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THE

# LEGISLATIVE ASSEMBLY DEBATES

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SECOND SESSION

OF THE

FIFTH LEGISLATIVE ASSEMBLY,  
1935



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# Legislative Assembly.

*President :*

**THE HONOURABLE SIR ABDUR RAHIM, K.C.S.I., KT.**

*Deputy President :*

**MR. AKHIL CHANDRA DATTA, M.L.A.**

*Panel of Chairmen :*

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**ABDUL MATIN CHAUDHURY, M.L.A.**

**MR. G. MORGAN, C.I.E., M.L.A.**

**MR. M. S. ANEY, M.L.A.**

*Secretary :*

**MIAN MUHAMMAD RAFI, BAR.-AT-LAW.**

*Assistant of the Secretary :*

**RAI BAHADUR D. DUTT.**

*Marshal :*

**CAPTAIN HAJI SARDAR NUR AHMAD KHAN, M.C., I.O.M., I.A.**

*Committee on Petitions :*

**MR. AKHIL CHANDRA DUTTA, M.L.A., *Chairman.***

**PANDIT GOVIND BALLABH PANT, M.L.A.**

**SYED GHULAM BHIK NAIRANG, M.L.A.**

**DR. F. X. DESOUZA, M.L.A.**

**MR. LALCHAND NAVALRAI, M.L.A.**

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*CORRIGENDUM.*

In the Legislative Assembly Debates, Vol. V,  
No. 7, dated the 10th September, 1935, page 724,  
last line, *for* "weakers" *read* "weakness".

# LEGISLATIVE ASSEMBLY.

Wednesday, 18th September, 1935.

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

## QUESTIONS AND ANSWERS.

### CONSTITUTION OF A STANDING COMMITTEE ON RICE.

453. \***Mr. Akhil Chandra Datta** : (a) Has the Standing Committee on Rice recommended by the Crop Planning Conference of 1934, been constituted ? If so, who are the members appointed and what are the terms of their appointment ?

(b) What is the approximate annual expenditure on the Committee ?

(c) What amount, if any, has been sanctioned by the Imperial Council of Agricultural Research ?

**Sir Girja Shankar Bajpai** : (a) The Imperial Council of Agricultural Research is still in correspondence with the various Local Governments, Indian States and others concerned and the Committee will be set up as soon as preliminary negotiations are complete.

(b) and (c). The question of providing funds will be considered when the constitution of the Committee has been settled.

### PREFERENCE FOR INDIAN RICE IN BRITISH MALAYA AND CEYLON AND FOR INDIAN PADDY IN THE UNITED KINGDOM.

454. \***Mr. Akhil Chandra Datta** : (a) Has any preference been obtained for Indian rice in British Malaya and for Indian paddy in the United Kingdom in consequence of the representations made by the Government of India to the proper authorities in that behalf ?

(b) Have any steps been taken to obtain preference for Indian rice in Ceylon ?

**The Honourable Sir Muhammad Zafrullah Khan** : (a) No preference has been obtained for Indian rice in Malaya but a preference of 2/3 penny per lb. has been obtained for Indian paddy in the United Kingdom.

(b) The grant of reciprocal preferences between India and Ceylon is still under negotiation. I may, however, add with regard to (a) that the Honourable Member is no doubt aware that Indian rice has a preference of a penny a pound in the United Kingdom. And, with regard to Malaya, the position is that all duties on foreign rice have been removed in Malaya and rice now enters Malaya duty free, and, therefore, the Government of India cannot press for a preference in that respect.

**Mr. S. Satyamurti :** At what stage do the negotiations for a trade agreement between Ceylon and India stand now ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have explained that in detail before that the matter is awaiting settlement of the scale of duties on cocoanut and cocoanut produce. As soon as we are able to settle that, we shall proceed with the question of preferences.

**Mr. S. Satyamurti :** Has any agent been deputed by the Government of Ceylon to the Government of India about this matter ?

**The Honourable Sir Muhammad Zafrullah Khan :** A deputation arrived some time ago, and as a result of the visit of that deputation, negotiations started. They are now awaiting the result of the Government of India's action with regard to cocoanut and cocoanut produce before they can be carried further. Nobody from India has been deputed to go down to Ceylon.

**Mr. S. Satyamurti :** Will anybody be deputed to go to Ceylon and finish these negotiations, and, if so, when will they be completed ?

**The Honourable Sir Muhammad Zafrullah Khan :** The question of sending anybody or asking anybody to come here or to carry on negotiations by correspondence will be taken up as soon as this matter of cocoanut and cocoanut produce is out of the way. With regard to the date, I am sure, the Honourable Member will understand that nothing definite can be said now. The matter is being pushed forward with regard to cocoanut as quickly as we possibly can.

#### SPECIAL RAILWAY RATES FOR SPECIAL CROPS.

455. **\*Mr. Akhil Chandra Datta :** Have the Agents of any Railways implemented the undertaking given by the representative of the Railway Board to the Sub-Committee of the Advisory Board of the Imperial Council of Agricultural Research, that special rates would be allowed to facilitate particular movements of special crops ? If so, will Government cite the instances and extent of special rates ?

**Mr. P. E. Rau :** The undertaking given was that sympathetic consideration would be given to the question of allowing special rates when these were required to facilitate particular movements of special crops and that the Railway Board would consult agricultural officers and the new marketing staff in connection with any proposals put up to them. The Railway Board have not received any proposals as yet.

The quotation of special rates is influenced entirely by local conditions and is, therefore, a question primarily for consideration by Railway Administrations who have been advised of the undertaking given by the Railway Board and asked to take action in consultation with agricultural officers and marketing staff to ensure that it was implemented.

I am placing on the table a statement summarising briefly the action taken by Railway Administrations in cases in which requests were received for special rates to be quoted.

*Assam Bengal Railway.*—The question of special rates for rice and paddy from milling stations in paddy growing areas served by the Gauhati Branch, is under correspondence with the Marketing Officer.

At the request of the Director of Agriculture, Assam, quarter parcels rates for pine-apples have been quoted from stations on the northern section to *via* Pandu (for traffic to Calcutta).

At the request of the Director of Agriculture, Bengal, quarter parcels rates have been quoted for grafts, fruit plants and shrubs.

*Bengal and North Western Railway.*—At the request of the Director of Agriculture, United Provinces, it has been agreed to quote special rates for ground-nuts to Cawnpore.

The question of reducing rates for wheat to Bengal and Assam is under correspondence.

*Bombay, Baroda and Central India Railway.*—At the request of the Director of Agriculture, United Provinces, reduced rates for ground-nuts have been quoted on the Cawnpore-Achnera Section.

*Eastern Bengal Railway.*—A large number of special rates have been quoted for grain and pulses, rice and paddy, seeds common, garlic, onions, potatoes, ginger, chillies and tobacco from and to various stations.

*North Western Railway.*—At the request of the Marketing Officer reduced rate is being quoted for wheat from Lyallpur to Bombay.

*South Indian Railway.*—Special rates have been quoted for rice, paddy, ground-nuts, cotton, coconuts, plantains, potatoes and sugarcane.

#### PROTECTIVE DUTY ON IMPORT OF DAIRY PRODUCTS.

456. \***Mr. Akhil Chandra Datta** : Has the Tariff Board examined the question of a protective duty on all imports of dairy products ? If so, what has been their recommendation ?

**The Honourable Sir Muhammad Zafrullah Khan** : The question has never been examined by the Tariff Board.

#### REDUCTION IN THE NUMBER OF CLASSES ON INDIAN RAILWAYS.

457. \***Mr. Akhil Chandra Datta** : Has any decision been taken on the question of a reduction in the number of classes on Indian Railways ? If not, what specific proposals are under consideration ?

**Mr. P. R. Rau** : The reply to the first part is in the negative. As regards the second part, no specific proposals are at present under consideration, but the general question was discussed with the Central Advisory Council for Railways on the 14th instant.

**Dr. Ziauddin Ahmad** : Is it not a fact that the Ackworth Committee recommended that the classifications should be simplified and reduced ?

**Mr. P. R. Rau** : I think the Honourable Member is referring to the number of classes for passengers ?

**Dr. Ziauddin Ahmad** : And is it not also a fact that Government also promised a consideration of such reduction as published in their Administration Report ?

**Mr. P. R. Rau** : Is my Honourable friend referring to the classification of goods or of passengers ?

**Dr. Ziauddin Ahmad** : I am talking of the reduction in the number of classification on the Indian Railways.

**Mr. P. R. Rau** : I do not remember if the Ackworth Committee suggested any such reduction in the number of classes into which the



Indian Railways are divided. The Indian Railways are divided roughly into three classes, the first class consisting of those whose gross earnings are over 50 lakhs, the second class of those of over 10 lakhs, and the rest belonging to the third class.

**Dr. Ziauddin Ahmad** : And there are a number of items in the third class of all possible things owned by the district boards, owned by private companies, and so on ; and it was recommended that they should be amalgamated, if possible, into smaller units.

**Mr. P. R. Rau** : This question refers to the number of classes for passengers, viz., first, second, intermediate and third, and whether they should be reduced.

**Pandit Lakshmi Kanta Maitra** : May I know what were the specific proposals made in the Central Advisory Council about the classes for passengers ?

**Mr. P. R. Rau** : The opinions were varied. Some members thought that the present classification ought to be retained while others thought that the number of classes should be reduced by one and we should have one upper class, one lower class and one intermediate class.

**Pandit Lakshmi Kanta Maitra** : Is the matter still awaiting the decision of the Central Advisory Council or has any final decision been reached ?

**Mr. P. R. Rau** : The Central Advisory Council discussed this question only on Saturday last.

**Mr. Muhammad Azhar Ali** : Is it a fact that, as reported in the *Hindustan Times* yesterday, the intermediate class is proposed to be abolished ? Did the Honourable Member see it ?

**Mr. P. R. Rau** : I do not believe all that I read in the newspapers.

**Pandit Lakshmi Kanta Maitra** : Was there not a proposal like that that the intermediate class should be abolished ?

**The Honourable Sir Muhammad Zafrullah Khan** : If it is meant whether there have been proposals of that description in the meeting of the Central Advisory Council, there have been proposals of all kinds, almost all the permutations and combinations which can be imagined with regard to classification and reclassification. But, as has been explained, the meeting was held only on last Saturday and the proposals have been collected together, and the matter will now receive the consideration of the Railway Board.

**Pandit Lakshmi Kanta Maitra** : Will the Honourable Member place the final decision before this House ?

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

#### REPORT OF THE INDIAN DELEGATION TO THE LEAGUE OF NATIONS.

458. \***Mr. Akhil Chandra Datta** : (a) Do Government propose to give an opportunity to this House to discuss the report of the Indian Delegation to the League of Nations, published in the *Gazette of India* of the 26th January, 1935 ?

(b) Are Government aware that there is a demand for such an opportunity ?

**The Honourable Sir Nripendra Sircar :** (a) and (b). The Honourable Member is referred to my reply to question No. 572 on the 14th August, 1934, in which I stated that if Government were made aware through the recognised channel of Party Leaders that there was a general desire to discuss any future Report, otherwise than on a Resolution making specific recommendations with reference thereto, they would be prepared to consider the possibility of allotting time for the purpose. No representation on the subject having been made to Government, they are not in a position to infer the existence of such a demand. They have, however, themselves considered the matter and reached the conclusion that the extreme diversity of the subjects dealt with in any Report of the Indian Delegation would render any general discussion thereof impracticable and I would suggest that any Honourable Member who desires to discuss specific questions arising on the Report should give notice of a Resolution relating to that specific question.

**Dr. Ziauddin Ahmad :** In view of the fact that the number of days allotted for Resolutions are so few and a Resolution like this has been tabled half a dozen times during the last four years, but had never a chance to be discussed, may I request the Honourable Member to consider the proposal of allotting a day or half a day in this Session for the discussion of this question ?

**The Honourable Sir Nripendra Sircar :** I may remind the Honourable Member that I said on the 14th August, 1934, more than a year ago, that Government would be prepared to consider it should any information be given to them through the usual channels of Party Leaders that there was a demand for it. They have received no such demand for a year and two months. If such a demand is made, the matter has to be considered.

**Dr. Ziauddin Ahmad :** Thanks.

**Dr. P. N. Banerjea :** Was that not in the last Assembly, and not in the present one ?

#### INTRODUCTION OF REFORMS IN THE PROVINCES.

459. **\*Mr. Akhil Chandra Datta :** (a) Will Government please state the approximate time by which the Reforms are likely to be introduced in the provinces ?

(b) When do Government propose to have the election for the formation of the reformed Legislatures in the provinces ?

**The Honourable Sir Nripendra Sircar :** (a) and (b). While every effort is being made to ensure that the Reforms are introduced into the provinces with the least possible delay, Government cannot at this stage commit themselves to any statement as to the probable date of their introduction or of the elections. Both matters depend largely upon the course and duration of the electoral preparations which cannot at present be forecasted with any accuracy.

