point where the more modern Aryan and Grecian civilizations, each in turn met the ancient Dravidian civilization, it is a place second in interest to none in India. It is now represented in name by an insignificant village five miles from the coast, but excavations in the neighbourhood show the remains of a once extensive area of human habitation. Even when Korkay being left inland owing to the deposits of the Tamraparny river gave place to Cauyal, the latter port nearly monopolized the trade between Southern India and China and Arabia. Under the influence of modern coast changes the centre of commerce has again shifted, but only slightly more north to Tuticorin. The chief industry of Korkay was probably the pearl fishery, and its chief commerce export of rice; two causes sufficient to collect an important oriental population. The migratory habits of the pearl oyster

have rendered the South Indian fisheries precarious, and the failure of these may have led to the abandonment of the coast as the seat of the Pandyan Government. After Korkay, there is some evidence that a place called in Sanskrit Calyanpoora was made the capital; if so its site cannot be identified. After this at any rate Madura became the chief city, having been founded possibly about the end of the 4th century B.C."

Then at page 421 he gives the latitude, etc., and says :—

"It is an ancient sea port well known to early European geographers. It was formerly at the mouth of the Tamraparny river, but the silt of the river has spread seawards; succeeded as a port by Cauyal, this in its turn left inland. Capital of the early Pandyas and one of the most important trading marts in India. Megasthanes mentions it B. C. 302. The author of the Periplus mentions it as a celebrated place for pearl fishery. In the Peutinger Tables, it is called Colchis Indorum to distinguish it from the Colchis in the Black Sea. The Greeks named the Gulf of Manaar from this place Colchic Gulf. It was the first port visited by the Greeks after rounding Cape Comorin and the first place on the Tinnevelly Coast whose name was recorded by them. Excavations have been made and quantities of remains discovered in the shape of ruined houses, sepulchral urns, pottery of all kinds, Chinese and Arabian included, and coins. The remains extend for many miles round. At the great Shiva Pagoda at Tinnevelly, the earth used in the ceremonies at the annual festivals is brought from Korkay as having been the habitation of Vamsha Coolashekhara Paundyan, who built the temple".

After the sea at Korkai became silted up owing to natural causes, a seaport was formed two miles to the south called Koyal. Koyal means a backwater—a lagoon opening into the sea. I will read one passage from Marco Polo. It is quoted in Caldwell's History at page 38:

"Cail is a great and noble city, and belongs to Ashar (Ishwara °), the eldest of the five brother-kings. It is at this city that all the ships touch that come from the west, as from Hormus (Hormuz), and from Kis (an island in the Persian Gulf), and from Aden, and all Arabia laden with horses and with other things for sale. And this brings a great concourse of people from the country round about, and so there is great business done in this city of Cail. The king possesses vast treasures, and wears upon his person great store of rich jewels. He maintains great state and administers his kingdom with great equity, and extends great favour to merchants and foreigners, so that they are very glad to visit his city. The king has some 300 wives, for in those parts the man who has most wives is most thought of".

No systematic excursions were carried out in Korkai. Dr. Caldwell, the celebrated missionary and savant did what he could as a private individual interested in history and archæology. That labour and expense of extensive excavations will be fruitful of good results can be asserted from the fact that when there is a flood owing to heavy rain old coins are washed up which are picked up by the inhabitants of modern Korkai. When I visited the place in July, 1936 the postmaster there who has a collection of them gave me a few old coins. The history of Korkai goes back to more than three thousand years and it was the seat of ancient Dravidian civilization and it is for this reason that I make an earnest request to the Government of India to order excavations on a large scale, so that knowledge of Dravidian culture and civilization may become known. It is a common idea that all civilization in India is Aryan. It is not so as Mohenjo Daro and Harappa have shown and Korkai will confirm it. No doubt the Aryans have assimilated a good deal of it and make out that everything came from them. A few months ago in the course of digging gravel and metal for roads, a number of sepulchural urns were discovered at a small hillock near the town of Tinnevelly which have been taken possession of by the revenue authorities and further digging was stopped. There seem to be more of such urns and they belong to the prehistoric or paleolithic period. They are of great archæological and scientific importance. If extensive excavations are made our knowledge of the past will be greatly increased. As the Government of India have the necessary means

[Sir David Devadoss.]

at their disposal not merely funds but also experts, I appeal to them earnestly to undertake the excavation of the site where the urns were found as well as in the vicinity.

With these few words, Sir, I commend my Resolution for the acceptance of the House.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Education, Health and Lands Member): Sir, I am sure that the House has been duly impressed with the antiquity of Korkai by the very extensive quotations from authorities which my Honourable friend Sir David Devadoss has placed before this House. He has described the glories of Kolkai and also of the somewhat extensive polygamous habits of one of its ancient kings! He has told us that it was a great place for pearl fisheries in ancient times. Sir, with your permission, as on this Resolution quotation seems to be in order, I too will quote from a Tamil author about the glories of Kolkai. I think one quotation will certainly add to our knowledge of the habits of these people. Here is the quotation:

"In the hamlets of this beautiful city of Kolkai, there dwelt those who drank toddy and who dived into the sea to procure rich pearls and shells".

I do not know whether the toddy drinking habit still continues from ancient times but certainly the pearl fisheries have disappeared.

I am at one with my Honourable friend in thinking that both archæological finds and references in ancient literature establish the great antiquity of Kolkai. There is no question that it was a flourishing city, one of the biggest trade marts of those days, that it was on the sea coast, that it had extensive trade connections. There is no doubt about the antiquity of this town. But the real question is—and there I am afraid I have to differ from my Honourable friend—whether we can with our present resources start excavation work immediately? My Honourable friend, in concluding his interesting speech, said that the Government of India had all the resources both in men and in money. I wish I could echo those views. I am afraid the resources of the Government of India, so far as the Archæological Department is concerned, are extremely limited. Therefore, while we recognize the antiquity of this town, I can at this stage say no more to my Honourable friend than that, if and when resources are available, we shall not lose sight of the suggestion that he has made that excavation should take place in this town. I may inform him that, in regard to the site of the prehistoric burial grounds, which are situated on the Kunnathur hillock, the Government have already taken steps to preserve a hundred acres. I believe this hillock is used for quarrying purposes and we are now protecting 100 acres where these prehistoric burial places are likely to be found on excavation.

I hope that, in view of what I have said, that is to say, that we recognize the antiquity of the town and that we quite sympathise with the object of my Honourable friend that more light should be thrown on ancient Dravidian history, he will agree with me that the time when excavations should take place must depend on the funds available to the department. We have a

large number of sites which can be excavated throughout India and the order in which the work of excavation should take place must, I am afraid, be determined by the Government of India in consultation with its expert advisers. I hope, in view of the remarks which I have already made, my Honourable friend will withdraw his Resolution. I am sure the House has learned something new. I am sure a good many Members had never heard the name of this ancient town of Korkai and the information which my Honourable friend has given today during the course of his speech will rouse the interest of many Honourable Members in ancient Dravidian history.

THE HONOURABLE SIR DAVID DEVADOSS: Sir, in view of what the Leader of the House has just said, I beg leave to withdraw my Resolution.

The Resolution was, by leave of the Council, withdrawn.

CHARITABLE DISPOSITIONS BILL.

THE HONOURABLE MR. G. S. MOTILAL (Bombay: Non-Muhammadan): Sir, I beg to apply for leave to introduce:

"A Bill to provide for Charitable and other Dispositions of Property."

Sir, the object of the Bill is to provide for validating trusts made for charity and for purposes of public utility without specifying a particular charity or a definite object of public utility. Sir, I have explained in the Statement of Objects and Reasons what the scope of the Bill is.

THE HONOURABLE MR. R. H. PARKER (Bombay Chamber of Commerce): Sir, on a point of information. I do not quite know what the procedure is but I am advised that this Bill is *ultra vires* under the constitution.

THE HONOURABLE MR. SHAVAX A. LAL (Nominated Official): No, Sir, we have no objection to the introduction of the Bill.

THE HONOURABLE THE PRESIDENT: Before I read the Motion for the introduction of this Bill, I may point out that, so far as I am concerned, this Bill stands almost on the same footing as the Bill of the Honourable Mr. Susil Kumar Roy Chowdhury which was moved the other day, and I asked him then, when he made the Motion for circulation, to adjourn the Motion till the next Delhi session when I shall give my ruling on the subject. I have no objection to this Bill being introduced at this stage but I shall issue instructions to the Office that both this and Mr. Susil Kumar Roy Chowdhury's Bill be placed on the list of business the same day in the Delhi session, when my decision will be given.

The Motion was adopted.

THE HONOURABLE MR. G. S. MOTILAL: Sir, I introduce the Bill.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, in view of the fact that Government are prepared to give time for consideration of Mr. Kazmi's Bill *re* suits by married Muslim women, I do not wish to make the Motion against my name.

4 P.M.

THE HONOURABLE THE PRESIDENT: The Honourable Mr. Motilal.

THE HONOURABLE MR. R. H. PARKER: On a point of order, Sir.

THE HONOURABLE THE PRESIDENT: Let him move his Motion first.

THE HONOURABLE MR. R. H. PARKER: I do not think he can move, Sir. That is my submission.

THE HONOURABLE THE PRESIDENT: On the question of notice ?

THE HONOURABLE MR. R. H. PARKER: Yes, Sir. It has not been before us for three days. I am referring to the proviso to Standing Order 37 (*1*).

THE HONOURABLE THE PRESIDENT: You take objection under the proviso to Standing Order 37 (*1*) ?

THE HONOURABLE MR. R. H. PARKER: Yes, Sir.

THE HONOURABLE THE PRESIDENT: This is a very important matter. I would therefore advise the Honourable Member (Honourable Mr. Motilal) not to move this Motion today. He can move it in the Delhi session.

THE HONOURABLE MR. G. S. MOTILAL: I am prepared to move it on the 20th instant, Sir.

THE HONOURABLE THE PRESIDENT: This is the last non-official day. There is no other non-official business left in this session.

THE HONOURABLE M. G. S. MOTILAL: Then I will move it in the Delhi session.

STATEMENT OF BUSINESS

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Leader of the House): Sir, I wish to make a Statement of Business. We hope that by Monday the 19th, some small Bills, including the Indian Emigration Amendment Bill will be passed by the Legislative Assembly. I would, therefore, request you, Sir, to direct the Council to sit on Tuesday, the 20th instant. Opportunity will also be taken to lay the Motor Vehicles Bill on the table of this House on that day if it is passed, but no further discussion will take place on it during this session. If, however, by any chance the Bills are not passed by the Assembly on the 19th, then no useful purpose will be served by our meeting on the 20th, and we may have to meet on the 21st or possibly even on the 22nd, but I hope not. I will let Honourable Members know if it will not be possible to meet on the 20th, and in that case, with your permission, we may meet on the 21st.

THE HONOURABLE THE PRESIDENT: At present I will decide that the meeting should be on the 20th.

The Council then adjourned till Eleven of the Clock on Tuesday, the 20th September, 1938.

COUNCIL OF STATE.

Monday, 19th September, 1938.

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

MEMBER SWORN :

The Honourable Mr. Nikunja Kishore Das (Orissa : Non-Muhammadan).

BILLS PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

SECRETARY OF THE COUNCIL : Sir, in pursuance of rule 25 of the Indian Legislative Rules, I lay on the table copies of the following Bills which were passed by the Legislative Assembly at its meeting held on the 17th September, 1938, namely :—

A Bill to consolidate and amend the law relating to motor vehicles.

A Bill further to amend the Indian Emigration Act, 1922.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Leader of the House) : Sir, in regard to the Emigration Bill I would request you to suspend the Standing Orders so that we may be able to dispose of this Bill tomorrow. It is a non-controversial measure and I think it is the general desire of the House that they should be able to dispose of it tomorrow.

THE HONOURABLE THE PRESIDENT : I understand it is the general desire of the House to dispose of this Bill tomorrow ?

SEVERAL HONOURABLE MEMBERS : Yes.

THE HONOURABLE MR. HOSSAIN IMAM : But will it be the last meeting ?

THE HONOURABLE THE PRESIDENT : Very probably we may have other Bills laid on the table tomorrow.

In the circumstances I will suspend the Rules of Business and the Bill will be taken up tomorrow.

DEATH OF SIR PHIROZE SETHNA.

THE HONOURABLE THE PRESIDENT: Honourable Members, I have convened this meeting specially today in consultation with the Honourable the Leader of the House to express our sentiments on the mournful loss which this Council has sustained by the death of our dear friend and colleague the late Sir Phiroze Sethna. My idea was to convene this meeting in order to enable the Leaders of Parties and other Members to express their sentiments and feelings on this occasion.

But before I proceed I would like to inform the House that His Excellency the Commander-in-Chief is unavoidably absent and he has written to me explaining the cause of his absence. I would therefore like to read his letter to the House. His Excellency says:—

"DEAR SIR MANECKJI,

I have just heard that the Council of State is sitting on Monday next for a short time in order to move a Motion of condolence on the death of Sir Phiroze Sethna. I very much regret that as I have to be present at an important conference of Army Commanders on Monday I shall not be able to be present. I should however like to add that I was very shocked to read of Sir Phiroze's death and appreciate what a loss he will be to the Council of State. I should like therefore to associate myself in every way with the general feeling of all Members on this sad occasion".