**Mr T. S. Avinashilingam Chettiar :** Are Government aware that some of the Provincial Legislative Councils have already run for six years,

that is, twice the usual period and that more delay means more number of years for the same Council ?

**The Honourable Sir Nripendra Sircar :** The Honourable Member is giving me information, which is not new to me.

**Pandit Lakshmi Kanta Maitra :** So far as the Bengal Council is concerned, it has already lived to a life of seven years.

**The Honourable Sir Nripendra Sircar :** That is not a question : that is information which is not wanted.

**Mr. T. S. Avinashilingam Chettiar :** Does the Honourable Member propose to have re-election under the present Constitution itself if it will take longer for the new Constitution to come in ?

**The Honourable Sir Nripendra Sircar :** I cannot express an opinion as to what will happen, not knowing when the new Constitution is going to be introduced.

**Mr. S. Satyamurti :** Apart from the time required for completing the electoral arrangements under the new Constitution in the provinces, are there any questions outstanding which must, to the knowledge of Government, be settled before the elections can be held to the various Provincial Legislatures ?

**The Honourable Sir Nripendra Sircar :** If there are any questions outstanding, certainly they do not stand in the way. Therefore, my answer is that the only ground is what I have already given in my answer to the original question.

**Mr. S. Satyamurti :** Have Government attempted to make any rough calculation of the time required for preparing the electoral rolls in the various provinces ?

**The Honourable Sir Nripendra Sircar :** No.

**Mr. Lalchand Navalrai :** May I know if the reforms in Sind are going to be in operation earlier ? If so, when, and who will be our Governor ?

**The Honourable Sir Nripendra Sircar :** I have no information ; but I believe the Honourable Member will be quite eligible for the post. (Laughter.)

#### CONSTRUCTION OF THE DACCA-ARICHA RAILWAY.

460. **\*Dr. P. N. Banerjea :** (a) Has the attention of Government been drawn to the proceedings of a Dacca-Aricha Railway Conference, held at Dacca on the 14th July 1935, at which the representatives of the people of the district of Dacca expressed their emphatic opinion that in the interest of the public the construction of the Dacca-Aricha Railway should be proceeded with without delay ?

(b) If so, are Government prepared to re-consider their decision with regard to the construction of this Railway ?

**Mr. P. R. Ban :** (a) No.

(b) Does not arise.

**Pandit Lakshmi Kanta Maitra :** Is it not under contemplation of the Government to construct the Aricha Railway ?

**Mr. P. E. Rau :** No.

**Pandit Lakshmi Kanta Maitra :** Was there no such scheme before the Government ?

**Mr. P. E. Rau :** There was a scheme which was under consideration for a long time, but, as I explained to the House some time ago, the Government of Bengal considered that this scheme would have seriously bad effects on the public health of the province, and so the Government of India had to give it up.

**Dr. P. N. Banerjee :** Was not a copy of the proceedings of this conference sent to the Honourable Member ?

**Mr. P. E. Rau :** No.

**BAGGAGE FREE ALLOWANCE FOR THIRD CLASS PASSENGERS FROM CEYLON TO INDIA.**

461. **\*Mr. T. S. Avinashilingam Chettiar :** (a) Will Government state whether it is a fact :

- (i) that the Central Board of Revenue have issued notification No. 31, dated 30th August, 1930, regarding baggage free allowance for passengers from Ceylon to India ;
- (ii) that no specific free allowances have been prescribed for third class passengers ; and
- (iii) that, as a result of the indefiniteness of this provision, third class passengers are open to petty persecutions ?

(b) Do Government propose to consider the advisability of fixing specifically the allowances for the third class passengers, as has been done for the higher two classes ?

**Mr. A. H. Lloyd :** (a) (i). Customs notification No. 31, dated the 30th of August, 1930, as amended by Customs notification No. 56, dated the 27th of August, 1932, exempts from duty, subject to certain conditions and exceptions, *bona fide* personal baggage brought by passengers from Ceylon.

(ii) No specific free allowances have been prescribed by the Central Board of Revenue for any class of passengers.

(iii) Government have no reason to believe that Customs Officers are abusing the discretion which is vested in them.

(b) No. It must be left to the local officers to decide what can be regarded as *bona fide* personal baggage in each individual case.

**Mr. T. S. Avinashilingam Chettiar :** Is it not necessary that definite allowances should be provided for each class of passenger ?

**Mr. A. H. Lloyd :** I would only say that, in view of the great opportunities for abuse on such a short journey as the run from Dhanushkodi, if any cast iron rule were laid down, the limit would have to be so rigid as to inconvenience many passengers.

**Mr. S. Satyamurti :** Is it or is not a fact that Indians who go to Ceylon and return, are compelled to pay taxes or duties on goods which

they have imported into Ceylon for their own use, and on which duties have already been levied and paid ?

**Mr. A. H. Lloyd :** That can happen.

**Mr. S. Satyamurti :** May I know if the Government realise that it is double taxation and may involve injustice, and will they examine it and see if this double taxation can be avoided ?

**Mr. A. H. Lloyd :** A representation on the subject is before the Central Board of Revenue and will be examined.

**Pandit Lakshmi Kanta Maitra :** With regard to part (iii) of this question, I was inquiring whether the Honourable Member has made any inquiry whether there are petty persecutions like that ?

**Mr. A. H. Lloyd :** Certainly we have made inquiries.

RICE, BROKEN-RICE AND PADDY IMPORTED INTO INDIA FROM SIAM AND INDO-CHINA.

462. \***Mr. T. S. Avinashilingam Chettiar :** Will Government state :

- (a) the amount of rice, broken-rice and paddy imported into India from Siam and Indo-China since the levy of the import duty on broken-rice ; and  
 (b) the effect of the import duty on broken-rice on the above imports ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) A statement is laid on the table furnishing the information asked for as far as it is available.

(b) The Government are unable to offer an opinion at this stage, but of course it is open to the Honourable Member to draw his own conclusions from the figures in the statement.

*Statement showing imports into India of rice, broken-rice and paddy from Siam and Indo-China during April to August, 1935.*

| Month.    | Rice. |             |        | Broken-rice. |             |        | Paddy. |             |        |
|-----------|-------|-------------|--------|--------------|-------------|--------|--------|-------------|--------|
|           | Siam. | Indo-China. | Total. | Siam.        | Indo-China. | Total. | Siam.  | Indo-China. | Total. |
|           | Tons. | Tons.       | Tons.  | Tons.        | Tons.       | Tons.  | Tons.  | Tons.       | Tons.  |
| April ..  | 300   | 607         | 907    | 3,918        | 600         | 4,518  |        | 1,442       | 1,442  |
| May ..    | 500   | ..          | 500    |              |             |        |        | 10,548      | 10,548 |
| June ..   | ..    | ..          | ..     |              |             |        | ..     | 7,360       | 7,360  |
| July ..   | 500   | ..          | 500    | ..           |             | ..     | 5,073  | 3,411       | 8,484  |
| August .. | 750   | ..          | 750    | 9,035        |             | 9,035  | 550    |             | 550    |
| Total ..  | 2,050 | 607         | 2,657  | 12,953       | 600         | 13,553 | 5,623  | 22,761      | 28,384 |

**Mr. T. S. Avinashilingam Chettiar :** Are Government aware that large quantities of paddy and rice are being imported into this country from Siam ?

**The Honourable Sir Muhammad Zafrullah Khan :** So far as the information available goes, there were no such imports during May, June and July : there have been imports of broken-rice—not paddy—of a fairly substantial quantity during August.

**Mr. C. N. Muthuranga Mudaliar :** Does the statement contain figures for August ?

**The Honourable Sir Muhammad Zafrullah Khan :** Yes.

**Pandit Lakshmi Kanta Maitra :** Can the Honourable Member give us an idea of the quantity of imports ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am prepared to read out any portion of the figures required.

**Prof. N. G. Ranga :** What is the last import of broken-rice ?

**The Honourable Sir Muhammad Zafrullah Khan :** 9.035 tons from Siam.

**Prof. N. G. Ranga :** In view of the fact that this duty has been imposed on broken-rice imports, does it not clearly show that this duty does not, after all, operate in the interests of our Indian producers ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have submitted that it is too early to express an opinion, because, during May, June and July, there was absolutely no import of broken-rice at all.

**Mr. T. S. Avinashilingam Chettiar :** Will Government be prepared to revise the duty in the light of the figures given in these statistics ?

**The Honourable Sir Muhammad Zafrullah Khan :** Government are not prepared to take any action as a result of one month's imports.

**Mr. T. S. Avinashilingam Chettiar :** Will the Honourable Member kindly give the figure for June, July and August ?

**The Honourable Sir Muhammad Zafrullah Khan :** For broken-rice—June *nil*, July *nil* : August, I have already given the figures.

**Pandit Lakshmi Kanta Maitra :** And for ordinary rice ?

**The Honourable Sir Muhammad Zafrullah Khan :** June *nil*, July 500 tons, August 750 tons.

#### SUGGESTION REGARDING IMPOSITION OF A PROHIBITIVE IMPORT DUTY ON ZANZIBAR CLOVES.

463. **\*Mr. T. S. Avinashilingam Chettiar :** Will Government state :

(a) whether they have received any representations from the Zanzibar Indians that the extension of moratorium to Arab producers and the increase in the licensing fees have had disastrous effect on Indians :

(b) whether they have suggested that the Government of India should impose a prohibitive import duty on Zanzibar cloves as a retaliatory measure :

- (c) what reply have Government given to the Zanzibar Indians ;  
 (d) whether they are negotiating with the Zanzibar Government ;  
 and  
 (e) if so, what the results are ?

**Sir Girja Shankar Bajpai :** (a) Representations on the subjects mentioned by the Honourable Member have been received.

(b) Yes.

(c) The Zanzibar Indians have been informed that the matter is receiving attention.

(d) and (e). The attention of the Honourable Member is invited to the reply given by me on the 4th September, 1935, to Mr. S. Satyamurti's question No. 118.

**TEMPORARY CLERKS IN THE OFFICE OF THE CONTROLLER OF TELEGRAPH STORES, ALIPORE.**

464. \***Dr. P. N. Banerjee :** (a) Is it a fact that there are some clerks in the office of the Controller of Telegraph Stores, Alipore, Calcutta, who have been retained on temporary basis for periods ranging from six to ten years without being made permanent ? If so, will Government be pleased to state the reason for retaining them on a fixed pay for a considerable number of years without annual increase in emoluments ?

(b) Is it a fact that these temporary posts were first created in the year 1923 ?

(c) Have these clerks been drawing Rs. 50 per month since the year 1929, and, according to Fundamental Rule 39, does not the maximum limit of Rs. 50 per month constitute the minimum stage of the grade Rs. 50-6-110-5-160 prevalent in the Store Office for "A" Cadre posts ? If the reply be in the affirmative, are Government prepared to consider the desirability of confirming these clerks in the existing scale Rs. 50-6-110-5-160 ?

(d) Was there any preferential provision for graduate and under-graduate clerks in the Posts and Telegraphs Department ?

(e) Was the said concession withdrawn long after the graduate and under-graduate incumbents had entered the Department ? If so, do Government propose to grant them the said concession ?

(f) Did some of these officers submit any petition to Government in July, 1934 ? If so, what action has been taken on their appeals and what do Government propose to do with them ?

**The Honourable Mr. D. G. Mitchell :** (a) As regards the first part of the question, some clerks in the office of the Controller, Telegraph Stores, Alipore, were retained on a temporary basis for periods ranging from two to nine years. As regards the second part, the question of the reorganisation of the office of the Controller of Telegraph Stores was under consideration for some time but for administrative and financial reasons it was found impracticable to bring the temporary staff earlier on to the permanent establishment. In March last, a decision was finally arrived

at and orders were issued to bring the temporary staff on to the permanent establishment with effect from the 1st April, 1935. The officials in question were not eligible for any increments as they were only holding temporary posts sanctioned on a fixed pay from year to year.

(b) Yes.

(c) The reply to the first part is in the affirmative but the position with regard to the fixation of pay of the temporary posts is not as stated by the Honourable Member. The clerks in question have been drawing a fixed pay of Rs. 50 in the temporary posts held by them and the rule cited by the Honourable Member does not require them to be brought on to the scale mentioned by him. The last part of the question does not arise.

(d) Yes.

(e) The reply to the first part is in the affirmative, and to the second part in the negative. As stated in the reply to part (a), the question of confirmation of the temporary men was deferred on financial and administrative grounds ; and they are not eligible for the concession now.

(f) The reply to the first part is in the affirmative. As regards the second part, the petitions have been carefully considered and such of the concessions prayed for as were admissible according to the rules were granted.

**Mr. M. Ananthasayanam Ayyangar :** Does the period of temporary service count for pension ?

**The Honourable Mr. D. G. Mitchell :** Yes, Sir.

#### GROWTH AND DEVELOPMENT OF INDIGENOUS INSURANCE BUSINESS.

465. **\*Mr. Akhil Chandra Datta :** (a) Are Government aware that non-Indian Insurance Companies are dumping their business in India ?