Honourable Members, in the course of the last six years that I have occupied this Chair it has been my misfortune on various occasions to refer to the sad loss which this Council has sustained by the death of some of our most useful and eminent Members, but I can hardly describe to you today the measure of the grief and distress I feel in speaking about our old friend Sir Phiroze Sethna. During the last 18 years he has been a Member of this House and a very valuable, very useful and highly respected Member. We have all got so accustomed to his presence here for many years, but latterly on account of his increasing responsibilities elsewhere he was not able to give much of his time to the affairs of this Council. But whenever it was possible for him to attend this Council he did so because he had a burning enthusiasm and his patriotism was so great that when on all important questions affecting the people and the welfare of India were discussed he thought it his duty to be in this Council to support such resolutions and motions as were intended for the benefit of the people of this country.

Before I come to his work in this Council I should like briefly to refer to his activities elsewhere, because it was not only on account of his work in this Council but in many spheres of life that he distinguished himself and rendered such useful services, not only to Bombay and Calcutta but to the whole of India. I will refer therefore in the first instance briefly to his activities in the Bombay Presidency. He started life many years ago and I believe he succeeded me a few years after I left the Bombay Corporation. There he distinguished himself as a very clever and able member of the Corporation. As a young man he was listened to with great respect, even in a heterogenous body like the Bombay Corporation. After many years of useful work, he became the President of the Bombay Corporation and some of you who are Bombay Members here

know of the great services which he not only rendered to the Bombay Corporation in the matter of the work of local self-government but in the various spheres of activities. As many of you know, after the death of that great politician and statesman Sir Phirozeshah Mehta his mantle fell on Sir Phiroze Sethna so far as the Bombay activities were concerned. He was thereafter translated to the Legislative Council of Bombay and I will not refer at any length to his work there ; but he was the life and soul of the Bombay Legislative Council for many years during the time he adorned that Council by his presence ; his powers of speechification and the materials which he used, his powers of conciliation and his personally charming manners and affability made him a most popular Member of the Bombay Legislative Council ; and from thence he emerged with a reputation not only for untiring energy and hard work, but he proved himself to be one of the foremost of politicians in Bombay. He was a Liberal by principle and he was a member of the National Liberal Party. In the All-India National Liberal Federation he took an extensive and abiding interest. He was twice President of that Association and his principles were so staunch that he regularly as far as possible attended the annual meetings of the Federation and on many occasions spoke at considerable length. He belonged in this House to the Progressive Party which practically is a Liberal Party and there is not much line of demarcation between the Liberals outside this House and the Liberals who profess to be in this House. But his great work, his *magnum opus*, was in the Council of State. He has been elected four times to the Council of State by a large majority of voters in Bombay ever since the inception and formation of the Council. In this Council he has been a most prominent figure not only well respected by his Indian colleagues but much respected by the Government Benches and by everybody. He was a most eloquent and forceful speaker. He never spoke without a critical study of the subject he was handling and he spoke always with masterful ability. His language was at times trenchent but never contained any rancour or invective and he placed his facts and figures replete with arguments and in such an incontrovertible manner that he commanded not only the respect but the admiration of this House. Out of India his services have been conspicuous. He was a member of the Round Table Conference and the reports of those proceedings will show in what able manner he acquitted himself there. Further, he was sent as a British Indian Delegate to the Joint Parliamentary Committee where he also discharged his duties in a manner worthy of India.

I have so far alluded to his political career and his public life. I will now briefly say a word or two about the part he has taken in the economic development of India. He was connected with insurance business for many years and brought that business to a stage which compelled the Government later on to bring before the Central Legislature the great Insurance Bill which both Houses of the Central Legislature passed last Delhi session. He played a most important part both privately and publicly in connection with that Bill. He was Director of almost all the big industrial works in this country. His services were sought not only on account of his wide economic experience, his great knowledge of the many Indian financial questions, but on account of his influence and general command over business affairs particularly in this country. He was Director of several Jo nt Stock Companies in Bombay—I understand about

[Mr. President.]

30 to 40 companies—where his services as Director were very much valued. But his great work was in connection with the Central Bank of India and on the death of that great financier and able Managing Director, the late Sir Sorabji Pochkhanawalla, his mantle again fell on him, in the midst of his manifold duties and his increasing and more serious responsibilities, and I am afraid the strenuous work which he had to do in that connection combined with the other work unfortunately accelerated his death. It was only ten days ago that he spoke on the Recruiting Bill and he had to suddenly stop his speech because he had a slight cramp in his heart and many of you must have noticed that day the sudden stoppage of his speech and he felt very ill afterwards. I had to warn him to go home at that time, but his sense of duty was so great that when one Member wrote to him to come back to the Council for voting he got up from his sick bed and came to this Council and recorded his vote. Such was the character of the man, such was his sense of public duty, such was his deportment in matters affecting the interests of the country. Honourable Members, you all recognize that his place will not be filled in this House for many long years. He was a man of resolute disposition and worked till the end of his life; but we never knew that his end was so near. But he also never knew that his end was so near. His loss will be very great to this Council but you are all here today to appreciate his great loss to the country and particularly to this Council.

You will excuse me finally if I sound a personal note. He was my friend for the last 50 years. We practically came in contact together in our teens. He has been associated with me in business, in some of my important business, for some years as a Director and I found him a very useful and valuable friend, colleague and associate. I will not take up your time much longer but when you, Honourable colleagues, have expressed your sentiments, I propose to communicate the sense of this Council to Lady Sethna and his family and offer them our deep sympathy and condolence, and I also propose to adjourn the House as a mark of respect to his memory.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): Sir, I fully associate myself with the feelings which you, Sir, have expressed on the untimely death of our esteemed friend Sir Phiroze Sethna. Sir, I enjoyed his friendship for over 25 years and had the privilege of working with him on various Boards of directorate of Joint Stock Companies. The more I knew him the more I loved and admired him. Sir, I was extremely distressed when I heard the sad news on the radio of his sudden demise. Sir, we all deplore the loss of one who was an illustrious Parliamentarian and a great Leader who rendered his all for the service of his country by unflinching devotion to the national cause. You, Sir, have told this House that, a Member of our party (my Honourable friend Mr. Sapru), telephoned to him at Hotel Cecil the other day when we were discussing the Army Recruitment Bill that the division was coming on, he, although he was not feeling very well, then came to the Council Chamber to vote with us and proved his powerful sense of duty to his country and to the Progressive Party of which he was a most esteemed Member. You, Sir, I know, stopped him from going on an inspection tour of the Punjab Branches of the Central Bank

of India on the 8th instant, but his sense of duty impelled him to go and that inspection, the strain of which must have accelerated his death.

Sir, he was widely respected in all spheres of life, whether political, commercial, industrial or social. Sir, the Progressive Party always enjoyed his sound and valuable advice. We all wanted him to be the Leader of our Party on the formation of the party but being very busy, he could not accept our offer, but all the same, Sir, he was always giving us his time and his valuable and ripe advice. I always used to call him a universal director, as he was on the directorate of almost all leading Joint Stock Companies. Whenever I used to be in Bombay and whenever I 'phoned him for an engagement, I always was informed that he was out attending some meeting of the Board of Directors somewhere so it was very difficult to catch him during the day.

Sir, in the Honourable Sir Phiroze Sethna I have lost a dear and an esteemed friend, this Council a very valuable colleague, and India a worthy son and a great leader. Sir, I fully endorse the feelings you have expressed and wish that a vote of condolence to Lady Sethna and his relations on this sad bereavement be sent. His loss is irreparable, which we all deeply mourn. May his soul rest in eternal peace!

*THE HONOURABLE MR. RAMADAS PANTULU (Madras: Non-Muhammadan): Sir, I desire on behalf of the Congress Party in the Council of State to associate myself with the well-deserved tribute paid by you to the late lamented Sir Phiroze Sethna. His utterances in the Council of State as elsewhere were characterized by knowledge, eloquence and patriotic fervour. He was easily the most impressive and informed speaker in this Council and commanded the respectful attention of all sections of this House whenever he rose to speak. His striking personality imparted a peculiar distinctiveness and force to his speeches. His last contribution to the debates of this House was his notable speech on the Army Recruitment Bill on the 8th of this month. I am told that he specially came to attend the current session of this Council to participate in the debate on that Bill and to vote in the division over it even at the risk of his health.

He was a tower of strength to the Opposition in this House. His part in the struggle for the constitutional advancement of India was by no means small. He was an impressive and a brilliant Liberal in Indian politics, a liberal Liberal in the true sense, if I may say so. He served on many important commissions and committees and his one aim as a member thereof has been to promote the true interests of India. He was one of the few great business men of this country who unstintingly devoted their influence, knowledge, talent and time to the service of the Motherland. The most sincere tribute which we on this side of the House can pay to him is to emulate him in his zeal to serve public interests on all occasions on which an opportunity presents itself to us.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa: Muhammadan): Mr. President, I rise to associate myself with the expressions of grief and sorrow made by you and the previous speakers on the death of Sir Phiroze Sethna. By his death not only the business world has lost a

* Not corrected by the Honourable Member.

[Mr. Hossain Imam.]

towering personality but the political sphere has also suffered an irreparable loss. Those of us, Sir, who were associated with him in the Progressive Party found that he was not only helpful to us who had come in as new Members then, but his sane advice and sound judgment used to help us all. We found him, Sir, an ideal elder statesman. The whole of the Council will mourn his death, particularly, Sir, because death has been taking rather a liberal toll in our Council. This is the fifth death among the elected sitting Members of the new Council of State. Sir, we all mourn his loss and wish our condolences to be conveyed to Lady Sethna.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR (Madras: Muhammadan): Sir, it is with the greatest regret and the utmost grief that I join in the tributes that are being paid to the memory of the late lamented Sir Phiroze Sethna. Sir, it is almost impossible to express, in words, the feelings of sorrow and pain which we all share on finding ourselves having lost for ever one for whom we had such great affection and regard. Sir, Sir Phiroze Sethna was one of the most distinguished and popular Members of this House. By his genial disposition, by the useful contributions which he used to make to the debates in this House and by his good nature and invariable courtesy and kindness to every section of this House he had endeared himself to every one here, and his absence here will be very keenly felt. Sir, his was a versatile genius which enabled him to achieve success in every thing which he undertook to do. He was a great financier, a most successful business man who used to be consulted even by the most experienced business men in a city like Bombay. Again, he was a sincere patriot and a great politician. He had striven hard and strenuously for the uplift of his countrymen and left his impress on many things in the social, economic and political life of this country. Sir, as you have observed, he participated in the deliberations of all the three Round Table Conferences and also those of the Joint Parliamentary Committee. In short, Sir, he had been called upon to perform many an important and great public task and each one of these he accomplished with great success and with great credit to himself and benefit to his countrymen. As you, Sir, have mentioned some of his important activities, I will not try to enumerate any one of them. And I feel, Sir, that his activities have been so many and so varied that it would be practically impossible even to make a brief reference to them in the short compass of a speech which is made on an occasion like this. As has been observed, Sir Phiroze Sethna was a great public spirited person, and a very distinguished son of India, but above all, he was really a very good and high souled gentleman. By his character, by his kindly nature, and amiable disposition, he endeared himself to every one of his friends, and his death will be mourned for a long time by every one who had known him. Sir, his death has caused a void in the public life of this country which it will take many long years to fill. I had the privilege of being associated with him in this House for over 14 years and I may be permitted to say that his death has caused an almost irreparable loss to this Council and the country.

THE HONOURABLE MR. R. H. PARKER (Bombay Chamber of Commerce): I wish to associate myself with everything that you, Sir, have said, and with

what has been said by other Honourable Members. I knew Sir Phiroze Sethna for very nearly 20 years. Shortly after I landed in this country we were jointly associated in the formation of what is now the biggest Indian Insurance Company in India. For the last 14 years we have been concerned, jointly with others in the management of a big public utility undertaking in Bombay. I came to this House a little more than three years ago to find he was already an eminent Member here, as eminent as he was in Bombay. He had been here for a very long time before I came. Throughout all the time that I knew him he was full of vitality and took the keenest interest in every subject—political, social or business—that might come up. As we all know, although he was 70 years of age, he thought nothing of getting into an aeroplane and flying off to London if he thought his duty lay there. He told me only the other day that he came here against the advice of his doctor because he believed it to be his duty to do so. Of him we can truly say that he died a patriot in harness.

THE HONOURABLE MR. G. S. MOTILAL (Bombay : Non-Muhammadan) : Sir, I wish to render my sincere tribute to the memory of our esteemed colleague the late Sir Phiroze Sethna, a distinguished Liberal leader and one of India's prominent businessmen. It was a shock to me intense and unexpected when I heard of his passing away. Those of us who saw him at work during this session of the Council little thought that the end of his life could be so near. He died in harness working hard till the very last silently and cheerfully with an amount of energy given to few.

He was a man of whom of any country could be proud. Rising from the ranks through sheer merit he carved for himself a great position in the commercial and financial circles of India. After the death of the late Sir Sorabji Pochkhanawalla, Sir Phiroze bravely stepped into the breach and carried on the affairs of the Central Bank of India with as much success as his predecessor. As a member of the Indian Merchants' Chamber, Bombay, he rendered precious services to that organization, and was elected its President. His services to the cause of Indian commerce, finance and industry will be ever gratefully remembered by his countrymen.

In politics his services to the country as a leader of the Liberal school of thought have been invaluable to his party. Though we differed on occasions in matters political yet we always differed as two good friends. He knew how to differ without bitterness - a precious and wonderfully sweet quality among politicians. His part in the boycott of the Simon Commission, his work in the Round Table Conference and his work here in this Council have always borne the quality of a broad and well-informed Nationalism of which we on this side of the House were very proud. His last speech this session on the Honourable Mr. Sapru's Resolution regarding the Defence Policy of Government will be remembered for its manly vigour and deep wisdom born of mature experience. From the very inception of this Council he has been a distinguished and valued Member always taking his place in the van over important issues. To my province and city he rendered equally faithful and valuable service as Member of the old Provincial Council and the Corporation of Bombay. As a cultivated public

[Mr. G. S. Motilal.]

speaker his alert memory, clear logic and a fine sense of humour lent charm and distinction to his speeches and helped him over difficult situations.

The Parsi community, small as it is, has contributed to the prosperity and advance of India in a generous measure to do credit to any great community. That community has given us devoted patriots like Dadabhoy Nauroji and Phirozeshah Mehta, merchant princes, industrialists, politicians and administrators. Sir Phiroze was an illustrious son of India. Sir, it has been a personal loss to me as I have enjoyed his friendship for over 20 years. Twenty years is a long time : and when I say that never once in this long while have I found his friendship cloying, never once reason to feel unpleasant, then I shall have expressed what my feelings are about Sir Phiroze Sethna.

I mourn the death of a distinguished and liberal statesman, a loyal son of India and a real friend. May his memory continue to inspire us and may his soul rest in peace !

THE HONOURABLE MR. V. V. KALIKAR (Central Provinces : Non-Muhammadan) : Sir, it is with a deep sense of regret that I rise and join the previous speakers in paying my tribute to the revered memory of our ex-colleague Sir Phiroze. Sir Phiroze Sethna was a tower of strength to the Progressive Party. During the last six years that I had the privilege of working with him as a member of the Progressive Party I found in him a real guide who used to give advice to us on very difficult and complicated matters and who used to be a source of inspiration to youngsters like us.

About his political, social and economic activities you, Sir, have already mentioned, and I may submit that he was regarded as one of the " Old Guard " and was connected with the political, social and economic life of India in general and Bombay in particular. Sir Phiroze Sethna had a very keen sense of public duty, and you, Sir, referred to the incident which took place here on the 8th of this month. That shows how he regarded public duty as of the greatest importance, even at the sacrifice of his health. Sir Phiroze Sethna's death is not only a loss to the House but is the greatest loss to the Opposition, and I am afraid we shall not be able to make up his loss, especially to the Progressive Party, for a long time to come.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Education, Health and Lands Member) : Mr. President, it is indeed a mournful and grievous task that I should stand here today to mourn the loss of a colleague who it seems but yesterday, was in the full vigour of life and participated in our debates with his usual ability and alertness. None of us realized when we heard the impassioned words of Sir Phiroze Sethna the other day that that was to be his last utterance in this House and that we were to hear his voice no more. He died in harness, as he would have wished to. The transition from life to death was mercifully swift and painless. Right to the end he fulfilled his diverse public and private duties with relentless assiduity. His ceaseless energy knew no rest. By his death this House loses a Councillor of sane judgment, of

simple and upright character, adroit in debate and fair in argument and well versed in the practical affairs of men. By his rare qualities of character and intellect he achieved great eminence both in politics and in business, and by his death the Parsi community loses one of its most prominent figures and India one of its foremost citizens.

It now only remains for me on my own behalf and on behalf of those who sit on this side of the House to pay my reverent tribute to the memory of a colleague who had worked ceaselessly for the welfare and advancement of his country, who deserved well of his people and of this Council of State and whose loss it will be difficult to fill. We shall all sorely miss in these dark and momentous days his ripe and experienced counsel.

I would request you, Sir, to adjourn this House as a mark of respect to our late colleague and to convey on our behalf to Lady Phiroze Sethna and to other relations our sense of deep loss and our sympathy in their great sorrow.

THE HONOURABLE THE PRESIDENT: In respect for the memory of the late Sir Phiroze Sethna, I will now adjourn the Council till 11 A.M. on Tuesday, the 20th September.

The Council then adjourned till Eleven of the Clock on Tuesday, the 20th September, 1938.

COUNCIL OF STATE.

Tuesday, 20th September, 1938.

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

QUESTIONS AND ANSWERS.

DELAY IN SENDING MILITARY AID TO BANNU ON THE NIGHT IT WAS RAIDED.

132. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government state what was the strength of the military unit at Bannu when the dacoity took place there at about 9 P.M., on the 23rd July last? What was the time when the military came for the protection of the city and at what time were they requisitioned by the Civil authorities? Is it not a fact that the military unit reached Bannu city from the Bannu Cantonment at 1 A.M., *i.e.*, four hours after the dacoits had cleared away with their booty? If so, why? Has Government made any enquiry as to the reason of the military aid reaching the city after the loot lasting for four hours in the city? If so, what are the reasons for the delay?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: The military strength at Bannu on the 23rd July was—

One sub-section armoured cars,

One Indian cavalry regiment (less 2 squadrons), and

One Indian infantry battalion (less one platoon).

Military assistance in the city was asked for some time between 21·30 and 22·15 hours.

The first reinforcement that was sent to the city consisted of the police reserve (56 men) from the Cantonment under the Assistant Superintendent of Police. This party was despatched at the request made by the Deputy Commissioner, and was followed by a company of infantry between 22·15 and 22·30 hours.

It is not a fact that the military detachment reached Bannu city from the Cantonment at 1 A.M.

Government understand that an inquiry is to be held into the circumstances of the raid, but they have no evidence to support the contention that military aid was unduly delayed.

TRAINING OF SEVEN PILOTS AT THE AERONAUTICAL TRAINING CENTRE, DELHI, FOR THE INDIAN AIR FORCE.

133. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government state how many persons the Defence Department is sending this year to the Aeronautical Training Centre in India for training as air pilots or ground engineers and what contribution will they make to the Aeronautical Training Centre per person? Do they propose to extend the same patronage to the various flying clubs in India? If not, why not?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: The Air Force authorities at present propose to arrange for the training of seven pilots at the Aeronautical Training Centre, Delhi, for the Indian Air Force.

They are not concerned with ground engineers, who are civil employees.

The question of contribution payable for each pilot has not yet been settled.

As regards the concluding portion of his question, the Honourable Member should be aware that the same facilities for training do not at present exist at the flying clubs as at the Aeronautical Training Centre.

BALANCE AT CREDIT OF THE ROYAL INDIAN NAVY EQUALIZATION FUND AND THE DEFENCE RESERVE FUND.

134. THE HONOURABLE MR. HOSSAIN IMAM: Will Government state the balance at the credit of the Naval Sinking Fund of the Government of India and of the Defence Reserve Fund?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: The balance at the credit of the Royal Indian Navy Equalization Fund on the 31st March, 1938 was Rs. 19,24,627.

Apart from an earmarked amount of Rs. 31·39 lakhs in the Defence Reserve Fund for specific commitments already entered into or in sight, there is no positive balance in the Defence Reserve Fund.

RECRUITMENT OF HINDUS TO THE ROYAL INDIAN NAVY.

135. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government state the reasons for excluding Hindus from appointment to the subordinate services in the Indian Navy, *vide* the recent advertisement in the Indian newspapers?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Hindus are not now excluded, but have not at present come forward in any numbers. We are however considering what can be done to encourage Hindus of the right standard required, to take to a seafaring life.

THE HONOURABLE MR. G. S. MOTILAL: Do the rules require that the Hindus who join the Navy should necessarily take beef?

THE HONOURABLE THE PRESIDENT: That has nothing to do with this question. It does not arise.

THE HONOURABLE MR. G. S. MOTILAL : I will tell you, Sir, how it arises ——

THE HONOURABLE THE PRESIDENT : It does not arise. It is for me to decide.

RECRUITMENT OF BENGALIS IN THE INDIAN ARMY.

136. THE HONOURABLE RAI BAHADUR SATYENDRA KUMAR DAS : (*a*) Will Government be pleased to state whether they are aware of the existence of a strong feeling in Bengal in favour of recruitment of Bengalis to the Indian Army ?

(*b*) Has the attention of Government been drawn to the resolutions unanimously passed in the Bengal Legislative Council on the 26th February, 1934, and on the 28th January, 1938, on the Motion of Rai Keshab Chandra Banerjee Bahadur, M.L.C., urging upon the Government of India the necessity for giving the Bengali military training so as to form a permanent unit for incorporation into the Indian Army ?

(*c*) If the answer to (*a*) and (*b*) is in the affirmative, will Government state what action has been taken in the matter and what steps do Government propose to take to enable the Bengali to participate effectively in the various measures of defence ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : (*a*) No.

(*b*) Yes.

(*c*) Government have at present no intention of forming a permanent Bengali unit of the Indian Army.

THE HONOURABLE RAI BAHADUR SATYENDRA KUMAR DAS : With reference to the reply to part (*c*), will His Excellency state the reasons ——

THE HONOURABLE THE PRESIDENT : You cannot make a speech. You must put a definite question.

THE HONOURABLE RAI BAHADUR SATYENDRA KUMAR DAS : My submission is, will His Excellency be pleased to state the reasons for the Government nominees in the Provincial Legislature lending support to that Resolution in question ?

THE HONOURABLE THE PRESIDENT : I have not understood it, much less has His Excellency.

THE HONOURABLE RAI BAHADUR SATYENDRA KUMAR DAS : My idea is that the Government nominees are Members of the Provincial Legislature and they lent their support.

THE HONOURABLE THE PRESIDENT : It is no use arguing, Mr. Das. Can't you put a definite question ?

THE HONOURABLE RAI BAHADUR SATYENDRA KUMAR DAS : Is it a fact that the Government Members supported the Resolution in the Provincial Legislature ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : I have already informed the Honourable Member that the attention of the Government of India has been drawn to these Resolutions. It is to be presumed that in that particular Legislature they were supported by Government Members.

MERGING OF COORG IN THE MYSORE STATE.

137. THE HONOURABLE RAJA YUVERAJ DATTA SINGH : Is there any proposal before Government regarding the merging of the British Indian territory of Coorg in the Mysore State ? If so, what are the details of the proposal ?

THE HONOURABLE MR. J. A. THORNE : Government have no such proposal under consideration.

SARDAR PRITHWI SINGH, AN ESCAPED PRISONER, WHO SURRENDERED TO MR. GANDHI.

138. THE HONOURABLE RAJA YUVERAJ DATTA SINGH : (*a*) Have Government received any communication from Mahatma Gandhi with regard to the release of Sardar Prithwi Singh, a Rajput escaped prisoner, who surrendered to Mahatma Gandhi after about 16 years ?

(*b*) What have Government decided with regard to this prisoner ?

THE HONOURABLE MR. J. A. THORNE : (*a*) No, Sir.

(*b*) This does not arise.

CLEARANCE OF SLUMS IN DURBAN, SOUTH AFRICA.

139. THE HONOURABLE RAJA YUVERAJ DATTA SINGH : Owing to the action of the City Council of Durban (South Africa) under the Slums Act of 1924, as amended in 1937, have about 800 Indians been evicted, or are threatened to be evicted from their houses in Durban ? What are the facts of the case and what action has been taken in the matter ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : A number of Indians are affected by the various slum clearance schemes of the Durban City Council. The general policy of the Union Government is that elimination of slums should go hand in hand with the re-housing of persons who have been compelled to cease occupation of slum premises and that the Agent General, who is in close touch with the authorities concerned, has, so far, successfully endeavoured to ensure application of this principle.

ARREST OF MR. B. N. DAS GUPTA IN GERMANY.

140. THE HONOURABLE RAJA YUVERAJ DATTA SINGH : Has Mr. B. N. Das Gupta, Managing Director, Indo-Europa Trading Co., Ltd., who was arrested in Germany in August, 1937, on a charge of violating "Nazi Exchange Regulations" recently, been unconditionally set free ? Will Government state the exact nature and details of the charge against him, and whether any compensation has been paid to him ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : So far as the Government are aware, Mr. B. N. Das Gupta has been released unconditionally. He was

arrested on a charge of contravening the exchange regulations and was accused having obtained money from the German Government by claiming rebates and subsidies on shipments of machinery which did not actually take place. The case against him was however dropped. So far as can be ascertained Mr. Gupta did not make any claim for compensation.

TRAVELLING HAWKERS ON RAILWAYS.

141. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: (*a*) Are Government aware that travelling hawkers have multiplied in vexatious numbers, specially on branch railway lines, who offer samples of various quack medicines, both for internal and external application, to third class railway passengers in the trains, which are unhygienic and unscientific ?

(*b*) Do Government propose to take necessary steps to discourage such a practice ?

THE HONOURABLE SIR GUTHRIE RUSSELL: (*a*) No.

(*b*) The attention of the principal Railways was drawn to this matter in connection with question No. 127 asked by Mr. Sham Lal on the 26th August, 1937 in another place, and they were asked then to take such action as they considered necessary. If the Honourable Member will let me know what particular sections of the various Railways he is referring to, I will ask the Administrations concerned to have special inquiries made.

PROPOSED ESTABLISHMENT OF HIGH COURT FOR ASSAM.

142. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: Has there been any correspondence with the Government of Assam regarding the establishment of a High Court in that province ? If so, what is the decision, and have any proposals been sent up to the Secretary of State for India ?

THE HONOURABLE MR. J. A. THORNE: The power to constitute a Letters Patent High Court in a province is vested by the statute in His Majesty, and the matter is not the concern of the Governor General in Council. The Government of Assam has not addressed the Government of India on the subject.

RAILWAY ACCIDENT NEAR MADHUPUR, E. I. R.

143. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: Will Government make a statement regarding the railway accident which happened to the 5-Up Mail (E. I. R.) on the 7th June, 1938 near Madhupur, giving the cause of the accident, the number of casualties, and the steps taken in the matter ? Was it the same type of engine which was involved in the Bihta disaster ?