(b) Have Government considered the necessity of adopting anti-dumping measures against the non-Indian Companies in order to stop the drain of Indian money and to afford protection to the indigenous insurance Companies ?

(c) Are Government aware that such measures are adopted even in most of the advanced countries of the world ?

(d) Is it in the contemplation of the Government to amend the existing Insurance Law of this country ? If so, when is the Bill likely to be introduced in this House ? What progress has been made in this connection ?

(e) What is the main object of the proposed amendment ?

(f) Is it their object or is it one of their objects to make effective provision to help the growth and development of indigenous insurance business ?

(g) Have Government considered the advisability of appointing a committee of enquiry consisting of representative insurance men to ascertain the real problems of Indian insurance business and their requirements and drafting the Bill in the light of their recommendations ? If not, are Government prepared to do so ?



**The Honourable Sir Nripendra Sircar :** (a) No. On the other hand business of non-Indian Companies is declining.

(b) No.

(c) No.

(d), (e) and (f). Government are provisionally of opinion that the rapid development of insurance business during the last few years has created numerous circumstances in which the existing law is inadequate. They have, therefore, appointed an Officer on Special Duty to examine the question and to indicate broadly the lines on which new legislation should be undertaken. Representations relating to provisions for growth and development of indigenous insurance business have been received from public bodies and are being considered by the Officer on Special Duty. This Officer's report is expected to be ready about October, and it is impossible for Government to state in what directions amendments will be made until the report of the Special Officer has been received and considered.

(g) Government will consider what their further procedure should be after the report of the Special Officer has been received, but they will certainly consider the suggestion made by the Honourable Member.

**Mr. S. Satyamurti :** What is the amount of insurance business now done by Indian and non-Indian companies in this country ?

**The Honourable Sir Nripendra Sircar :** I am afraid I have not got that information.

**Mr. S. Satyamurti :** I think I heard the Honourable Member say that non-Indian business is declining. May I know on what basis he made that statement ?

**The Honourable Sir Nripendra Sircar :** On the basis of the information I have received. I have not got the exact figures before me, but there is no question that non-Indian insurance business is declining and, if my Honourable friend wants the exact information, I shall be able to give it at short notice.

**Mr. S. Satyamurti :** Is it not a fact, Sir, that even today a not inconsiderable share of the insurance business is done by non-Indian companies in this country ?

**The Honourable Sir Nripendra Sircar :** A not inconsiderable share ?

**Mr. S. Satyamurti :** Yes.

**The Honourable Sir Nripendra Sircar :** Yes, that is right.

**Mr. S. Satyamurti :** May I know whether Government propose to take steps to conserve, as far as possible, insurance business which is almost fool proof and knave proof for Indian companies.....

**The Honourable Sir Nripendra Sircar :** I must really raise a point of order on this. During the last two months, we have been having these questions loaded with observations which are no part of the question itself.—they have been more by way of criticism of Government or reflections on the Government, but surely they did not form part of the question. A question is directed only to get information.

**Mr. S. Satyamurti :** I can understand the Government saying there is some class of business in which we cannot interfere, because it may upset the canons of honesty. My point is that insurance business is

fool proof and knave proof. There is a real law in the country which governs insurance companies, and almost any company may be trusted to conform to it. It is no reflection on the Honourable the Law Member.

**Mr. President** (The Honourable Sir Abdur Rahim) : With regard to the point of order that has been raised, I have observed that often in supplementary questions reflections and criticisms are introduced which is contrary to the rules and Standing Orders.

**The Honourable Sir Nripendra Sircar** : In the meantime I have forgotten what the question was.

**Mr. S. Satyamurti** : My Honourable friend is always after other things than the question itself. My question is this. Will the Honourable the Law Member say why Government don't propose to consider taking steps to conserve as much of insurance business as possible, by such steps as the Government can take, for Indian companies ?

**The Honourable Sir Nripendra Sircar** : I ignore your remark and I say that Government do not propose to take any steps before this Report is received and considered. We expect this Report to be ready about October.

**Mr. S. Satyamurti** : Will Government bring up proposals in the next cold weather in the Assembly on this matter ?

**The Honourable Sir Nripendra Sircar** : I think I answered that question.

**Mr. S. Satyamurti** : I want to raise a point of order, Sir. I can understand the Government saying " We won't answer the question....

**The Honourable Sir Nripendra Sircar** : I said I answered it.

**Mr. President** (The Honourable Sir Abdur Rahim) : That is what the Chair heard.

**Mr. S. Satyamurti** : If you have heard the answer, I am satisfied, but I have not heard the answer.

**The Honourable Sir Nripendra Sircar** : May I just repeat what I said ? This officer's Report is expected to be ready about October, and it is impossible for Government in what directions amendments will be made until the Report of the Special Officer has been received and considered. Therefore, our proposals are not yet ready, and I cannot say definitely the date on which such proposals would be brought forward.

**Mr. S. Satyamurti** : You have now answered. That was not the original answer.

**The Honourable Sir Nripendra Sircar** : That was the original answer.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member has now got the answer. Next question please.

**IMPOSITION OF DUTIES ON PERSONAL EFFECTS CARRIED BY PASSENGERS FROM CEYLON TO INDIA.**

466. \***Mr. S. Satyamurti** : Will Government be pleased to state :

- (a) whether they have heard from the Nadar Mahajana Sangam, Ceylon, about the unjustifiable imposition of duties on per-

sonal effects carried by passengers from Ceylon to India *via* Tuticorin or Dhanushkodi ;

- (b) whether Government have replied to them, and if not, why not ;
- (c) whether duties are levied on the following articles, *inter alia*, a piano carried by a pianist passenger or a similar musical instrument by people interested in the line, a typewriter by a professional typist, a few yards of cloth either cotton or silk to be conveniently made into a parcel, and if so, why ;
- (d) whether it is a fact that no specific free allowance is prescribed for third-class passengers ; and if not, why not ;
- (e) whether it is left to the discretion of individual Customs Collectors ; and
- (f) whether they propose to enquire into the matter, and take steps to redress these grievances ?

**Mr. A. H. Lloyd :** (a) A representation was received from the Nadar Mahajana Sangam, Ceylon, in 1933.

(b) A copy of the reply is laid on the table.

(c), (d), (e) and (f). In so far as these parts of the question relate to the application of the Baggage Rules, I would refer the Honourable Member to the reply which I gave to question No. 461 asked by Mr. T. S. Avinashilingam Chettiar and to the notifications quoted in that reply. In so far as they relate to the disposal of claims to the benefit of No. 77 (1) of the Indian Customs Tariff, the reply is that every case must be decided on its merits.

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FROM RAI BAHADUR PANDIT RAM NATH, B.A., SECRETARY, CENTRAL BOARD OF REVENUE, TO THE HONORARY SECRETARIES, THE NADAR MAHAJANA SANGAM, 77, MALIBAN STREET, COLOMBO (CEYLON), R. DIS. No. 536-CUS.I|33, DATED SIMLA, THE 18TH AUGUST, 1933.

*Baggage—Passengers from Ceylon—Notification regarding—Proposed amendment of—Your letter, dated the 29th May, 1933.*

I am directed to refer to the letter quoted above.

2. The Government of India have already decided not to prescribe any scale of free allowance in the baggage rules, as the question of what is or is not covered by the term personal effects is one which must be decided by reference to the facts of each case. It has, however, been ascertained from the Collector of Customs, Madras, that instructions have been issued to the Inspectors of Customs to be as helpful as possible to the travelling public. Also that the baggage regulations should be enforced in a liberal spirit subject to adequate safeguards to the revenue. No complaints have been received from the travelling public since the issue of these instructions.

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**Mr. S. Satyamruti :** With reference to the answer to clause (e) of the question, may I know, Sir, why free allowance is not specifically mentioned ? Individual Customs Collectors prescribe these free allowances, and, if so, do they do it in each individual case or from time to time, and, if so, on what principles ?

**Mr. A. H. Lloyd :** I believe the position is, the Customs Collectors have general Standing Orders which are subject to adjustments in individual cases.

**Mr. S. Satyamurti :** What are the principles on which these Customs Collectors lay down the specific free allowance ?

**Mr. A. H. Lloyd :** The principle, I think, may be said to be the desire to be reasonable.

**Mr. S. Satyamurti :** May I know if my Honourable friend realises that, if these specific free allowances are laid down from time to time, and again they are subject to exemptions or additions at the discretion of individual officers doing duty at the time, it may give rise to injustice ?

**Mr. A. H. Lloyd :** I think I have already said that if we were to frame our rules so as to guard ourselves against any chance of abuse, they would have to be so extremely rigid and limited as to be unjust and unfair to many passengers.

**Mr. S. Satyamurti :** What steps do Government propose to take to protect individual passengers from injustice ? Apart from the general rules which they have laid down, do Government propose to take any safeguards to protect individuals against cases of abuse of this power ?

**Mr. A. H. Lloyd :** The safeguard is the supervision and control by superior officers.

**Prof. N. G. Ranga :** What is the present limit of free allowance, Sir ?

**Mr. A. H. Lloyd :** That I cannot answer.

**Prof. N. G. Ranga :** Is it a fact that no free allowance is fixed merely in the interest of the passengers and not in the interest of the Collectors ?

**Mr. A. H. Lloyd :** I think, Sir, one of the principal interests to be considered is that of British Indian traders.

**Mr. T. S. Avinashilingam Chettiar :** If no free allowance is fixed, how do the customs people regulate this free allowance ? Do they do it according to their own whims and caprices ?

**Mr. A. H. Lloyd :** I think, Sir, I have already answered that question. There must be an element of discretion, otherwise there will be serious abuse.

**Prof. N. G. Ranga :** Is there any minimum limit at all of this free allowance ?

**Mr. A. H. Lloyd :** Not so far as I am aware.

**Prof. N. G. Ranga :** Is it a fact then that Government do not wish to fix even a minimum of free allowance in the interests of passengers ?

**Mr. A. H. Lloyd :** We have other interests besides those of passengers to consider.

**Prof. N. G. Ranga :** In what way do Government propose to safeguard the interests of passengers also ?

**Mr. A. H. Lloyd :** By giving instructions to their officers to be reasonable and fair in the administration of their duties. If the Honourable Member will bear with me, I will read out the reply, a copy of which I have just laid on the table, but which the Honourable Member has not seen yet. It says :

“ The Government of India have already decided not to prescribe any scale of free allowance in the baggage rules, as the question of what is or is not covered by

the term personal effects is one which must be decided by reference to the facts of each case. It has, however, been ascertained from the Collector of Customs, Madras, that instructions have been issued to the Inspector of Customs to be as helpful as possible to the travelling public. Also that the baggage regulations should be enforced in a liberal spirit subject to adequate safeguards to the revenue. No complaints have been received from the travelling public since the issue of these instructions."

**Prof. N. G. Ranga :** Are we to take it that the allowances which are usually granted are not in any way less than the allowances granted on the Ceylonese and Indian Railways ?

**Mr. A. H. Lloyd :** I fail to understand that question.

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

#### ALLEGATIONS AGAINST SOME RAILWAY OFFICIALS AT TUNDLA.

467. \***Pandit Sri Krishna Datta Paliwal :** (a) With reference to the replies to question No. 871 (c), (e) and (f), dated the 12th March, 1935, are Government making enquiries from the said Deputy Controller himself or from the Superintendent, Police, Agra, who registered the lorries in the name of his wife in the year 1933 or thereabouts ?

(b) Will Government please also enquire and state whether the said Deputy Controller of Tundla borrowed big sums of money for the purpose from the East Indian Railway Employees Co-operative Credit Society on false pretences in 1932 or 1933 ?

(c) Is it also a fact that he borrowed large sums of money from the local money-lenders of Tundla also in 1933 and is it a fact that for the payment thereof his pay is still attached and the major portion of the pay is attached for payment of these debts ?

**Mr. P. R. Rau :** (a) I would invite the attention of my Honourable friend to the information laid on the table of the House on the 2nd September, 1935, in connection with parts (c) and (e) of question No. 871 asked by him on the 12th March, 1935.

(b) and (c). I am sending a copy of these parts of the question to the Agent, East Indian Railway, for any action that may be necessary.

#### VENDORS AT THE TUNDLA RAILWAY STATION.

468. \***Pandit Sri Krishna Datta Paliwal :** (a) With reference to the reply given to question 878 (e), dated the 12th March, 1935, will Government please state the exact grounds on which it is believed that the particular outsiders selected for vendorship at Tundla in preference to old retired Railway servants can give better service ?

(b) What are the exact requirements of the Railway authority and what are the criteria to judge capacity for service ?

(c) Will Government kindly lay on the table a copy of the rules governing the grant of vendorships ?

**Mr. P. R. Rau :** (a) and (b). The selection of vendors is largely a matter of discretion, and it rests with the appointing authority to exercise its own judgment as to which of the applicants are the most suitable.

(c) Government have issued no rules in regard to this matter. On the East Indian Railway applications are called for when occasion arises and the most suitable firm is selected by the authority empowered to appoint vendors.

**ELECTION TO THE ALL-INDIA MEDICAL COUNCIL.**

469. \***Mr. S. Satyamurti** (on behalf of Dr. T. S. S. Rajan) : (a) Is the All-India Medical Council subject to the control of the Government of India ?

(b) Who is responsible for the conduct of the elections to the All-India Medical Council ?

(c) Are Government aware that a number of voters to the Council belonging to the province of Madras sent a letter protesting against the way in which the secrecy of ballot paper was not maintained in the recent election to the vacant seat ?

(d) Is the local Government the final authority in deciding the method and manner of the election ?

(e) If so, how does the Government of India become responsible for the body whose election and nomination is not subject to their control ?

(f) How do Government justify the position taken up by the Government of Madras that they will not consider the question even after the error has been pointed out by the voters and a way out of it suggested by them ?

(g) Under the conditions mentioned do Government hold that the election has been conducted fairly ?

(h) If not, are Government prepared to order a fresh election to that constituency after declaring the past election null and void ?

**Sir Girja Shankar Bajpai** : (a) The powers exercisable by the Governor General in Council in relation to the Indian Medical Council are defined in the Indian Medical Council Act, 1933, copies of which are available in the Library.

(b), (d) and (e). I would invite the Honourable Member's attention to section 4 of the Act.

(c), (f) and (g). The Government of India have no information regarding the manner in which the election referred to by the Honourable Member was conducted in Madras. No instructions were issued by them.

(h) I may point out that under the provisions of the Act the decision of the Local Government in matters of dispute regarding any election to the Council is final.

**Mr. S. Satyamurti** : Will Government make enquiries from the Madras Government, and find out if it is or if it is not a fact that this election was so conducted that the returning officer knew in every case who voted for which candidate, and will Government take steps or request the Local Government to take steps to ensure secrecy of the ballot, which is essential for the purity of elections ?

**Sir Girja Shankar Bajpai** : The Honourable gentleman who has tabled this question has also addressed a representation to me on the subject. That is receiving consideration.

**Mr. S. Satyamurti** : Will the Government of India address the Local Government, and find out whether this particular election was so conducted as to destroy any secrecy in the voting ?

**Sir Girja Shankar Bajpai** : My Honourable friend is asking me to anticipate the result of the consideration. I got the letter only yesterday, but I can assure my friend that I shall do what I can.

**Mr. C. N. Muthuranga Mudaliar** : Are Government aware that the Surgeon-General himself took deep interest in a particular candidate in this election ?

**Sir Girja Shankar Bajpai** : I think if my Honourable friend had listened to the answer which I gave to parts (c), (f) and (g) of the question, he would have realised that the Government of India have no information regarding the manner in which the election referred to by the Honourable Member was conducted in Madras.

**Mr. C. N. Muthuranga Mudaliar** : Will Government make inquiries into this matter ?

**Sir Girja Shankar Bajpai** : I have already informed the House that I have received a separate representation from Dr. Rajan and that that is receiving consideration.

#### ADMINISTRATIVE STAFF APPOINTMENTS HELD BY INDIANS BY THE INDIAN MEDICAL SERVICE.

470. \***Mr. S. Satyamurti** (on behalf of Dr. T. S. S. Rajan) :  
(a) Do Indians in the Indian Medical Service hold any administrative staff appointments ?

(b) Will Government be pleased to lay on the table a list of such appointments held by Indians till now ?

(c) If no such appointment is held by Indians till now, will Government explain the reason for such non-appointment ?

**Mr. G. R. F. Tottenham** : (a) Yes.

(b) I lay a statement on the table.

(c) Does not arise.

*List of Administrative Appointments held by Indian Officers of the Indian Medical Service during the period from 1921 to July 1935.*

#### CIVIL.

|                             |    |  |
|-----------------------------|----|--|
| Colonel C. R. Bakhle ..     | .. | I. G. C. H., Punjab.                                 |
| „ K. V. Kukday, C.I.E.      | .. | I. G. C. H., Central Provinces.                      |
| „ D. P. Goil ..             | .. | I. G. C. H., Punjab.                                 |
| Lt.-Col. K. G. Gharpurey    | .. | Offg. Surgeon-General with the Government of Bombay. |
| Major-General D. P. Goil .. | .. | Surgeon-General with the Government of Bengal.       |
| Lt.-Col. M. S. Irani ..     | .. | Offg. Surgeon-General, Bombay.                       |
| Colonel N. S. Sodhi, M.C.   | .. | I. G. C. H., Burma.                                  |
| Lt.-Col. D. H. Rai, M.O.    | .. | Offg. I. G. C. H., Punjab.                           |
| Lt.-Col. H. L. Batra, M.C.  | .. | Offg. I. G. C. H. and Prisons, Assam.                |

**CIVIL—contd.**

|                                     |    |    |  |
|-------------------------------------|----|----|--|
| Lt.-Col. P. K. Tarapore ..          | .. | .. | Inspector-General of Prisons, Burma.                   |
| .. C. M. Ganapathy, M.C. ..         | .. | .. | Offg. Director of Public Health, Central Provinces.    |
| .. S. L. Mitra .. ..                | .. | .. | Offg. D. P. H., Bihar and Orissa.                      |
| .. N. D. Puri .. ..                 | .. | .. | Offg. Inspector-General of Prisons, Punjab.            |
| Major R. C. Malhotra. (deceased)    |    | .. | Director of Public Health, Punjab.                     |
| Lt.-Col. A. Y. Dabholkar, M.C. ..   | .. | .. | Offg. Director of Public Health, Bombay.               |
| .. L. H. Khan. (deceased)           |    | .. | Offg. Inspector-General of Prisons, Central Provinces. |
| .. M. A. Singh .. ..                | .. | .. | Offg. Inspector-General of Prisons, Bengal.            |
| .. N. S. Jatar, D.S.O. ..           | .. | .. | Offg. I. G. of Prisons, Central Provinces.             |
| .. M. M. Khan .. ..                 | .. | .. | Offg. I. G. of Prisons, Madras.                        |
| .. J. C. Bharucha.. ..              | .. | .. | Offg. I. G. of Prisons, Bihar and Orissa.              |
| Major (Now Lt.-Col.) S. L. Mitra .. | .. | .. | Offg. Director of Public Health, Assam.                |
| Lt.-Col. C. M. Ganapathy, M.C. ..   | .. | .. | Director of Public Health, Madras.                     |
| Major H. M. Salamat Ullah ..        | .. | .. | Offg. I. G. of Prisons, United Provinces.              |
| .. S. N. Makand .. ..               | .. | .. | Offg. Director of Public Health, Central Provinces.    |

**MILITARY.**

|                                     |    |    |  |
|-------------------------------------|----|----|--|
| Colonel B. Nath, C.I.E. ..          | .. | .. | A. D. M. S., Allahabad Brigade Area.   |
| Major H. J. M. Cursetjee, D.S.O. .. | .. | .. | Temporary D. A. D. M. S. (Mobn.), Meerut.<br>D. A. D. M. S. (Mobn.), Meerut. |
| Lt.-Col. H. J. M. Cursetjee, D.S.O. | .. | .. | Offg. A. D. M. S., Kohat.  |
| .. M. D. A. Kureishi ..             | .. | .. | Offg. A. D. M. S., Bombay.   |
| Major S. S. Sokhey .. ..            | .. | .. | D. A. D. P., Waziristan District.  |
| .. N. B. Mehta .. ..                | .. | .. | D. A. D. H., Rawalpindi District.  |
| .. R. N. Khosla .. ..               | .. | .. | D. A. D. M. S. (Mobilization), Lucknow.                                      |
| .. J. W. F. Albuquerque ..          | .. | .. | D. A. D. H., Madras District.  |
| .. V. N. Agate .. ..                | .. | .. | Offg. D. A. D. M. S. (Mobilization), Meerut.                                 |
| Captain R. C. Wats .. ..            | .. | .. | D. A. D. P., Waziristan.<br>D. A. D. P., Mhow.                               |
| Major R. C. Wats .. ..              | .. | .. | D. A. D. P., Maymyo.   |
| Bt.-Major M. S. Gupta .. ..         | .. | .. | Offg. D. A. D. P., Presidency and Assam District.                            |
| .. A. C. Chatterji .. ..            | .. | .. | D. A. D. P., Kohat.  |
| .. M. L. Bhargava .. ..             | .. | .. | D. A. D. M. S. (Sanitation), Razmak Field Force.                             |
| .. P. N. Basu .. ..                 | .. | .. | D. A. D. P., Bombay.   |
| .. G. Verghese .. ..                | .. | .. | D. A. D. P., Burma.<br>D. A. D. P., Bangalore.                               |
| .. J. C. Chukerbuti .. ..           | .. | .. | Offg. D. A. D. P., Kohat.  |
| .. P. M. Antia .. ..                | .. | .. | D. A. D. P., Bombay.<br>Offg. D. A. D. H., Bombay.                           |
| .. T. B. Pahlajani .. ..            | .. | .. | Offg. D. A. D. P., Waziristan.   |
| .. T. C. Puri .. ..                 | .. | .. | D. A. D. P., Presidency and Assam District.                                  |
| .. J. R. Dogra .. ..                | .. | .. | Offg. D. A. D. P., Waziristan.   |
| .. R. C. Dracup .. ..               | .. | .. | Offg. D. A. D. P., Quetta.   |



MILITARY—*contd.*

|                                      |   |
|--------------------------------------|---|
| Captain M. K. Afridi .. .. .         | Offg. D. A. D. P., Kohat.                   |
| .. S. W. H. Askari .. .. .           | Offg. D. A. D. P., Lucknow.                 |
| .. E. Benjamin (T. C.) .. .. .       | Offg. D. A. D. P., Waziristan.              |
| .. V. D. Madgavkar (T. C.) .. .. .   | D. A. D. P., Waziristan.                    |
| .. P. S. Varadarajan (T. C.) .. .. . | Offg. D. A. D. P., Bombay.                  |
| Major J. W. F. Albuquerque .. .. .   | D. A. D. H., Meerut District.               |
| .. K. M. Bharucha .. .. .            | D. A. D. H., Lahore District.               |
| Captain T. B. Pahlajani .. .. .      | D. A. D. P., Kohat District.                |
| .. J. R. Dogra .. .. .               | D. A. D. P., Waziristan District.           |
| .. M. K. Afridi .. .. .              | D. A. D. P., Presidency and Assam District. |

**Mr. S. Satyamurti :** How many Indians are now holding the appointments ?

**Mr. G. R. F. Tottenham :** I have a list here of about three type-written pages. I do not know the exact number.

**Mr. S. Satyamurti :** What is the proportion of appointments held by Indians roughly ?

**Mr. G. R. F. Tottenham :** I should like to have notice of that question.

#### RACIAL DISCRIMINATION IN THE RECRUITMENT OF ASSISTANT SURGEONS IN THE INDIAN MEDICAL DEPARTMENT.

471. \***Mr. S. Satyamurti** (on behalf of Dr. T. S. S. Rajan) : (a) Is it a fact that appointments of Assistant Surgeons in the Indian Medical Department are exclusively reserved for the Anglo-Indian community ?

(b) If so, will Government be pleased to state the reasons ?

(c) Are the Pupil Candidates given a stipend for a period of five years of their training and posts given at the end of this period to successful candidates ?

(d) Will Government be pleased to state their reasons for favouring this particular community with stipends from public funds even for their professional education ?

(e) Are Government prepared to discontinue this procedure of privilege for a particular community and throw open the whole cadre to all statutory natives of India, irrespective of caste and creed ?

(f) Are Government prepared to stop, as a measure of economy of public funds, granting scholarships to particular communities on account of there being hundreds of university qualified medical men who are unemployed ?

(g) Are Government committed to the policy of racial discrimination to the recruitment of services ?

(h) If not, how do Government justify this procedure in the Indian Medical Department ?

**Mr. G. R. F. Tottenham :** (a) These appointments are open to Europeans or members of the Anglo-Indian and domiciled community.

(b) Because they are required for employment with British troops.

(c) Yes.

(d) Because assistant surgeons of the communities mentioned would not otherwise be obtainable.

(e) No.

(f) No.

(g) and (h). The present system must continue so long as the conditions of employment of British troops in India include the right to medical attendance by officers of their own race.

**Mr. S. Satyamurti** : By whom has this condition been laid down ? By the Secretary of State, or by the Government of India ?

**Mr. G. R. F. Tottenham** : The conditions are approved by the Secretary of State.

**Mr. S. Satyamurti** : May I know the reason why the Government of India have laid down this condition that British troops shall be treated only by Europeans or by Anglo-Indians and not by Indian doctors ?

**Mr. G. R. F. Tottenham** : The Government of India have not laid down that condition, Sir. It is a condition under which the War Office supply British troops for service in India.

**Mr. S. Satyamurti** : Have the Government of India no voice in the matter ?

**Mr. G. R. F. Tottenham** : The views of the Government of India in this matter are, I think, well-known ; and it would be impossible for me in reply to a supplementary question to explain at length what those views are.

**Dr. Khan Sahib** : Is it a fact that any Christian can join that service, and will the Honourable Member be pleased to state if a Christian is considered an Anglo-Indian or European for the purpose ?