THE HONOURABLE SIR GUTHRIE RUSSELL: I would refer the Honourable Member to a Press Note, dated the 28th June, 1938 covering the report by the Senior Government Inspector of Railways on the accident referred to, a copy of which is in the Library of the House. The case is being investigated by the Police.

The engine was not of the same type as that involved in the accident at Bihta.

CONSERVATION OF COAL AND SAFETY IN COAL MINES.

144. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: Will Government state their proposals for ensuring safety in mines, and for the conservation of coal based on the Coal Mining Report? Is there any proposal to levy a cess of any kind and, if so, what are the proposals?

THE HONOURABLE MR. M. S. A. HYDARI: I would refer the Honourable Member to the Government of India's letter to provinces concerned dated July 7th, 1938, a copy of which will be found in the Library of the House.

TRADE NEGOTIATIONS BETWEEN INDIA AND CEYLON.

145. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: (*a*) Will Government state when the Indo-Ceylon trade talks are likely to start, and what are the outstanding points of discussion?

(*b*) Is it the intention of Government to consult the trade and commercial interests in India?

THE HONOURABLE MR. M. SLADE: (*a*) Negotiations for a Trade Agreement with Ceylon are expected to begin as soon as possible after the conclusion of those now in progress with the United Kingdom. The second part of the question does not arise at present.

(*b*) Government have already obtained the views of representative commercial bodies in India regarding a new Trade Agreement with the United Kingdom and the Colonies including Ceylon.

VISIT OF SIR LEONARD WOOLLEY TO INDIA.

146. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: (*a*) Has Sir Leonard Woolley been invited by Government to study the archæological explorations in India, with that of the Sumerian civilization of the Near East?

(*b*) If so, what are the terms offered to, and accepted by Sir Leonard, what is his programme of work and the period during which he is likely to be occupied in India?

(*c*) Do Government propose to issue to the public the result of his observations?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: (*a*) and (*b*). I would invite the Honourable Member's attention to the Press Note, dated the 16th June, 1938, which gives the information asked for in parts (*a*) and the latter part of (*b*) of the question. As regard the first part of (*b*) a statement is laid on the table.

(*c*) The point will be considered when his observations are received.

Terms of engagement of Sir Leonard Woolley.

(*a*) Honorarium at the rate of Rs. 1,000 a month for the period of his visit to India (including days spent in voyage), *plus* a lump sum of £500 for the whole period.

(*b*) First class " B " return passage by P. & O. for Sir Leonard and Lady Woolley between Marseilles and Bombay and cost of direct first class overland journey by rail between London and Marseilles.

(*c*) First class actual travelling expenses in India for self and Lady Woolley.

(*d*) Voyage allowance at 10*s*. per diem during voyage to and from India.

(*e*) Outfit allowance of £75.

(*f*) Joint maintenance allowance while in India for self and Lady Woolley at the rate of Rs. 1,500 per mensem.

REDISCOUNT BY THE RESERVE BANK OF INDIA AT SPECIAL RATES BILLS OF APPROVED MONEYLENDERS DRAWN FOR ADVANCES TO CULTIVATORS AGAINST PRODUCE.

147. THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA (on behalf of the Honourable Mr. P. N. Sapru): Has there been any outcome of the offer made by the Reserve Bank of India in paragraph 41 of its Statutory Report under section 55 (*1*) of the Reserve Bank Act to rediscount bills of approved moneylenders drawn for advances to cultivators against produce ?

THE HONOURABLE SIR JOHN NIXON: A copy of the communication from the Reserve Bank is laid on the table.

RESERVE BANK OF INDIA.

AGRICULTURAL CREDIT DEPARTMENT.

BOMBAY.

15th August, 1938.

THE SECRETARY TO THE GOVERNMENT OF INDIA,

FINANCE DEPARTMENT, SIMLA.

DEAR SIR,

In paragraph 41 of our Statutory Report under section 55 (*1*) of the Reserve Bank of India Act, we expressed our readiness to rediscount at special rates bills of approved moneylenders drawn for advances to cultivators against produce, by the grant of rebates to scheduled banks in respect of such paper, provided that we were satisfied that the benefit of such rebates would be passed on to the agriculturists. To implement this suggestion, proposals were put forward in our circular letter No. A. C. D. 1/19-38, dated the 3rd January, 1938. The replies which we have received indicate that the scheme formulated by us is not likely to make any wide appeal. A summary of the replies is enclosed herewith.

2. The general opinion of the scheduled banks is that the scheme cannot be worked in the manner indicated. The main reason is that the smaller agriculturist does not usually borrow against the security of his produce; such accommodation is confined to the bigger landlords and dealers who already have reasonable access to finance and therefore do not require such special help. The smaller agriculturist for whose benefit the scheme was primarily devised requires finance more for crop production than for its marketing, and he generally obtains it by keeping a running account with a moneylender. He would therefore be unlikely to agree to commit himself to bills expressed payable on a fixed date. Further difficulties are that the scheduled banks are not in a position to gauge the moneylender's credit readily, nor would it be possible for them to dictate the rate of interest which the latter should charge to the cultivators against produce bills. Moreover first class bills like those of the Multanis are at present discounted at very fine rates owing to the force of competition and there would therefore be

little scope for the scheduled banks to rediscount such bills with the Reserve Bank even if the Multanis had borrowed for the purpose of advancing money to agriculturists. Some of the banks also have a projudice against rediscounting their inland bills.

3. It has been stressed that a more important obstacle from the point of view of the scheduled banks and the moneylenders is the present tendency of agricultural debt relief legislation. From a general point of view this is said to make the atmosphere unsuitable as the moneylender is now shy of utilising even his own capital fully in such business and this reduces the prospect of his borrowing from the scheduled banks. A further difficulty arising out of such legislation is that there can be no doubt that legally the bills drawn under our scheme would come within its scope. So far as can be ascertained, an agriculturist who wished to claim relief under local debt legislation would be entitled to claim that the debt covered by such bills should be pooled with his other debts. The apprehension has also been expressed by scheduled banks that moneylenders who are themselves agriculturists, might seek shelter behind legislation for the relief of indebtedness.

4. It appears therefore that, under existing conditions there is no likelihood of our scheme making a wide appeal and that, until more experience is gained of the actual working of debt relief legislation, it is hardly worth while to proceed with the scheme. So long as the moneylender depends primarily upon his own resources for his capital and is unwilling to do business with borrowed capital, it is difficult to bring him into relation with the banking structure of the country. The main remedy for the purpose of cheapening credit to the agriculturists would therefore appear to be to rely chiefly on the policy advocated in our Statutory Report of encouraging legislation for the regulation of the business of the moneylender and of developing alternative credit agencies through the growth of branch banking and the co-operative movement. The necessary conditions for such development can best be created by encouraging Provincial Governments to take up schemes for (*a*) the organization of produce markets, (*b*) for the standardization and grading of crops, and (*c*) the provision of licensed warehouses. Possibly a simple act regulating market practices, weights and measures and the licensing of brokers and weighmen would suffice. Licensed warehouses form an integral part of a marketing scheme and unless these are organized financing produce will not be easy. Provincial Governments may make a survey of their territories, select important centres for development as produce markets and the construction of warehouses. We would be grateful if you would invite the attention of the Provincial Governments to our views and suggestions in the hope that early action may be taken on them.

Yours faithfully,

J. B. TAYLOR,
Governor.

RESERVE BANK OF INDIA.

CENTRAL OFFICE.

Ref. No. A. C. D. 1/19-38.

Bombay, 3rd January, 1933.

To

ALL SCHEDULED BANKS.

DEAR SIRS,

In our examination of the problem of agricultural credit we have been considering how the financial machinery of the country could be improved so as to make credit more extensively available to the agriculturist at reasonable rates of interest by bringing within the banking structure the village moneylender who is the largest supplier of agricultural credit in India. In places where branch banking is sufficiently developed the scheduled banks can obtain a personal knowledge of the standing of the agriculturist borrower, but elsewhere some intermediate link like the moneylender will be necessary to gauge the credit worthiness of the agriculturists and made itself responsible for the adequacy of the security. It seems to us that finance for the marketing of crops might be made available to the cultivators to a much larger extent than at present if the agency of the moneylender were more fully utilized and if his advances to the agriculturist on the security of his produce were to be drawn up as bills in such a form that they

could be discounted with the scheduled banks so as to be available for rediscount by us from them. If such a scheme could be brought into operation we believe that in course of time the force of competition would secure a great reduction in the rate of interest at which money would ultimately percolate to the agriculturist, though it may be necessary in the intitial stages to offer some special inducement to the banks and the moneylenders by way of rebates from the Reserve Bank on agricultural bills. In view of the special responsibility which has been imposed on the Reserve Bank in regard to agricultural credit, we would be prepared to rediscount such bills at special rates by the grant of rebates to scheduled banks in respect of agricultural paper in areas where owing to inadequate financial machinery the agriculturist has to pay an unduly high rate. We must however be satisfied that the benefit of the rebates is being passed on to the agriculturist for whose benefit the scheme is primarily devised. This will be ensured if the Scheduled banks would agree to charge a rate not exceeding say 2 per cent. over our discount rate and the moneylender would pass on credit with a further margin of say not more than 2 per cent. to the agriculturist in which case we would be prepared to grant a rebate say of 1 per cent. The fact that the Reserve Bank is prepared to rediscount such bills during normal times should make such finance more easily available.

2. We shall be glad if your bank would let us know whether it would be possible for it to extend its business on these lines. We desire to make it clear that the rebates would apply to bills of exchange or promissory notes drawn or issued for the purpose of financing the marketing of crops maturing within nine months exclusive of days of grace. In the usual course it will probably take some time before moneylenders come forward to take advantage of the scheme to any large extent as at present they appear in many parts of the country to have so contracted their business that they are able to manage with their own funds. The scheduled bank discounting such paper would of course be responsible for satisfying itself that the moneylender was creditworthy, that his business was conducted on sound lines and that he kept simple books of account in proper form. Various other details regarding the scheme will have to be considered specially with regard to the agency for the collection of bills at maturity, whether the accommodation from the Reserve Bank should take the form of rediscounts or advances, the declaration by the scheduled banks that the bills are drawn for agricultural purposes, and the information to be supplied by the scheduled banks in respect of the moneylenders, etc., but we wish to know at this stage what in your opinion are the prospects of working such a scheme. If it is considered feasible we may ask you later on to furnish us with a list of approved moneylenders whose paper you may wish to be discounted with such particulars about their standing and business as are found necessary. Such a list may be a short one in the beginning but we feel that a beginning however small will be of great value.

3. We shall be obliged if the views of your Bank on the scheme as set out here and any modifications required in it or any other helpful suggestion you may have to make for carrying out the main idea are sent to us by the 31st January 1938.

Yours faithfully,

J. B. TAYLOR,

Governor.

Summary of replies received to our Circular letter No. A.C.D.-1/19-38, dated the 3rd January, 1938, to all scheduled banks regarding extension of discount facilities to moneylenders.

I.—*Exchange Banks.*

1. Eastern Bank
2. Netherlands Bank
3. Comptoirs National D'Escompte
4. Bank of Taiwan

Have no branches in the interior, are not likely to do such business, and therefore express no opinion.

5. Exchange Banks Association.

II.—*Indian Joint Stock Banks.*—

1. ***U Rai Gway Thoo & Co.*—In the absence of any branch of the Reserve Bank at Akyab, scheme not feasible.**

2. *Bank of India.*—Operates only in large cities and has no actual experience. Doubts if hundies by agriculturists will be eligible for discount owing to the impossibility of punctual payment on maturity. Is in favour of some procedure whichwill assist the small moneylenders and the Bania.

3. *Imperial Bank.*—Has sufficient funds to meet all acceptable business which is being done at as low a rate as contemplated. The moneylender unlikely to borrow on terms which restrict the rates he may charge to borrowers. In view of the risk a margin of 2 per cent. might also be considered entirely inadequate by him.

4. *Bank of Bihar.*—The scheme will benefit substantial agriculturists, small zamindars and moneylenders. They may not however meet their bills on due dates. Debt legislation has placed borrowers in advantageous position and the lender at a disadvantage. Moneylenders will be incurring added risk by doing business with borrowed money. Financing of agriculturists has been proved to be hazardous by the experience of co-operative societies. Such business is not practicable in Bihar.

5. *Industrial Bank of Western India.*—Has no connection with moneylenders and is not likely to be of any assistance. Illiteracy of agriculturists, their unfamiliarity with bill business, and incapacity to understand its incidents are the impediments. Stamp duties must be reduced. Bills will have to be in vernacular and quicker remedies made available for enforcement of claims. Legislation for relief of agricultural debtors militates against the success of the scheme. Restriction on business and method of moneylenders will be necessary. Their being also agriculturists might enable them to take shelter under the laws for the relief of agriculturists.

6. *Canara Industrial.*—Offers to advance, at 5 per cent. if its bills are rediscounted at 3 per cent. about Rs. 10 lakhs, for "agricultural purposes" against produce, like paddy, rice, jaggery, tobacco, groundnuts, etc., but does not mention either agriculturists or moneylenders.

7. *Indian Overseas Bank.*—Scheme impracticable: (1) Deep seated prejudice of banks against rediscount of inland bills. Banks would prefer to borrow against government securities. (2) The proposed rates are not in consonance with actual practice. Multani bills are at present discounted at bank rate and they cannot be induced to pay a higher rate. (There is thus little margin for banks to rediscount.) A certain volume of bills from Co-operative Banks likely but not from commercial banks. Licensed warehouses should be provided in all important produce centres and the warehouse warrant should be established as the primary security on the strength of which commercial banks could grant advances.