**Mr. G. R. F. Tottenham** : Is the Honourable Member referring to Indian Christians ?

**Dr. Khan Sahib** : Yes.

**Mr. G. R. F. Tottenham** : Indian Christians are not allowed to join.

**Dr. N. B. Khare** : Do the Anglo-Indians belong to the British race ?

**Mr. President** (The Honourable Sir Abdur Rahim) : Order, order. Next question.

#### INDIANS AND EUROPEANS IN THE WOMEN MEDICAL SERVICE.

472. \***Mr. S. Satyamurti** (on behalf of Dr. T. S. S. Rajan) :  
(a) Will Government be pleased to state what the respective number of Indians and Europeans in the All-India Women Medical Service is ?

(b) What is the total number of Indian women drawing salaries of rupees five hundred and above, and the total number of European women drawing the same salary ?

(c) What are the qualifications required for the appointment ?

- (d) Is the selection made by competitive examination or merely by personal selection by a board of members ?
- (e) In the present cadre of the Indian Women Medical Service, how many of them have had their past services in the Mission Hospitals ?
- (f) What is the scale of pay of the service and allowances in addition to teaching grants and presidency allowance ?
- (g) Are there any restrictions with regard to married women entering the service ?
- (h) Do Government still think it necessary to recruit women outside India for this service, and if so, will they be pleased to state the reasons ?
- (i) What is the reason for the small percentage of Indian women in the higher grade of the service ?
- (j) Do Government propose to restrict recruitment to the service from Indian women medical graduates and others who are domiciled in India ?

**Sir Girja Shankar Bajpai :** (a), (b), (c) and (f). A statement is laid on the table.

(d) The selection is initially made by Selection Committees both in India and in the United Kingdom, the final selection being made by the Executive Committee of the Central Council in India.

(e) Seven.

(g) An officer on marriage may be called on by the Executive Committee of the Countess of Dufferin's Fund to resign, but there are several married women at present in the service.

(h) and (j). The Honourable Member's attention is invited to the reply given to parts (b) and (f) of Dr. N. B. Khare's starred question No. 1316 on the 2nd April, 1935.

(i) The preponderance of Europeans amongst senior members is explained by the fact that when the service was first constituted, and for some years subsequently, Indians with adequate qualifications were not available.

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*Statement.*

|             |    |    |    |    |    |    |
|-------------|----|----|----|----|----|----|
| (a) Indians | .. | .. | .. | .. | .. | 27 |
| Europeans   | .. | .. | .. | .. | .. | 23 |
| (b) Indians | .. | .. | .. | .. | .. | 20 |
| Europeans   | .. | .. | .. | .. | .. | 28 |

(c) Medical qualifications registrable in the United Kingdom under the Medical Act or the degree of a British Indian University.

(f) The scale of pay of the Women's Medical Service and allowances are as follows :

|     |                    |    |    |    |    | Per mensem. |
|-----|--------------------|----|----|----|----|-------------|
|     |                    |    |    |    |    | Rs.         |
| (1) | 1—3 years          | .. | .. | .. | .. | 450         |
|     | 4—6 years          | .. | .. | .. | .. | 500         |
|     | 7—9 years          | .. | .. | .. | .. | 550         |
|     | 10—12 years        | .. | .. | .. | .. | 600         |
|     | 13—15 years        | .. | .. | .. | .. | 650         |
|     | 16—18 years        | .. | .. | .. | .. | 700         |
|     | 19—21 years        | .. | .. | .. | .. | 750         |
|     | 22—24 years        | .. | .. | .. | .. | 800         |
|     | 24 years and after | .. | .. | .. | .. | 850         |

(2) In addition an overseas allowance is paid to officers of non-Asiatic domicile—  
Rs. 150 per mensem to those with 12 years' service and over, and Rs. 100 per mensem to those with less than 12 years' service.

**Mr. S. Satyamurti :** What is the percentage of Indians and Europeans today, according to the information available to my Honourable friend ?

**Sir Girja Shankar Bajpai :** There are in all 50 officers, of which 27 are Indians and 23 Europeans.

**Mr. S. Satyamurti :** What is the ratio in which recruitment is going on now, between Europeans and Indians ?

**Sir Girja Shankar Bajpai :** There is no fixed ratio.

**Mr. S. Satyamurti :** How does the ratio work out ? For example, what was the ratio for the last year for which figures are available ?

**Sir Girja Shankar Bajpai :** I am speaking from memory. On the last occasion, when the recruitment was made, I think it was in the proportion of four Indians to two Europeans.

**Mr. S. Satyamurti :** Is it the policy of the Government to Indianise the service at the earliest possible moment ?

**Sir Girja Shankar Bajpai :** I have explained previously that this is not a Government service, but, from the facts which I have given, my Honourable friend will be able to infer that it is the policy of the Association concerned to Indianise the service.

**Prof. N. G. Ranga :** Has the recruitment of women doctors from abroad been stopped ?

**Sir Girja Shankar Bajpai :** No. I said on the last occasion when I was questioned on the subject, that it has not been stopped.

**Prof. N. G. Ranga :** And has there been no change at all in the policy since then ?

**Sir Girja Shankar Bajpai :** If there had been no change in the policy, the number of Indians in the service would not have increased from 4 in 1913 to 27 in 1935.

**SELECTION OF CANDIDATES FOR THE INDIAN RESEARCH FUND**

473. \*Dr. T. S. S. Rajan : (a) Will Government be pleased to state the rules for selection of candidates to the Medical Research Fund ?

(b) What is the total strength of the research workers ?

(c) How many vacancies occurred in this cadre during this year ?

(d) What is the total number of candidates who applied for the vacancies and their academic qualifications ?

(e) How many applicants were there from the Indian Medical Service ?

(f) How many Indian Medical Service men were selected ?

(g) Is there any reservation for the Indian Medical Service men in the vacancies independent of their qualifications ?

(h) Will Government be pleased to state their reasons for reserving a certain number of seats for the Indian Medical Service ?

(i) Are Government prepared to remove the reservation of seats for Indian Medical Service men and hold the selection on the merits of candidates independent of their being members of a particular service ?

**Sir Girja Shankar Bajpai :** (a) If the Honourable Member is referring to recruitment for the Medical Research Department, I would invite his attention to paragraphs 8—10 of the Government of India, Department of Education, Health and Lands, Resolution No. F. 55-19/32-H., dated the 2nd February, 1933, a copy of which has been placed in the Library of the House.

(b) The prescribed strength of the Medical Research Department is 30.

(c) Six vacancies which were advertised last year have been filled this year.

(d) 77. The candidates possessed various qualifications some of which were obtained in India, some in Europe and some in America.

(e) 34.

(f) Four.

(g), (h) and (i). The attention of the Honourable Member is invited to the replies given by me to the supplementary questions to Mr. Samuel Aaron's starred question No. 1392 on the 3rd April, 1935.

**Mr. S. Satyamurti :** May I know if these four Indian Medical Service men, out of the six, were selected because of their special aptitude for research ; and, if so, what was the evidence before the selecting authority which justified the choice of these four men ?

**Sir Girja Shankar Bajpai :** The evidence was the evidence of the usual kind, namely, the nature of work which had been done by them before they were appointed to the I. M. S. and the work done subsequently in the service, but, as I have explained on the last occasion, apart from this, there is a really effective period of two years' probation, and these men are on probation still.

**Mr. S. Satyamurti :** Was the selecting authority satisfied that, of all the applicants who applied for these places, these four men were absolutely the best, from the point of view of carrying on research ?

**Sir Girja Shankar Bajpai :** I can assure my Honourable friend that if they had not been the best candidates available, the recruiting authority would not have appointed them.

**Mr. S. Satyamurti :** May I know if the fact that they belonged to this service had no weight at all with the selecting authority ?

**Sir Girja Shankar Bajpai :** The only weight that it had with the Selection Authority was that it had to observe the proportion. Four vacancies had to be filled by I. M. S. officers and two by non-I. M. S. men.

**Dr. N. B. Khare :** Was it not a fact that of those who presented themselves for interview, the non-I. M. S. candidates were certainly far better qualified than the I. M. S. candidates ?

**Sir Girja Shankar Bajpai :** My Honourable friend who, I think, was on the Selection Board, is entitled to his own opinion, but the fact nevertheless remains that the Recruitment Board has to conform to the proportions which have already been laid down.

**TRANSFERS BACK TO INDIA OF INDIANS SERVING IN ALL-INDIA SERVICES AND CADRES IN BURMA.**

474. **\*Dr. T. S. S. Rajan :** Will Government be pleased to state :

- (a) what convention or conventions, if any, exist regarding the periodical transfers back to India of Indians serving in All-India Government Services and cadres in Burma ;
- (b) whether they are aware that there is a preponderance of feeling among the Indian servants of the Government of India in Burma for their transfer to India in consideration of the recent anti-Indian riots and the impending separation of Burma, and whether the Government of India have taken up the question of their re-absorption within India ;
- (c) if the answer to (b) be in the affirmative, do Government propose to take into consideration the transfer to India of even such of their servants of Burma as are not liable in the ordinary course of events to be transferred out of Burma ; and
- (d) if the answer to (c) be in the negative, why not ?

**The Honourable Sir Henry Craik :** (a) Members of the All-India Services are not transferred periodically between India and Burma. In so far as members of the Central Services are concerned such transfers are made according to the requirements of the public service and not necessarily periodically.

(b) The Government of India have taken up the question in view of the impending separation of Burma.

(c) and (d). It is not possible to transfer to India personnel recruited for service in Burma alone, since the Government of India are not in a position to offer them employment in India.

**Mr. S. Satyamurti :** May I take it that the consideration will be completed before separation becomes a fact, in so far as those services which are entitled to transfer to India are concerned ?

**The Honourable Sir Henry Craik :** I presume that is so.

OFFICERS AND SERVANTS OF THE TRUSTEES OF THE INDIAN MUSEUM,  
CALCUTTA.

475. **\*Dr. P. N. Banerjee :** Will Government be pleased to refer to the answers to starred questions Nos. 1122 and 1123, dated the 28th March, 1935, in the Legislative Assembly and state :

- (a) whether there is a clause in the Preamble to Act XXII of 1876 that the Government of India should keep the Museum building in repair, pay and defray the salaries, allowances and pensions of the officers and servants and all other expenses connected with the said Museum ;
- (b) whether any change in the above financial arrangement has been contemplated in any of the subsequent Museum Acts ;
- (c) if so, the exact sections showing the change ;
- (d) whether in all the Museum Acts, the officers and servants of the Trustees of the Indian Museum have been classified as *public servants* ;
- (e) if the answer to parts (a) to (d) be in the affirmative, will Government be pleased to explain how public servants holding office in an institution built and maintained entirely at the cost of the Government of India and whose salaries, allowances and pensions are paid and defrayed by the Government of India, are not Government servants ?

**Sir Girja Shankar Bajpai :** (a) No. The words which the Honourable Member quotes are governed by the words " whereas by Act XVII of 1866 it was also enacted that ", and if he can spare the time to read the whole of the Preamble to Act XXII of 1876 he will find the further recital that it is expedient to amend the law relating to the appointment and salaries of the said officers and to repeal Act XVII of 1866.

(b) Yes. The financial arrangement in question, which was the arrangement set up by the Act of 1866, was altered by the Act of 1876.

(c) In the absence from the Acts subsequent to the Act of 1866 of provision imposing on Government the liability to keep the museum in repair and to defray the salaries of officers and servants, that liability necessarily rests with the trustees in whom the building is vested by section 6 and on whom the power to appoint officers and servants is conferred by section 9 of the existing Act (No. X of 1910).

(d) The Acts have all contained provision whereby the officers and servants appointed thereunder are deemed to be public servants within the meaning of the Indian Penal Code. The Honourable Member is mistaken if he supposes that a person so deemed to be a public servant is as such a Government servant.

(e) Does not arise.

**Mr. B. Das :** Do Government propose to amend the Indian Museum Act, so as to give the governing body an all-India character instead of a purely Bengali character ?

**Sir Girja Shankar Bajpai :** I submit that that does not arise out of this question.

**Dr. P. N. Banerjee :** Will Government be pleased to consider the case of Mr. B. C. Batabyal with regard to pension ?

**Sir Girja Shankar Bajpai :** I don't think so.

**RICE, BROKEN-RICE AND PADDY IMPORTED INTO INDIA FROM SIAM, INDO-CHINA AND RANGOON.**

476. **\*Mr. C. N. Muthuranga Mudaliar :** (a) Will Government be pleased to lay on the table a statement showing the quantity of rice, broken-rice and paddy imported from Siam and Indo-China :

- (i) from 1st December, 1934 to 31st March, 1935, and
- (ii) from 1st April, 1935 to 31st August, 1935 ?

(b) Will Government be pleased to lay on the table a statement showing the quantity of rice, broken-rice and paddy imported from Rangoon :

- (i) from 1st December, 1934 to 31st March, 1935, and
- (ii) from 1st April, 1935 to 31st August, 1935 ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) and (b). I lay on the table two statements giving the information as far as available. With regard to part (b) of the question Government have collected figures of exports from Rangoon to the other ports in India to avoid the delay involved in the collection of import figures at the various ports separately.

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I. Statement showing imports into British India of rice, broken-rice and paddy from Siam and Indo-China.

|                             | Rice.      |                  |        | Broken-Rice. |                  |        | Paddy.     |                  |        |
|-----------------------------|------------|------------------|--------|--------------|------------------|--------|------------|------------------|--------|
|                             | From Siam. | From Indo-China. | Total. | From Siam.   | From Indo-China. | Total. | From Siam. | From Indo-China. | Total. |
|                             | Tons.      | Tons.            | Tons.  | Tons.        | Tons.            | Tons.  | Tons.      | Tons.            | Tons.  |
| December 1934 to March 1935 | 8,223      | 7,997            | 16,220 | 63,709       | 10,580           | 74,289 | 6,837      | 24,707           | 31,544 |
| April 1935 to August 1935   | 2,050      | 607              | 2,657  | 12,953       | 600              | 13,553 | 5,623      | 22,761           | 28,384 |

II. Statement showing exports to India (excluding Burma) of rice, broken-rice and paddy from Rangoon.

|                             | Rice.             |                              |         | Broken-Rice.      |                              |        | Paddy.            |                              |        |
|-----------------------------|-------------------|------------------------------|---------|-------------------|------------------------------|--------|-------------------|------------------------------|--------|
|                             | To British India. | To Non-British Indian ports. | Total.  | To British India. | To Non-British Indian ports. | Total. | To British India. | To Non-British Indian ports. | Total. |
|                             | Tons.             | Tons.                        | Tons.   | Tons.             | Tons.                        | Tons.  | Tons.             | Tons.                        | Tons.  |
| December 1934 to March 1935 | 376,153           | 35,816                       | 411,969 | 31,885            | 1,239                        | 33,124 | 3,293             | 1,276                        | 4,569  |
| April 1935 to July 1935     | 282,853           | 32,600                       | 315,453 | 32,363            | 811                          | 33,174 | 1,329             | 350                          | 1,679  |

**Mr. C. N. Muthuranga Mudaliar :** With regard to (b), may I know from the Government whether they will consider favourably the recommendations of the Director of Agriculture, Madras, to fix a quota for the imports of rice from Rangoon ?

**The Honourable Sir Muhammad Zafrullah Khan :** Burma is a part of India and no question of quota can arise between the different provinces of India.

**Mr. C. N. Muthuranga Mudaliar :** Irrespective of separation, the Director of Agriculture, Madras, has recommended the fixing of a quota. I am asking whether Government will consider that favourably.

**The Honourable Sir Muhammad Zafrullah Khan :** After separation ?

**Mr. C. N. Muthuranga Mudaliar :** Before separation.

**The Honourable Sir Muhammad Zafrullah Khan :** The Government of India cannot consider the question of quotas from one province to another. Burma is a province of India.

ACCOMMODATION FOR OFFICERS AND STAFF IN NEW DELHI AND SIMLA.

477. **\*Mr. C. N. Muthuranga Mudaliar :** (a) Will Government be pleased to state approximately how many bungalows and clerks' quarters have fallen vacant in New Delhi on account of the Government of India move to Simla ?

(b) Will Government lay on the table a statement showing how many private houses have been taken for the use of Government Offices in Simla during summer season 1935 and what are the rents thereof and for what offices they have been taken ?

(c) Is it not a fact that the amounts mentioned in part (b) above could be saved if those offices are kept down in Delhi during the summer ?

(d) Will Government lay a statement on the table showing the actual rent paid during the season in Simla in the years 1934 and 1933 by (i) Secretaries, (ii) Deputy Secretaries, and (iii) Under-Secretaries, for the accommodation allotted to them by Government ?

(e) Is it not a fact that accommodation for such classes of officers is comparatively cheaper in Simla than at Delhi, and if so, does this influence the decision of Government in moving up to Simla ?

**The Honourable Mr. D. G. Mitchell :** The attention of the Honourable Member is invited to the answer given on the 17th September, 1935, to starred question No. 434 asked by Sardar Sant Singh. The figures of rent for the summer season of 1933 are as follows :

|                                     | Rs.   |
|-------------------------------------|-------|
| (i) Secretaries (6) .. .. .         | 6,347 |
| (ii) Deputy Secretaries (4) .. .. . | 3,171 |
| (iii) Under Secretaries .. .. .     | Nil.  |

**Mr. C. N. Muthuranga Mudaliar :** In view of the fact that such a large number of clerks' quarters and officers' bungalows have fallen vacant during this season, will Government consider the question of keeping at least a portion of the staff in Delhi itself in the coming years ?

**The Honourable Mr. D. G. Mitchell :** A portion of the staff is now kept in Delhi. Certain offices are kept in Delhi.

**Prof. N. G. Ranga :** Are Government aware that considerable amount of inconvenience and loss are sustained by clerks in Simla, owing to housing congestion ?

**The Honourable Mr. D. G. Mitchell :** In Simla ?

**Prof. N. G. Ranga :** Yes.

**The Honourable Mr. D. G. Mitchell :** I admit that there is housing congestion in Simla.

**Prof. N. G. Ranga :** Sir, in view of the fact that clerks and other low-paid officers have to suffer immensely owing to housing congestion in Simla, will Government consider the advisability of keeping some of them in Delhi ?

**The Honourable Mr. D. G. Mitchell :** All clerks and all officers in Simla suffer from lack of housing accommodation.

**Prof. N. G. Ranga :** Then, why do Government come up to Simla at all ?

(No answer.)

**PRIVATE HOUSES RENTED FOR THE OFFICE OF THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH AND THE REFORMS OFFICE IN SIMLA.**

478. **\*Mr. C. N. Muthuranga Mudaliar :** (a) Will Government be pleased to state if it is not a fact that private houses have been taken for accommodating the Office of the Imperial Council of Agricultural Research and the Reforms Office in Simla during summer season 1935 ?

(b) Will Government be pleased to state the reasons why these Offices could not be kept down in Delhi, if they could not be accommodated in the existing Government buildings in Simla ?

(c) Will Government be pleased to state what is the cost of such accommodation taken in Simla for these two offices, and whether they are prepared to consider the question of keeping them down in Delhi throughout the year with effect from the next year at least ?

**The Honourable Sir Henry Craik :** (a) Yes.

(b) The Imperial Council of Agricultural Research Department is a regular Department of the Government of India and the Reforms Office works directly under His Excellency the Viceroy, in close co-operation with other Departments of the Government of India. It is, therefore, necessary that both these offices should move to and from Simla along with other Departments.

(c) The rent paid for office accommodation for the current season is Rs. 4,000 for the Imperial Council of Agricultural Research Department and Rs. 5,800 for the Reforms Office. The answer to the latter part of the question is in the negative.

**Prof. N. G. Ranga :** Sir, is there any proposal for keeping the Government of India itself in Delhi in view of the fact that their staff, high and low, as they themselves admit, are suffering from housing congestion and inconvenience here ?

**Mr. President** (The Honourable Sir Abdur Rahim) : That question has already been sufficiently answered. Next question.

**OFFICE OF THE CIVIL AVIATION IN INDIA.**

479. \***Mr. C. N. Muthuranga Mudaliar** : (a) Will Government be pleased to state if the Office of the Civil Aviation in India is an office attached to the Department of Industries and Labour ?

(b) Will Government be pleased to state what was the strength of the office at the time of its formation and what is its present strength, giving details ?

(c) Will Government be pleased to state the reasons why this office moves to Simla during the summer and what is the annual cost of the move up and down ?

(d) Is it a fact that this Office is located in Simla in two separate buildings about 2 furlongs apart ? If so, how is effective supervision exercised over the staff ?

(e) Will Government be pleased to state if it is a fact that it was decided by an Order in Council some years ago that offices, or portions of offices, which cannot be properly accommodated in Simla without hiring private houses, should be kept down in Delhi during summer ?

(f) If the answer to part (e) above be in the affirmative, will Government state why offices which have expanded since their original formation are still taken up to Simla ?

**The Honourable Mr. D. G. Mitchell** : (a), (b), (c) and (f). I would refer the Honourable Member to the reply given to Sardar Sant Singh's starred question No. 436 on the 17th September, 1935.

(d) One branch is accommodated in the Telegraph Building ; the remainder of the Office is in Kennedy House. The isolated branch is in the charge of two officers who are responsible for its work.

**OFFICERS IN THE ARCHÆOLOGICAL SURVEY WITH QUALIFICATIONS IN ARCHITECTURE AND ARCHÆOLOGY.**

480. \***Mr. C. N. Muthuranga Mudaliar** : (a) What is the number of officers in the Archæological Survey with qualifications in architecture ?

(b) What is the number of officers in the Archæological Survey with qualifications in archæology ?

(c) Are Government prepared to consider the desirability of restricting the work of officers qualified in architecture to purposes of conservation and excavation alone ?

**Sir Girja Shankar Bajpai** : (a) Three.

(b) Nine.

(c) Attention of the Honourable Member is invited to the answer to part (b) of his question No. 185 given by me on the 6th September, 1935.

**INTERMEDIATE AND THIRD CLASS WAITING ROOMS AT SITAMARHI RAILWAY STATION.**

481. \***Mr. B. B. Varma** : (a) Are Government aware that there is no intermediate class ladies waiting room at Sitamarhi, an important railway station of the Bengal and North Western Railway ?

(b) Are Government aware that the third class waiting room is a very small one at Sitamarhi and most of the passengers have to pass their time either under a tree or on the platform ?

**Mr. P. R. Rau** : With your permission, Sir, I propose to reply to questions Nos. 481 and 482 together.

Government have no definite information on the points raised in the two questions. Their policy is to leave it to the discretion of the Railway Administrations concerned to provide waiting rooms for lower class passengers at stations where the traffic offering justifies their provision, and the necessity for one at any particular station is a matter that might suitably be brought to the notice of the Agent direct or through a member of his Advisory Committee.

**Mr. Lalchand Navalrai** : May I know from the Honourable Member whether, in view of the fact that there are so many complaints with regard to these intermediate class waiting rooms, he has made any inquiries from Agents during the last two or three years ?

**Mr. P. R. Rau** : No, Sir, I have made no such inquiries.

**Mr. Lalchand Navalrai** : Will the Honourable Member make some such inquiries and give the information to this House ?

**Mr. P. R. Rau** : The actual provision made every year for waiting rooms will be found in the Administration Reports of the Railways ; and I think it is the intention of Government to give information in the next Administration Report as to the facilities available at present in this respect.

**Dr. Ziauddin Ahmad** : Are Government aware that, in the case of the Bengal and North Western Railway the ladies' waiting rooms, which are so few in number, are kept closed, Pilibhit being one of them ?

**Mr. P. R. Rau** : I do not think Pilibhit is on the Bengal and North Western Railway.

**Prof. N. G. Ranga** : Will the Honourable Member be pleased to communicate to the Agent the wish of Honourable Members of this House that there should be at least a third class waiting room in the Sitamarhi station for the convenience of passengers ?

**Mr. P. R. Rau** : I shall forward a copy of these questions and answers to the Agent of the Railway.

**Seth Haji Abdoola Haroon** : May I ask whether Government do not consider it advisable that a greater number of intermediate class passengers' and lady passengers' waiting rooms should be provided, so that the passenger traffic might thereby be increased both in respect of intermediate class and third class ?

**Mr. P. R. Rau** : Sir, it is a question of the number of passengers at each particular station.

**Prof. N. G. Ranga** : Has the Honourable Member tried to ascertain whether it is a fact or not that thousands of pilgrims go to Nepal through the station of Raxaul and that there is no third class passengers' waiting room there ?

**Mr. President** (The Honourable Sir Abdur Rahim) : That question has been answered.

**Prof. N. G. Ranga** : Sir, my friend has not even cared to ascertain whether this is a fact or not, and he asks us to go to the Railway Agent to ask for a waiting room ?

**Mr. P. B. Rau** : Sir, it is the function of the Railway Advisory Committees to bring all these facts to the notice of the Administration concerned, so that any inconveniences felt may be remedied.

**Prof. N. G. Ranga** : Sir, is it impossible for the Government of India to see to it that third class waiting rooms are provided at such important stations as these, and also take notice of the wish expressed in this House and pass it on to the Agents concerned and see that necessary action is taken ?

**Mr. P. B. Rau** : I have already promised to forward a copy of these questions and answers to the Agent of the Railway, but I must repeat that it is for this very purpose that Local Advisory Committees have been constituted on the different Railways.

**ABSENCE OF A THIRD CLASS WAITING ROOM AT RAXAUL RAILWAY STATION.**

†482. **\*Mr. B. B. Varma** : Are Government aware that Raxaul is an important station of the Bengal and North Western Railway on the border of Nepal and thousands of pilgrims go to Nepal through this station and that there is no waiting room for the third class passengers. Do Government propose to take any steps in the matter ?