8. *Comilla Union Bank.*—Debt legislation has restricted lending to agriculturists. Moneylenders who are themselves agriculturists do not command confidence of scheduled banks. It is not possible to finance cultivator through the moneylender for the marketing of crops as the cultivator disposes of his crop immediately after the harvest and even the moneylender who gets part of the crop in payment of his debts does the same. It is not the pratice for the moneylender to advance against the security of produce. He buys it outright. If the moneylender draws bills against produce thus bought by him which are discounted by scheduled banks the cultivator will not benefit. Scheduled banks will incur great risk as they will have no control over the produce stored in the moneylenders' godown. The position of the cultivators cannot be improved by utilising the moneylenders. With the growth of branch banking the scheduled banks will be able to help the agriculturists in smaller towns but they will not come in direct touch with cultivators in the interior. Co-operative Credit Societies are eminently fitted to undertake short term loans to cultivators in remote villages against their produce. Commercial banks should be encouraged to build godowns as advances against produce will be a desirable business for them, but commercial banks can only take a limited part and the main work will have to be done by co-operative societies.

9. *Canara Bank.*—Considers the scheme workable but hesitates to express an opinion about its application to Madras owing to the pending debt relief legislation.

10. *Bank of Hindustan.*—Expresses willingness to help in linking the village moneylender with the banking structure. Wishes to know whether persons who are by birth and caste agriculturists but have taken to other business, like trade and commerce, should be considered as agriculturists and their bills accepted.

11. *Oudh Commercial Bank.*—Present financial position prevents it from taking up any business.

12. *Benares Bank.*—Moneylenders must first be required to register themselves with a recognised body like a co-operative society of moneylenders whose certificate of incorporation should be the basis for scheduled banks to deal with them. Agriculturists should have facilities

for storing their crops with licensed warehouses. The bank offers to co-operate in the preparation of lists and to undertake the work of marketing crops and financing warehouses in the important market centres. It will be difficult, however, to make advances against actual produce to the agriculturists. The facilities granted by the Imperial Bank and scheduled banks are either by way of cash credit against produce or discounting of demand trade bills of approved commission agents or aratdars. It thus benefits only commission agents and not the actual agriculturist who is unable to withhold stocks. The bank complains that the Imperial Bank have not done anything to help agricultural credit. It also states that remittance transfer facilities at par should be available to schedule banks, registered moneylenders, licensed warehouses, and co-operative societies.

13. *Travancore National and Quilon Bank.*—The scheme is intended for financing the marketing of agricultural produce. The period between the harvest and the marketing of crops varies considerably. Sometimes produce is sold immediately or within three months, in which case there seems hardly adequate scope for an agricultural bill. Sometimes the interval is between six and seven months and it is only in these cases that agricultural bills can have a free play. Finance limited to marketing will not help agriculturist to any great extent and he requires money mainly for production. Any advance made after harvest is likely to be utilized for discharging prior obligations.

To give effect to the scheme it is necessary to get the village moneylender to make his advances to the agriculturist on the basis of a Bill of Exchange. It may not be possible to persuade an agriculturist to subscribe to a document which makes him liable to pay money on a fixed date. The agriculturist usually maintains a running account with the moneylender and there is a high degree of elasticity in the mode of agricultural borrowing and moneylending, which is necessary owing to the uncertainties of agriculture. He is not likely therefore to agree to have a bill drawn on him. The moneylenders work at present with their own funds and there is a tendency among them to urbanise their investments. It is difficult to prevail upon them to extend their operations in excess of their own resources. By discounting a bill with the scheduled bank the moneylender will incur a new and additional responsibility. As regards the scheduled banks some of them have branches in agricultural areas and carry on direct agricultural lending. The debt legislation in Madras will make the moneylender curtail his business and the banks will have to secure direct contact with the agriculturist. Such contact will be an advantage to the borrower. If banks advance against produce direct they should have facilities for securing possession of the produce immediately after the harvest. They must rent or construct their own godowns in agricultural marketing centres. They will have to maintain warehouses and must have a sufficient margin of profit. As soon as the crop is harvested and stored in the warehouse of the bank an agricultural bill should be converted into a produce loan of short duration for the balance of the period and the Reserve Bank should grant overdraft accommodation to the scheduled bank against the security of produce loan promissory notes. The Reserve Bank should also arrange to secure for the banks discounting agricultural bills a peramount lien on the lands of the agriculturists.

The bank also points out that under the new legislation loans to agriculturists cannot be made at higher rate than 6¼ per cent. and if the moneylenders get money from the scheduled banks at 4 per cent. the whole of the advantage of the rebate will have to be given to the scheduled bank.

The moneylender who would be put to loss under the debt relief law is not likely to co-operate in the scheme devised for the benefit of the agriculturist. The scheduled banks must therefore get into direct contact with the agriculturist.

The scheme taken as a whole will prove to be beneficial though it will have to face the difficulties pointed out above.

14. *Indo Commercial Bank.*—(*a*) This business requires proper godown accommodation. Godowns available for even bigger agriculturists and middlemen are not satisfactory. It is doubtful if small agriculturists will ever be able to conform to the usual tests of security and have proper godown facilities. Moneylenders will have to find the storage accommodation themselves or to buy the produce outright and they are likely to do the latter. There appear to be some agencies which advance for cultivation on condition that the crop is sold through them but it is not known how they work. Millowners also offer to sell produce on commission. Neither of these two will however be considered as moneylenders for the purposes of the scheme.

(*b*) The bank wants to know whether a scheduled bank which has advanced money to the middleman purchaser can rediscount its bills with the Reserve Bank under this scheme.

(*c*) Loans against agricultural produce give more trouble than those against gold and securities on account of the difficulties regarding accommodation and risk of loss due to deterioration. They are also required for a very short period.

(*d*) Moneylenders usually do not repledge their agricultural produce with the banks as they do in the case of jewels which shows that they do not advance money on agricultural produce but buy it outright.

(*e*) It is asked whether the moneylender is to be an additional security to the Reserve Bank or is necessary only to establish closer contact with the small agriculturist. The village moneylenders have no properly assessable status and scheduled banks have no means of arriving at any estimate of their credit-worthiness, or of ensuring that they work on sound lines. It is not clear how banks can ensure keeping of accounts or the charging of any particular rate of interests. It is doubtful if they can be prevailed upon to work on a narrow margin of 2 per cent.

(*f*) For these reasons it is stated that the Reserve Bank should help Banks to extend their business on agricultural produce even without the intervention of the village moneylender. It will be easier for scheduled banks to deal directly with agriculturists or midlemen purchasers. They would like to have a margin of 3½/4 per cent. and to repay advances within nine months or when the loan is repaid if this happens earlier. The bank is prepared to extend its present business if such an arrangement can be made. The possibility of making use of right type of moneylender might however be investigated.

15. *Central Bank of India.*—The scheduled banks will have to see that the moneylenders conduct their business on sound lines, maintain proper accounts and are of sound position. The risk of the banks would be minimised if they receive the co-operation of prominent parties who could be induced in return for some remuneration to guarantee the bills drawn in favour of the local moneylender. The moneylender will be slow to take advantage of the scheme but the bank approves of it.

16. *Simla Banking and Industrial Co.*—Under the scheme the entire risk is thrown on the scheduled banks and the moneylanders. It would be necessary for the Reserve Bank to come to their help at the time of maturity of loans and advances in the matter of collection of bills. The success of the scheme is doubtful if this is not done as the scheduled banks and moneylenders alone will not be able to liquidate agricultural debts. The Reserve Bank should accept the principle of rendering assistance to them when their loans to agriculturists become frozen. The rate of interest can be cheapened when scheduled banks get rediscount facilities and the risks are reduced. The bank considers it possible to extend its business on the lines suggested at places where it has branches. It considers that moneylenders will readily take advantae of these facilities offered. It considers that there are good prospects of making the scheme a success but it would like to be informed whether the Reserve Bank would take a hand in the liquidation of bills drawn by agriculturist borrowers.

III.—PRIVATE BANKS, MONEYLENDERS, ETC.—

1. *Bansilal Abhirchand.* —Advocates opening of central depots at convenient centres under the supervision of agents who will enlist the agriculturists in need of help and settle the transactions with local moneylenders. Is not clear regarding the responsibility of the moneylender. Considers the scheme worth trial.

2. *Rajapalayam Commercial Bank.*—A private limited bank, wishes to be considerred as moneylenders and if given same facilities will rediscount bills with Imperial Bank, Madura. Asks if discount will be refunded on advance repayments made by agriculturists from time to time and wants to be furnished with a form of the bill to be taken from the agriculturists.

3. *Mr. M. G. Chitnis.*—Has no inclination to enter into any relations regarding moneylending as suggested.

4. *The Bengal Provincial Co-operative Bank.*—The scheme can be worked through the co-operative societies without the intervention of moneylender but there is a lack of godown facilities.

5. *Marwari Chamber of Commerce.*—The scheme is not workable or likely to produce the results expected from it. The class of agriculturists most in need of financial accommodation will not get any advantage. Few moneylenders would accept bills of exchange unless their repayment on maturity could be secured and enforced through a State agency. Agriculturists will also be unable to draw bills for a reasonable amount which could be discounted by moneylenders and scheduled banks as the value of their crop would be small. Only big landlords and moneylenders combining agriculture and trade with moneylending will benefit by the scheme.

THE HONOURABLE MR. HOSSAIN IMAM: Raja Yuveraj Datta Singh has authorized Mr. Sapru to ask the questions on his behalf.

THE HONOURABLE THE PRESIDENT: But Mr. Sapru is not here.

THE HONOURABLE MR. HOSSAIN IMAM: Rai Bahadur Sri Narain Mahtha has got the sanction of Mr. Sapru to put his question. Could not he put the questions* standing in the name of Raja Yuveraj Datta Singh? It is a question of delegated proxy.

THE HONOURABLE THE PRESIDENT: As I said the other day, it is an act of grave discourtesy to the Council on the part of the Honourable Member to send so many questions and not be present himself or authorize anybody to put the questions on his behalf.

LEASE OF THE CALCUTTA MAIDAN.

148. THE HONOURABLE MR. HOSSAIN IMAM: Will Government state:

(*a*) Whether the Calcutta Maidan is the property of the Government of India? If so, which Department holds its administrative charge?

(*b*) Whether the Maidan has been let out? If so, to whom, under what terms, when, and up to which year? and

(*c*) The reasons for the contract of the Calcutta Maidan being given to the present lessee?

THE HONOURABLE MR. J. A. THORNE: (*a*) The Calcutta Maidan is the property of the Central Government and it is managed partly by the Home Department of the Central Government and partly by the Government of Bengal on behalf of the Defence Department.

(*b*) A part of the Maidan has been leased to the Royal Calcutta Turf Club. The last lease was executed in 1933 for a period of 30 years with effect from the 1st January, 1932 on payment of an annual rent of Rs. 20,000. The detailed terms are stated in the lease a copy of which is in the Library of the House.

(*c*) The terms charged appear to be adequate.

GRATUITY PAID TO THE FIRST GOVERNOR OF THE RESERVE BANK OF INDIA.

149. THE HONOURABLE MR. HOSSAIN IMAM: Will Government state the amount paid to the first Governor of the Reserve Bank of India as gratuity on his retirement? Was there any provision for it in his service contract? If so, what were the terms of the contract?

THE HONOURABLE SIR JOHN NIXON: I am not prepared to add anything to what was said by the Honourable Finance Member on the 4th of March, 1937 in the other House in reply to question No. 478.

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*Questions Nos. 137 to 146 with their answers have been printed although the Honourable Raja Yuveraj Datta Singh was absent.

RESOLUTIONS PASSED BY THE PROVINCIAL LEGISLATURES ON THE SUBJECT OF FEDERATION.

150. THE HONOURABLE MR. HOSSAIN IMAM : Will Government state whether the Provincial Governments or the Provincial Legislatures have sent in representations or resolutions on the subject of the Federation of India ? If so, will Government lay them on the table ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : As regards the first part of the Honourable Member's question I would invite attention to the reply I gave to question No. 51 on the 5th September, 1938.

As regards the second part I may mention that the resolutions have been published in the Proceedings of the Provincial Legislatures, copies of which are available in the Library of the House.

GAZETTED AND NON-GAZETTED STAFF OF ALL-INDIA RADIO.

151. THE HONOURABLE MR. HOSSAIN IMAM : Will Government state :

(*a*) The numbers of (*i*) gazetted and (*ii*) subordinate staff of the All-India Radio showing separately the number of Europeans and Indians, Hindus and Muslims, with the provinces to which they belong on 31st December, 1937 ; and

(*b*) The names of the Biharees with the dates of appointment and the posts held by them in the All-India Radio ?

THE HONOURABLE MR. S. N. ROY : (*a*) and (*b*). A statement giving the available information is laid on the table of the House. I regret that information regarding the province of origin of all the persons concerned cannot be given as it is not readily available and its collection would involve an expenditure of time and labour disproportionate to the result.

THE HONOURABLE MR. HOSSAIN IMAM : May I point out, Sir, that these questions have been in the office for the last six months ?

THE HONOURABLE MR. S. N. ROY : Yes, but we do not collect figure on the provincial basis at all.

Statement showing the number of Gazetted and Non-gazetted staff of All-India Radio on the 31st December, 1937.