**UNWHOLESOME FOOD SUPPLIED TO PASSENGERS ON THE BENGAL AND NORTH WESTERN RAILWAY.**

483. **\*Mr. B. B. Varma** : (a) Has the attention of Government been drawn to the report submitted by the Public Health Department, Government of Bihar and Orissa, stating that the food-stuffs served to passengers on the Bengal and North Western Railway were not wholesome and sometime unfit for human consumption ?

(b) Will Government be pleased to state if they propose to take any action for the improvement of food-stuffs ?

**Mr. P. B. Rau** : (a) Yes. The investigation was made with the concurrence of the Bengal and North Western Railway administration whose officers co-operated in the matter.

(b) The Agent of the Railway proposes to discuss the report with his Advisory Committee before considering what action is necessary.

**Prof. N. G. Ranga** : Are Government aware that the railways somewhere else provide refreshment room accommodation as well as food-stuffs, for instance, on the Madras and Southern Mahratta and South Indian Railways ?

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†For answer to this question, see answer to question No. 481.

**Mr. P. R. Rau :** I am aware, Sir, that on the South Indian Railway, the railway has departmental catering at certain stations. I am not aware if it is a fact that there are similar arrangements on the Madras and Southern Mahratta Railway.

**Mr. President** (The Honourable Sir Abdur Rahim) : This question relates to Bengal and North Western Railway.

**Prof. N. G. Ranga :** Sir, in view of the fact that the South Indian Railway finds it a profitable affair to run its own catering departmentally, will Government consider the advisability of suggesting to the Bengal and North Western Railway also to have their own catering department ?

**Mr. P. R. Rau :** No, Sir, this is a matter for each railway administration to consider for itself.

#### ABSENCE OF FENCING ON CERTAIN SECTIONS OF THE BENGAL AND NORTH WESTERN RAILWAY.

484. **\*Mr. B. B. Varma :** (a) Are Government aware that there are no fencing on Narkatiagang-Biknathoori and Narkatiagang-Bagha lines. Bengal and North Western Railway, to indicate the boundary of the railway lands ?

(b) Are Government aware that the cattle of the poor villagers are often impounded by Railway servants even when the cattle are nowhere near the railway land and are unnecessarily harassed ?

(c) Do Government propose to take any action ?

**Mr. P. R. Rau :** (a) Yes, but the railway boundary is clearly defined by boundary stones.

(b) The Agent of the Bengal and North Western Railway reports that so far as is known this is not the case.

(c) Does not arise.

#### LATRINES IN THIRD CLASS CARRIAGES ON THE BENGAL AND NORTH WESTERN RAILWAY.

485. **\*Mr. B. B. Varma :** Are Government aware that in spite of the assurances given by the Bengal and North Western Railway administration in reply to my starred question No. 714, asked by me on the 7th March, 1935, that the question of increasing the number of third class carriages fitted with latrines is being taken up by the railway administration, still remains unfulfilled and the third class passengers are put to great inconvenience to the detriment of their health ?

**Mr. P. R. Rau :** The Bengal and North Western Railway have since informed the Railway Board that they are shortly replacing six-wheeled carriages by full bogie carriages which contain latrine accommodation on certain trains and also propose to build 16 new bogie carriages fitted with ample latrine accommodation in replacement of four-wheeled carriages not so equipped.

**Mr. Lalchand Navalrai :** May I ask what is meant by "shortly replacing" ?

**r. P. R. Rau :** "Shortly" means 'in a short time', (Laughter.)

**Mr. Lalchand Navalrai :** Does "shortly" mean shortly, according to the Government dictionary ?

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

SUPPLY OF THE LEGISLATIVE ASSEMBLY DEBATES TO RAILWAY ADVISORY COMMITTEES.

486. \***Mr. B. B. Varma :** (a) Will Government be pleased to state if the proceedings of the Legislative Assembly on railway matters are supplied to the different railway advisory committees ? If not, why not ?

(b) Are Government aware that in the 40th meeting of the advisory committee of the Bengal and North Western Railway held in the month of June, 1935, the Chairman of the said committee failed to give any explanation in the debate raised by Rai Bahadur Dwarkanath, M.L.C., when he drew the attention of the members, to a debate which had taken place in the Legislative Assembly on the inconveniences to which the passengers were put to, on the ground that the Rai Bahadur was unable to produce the report of the debate ?

(c) Do Government propose to supply the railway advisory committees with the proceedings on railway matters so that in future the matters may receive proper attention of the committees ?

**Mr. P. B. Rau :** (a) and (c). Government have not taken any steps to supply such proceedings to the members of the Railway Advisory Committees, as they consider that those who require such copies can at present have no difficulty in obtaining them.

(b) From the minutes of the fortieth meeting of the Committee which was held in May last, it appears that the Chairman stated that the Administration had no information regarding the debate in question and as Rai Bahadur Dwarkanath was unable to produce the report of the debate or lay any specific grievances before the meeting, there was nothing to discuss. He added that if the Rai Bahadur would furnish him with any specific cases of inconvenience to passengers which, to his personal knowledge were genuine, they would be looked into.

WAGONS FILLED WITH PIGS BOOKED FOR KISHENGANJ.

487. \***Mr. B. B. Varma :** (a) Are Government aware that four wagons filled with 198 pigs booked for Kishenganj on the 17th June, 1935, from Parsarma arrived Kishenganj (Eastern Bengal Railway) Station at 1-30 A.M., on the 20th June, by 247 Up passenger and that, out of 198 pigs, 130 were dead and the station compound and its neighbourhood became filled with very foul smell which was intolerable ?

(b) Will Government be pleased to state :

(i) why were the wagons which emitted such foul smell at Barsoi station allowed to go to Kishenganj ;

(ii) why was the nuisance allowed to remain in the station premises of Kishenganj for about 16 hours, without being attended to by the railway authorities ; and



(iii) what was the cause of the death of so many pigs, and who is responsible for it ?

**Mr. P. R. Rau :** (a) Not till my Honourable friend's question.

(b) The Agent of the Eastern Bengal Railway states :

(i) that the foul smell was not noticed at Barsoi.

(ii) that the railway staff at Kishenganj did all in their power to get the dead pigs disposed of as early as possible. They asked the Chairman of the Municipality and the Sub-Divisional Officer for assistance, which was denied, and finally the Station Master got the Deputy Superintendent of Police to arrange for the disposal of the dead pigs.

(iii) that the actual cause of death is not known, but it is reported to be due to heat and insufficient supply of water to the pigs *en route*. Four attendants were allowed by the Railway to travel free with the animals in order to look after them *en route*, but it transpires that the attendants did not travel with the wagons up to Katihar. The matter is under investigation.

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#### SHORT NOTICE QUESTION AND ANSWER.

##### APPOINTMENT OF A SPECIAL TARIFF BOARD.

**Mr. M. Ananthasayanam Ayyangar :** With reference to the Resolution of the Government, dated the 10th September, 1935, appointing a special Tariff Board, will Government be pleased to state :

12 NOON.

(a) why the inquiry foreshadowed in Sir Joseph Bhole's speech was not made soon after the period of two years was over, and why it has been delayed so long ?

**The Honourable Sir Muhammad Zafrullah Khan :** Before I give my reply to the whole question, I hope the Honourable Member will be able to make clear the point involved in part (a) of the question. Which period of two years does he refer to ?

**Mr. M. Ananthasayanam Ayyangar :** I refer to the period from 1933, Sir.

**The Honourable Sir Muhammad Zafrullah Khan :** Do I understand the question to be that the inquiry should have been undertaken before that period of two years expired, and that it should not have been undertaken so long after the expiry of the period of two years ?

**Mr. M. Ananthasayanam Ayyangar :** Yes, Sir.

**The Honourable Sir Muhammad Zafrullah Khan :** If that is so, then my reply is that I am happy to be able to inform the Honourable Member that the period of two years does not expire till the 31st of December, 1935, and that his wishes are being met with regard to the time at which the inquiry should have been instituted.

**Mr. M. Ananthasayanam Ayyangar :** (b) What the special qualifications are, if any, which the members of the Board have for the task entrusted to them ?

(c) What effects the Mody-Lees Agreement had on the hand-loom industry and the textile industry during the past years ; and

(d) If Government are prepared to include in the terms of reference the exploring of special means and measures to protect the cotton hand-loom industry in particular ?

**The Honourable Sir Muhammad Zafrullah Khan :** (b) (i). Sir Alexander Murray is a prominent business man with great experience of business conditions both in India and the United Kingdom. He has been a member of both Houses of the Indian Legislature, has represented India at two International Conventions and served as a Member of the Retrenchment Committee in 1922, of the Royal Commission on Indian Currency and Finance 1925-26, and of the Royal Commission on Labour 1929-31.

(Interruptions by Prof. N. G. Ranga.)

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member should not take any notice of these interruptions. The Chair is very sorry to observe that this particular Honourable Member (Prof. N. G. Ranga) is fond of interrupting at every step. The Chair would ask him to control himself.

**The Honourable Sir Muhammad Zafrullah Khan :** (ii) Diwan Bahadur Ramaswamy Mudaliar is a prominent public man who has, in this House and elsewhere, established a reputation for fair and independent judgment. (Ironical Cheers from the Congress Party Benches.) Possibly his only disqualification is that he is not a member of a particular political party.

(iii) Mr. Fazal Ibrahim Rahimtoola has also been a Member of this House and has since been a member of the Tariff Board. In particular, he was a member of the Tariff Board which investigated the Cotton Textile Industry in 1932.

(c) Government are not at this stage in a position to offer an opinion.

(d) No. I might add that the Government of India are of opinion that the Local Administrations through their Departments of Industries are in the best position to devise measures to foster the hand-loom industry. In this connection, I would refer the Honourable Member to Sir Joseph Bhore's speech in the course of the debate in which he announced the intention of the Government of India to make grants-in-aid to Local Administrations for that purpose. I lay on the table a statement showing the grants which have already been made. It is estimated that for the ensuing years of the period of protection, *i.e.*, up to October, 1939, the annual grants will amount to about five lakhs per annum.

*Statement showing the distribution of the grant-in-aid for the development of hand-loom industry.*

|                                      | 1934-35. | 1935-36. |
|--------------------------------------|----------|----------|
|                                      | Rs.      | Rs.      |
| Madras .. .. .                       | 26,500   | 59,500   |
| Bombay .. .. .                       | 17,500   | 39,500   |
| Bengal .. .. .                       | 35,500   | 80,000   |
| United Provinces .. .. .             | 32,000   | 72,000   |
| Punjab .. .. .                       | 17,000   | 38,000   |
| Bihar and Orissa .. .. .             | 23,000   | 52,500   |
| Central Provinces .. .. .            | 7,500    | 17,000   |
| Burma .. .. .                        | 7,500    | 17,000   |
| Assam .. .. .                        | 7,500    | 17,000   |
| North-West Frontier Province .. .. . | ..       | 5,500    |
| Delhi .. .. .                        | 2,000    | 5,000    |
| Total .. .. .                        | 1,76,000 | 4,03,000 |
| Grand Total .. .. .                  | 5,79,000 |          |

**Mr. M. Ananthasayanam Ayyangar :** Is the Honourable Member of opinion that no special tariff adjustment might be made with a view to protect the hand-loom industry in particular ?

**The Honourable Sir Muhammad Zafrullah Khan :** I do not think, Sir, I am bound to state my opinion.

**Mr. M. Ananthasayanam Ayyangar :** What is the objection to the Honourable Member referring the matter to the Tariff Board to invite their opinion, their opinion being the opinion of special officers ?

**The Honourable Sir Muhammad Zafrullah Khan :** There may not be an objection to all sorts of things, but things have got to be done in some relevant fashion.

**Mr. M. Ananthasayanam Ayyangar :** How is it not relevant ?

**Mr. President (The Honourable Sir Abdur Rahim) :** I cannot allow the Honourable Member to argue.

**Mr. M. Ananthasayanam Ayyangar :** I am only trying to give the other side of the case. What harm is there to include this industry in the Memorandum ?

#### MOTION FOR ADJOURNMENT.

#### ALLOCATION OF CERTAIN RESOURCES BETWEEN THE CENTRAL AND PROVINCIAL GOVERNMENTS.

**Mr. President (The Honourable Sir Abdur Rahim) :** Order, order : I have received notice of a motion for the adjournment of the business of

the House from Mr. Aney. The Honourable Member says that he proposes to make a motion for the adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance, namely :

“ The terms of the Communiqué, dated Simla, the 17th September, announcing the appointment of Sir Otto Niemeyer, G.B.E., K.C.B., to undertake an inquiry to make recommendations to His Majesty's Government regarding the allocation of certain resources between the Central and Provincial Governments, which shall have to be settled by Order in Council under the Government of India Act, 1935.”

I have to inquire if any Honourable Member takes objection to this ?