—	European.	Indian.			Total.
		Hindu.	Muslim.	Others.	
Gazetted	5	10	4	2	21
Non-gazetted	3	110	60	22	195

SUGAR MILLS.

152. THE HONOURABLE MR. HOSSAIN IMAM: Will Government state the names and the location of sugar mills newly opened in the year 1937-38 ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : I would refer the Honourable Member to List B attached to the Review of the Sugar Industry of India for the crop year 1936-37, which was published as a supplement to the *Indian Trade Journal* of the 21st July, 1938, and is available in the Library of the House.

THE HONOURABLE MR. HOSSAIN IMAM : I wanted figures for 1937-38, Sir, and the Honourable Member is referring to an old publication.

THE HONOURABLE SIR KUNWAR JAGDISH PRASAD : Well, Sir it may be that these figures are not yet available.

IMPORTS OF RICE AND PADDY FROM BURMA INTO INDIA.

153. THE HONOURABLE MR. HOSSAIN IMAM: Will Government state the quantity and value of rice and paddy imported into India from Burma during the nine months April to December, 1937 and during the year 1936 ?

THE HONOURABLE MR. M. SLADE: The Honourable Member is referred to the Monthly Accounts relating to the Coasting Trade and Navigation of British India for December, 1936 and the Accounts relating to the Sea-borne Trade and Navigation of British India for December, 1937, copies of which are in the Library.

THE HONOURABLE MR. HOSSAIN IMAM : Are these publications issued to Members of the Legislature ?

THE HONOURABLE MR. M. SLADE : They are in the Library, Sir.

THE HONOURABLE MR. SUSIL KUMAR ROY CHOWDHURY : Do the Government intend to impose any duty on rice and paddy imported from Burma ?

THE HONOURABLE MR. M. SLADE : I submit that does not arise, Sir, but under the present Trade Order it is not possible.

COMPENSATION TO THE FAMILIES OF THOSE KILLED IN THE BIHTA RAILWAY DISASTER.

154. THE HONOURABLE MR. HOSSAIN IMAM: (*a*) Have Government given any compensation to the families of those who lost their lives in the Bihta railway disaster ?

(*b*) Were several of those who died in the disaster the sole support of their families ? If so, what provision have Government made for the relief of their families ?

THE HONOURABLE SIR GUTHRIE RUSSELL: (*a*) I would refer the Honourable Member to the statement I made in the House on the 15th September, 1938 during the course of the debate on the Honourable Mr. P. N. Sapru's Resolution in connection with the accident at Bihta.

(*b*) Government have no information in regard to the first part of the question, and the second part, therefore, does not arise.

RECRUITMENT OF SUBORDINATE STAFF ON STATE-MANAGED RAILWAYS.

155. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government place on the table of this House the detailed Rules and Instructions issued for the guidance of the Railway Selection Boards regarding the recruitment of subordinate services on State Railways?

THE HONOURABLE SIR GUTHRIE RUSSELL: I would refer the Honourable Member to rules 72—75 of the Rules for the recruitment and training of non-gazetted staff (except apprentice mechanics, trade apprentices, labourers, and inferior staff) on State-managed Railways. A copy of these Rules is in the Library of the House.

APPOINTMENT OF MR. MEHRA AS INSPECTOR OF WORKS, N.W.R.

156. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: (*a*) Was the Lahore Division of the N.W.R. asked by the General Manager to recommend candidates community-wise for selection as Inspector of Works; and was only one name from Hindus to be recommended?

(*b*) Was one Mr. Raghbir Mehra (son of Mr. Gopal Nath Mehra, Lahore Divisional Accounts Officer, N.W.R., selected by the Lahore Divisional Selection Board and sent up for medical examination of fitness for service?

(*c*) Was Mr. Raghbir Mehra on medical examination declared unfit for employment by the Railway Divisional Medical Officer, Lahore Division?

(*d*) Did the Lahore Division then refer the case of Mr. Raghbir Mehra to the Chief Medical Officer, N.W.R., who on medical examination also declared Mr. Mehra unfit for employment?

(*e*) Mr. Raghbir Mehra having been declared medically unfit for employment by the Lahore Divisional Medical Officer as well as by the Chief Medical Officer, N.W.R., did the Lahore Division recommend one Mr. Anand, a graduate in Civil Engineering, to the General Manager for selection as Inspector of Works?

THE HONOURABLE SIR GUTHRIE RUSSELL: (*a*), (*b*) and (*c*). Yes.

(*d*) and (*e*). The case of Mr. Mehra was referred to the Chief Medical and Health Officer, N.W.R., who on re-examination found Mr. Mehra medically fit. No one by the name of Mr. Anand was recommended by Lahore Division.

APPOINTMENT OF MR. MEHRA AS INSPECSOR OF WORKS, N. W. R.

157. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: (*a*) Was Mr. Raghbir Mehra referred to in the preceding question only a Mechanical Engineer qualified from the Maclagan Engineering College, Lahore, and did he have no training there as a Civil Engineer?

(*b*) Was Mr. Mehra sent up for medical examination for the third time and was he eventually declared medically fit for appointment?

(*c*) Did the Lahore Division soon after recommending Mr. Anand recommend Mr. Mehra as well to the General Manager ?

(*d*) Did the Headquarters Selection Board select and appoint a highly qualified graduate in Civil Engineering as Inspector of Works ? Were there many other candidates with superior qualifications ? Has Mr. Mehra been selected to be placed on the waiting list for appointment as Inspector of Works when the next vacancy will arise ? If so, why ?

THE HONOURABLE SIR GUTHRIE RUSSELL : (*a*) Mr. Mehra, in addition to being qualified in Mechanical Engineering from the Maclagan Engineering College, has also passed Sections " A " and " B " of A. M. I. E. (India) Examination relating to Civil Engineering and Part I of A. M. I. Mechanical Engineering and A. M. I. E. E. He has lately appeared in the City and Guilds Final Examination in Structural Engineering. Besides this he has been receiving training since 10th January, 1938 as a student engineer in the Civil Engneering side on the N.W.R.

(*b*) The reply to the first part of the question is in the negative. Mr. Mehra was declared medically fit when he was examined by the Chief Medical and Health Officer, as stated in the reply I have just given to part (*d*) of the Honourable Member's question No. 156.

(*c*) One Mr. Sham Lal, and not Mr. Anand, was recommended, but Mr. Mehra was considered superior to Mr. Sham Lal by the Lahore Division Selection Board. Mr. Mehra's name was not forwarded in the first instance as he was not considered medically fit by the Divisional Medical Officer, Lahore. On a reference being made to the Chief Medical and Health Officer, the Divisional Superintendent, Lahore, included Mr. Mehra's name also.

(*d*) The three most suitable candidates from amongst the various selected candidates sent by the different divisions were chosen by the Headquarters Selection Committee to fill the three vacancies advertised. The two next best qualified candidates were placed on the waiting list, Mr. Mehra being one of them.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Sir, is it not a fact that this Mr. Mehra was medically examined three times ?

THE HONOURABLE SIR GUTHRIE RUSSELL : I understand he was medically examined twice : the first time by the Divisional Medical Officer and the second time by the Chief Medical and Health Officer, which is allowed under the rules.

APPOINTMENT OF MR. MEHRA AS INSPECTOR OF WORKS, N.W.R.

158. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : With reference to the preceding question will Government state why the procedure of repeated medical examinations was adopted in the case of Mr. Raghbir Mehra by the Lahore Division of the N.W.R. and will this procedure serve as a precedent for all candidates who apply for service on State Railways ?

THE HONOURABLE SIR GUTHRIE RUSSELL : Mr. Mehra's case was referred to the Chief Medical and Health Officer under Regulation 5 of the

Regulations for the medical examination of candidates and employees, non-gazetted (including inferior) and labourer's grades, a copy of which is in the Library of the House. The question of this incident forming a precedent does not, therefore, arise.

NUMBER OF RAILWAY WAGONS BUILT ON STATE-MANAGED RAILWAYS FOR THE CARRIAGE OF AEROPLANES.

159. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: How many covered railway wagons for the carriage of aeroplanes have been built on each of the State Railways and at what cost? Were these aeroplane wagons made mainly at the instance of the Defence Department? Which Department will bear their cost, and how many times in a year and how many such wagons have been used by the public?

THE HONOURABLE SIR GUTHRIE RUSSELL: Four broad gauge vehicles have been specially built for the transport of aeroplanes, and these are on the N. W. R. They cost Rs. 1,10,536 and were built at the request of the Defence Department who pay, in addition to the haulage charges, 9½ per cent. per annum on the capital cost to cover interest, depreciation and maintenance. These vehicles are not intended for public traffic.

APPOINTMENT OF AN INDIAN AS GENERAL MANAGER OF A STATE-MANAGED RAILWAY.

160. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government state whether they intend to appoint a suitable Indian as a general manager of any of the State Railways as promised by the Honourable Member in charge of Railways? If not, why not?

THE HONOURBLE SIR GUTHRIE RUSSELL: I would refer the Honourable Member to Sir Thomas Stewart's speech of 24th February, 1938, appearing on pages 1118 and 1119 of the Legislative Assembly Debates for that day, which explains the position of Government in this respect.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Sir, is it not a fact that the late Commerce Member, Sir Muhammad Zafrullah Khan, definitely promised that the case of Indians as Agents on the Railways would be considered?

THE HONOURABLE SIR GUTHRIE RUSSELL: My recollection is that he promised that when there was a vacancy Indians would be considered. I think that was the extent of his promise.

THE HONOURABLE MR. G. S. MOTILAL: Was there any vacancy filled after that speech was made?

THE HONOURABLE SIR GUTHRIE RUSSELL: I do not think there was any permanent vacancy filled.

THE HONOURABLE MR. HOSSAIN IMAM: What about temporary vacancies?

THE HONOURABLE SIR GUTHRIE RUSSELL: Officiating vacancies have not been filled by Indians.

THE HONOURABLE MR. HOSSAIN IMAM: Were they considered?

THE HONOURABLE SIR GUTHRIE RUSSELL: I can assure the Honourable Member that every suitable person is considered.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Sir, is there any chance of a vacancy occurring in the near future?

THE HONOURABLE THE PRESIDENT: That does not arise. That is a hypothetical question.

JOINT LAC CONFERENCE.

161. THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY: Will Government state whether any and if so, what recommendations have been made to the Government of India by the Joint Lac Conference held at Ranchi on the 23rd and 24th August, 1938 and what steps do they propose to take on those recommendations?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: The Proceedings of the Conference have not yet been received.

TELEPHONE OPERATORS TEMPORARILY EMPLOYED BY THE DIVISIONAL ENGINEER, TELEGRAPHS, DACCA DIVISION.

162. THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY: Will Government state whether any consideration and, if so, what consideration has been shewn to those telephone operators who had undergone practical training and had been temporarily employed by the Divisional Engineer, Telegraphs, Dacca, after a departmental examination held in 1935 and had been rendered ineligible on account of their age for the competitive examination which was subsequently introduced?

THE HONOURABLE MR. S. N. ROY: General orders granting certain concessions to old approved candidates were issued in September, 1937, a copy of which was laid on the table of the Assembly on the 7th October, 1937 in reply to starred question No. 348 put by Mr. Amarendra Nath Chattopadhyaya. These orders would be applicable to the telephone operators who had undergone practical training and had been temporarily employed by the Divisional Engineer, Telegraphs, Dacca Division, after a departmental examination held in 1935. The matter is within the competence of the Postmaster General.

TRAIN TIMINGS ON THE KALKA-SIMLA SECTION, N. W. R.

163. THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY: (*a*) Are there two trains, one starting from Simla at about 11 P. M. at night and reaching Kalka at about 4-30 in the morning and another reaching Ambala at 6 in the morning and going to Delhi at about 11 in the morning?

(*b*) Is there no train from Kalka to Ambala connecting the above two trains? If so, do Government contemplate connecting the two trains by starting a corresponding train from Kalka to Ambala?

THE HONOURABLE SIR GUTHRIE RUSSELL: (*a*) Yes: a train leaving Simla at 11-25 P.M. arrives at Kalka at 4-50 A.M.; and a train leaving Ambala at 6-23 arrives at Delhi at 11-35.

(*b*) The reply to the first part is in the affirmative. As regards the second part, I will convey the Honourable Member's suggestion to the General Manager of the N. W. R. for consideration.

IMPORT OF POTATOES FROM ITALY.

164. THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY: (*a*) Are potatoes worth nearly Rs. 90,000 annually imported into India from Italy?

(*b*) Is it cheaper to get potatoes from Italy in Bombay than from other provinces of India? If so, what is the reason and whether Government propose to reduce the railway freight on potatoes?

THE HONOURABLE MR. M. SLADE: (*a*) Yes.

(*b*) No. Imports of potatoes from Italy are mainly used for seed purposes. Such importations do not afford adequate justification for a reduction in railway freights from internal centres of production.

INDIAN EMIGRATION (AMENDMENT) BILL.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Education, Health and Lands Member): Sir, I move:

"That the Bill further to amend the Indian Emigration Act, 1922, as passed by the Legislative Assembly, be taken into consideration."

The reasons for bringing in this Bill are, I think, adequately explained in the Statement of Objects and Reasons and I do not think that any lengthy or elaborate exposition of these is called for on my part. As Honourable Members must have noticed, the Emigration Act of 1922 enables Government to control assisted emigration of unskilled labour but it gives no power to the Government to control the emigration of unassisted unskilled labour. Experience over a number of years has shown that the lack of such power tends to defeat the objects with which the Emigration Act of 1922 was passed. The figures show that the number of unassisted unskilled labourers who emigrate from India is very considerable and in order to achieve the objects of the Emigration Act of 1922 it is necessary that we should have this power. It is for this reason that this Bill has been introduced. As Honourable Members are aware, practically all the emigrants are from the Madras Presidency. Before bringing forward this legislation we consulted the Madras Government and they are in complete agreement with the Government of India as regards the need for this legislation. I have nothing further to add except to commend the Bill for the favourable consideration of the House.

THE HONOURABLE MR. RAMADAS PANTULU (Madras: Non-Muhammadan): Sir, I rise to support this measure most heartily. The Honourable the Leader of the House has mentioned already that the province from which I come is most interested in the operation of this measure. Sir, it is a very wide power that we are giving to the Government of India by this Bill. But I see no other way of helping Indians abroad except by vesting such wide powers in the Government of India to control emigration of assisted as well as unassisted unskilled labour. It is intended to prevent the exploitation of Indian labour and bringing down the standards of living of Indian labourers there. Therefore, this measure will have a very beneficial effect. Sir, in April last this year we were faced with trouble, especially in Malaya where wages were cut down drastically. Therefore, this measure is not premature. It will have the effect of those countries not being able in future to import labour on their own terms but only on conditions which are decent and tolerable to the Indian labourers going there. Sir, this power is no doubt liable to be abused. The Government of India might use it to help private enterprise or capitalists and to the detriment of the Indian labourer. But I have no such fears, knowing that the Department of the Government of India presided over by the Honourable the Leader of the House can be trusted to use this measure only in Indian interests; it is no doubt capable of being used to help capitalists and other vested interests, but I hope and trust that it will not be done. I understand that this measure has not only the support of the Madras Government but also of the Indian Association of Malaya. If that is so, the need for this measure is clear. So, I do not wish to take up more time of this House. I once more give my hearty support to this measure.

*THE HONOURABLE MR. V. V. KALIKAR (Central Provinces: General): Sir, on behalf of my Party I rise to support this measure. This measure is supported throughout the whole of India and I congratulate the Government of India for having taken into confidence the Madras Government in framing this measure and getting it passed through the Central Legislature. We had troubles in Ceylon and Malaya about the low wages. I think that this measure will to a great extent stop the grievances of the labourers who have settled there. I personally would have liked to know the figures which we do not know so that we may have the material to judge whether this measure is necessary or not. But, apart from that, the reports that I have here go to show that this measure is in the interests of the labourers of Madras and therefore I heartily support the measure.

*THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR (Madras: Muhammadan): Sir, I give my support to the Bill which has just been moved. I may congratulate the Honourable the Leader of the House for introducing such a useful and helpful piece of legislation. The lack of such power has operated to the detriment of unassisted labour. The fact that this power in regard to assisted labour and labour under contract has operated to the obvious advantage of that kind of labour is justification enough for this power which is now being asked for by the Government. It is highly

*Not corrected by the Honourable Member.

[Saiyed Mohamed Padshah Sahib Bahadur.]

necessary that every possible step should be taken to prevent the indiscriminate flow of labour to countries where the labourers, after emigrating there, find themselves altogether stranded, especially in times of depression just as we have at present.

(At this stage, some Honourable Members were conversing loudly among themselves.)

THE HONOURABLE THE PRESIDENT: Order, order. There should be no talk in the House when an Honourable Member is speaking.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR: I feel this is a very necessary piece of legislation which I heartily support.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa: Muhammadan): Mr. President, we have no option but to support this measure which the Government have brought forward. There is no gainsaying the fact that the Indian labourer goes to foreign countries in such large numbers that they reduce the economic value of those who are already settled there. Government should not think that by merely bringing forward a measure of this nature, they have finished with the task on their shoulders. The fact that people are willing to leave their homes and go to foreign countries on very inadequate wages is proof positive that the economic condition in India is not good. It is, therefore, necessary that an outlet should be found for Indian labour in other parts of the British Empire, so that this redundant population, those who are unable to get work here, may have some source of income in other parts of the British Empire. If we are to remain in the British Empire it is natural that we should desire that the Empire should help our people. We are not very particular about the place where our surplus population should be allowed to go. They can go anywhere in this big British Empire. So long as there is a possibility of economic improvement, we would like the doors of other colonies to be opened to our people. We know that in one or two colonies the British Empire is anxious to get Indian coolies. They are offered employment there. But when they go there, what happens? We saw the other day what is happening in South Africa. Indian labour is required to go to a country to help its industrial development, but when they settle down there, they are treated as pariahs and they are not given any place in the civic life of the country. For these reasons, Sir, although we support this measure, we ask the Government to carry on their endeavours to give the Indians a better place in the British Empire.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: Sir, my Honourable friend Mr. Ramadas Pantulu has expressed a fear that possibly, if not this Government, another Government might use this measure to help capitalists. I can assure him that we quite recognize that the powers which are being conferred on us are wide. We have no intention of using them arbitrarily. Our object is to use them whenever necessary to protect the interests of Indian labour. I hope that that assurance will dispel the fears of the Leader of the Congress Party.

My Honourable friend Mr. Kalikar wanted to have the figures of assisted and unassisted emigration to the two Colonies where assisted emigration is or has been in force recently, that is Malaya and Ceylon, and with your permission I would like to read out these figures. I shall begin from the year 1935 and give figures for the last three years. I think that will probably be enough. I will take first Malaya.

In the year 1935 the number of assisted emigrants was 20,771 ; the number of unassisted emigrants was 25,625. In the year 1936 the number of assisted emigrants was 3,754 and the number of unassisted emigrants was 24,104. In the year 1937 the number of assisted emigrants was 54,849 and the number of unassisted emigrants was 50,128.

Now I come to Ceylon. In the year 1935 the number of assisted emigrants was 43,018 and the number of unassisted emigrants was 104,206. In the year 1936 the number of assisted emigrants was 40,803 and the number of unassisted emigrants was 97,158. In the year 1937 the number of assisted emigrants was 51,457 and the number of unassisted emigrants was 111,125.

I think these figures bear out the statement that I made in introducing this measure that the number of assisted emigrants is very large and is a very considerable proportion of those who emigrate.

My Honourable friend Mr. Hossain Imam wanted to draw the attention of the Government of India to the plight of Indians overseas. We have had discussions on that subject frequently in this House and I need not repeat what I have stated several times before that the Government of India's constant endeavour is to watch over the welfare and prosperity of its nationals abroad.

I do not think any other point has been raised. I am glad that the measure has had the unanimous support of all sections of this House.

THE HONOURABLE THE PRESIDENT: Motion made:

"That the Bill further to amend the Indian Emigration Act, 1922, as passed by the Legislative Assembly, be taken into consideration."

Question put and Motion adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: Sir, I move:

"That the Bill, as passed by the Legislative Assembly, be passed."

The Motion was adopted.

STATEMENT OF BUSINESS.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Leader of the House): Sir, I had hoped that this House would meet tomorrow to dispose

[Sir Jagdish Prasad.]

of some of the Bills passed by the Assembly today and yesterday. But I understand that no more Bills have been passed by that House so far and I therefore request you, Sir, to direct this Council to meet on Thursday, the 22nd. It is expected that the Bill to amend the Law relating to cruelty to animals and any other Bills that may be passed by the Assembly in the meantime will be laid on the table of this House on that date and with your leave, Sir, they can be taken into consideration by this House the same day.

THE HONOURABLE THE PRESIDENT: Has the House any objection to my waiving the Standing Orders?

(Several Honourable Members said "No".)

THE HONOURABLE THE PRESIDENT: Then I shall waive the Standing Orders in respect of the Bills which are laid on the table on Thursday next.

THE HONOURABLE MR. R. H. PARKER: That does not apply to the Motor Vehicles Bill?

THE HONOURABLE THE PRESIDENT: No.

The Council then adjourned till Eleven of the Clock on Thursday, the 22nd September, 1938.

COUNCIL OF STATE.

Thursday, 22nd September, 1938.

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

BILLS PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

SECRETARY OF THE COUNCIL: Sir, in pursuance of rule 25 of the Indian Legislative Rules, I lay on the table copies of the following Bills which were passed by the Legislative Assembly at its meeting held on the 20th September, 1938, namely:—

A Bill to amend the law relating to the prevention of cruelty to animals.

A Bill to regulate the admission of children to certain industrial employments.

A Bill to declare that certain defences shall not be raised in suits for damages in British India in respect of injuries sustained by workmen.

A Bill further to amend the Indian Aircraft Act, 1934.

A Bill further to amend the Indian Tea Cess Act, 1903, for a certain purpose.

THE HONOURABLE THE PRESIDENT: I have already waived the Rules of Business; so we shall now proceed with the consideration of the Bills.

PREVENTION OF CRUELTY TO ANIMALS (AMENDMENT) BILL.

THE HONOURABLE MR. J. A. THORNE (Home Secretary): Sir, I move:

"That the Bill to amend the law relating to the prevention of cruelty to animals, as passed by the Legislative Assembly, be taken into consideration".

Sir, the Prevention of Cruelty to Animals Act was passed in 1890, nearly 50 years ago, and in the interval between then and now the only amendment made to it by the Central Legislature was in 1917 when various additions,

[Mr. J. A. Thorne.]

various additional provisions, were made, the object of which was to penalize a particular form of cruelty practised on goats. No one therefore can accuse the Legislature of undue haste in proceeding to a revision of the law. For the latter part of that period the power of legislation has been with the Provincial Legislatures, but the Central Legislature has recovered it lately through the inclusion of this subject in the Concurrent List of the Government of India Act, 1935. The only Provincial Legislatures which have amended the Act or which have passed legislation amplifying it for their own purposes have been Bengal and Bombay. Tribute is due to them for their action and our Bill owes a good deal to the provisions which they have introduced from time to time in their own provinces. I should like, Sir, also to pay a tribute to the organizations and associations which have been interested in the reform of the law, in particular to the All-India Society for the Prevention of Cruelty to Animals, a Society which has made a very close study of the subject and of conditions prevailing all over India and which has maintained in recent years a persistent advocacy of the need of legislation. I do not wish to omit other organizations which have maintained especially of recent years equal persistence and pressure on Government and on public opinion, but they for the most part cover only a part of the field, whereas the Society which I have mentioned covers the whole field and the whole of India.

Well, Sir, I will not detain the House with a long exposition of the terms of the Bill. The Home Member gave an undertaking in the other place in April last that, if circulation of the Bill was agreed to, every effort would be made to complete the enactment of the Bill in this session at Simla. Circulation was accordingly agreed to. We have behind us the almost unanimous support of the Provincial Governments, whose support is of very great importance since over the greater part of India the carrying out of the provisions of the Bill will depend on them. The Bill, if Honourable Members will compare it with the existing Act, is I think fairly clear in its terms. I will only mention the provisions and effects of the Bill which appear to me to be most important. First, in section 3 of the present Act we have the phrase:

> "If any person in any street or in any other place, whether open or closed, to which the public have access, or within sight of any person in any street or in any such other place"

does certain acts of cruelty. Well, that was an unduly restrictive provision and the effect of the Bill is to delete that. Again, in section 3 of the Act you will find that clause (*c*) penalizes anyone who offers, exposes, or has in his possession *for sale* any live animal. The effect of our Bill is to omit that restriction for sale and thereby considerably to widen the basis of the enactment. Then, Sir, clauses 4 and 5 of our Bill penalize not only persons who do themselves actively practise cruelty on animals but also persons who permit such cruelty to be practised. That, the House will agree, is a very important provision. Then again, Sir, as regards the form of cruelty known as *phooka* the penalty has been considerably increased. That is a reform which has been pressed upon us as essential to obtain an early cessation of this shocking practice. Then, Sir, I invite attention to the new section 6C which is contained in clause 7. The effect of that is to penalize baiting or inciting animals to fight—

a very important provision of law. Then, Sir, in clause 9 it will be seen that we have provided machinery which should greatly facilitate the prevention of the offence of *phooka*. The next clause to which I would invite the attention of the House is clause 12 which amends section 12. The effect of the mention of section 4 in clause 12 is that the offence of *phooka* is brought into force throughout India without a specific notification by a Provincial Government under section 1 of the Act. There is another effect of this clause 12 which needs to be explained. Section 11 of the Act says that

> " Nothing in this Act shall render it an offence to kill any animal in a manner required by the religion or religious rites and usages of any race, sect, tribe or class "

and the combined effect of section 12 and section 1 of the Act is this: since section 11 is mentioned in section 12, section 11 applies wherever any part of the Act applies. Coming from Madras, I take a particular interest in this clause because for years the Madras Society for the Prevention of Cruelty to Animals has described cruelties practised by ignorant people in the name of religion and has agitated for the reform of the law on this matter: and the effect of the omission from section 12 of mention of section 11, although it does not immediately leap to the eye, is this—that any province which wishes to keep in force section 11 will hereafter have to make a specific notification to that effect. It does not prevent a Provincial Government from retaining section 11 of the Act in force if it so wishes, but that exemption of offences committed under the cloak of religion will not apply unless a Provincial Government specifically notifies that section of the Act under section 1.

The only other provision that I need mention, Sir, is clause 15 which fills a gap in the present Act by giving power to Provincial Governments to make rules, specifically mentioning those matters on which experience has shown that rules are particularly necessary.

Sir, I move.

THE HONOURABLE THE PRESIDENT: Mr. Thorne, you said that the Honourable the Home Member gave an undertaking last session in the other House to see that this Bill was passed through this session but, in view of the two amendments which Government have, that undertaking cannot now be accomplished?

THE HONOURABLE MR. J. A. THORNE: I stand corrected, Sir. If we do all that is without our power, I think that undertaking will be sufficiently honoured.

THE HONOURABLE SIR DAVID DEVADOSS (Nominated: Non-Official): Sir, I heartily support this Bill. I have only two observations to make. One is, I am told that in Bombay there is a practice by which milch cows are rendered sterile in order to prolong the period of lactation and when they become dry they are sold to the butcher. This leads to the destruction of valuable milch cows and thereby the country will suffer. I would ask the Government, Sir, to inquire into the matter and see whether the provisions of this Bill cannot be extended to cover that practice.

[Sir David Devadoss.]

The second point that I wish to urge is that in Madras there are pack ponies, hill ponies and draught bulls. When the S. P. C. A. man goes and gets hold of one of these animals and takes it to the veterinary hospital, what is done is that the animal is taken in and kept there for a long time and the charges of feeding and other charges sometimes amount to more than the value of the animal. The pack horses, for instance, or the hill horses do not cost more than Rs. 40 or Rs. 50. Well, the owner has no voice in the matter of stopping the so-called treatment, because he cannot take away the animal if the doctor thinks that it has got some disease and he has no voice in the matter of stopping the accumulation of charges, and the result is that whenever an animal is caught like that he leaves the animal and goes away. I am talking of the majority of cases: in a few cases it may be all right, but what I say is that when the rules are framed there should be some protection against the veterinary officer keeping the animal there for a long time and saying you will have to pay Rs. 100 or any large amount. Therefore, what I request is that the Government may be pleased to frame the rules in such a way as to allow the owner a voice in the matter of keeping the animals and if the charges are very heavy the Government ought to bear them and not that the man should be made to lose the animal as well as pay the extra charge.

With these observations, Sir, I support the Bill.

*THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA (Bihar: Non-Muhammadan): Mr. President, I rise to support the Bill that has just been moved. I should like to take this opportunity of congratulating Government on having brought forward this very humane measure. Apart from its being in consonance with Indian religions and culture, I am quite prepared to call it a highly Christian Bill. To the famous Christian injunction "Treat thy neighbour as thyself" this Bill seems to add "and every living being is thy neighbour" and, Sir, I feel that, if the cow has been given special attention in this Bill, it is perhaps because she is so motherly and because she is the giver of plenty. I do not wish to go into the details of the Bill.

Sir, I support the Bill.

THE HONOURABLE MR G. S. MOTILAL (Bombay: Non-Muhammadan): Sir, I have much pleasure in supporting this Bill. Public opinion has for some time asked for a measure of this type. I am glad that Government has brought this measure in response to public opinion. Sir, in order to make this measure effective it will now be necessary for the public and leaders of public opinion to take steps to bring the offenders to book so that this law may fulfil its purpose. I am sure the public which has agitated and the Societies for the Prevention of Cruelty to Animals will be more active and see that the evils which this Bill is intended to penalize disappear.

Sir, there is one provision in this Bill to which I must refer. I think it is section 7(2) which provides that, if a magistrate is satisfied on the report of the

*Not corrected by the Honourable Member.

veterinary surgeon that an animal cannot be removed without cruelty, it should be destroyed. I am referring to section 7 (*2*), the first few lines, on top of page 3, wherein it occurs—

" or such other Veterinary Officer as may be authorized in this behalf by rules made under section 15 certifies that it is incurable or cannot be removed without cruelty, that it shall be destroyed ".

Something like this was contemplated to be provided in a measure which was introduced some years ago in Bombay. I remember I was the spokesman of a deputation which waited upon the then Governor of the province and the question was discussed at some length. On this matter I know Europeans and Indians do not take the same view. I do not say that Europeans are unkind, they are also very kind to animals. I know this from my own experience. But then their view differs. They would like to kill an animal whenever they think that it is suffering from an incurable disease, whereas Indians would not like to do so. It is just a matter of looking at things in different ways.

THE HONOURABLE THE PRESIDENT: Indians would like to see the animal suffering pain continuously ?

THE HONOURABLE MR. G. S. MOTILAL: It may be suffering pain, but to kill the animal is more unkind not to say cruel. If this line of argument is carried further, you may as well say that if any relative of ours is suffering from pain, he may be killed. That is an argument which does not appeal to us. It may be right, it may be wrong. It is a matter of opinion. But there is a very large section of the public which genuinely holds this view. The provision is too wide and if it is applied literally, I am afraid the beneficial effect of this measure will be diminished, and instead of carrying the public with them and getting their appreciation and gratitude, the Government will incur odium and censure. I am sure Government do not desire to be unnecessarily harsh upon the people or their sentiments and I hope Government will bear this in mind and in framing the rules or when the Bill goes to the other House if they can in some way, improve it, they will do so.

With these remarks, Sir, I support this Bill.

*THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa: Muhammadan): Mr President, the Bill which the Honourable Mr. Thorne has moved is one of those rare measures which it is the privilege of Government to bring forward without any political motive but for a purely humanitarian purpose, and as such there can be no opposition to the general principles of the Bill. An objection has been taken to the provisions of section 7 (*2*). I think the greatest justification for this provision is the action of Mahatma Gandhi himself who on a very memorable occasion ordered the destruction of a calf in his Ashram. If any further justification is required, we find it in the action of the British Parliament. The British Parliament has very recently passed a Bill whereby under certain conditions human beings, if they are suffering pain, can be subjected to a painless death. (*An Honourable Member:* " Is it so ? " *Another Honourable Member:* " When was it ? ") It has been

*Not corrected by the Honourable Member.

[Mr. Hossain Imam.]

introduced in Parliamant. I do not know whether it has been passed or not. (*Another Honourable Member:* "Is it a Statute? Was it passed ?") I do not say any thing about its being passed. It has was introduced in Parliament.

THE HONOURABLE THE PRESIDENT: You are quite correct in a way. Some years ago there was an agitation in England among doctors that in case of incurable disease or suffering, the person so suffering may be quietly put to death, but there was no Act passed.

THE HONOURABLE MR. HOSSAIN IMAM: A Bill was introduced on these lines. (*Another Honourable Member:* "I do not think so".) I shall look it up (*Another Honourable Member:* "In Germany they may have done so".) People are moving towards this position. It does not matter whether it has been done in England or in Germany. The idea of pain and suffering is more obnoxious to the present world than it was to the past because the thought was that we were expiating for our sins by suffering in this world. That idea is being replaced now. Secondly, Sir, as the Honourable Sir David Devadoss pointed out a certain practice, I have also heard of another practice whereby live animals are operated upon for taking out their young in order that their skin may be used. It fetches a very high price. I have heard that on goats they perform an operation whereby immense suffering is inflicted on the animal. If Government find that there exists such a practice, I hope that they will bring forward a measure to eradicate that evil as well.

With these words, Sir, I support the Motion.

THE HONOURABLE MR. J. A. THORNE: Sir, I have nothing of substance to put before the House at this stage. So far as the remarks made here relate to the application of the measure which is before the House, they are addressed of course to the Governments which will be concerned with the working of the Act, that is to say, the Governors' provinces and the Chief Commissioners' provinces, and I have no doubt at all that due weight will be given by those Administrations to the views expressed here. As regards what was said about the provisions, obnoxious to some sections of the community, about putting an animal to death if that appeared to be the only way of putting it out of its misery, I might mention that it will be, as I read the Bill, entirely within the competence of a Provincial Government to apply or not that part of the Bill —except perhaps in the case of an animal which might have been reduced to that condition by the practice of *phooka*.

Sir, I move.

THE HONOURABLE THE PRESIDENT: Motion moved:

"That the Bill to amend the law relating to the prevention of cruelty to animals, as passed by the Legislative Assembly, be taken into consideration."

Question put and Motion adopted.

Clauses 2 to 12 were added to the Bill.

THE HONOURABLE THE PRESIDENT: Clause 13.

THE HONOURABLE MR. SHAVAX A. LAL (Nominated Official): Sir, I move:

"That in clause 13 of the Bill for item (*h*) of sub-section (*2*) of the proposed section 15 the following be substituted, namely:—

'(*h*) prescribing the manner in which cattle may be impounded in any place appointed for the purposes, so as to secure the provision of adequate space, food and water'."

Sir, this is a purely drafting amendment. This amendment was inserted in section 15 at the instance of a non-official Member in the other House and although Government accepted the substance of this amendment, they did so on the clear understanding that the drafting stood in need of some improvement, and this improvement is sought to be attained by my amendment.

Sir, I move.

Question put and Motion adopted.

Clause 13, as amended, was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. J. A. THORNE: Sir, I move:

"That the Bill, as passed by the Legislative Assembly, and as amended by the Council of State, be passed."

The Motion was adopted.

EMPLOYMENT OF CHILDREN BILL.

THE HONOURABLE MR. M. S. A. HYDARI (Labour Secretary): Sir, I beg to move:

"That the Bill to regulate the admission of children to certain industrial employments, as passed by the Legislative Assembly, be taken into consideration."

I need not take up the time of the House by saying very much on this Bill. The Statement of Objects and Reasons carries its own conviction and a simple procedure has been laid down to give effect to the provisions of the Bill.

The Motion was adopted.

Clauses 2, 3 and 4 were added to the Bill.

THE HONOURABLE THE PRESIDENT: Clause 5.

THE HONOURABLE MR. SHAVAX A. LAL (Nominated Official): Sir, I move:

"That in sub-clause (*2*) of clause 5 of the Bill the words 'or fourteenth' and the words 'as the case may be' be deleted."

This amendment is consequential upon the amendment made in the other House in sub-clause (*2*) of clause 3 where the age limit was increased from 14

[Mr. Shavax A. Lall.]

to 15 but the consequential amendment in sub-clause (2) of clause 5 was not made in that House. This amendment is designed to do that.

Question put and Motion adopted.

Clause 5, as amended, was added to the Bill.

Clauses 6, 7 and 8 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. M. S. A. HYDARI : Sir, I move :

" That the Bill, as passed by the Legislative Assembly, and as amended by the Council of State, be passed. "

The Motion was adopted.

EMPLOYERS' LIABILITY BILL.

THE HONOURABLE MR. M. S. A. HYDARI (Labour Secretary) : Sir, I move :

" That the Bill to declare that certain defences shall not be raised in suits for damages in British India in respect of injuries sustained by workmen, as passed by the Lregislative Assembly be taken into consideration."

Sir, the object of this Bill is to avoid the application of a doctrine derived from the Common Law of England. This doctrine was evolved by Judges. It is said that one learned Judge planted it, another learned Judge watered it and the devil gave it increase ! Sir, we are on the side of the angels and we want to do away with the application of this doctrine in India. I would like to explain that the Bill does not give the workman any privileges because he is a workman. It merely restores to him the same rights as are enjoyed by the ordinary citizen which under the doctrine of common employment are denied him.

Sir, I move :

The Motion was adopted.

Clause 2 was added to the Bill.

Clauses 3, 4 and 5 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. M. S. A. HYDARI : Sir, I move :

" That the Bill, as passed by the Legislative Assembly, be passed."

The Motion was adopted.

INDIAN AIRCRAFT (AMENDMENT) BILL.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Education, Health and Lands Member) : Sir, I move :

" That the Bill further to amend the Indian Aircraft Act, 1934, as passed by the Legislative Assembly, be taken into consideration."

I think that my Honourable friend Mr. Hossain Imam will agree that this is also a humanitarian measure without any political motive behind it. The

reason for bringing in this Bill is that under the Indian Aircraft Act we have got the power to make regulations and of adopting measures, but they are of a permanent nature and for a permanent condition of affairs and those regulations require three months previous publication before they can be enforced. The present Bill is to deal with an emergency. A situation may arise where measures have to be taken immediately, in regard to aircraft. And what we propose in this Bill is that the requirement of previous publication should be done away with. On the other hand there is a safeguard. The measures taken will only have effect in the first instance for three months and they cannot be extended beyond six months. The real object therefore is to empower the Government to take emergent measures whenever such measures are necessary. I hope that the Bill will receive the unanimous support of the House.

The Motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: Sir, I move:

"That the Bill further to amend the Indian Aircraft Act, 1934, as passed by the Legislative Assembly, be passed."

The Motion was adopted.

INDIAN TEA CESS (AMENDMENT) BILL.

THE HONOURABLE MR. M. SLADE (Commerce Secretary): Sir, I move:

"That the Bill further to amend the Indian Tea Cess Act, 1903, for a certain purpose, as passed by the Legislative Assembly, be taken into consideration."

Sir, the purpose of this Bill simply is to add one member to the Indian Tea Market Expansion Board to represent the tea planters of Travancore. The industry in Travancore is paying cess to the Board at the same rate as in British India and it is therefore in the fitness of things that it should be represented.

The Motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. M. SLADE: Sir, I move:

"That the Bill further to amend the Indian Tea Cess Act, 1903, for a certain purpose, as passed by the Legislative Assembly, be passed."

The Motion was adopted.

THE HONOURABLE THE PRESIDENT: I understand that there is no further work for the Council.

THE HONOURABLE KUNWAR SIR JADGISH PRASAD (Leader of the House): No, Sir.

The Council then adjourned *sine die*.

HM74CS—850—4-10-38—GIPS

THE

COUNCIL OF STATE DEBATES

VOLUME II, 1938

(5th September to 22nd September, 1938)

FOURTH SESSION

OF THE

FOURTH COUNCIL OF STATE, 1938



PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI.
PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, SIMLA.
1939.

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