**The Honourable Sir James Grigg** (Finance Member) : Yes, Sir, I take objection to this motion. There is no doubt this action is being taken by the Secretary of State. If you will refer to page 26 of the Manual of Decisions of the Legislative Assembly on this matter, you will find that the question of urgency was discussed in relation to the appointment of the Royal Commission. In that decision of your predecessor, it was ruled that the fact of the appointment of the Royal Commission and the publication of the terms of reference of the Royal Commission were not open to discussion because of non-urgency. In that particular case, the personnel had not been announced and the actual representation of India on that Royal Commission was under consideration, and the President admitted that, if the motion for adjournment were confined to the question which was still open, he would admit the motion. In this case, there is no such question and the Secretary of State has arrived at his final decision which has been announced.

**Mr M. S. Aney** (Berar Representative) : Sir, I have not been able to follow what the Honourable Member said.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable the Finance Member has raised the question whether the motion refers to an urgent matter, and he has referred to the ruling on page 26 of the Selection from the Decisions of the Chair. I think the Honourable Member had better come nearer, so that he may be able to follow the discussion better.

(Mr. M. S. Aney was still in doubt about the point raised by the Honourable the Finance Member.)

The point raised by the Honourable the Finance Member is that the final decision has been taken, and there is nothing left to be done, and, therefore, the matter cannot be said to be an urgent matter of public importance.

**Mr. M. S. Aney** : My point is this, whether a matter, which has been finally settled, is or is not a fit subject for an adjournment motion can only be decided by the Rules of this House, *viz.*, the rules laid down on this point in the Assembly Manual. We are to be governed by the Standing Orders and the Legislative Rules on this point, and, unless this motion is debarred by any one of the considerations mentioned here, I do not think the fact that the matter has been finally decided by any other Government will affect our right of moving a motion for adjournment on this point here. Rules 11 and 12 of the

[Mr. M. S. Aney.]

Indian Legislative Rules govern motions for adjournment of the House. Rule 11 says :

“ A motion for an adjournment of the business of either Chamber for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the President.”

Rule 12 lays down certain conditions which are by way of restriction upon this right to move adjournment motion :

“ 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,.....”

Sir, these are the only restrictions which the House recognises in the matter of motions of this nature. Those restrictions are :

- “(i) not more than one such motion shall be made at the same sitting ;
- “(ii) 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 ;
- “(iii) the motion must not revive discussion on a matter which has been discussed in the same session ;
- “(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 ; and
- “(v) the motion must not deal with a matter on which a resolution could not be moved.”

The first four conditions obviously have no application in this case. The only point is whether we are entitled to move any Resolution on this point. If we can move a Resolution on the point, then we can certainly move a motion for adjournment. The matter is one of urgent importance, and it is a definite one. No matter can be of more urgent importance to the people of this country and to this House than the one which is going to decide finally the financial adjustments between the Provincial Governments and the Central Government and on which the stability of the future Provincial Governments will depend. There will be no occasion again for this House to consider this question if this opportunity is lost sight of. By that time probably everything will be so arranged and will be so decided that there would be nothing left for us with a view to making any suggestion in the matter. For these reasons, I think the motion for adjournment must be allowed.

**Mr. President** (The Honourable Sir Abdur Rahim) : What has the Honourable Member got to say with regard to Ruling No. 24 ?

**Mr. M. S. Aney** : Even as regards the ruling, the particular point on which that motion was allowed last time was one of importance. It was allowed to be discussed from the point of view of the personnel. I think, on the present motion, we can express our opinion on that point.

**Mr. President** (The Honourable Sir Abdur Rahim) : As regards the point of order and the objection taken by the Honourable the Finance Member, the Chair is of opinion that it is not a valid one. The House is governed in this matter by the provisions contained in Rules 11 and 12 of the Indian Legislative Rules, and there can be no

doubt that this is a matter of public importance, and it is urgent in the sense that the appointment has just now been announced. Therefore, the House is entitled to express its opinion on the question of that appointment. If the objection taken by the Honourable the Finance Member should prevail, it would preclude the House from discussing a motion for adjournment on practically any action taken by the Government which may be of very great public importance. As regards the ruling referred to, namely, Ruling No. 24, in the book "Selections from the Decisions from the Chair", as a matter of fact, the motion was allowed on another ground, and the Chair does not take it as an express ruling laying down that a matter of this character cannot be a subject for discussion on a motion for adjournment. The Chair, therefore, holds that the motion is in order. (Applause.)

As objection has been taken, the Chair would ask those Honourable Members, who are in favour of leave being granted, to rise in their places.

(More than 25 Honourable Members rose in their places.)

As not less than 25 Members have risen in their places, I declare that the Honourable Member has the leave of the House. The motion will be taken up for discussion at 4 P.M. today.

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## THE CODE OF CIVIL PROCEDURE (SECOND AMENDMENT) BILL.

### PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

**The Honourable Sir Nripendra Sircar** (Law Member) : Sir, I beg to present the Report of the Select Committee on the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes (Insertion of new section 44-A).

Sir, I apologise to the House for the slight delay in presenting the report.

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## THE INDIAN COFFEE CESS BILL.

**The Honourable Sir Muhammad Zafrullah Khan** (Member for Commerce and Railways) : Sir, I move for leave to introduce a Bill to provide for the creation of a fund for the promotion of the cultivation, manufacture and sale of Indian coffee. Sir, at this stage, I need say no further than this that I venture to hope that this will be a non-contentious Bill as it is being introduced at the desire of an overwhelming number of coffee planters in India. Sir, I move.

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

"That leave be granted to introduce a Bill to provide for the creation of a fund for the promotion of the cultivation, manufacture and sale of Indian coffee."

The motion was adopted.

**The Honourable Sir Muhammad Zafrullah Khan** : Sir, I introduce the Bill.

THE INDIAN MOTOR VEHICLES (AMENDMENT) BILL.

**Mr. President** (The Honourable Sir Abdur Rahim) : Further consideration of the following motion moved by the Honourable Sir Henry Craik on the 16th September, 1935 :

“ That the Bill further to amend the Indian Motor Vehicles Act, 1914, for certain purposes, be taken into consideration.”

**Mr. Lalchand Navalrai** (Sind : Non-Muhammadan Rural) : Sir, there is an amendment in my name. If you allow me, I shall move it.

**Mr. President** (The Honourable Sir Abdur Rahim) : Has the Honourable Member spoken already on the Bill ?

**Mr. Lalchand Navalrai** : Yes, Sir.

**Mr. President** (The Honourable Sir Abdur Rahim) : Then the Honourable Member cannot be allowed to speak again.

**Mr. Lalchand Navalrai** : I will simply move my motion.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Rules do not permit a second speech to be made by the same Member.

**Mr. Lalchand Navalrai** : I will not make a second speech, but move my amendment.

**Mr. President** (The Honourable Sir Abdur Rahim) : That is not permitted by the rules. This identical motion has been given notice of by other Members. Mr. Asaf Ali.

**Mr. M. Asaf Ali** (Delhi : General) : Sir, I have given notice of a similar motion. I beg to move :

“ That the Bill be referred to a Select Committee, consisting of the Honourable Sir Nripendra Sircar, the Honourable Sir Henry Craik, Mr. Bhulabhai J. Desai, Mr. Suryya Kumar Som, Mr. Sri Prakasa, Mr. R. S. Sarma, Maulana Shaukat Ali, Mr. Huseinbhai Abdullabhai Laljee, Mr. Lalchand Navalrai, Mr. M. Ananthasayanam Ayyangar and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair understands the Honourable Member did not supply the Assembly office with the names of members for the Select Committee. The usual practice is to hand over a list of names to the office. However, in this case, the Chair will accept the list. In future, the list should be handed over to the office beforehand.

**Mr. M. Asaf Ali** : Sir, it was stated in the motion, notice of which had been given, that the names of the members would be mentioned at the time of making the motion. I was misled by that form.

Sir, this Bill appears to be a perfectly innocent measure, and, if it had not sought to introduce some innovations which are unknown to law and the juristic world, I do not think there would have been any objection taken by any one on this side of the House. We have to recognise the fact that, owing to the existence of automobiles in India and the natural conditions of modern life which require an increase of speed from day to day and the means of transportation, laws of this nature are absolutely essential. I do not take objection to any part of this Bill on any political grounds ; it has no political odour about it. It is merely a matter of law which has moved me to point out certain defects, as I may call them, to which objection can easily be taken on purely legal grounds.

Now, Sir, in the Statement of Objects and Reasons, it has been stated that this measure has been necessitated by the report of a Committee that was appointed by the Government of the United Provinces which Committee considered it desirable that certain offences under the Motor Vehicles Act should be made compoundable. In so far as the recommendation of that Committee is concerned, I am in absolute agreement with it because certain offences under the Motor Vehicles Act are of a perfectly venial nature. I should not call them exactly technical offences; they are offences right enough but they are of a venial nature and they are the pettiest misdemeanours, and if they were not made compoundable it would be an act of injustice. But unfortunately, I find, that in this Bill, as I was saying before, certain principles have been adopted which are not known to the juristic world. For instance, if you turn to sub-clause (2) of clause 3, it reads as follows :

“ The composition of an offence under this section shall have the effect of a conviction of the accused with whom the offence has been compounded.”

It is a perfectly ridiculous proposition.

**The Honourable Sir Henry Craik** (Home Member) : Sir, the Honourable Member will forgive me for interrupting him but it may save his time if I say that I am prepared to accept an amendment to this clause. I agree that it is wrong in principle and if the clause can be so amended as to provide that the fact of composition should be endorsed on the licence, I am quite prepared to accept that.

**Mr. M. Asaf Ali** : I am very glad to hear that the Honourable the Home Member is prepared to accept an amendment of this clause which certainly is nothing else but a subversion of all the principles known to law. A composition has always had the effect of an acquittal under the existing law and this is the first time that I find that a composition is proposed to have the effect of a conviction. What would be the incentive for an accused person to agree to a composition if it did not mean also the washing out of his offence? But I am very glad that the Home Member has agreed to accept an amendment to that effect. But that is not the only point to which objection has been taken or can be taken. Let us refer again to sub-clause (1) of clause 3 which reads as follows :

“ Offences punishable under this Act (other than offences under sections 3, 5, 6 and 7) and such offences ”—

and I particularly draw the attention of the Home Member and the Honourable the Law Member to this point—

“ and such offences against rules made under this Act as the Local Government may, by notification in the local official Gazette, have declared to be non-compoundable ”, etc.

Now that gives the discretion to the Local Governments to create new offences as it were, and not only to create new offences but to make certain offences compoundable or non-compoundable. This means that you are increasing the power of the Local Governments, you are increasing the power of the executive, to which we have always taken exception and to which we shall continue to take exception because we want the judiciary to be separated from the executive as far as possible. And here you are intensifying the powers which the Local Governments already enjoy. Further still it goes on to say :

“ shall, with the permission of the court, be compoundable, either before or after the appearance of the accused,” etc.



[Mr. M. Asaf Ali.]

Now, I should like to know under what conditions it can be possible for an accused person to agree to a composition before his appearance. Can we imagine those circumstances. The accused has not even appeared.....

**The Honourable Sir Henry Craik :** He can appear by Counsel.

**Mr. M. Asaf Ali :** I was not thinking merely of his appearance by Counsel because it has no reference to appearance by Counsel.

**Mr. Lalchand Navalrai :** And he may not be able to pay for a Counsel.

**Mr. M. Asaf Ali :** It is quite possible, in those circumstances, for the accused person not to compound the offence and not to agree to the composition of the offence but actually to grease the palm of the gentleman who holds him up and quietly say to him, "Let me go". So it opens the door to speculation and to corruption, and I very strongly object to it.

**The Honourable Sir Henry Craik :** He can grease the palm of the constable even now.

**Mr. M. Asaf Ali :** I quite recognise that and I am glad that the Home Member recognises the fact that the police are not like Caesar's wife. But in any case this is a wrong principle of law altogether. Composition before appearance in court is certainly possible but only in individual cases, in cases in which the Crown is not the complainant. I am not suggesting for a single second that any criminal case can possibly be instituted without the Crown being the complainant. But in individual cases, for instance, in cases of simple hurt or adultery or defamation, and so on, composition would be a perfectly reasonable and unexceptionable thing even before the accused has appeared before the court. But in these cases allowing the accused or rather allowing the constable or allowing any police officer or any person who holds up a driver to compound the offence behind the Crown is I think open to very serious objection.

**The Honourable Sir Henry Craik :** That is not the object of the Bill. The constable has no power to compound.

**Mr. M. Asaf Ali :** I have not the slightest doubt that a constable has no power to do so, but how does this Bill read ? It says :

"Such offences shall, with the permission of the Court, be compoundable, either before or after the appearance of the accused."

**The Honourable Sir Henry Craik :** "With the permission of the Court."

**Mr. M. Asaf Ali :** Quite so ; but I am just suggesting that a police constable or any other person on traffic duty might be there and might say to the person, "You are held up : I shall obtain permission of the court right enough, will you compound the case ?" He may never go to the Court at all. Therefore, I think, it is a wrong principle altogether.

Now, Sir, I do not desire to detain the House any longer because it is not a matter which requires any dissertation on law or otherwise. These are the two relevant objectionable points in this Bill and it is on these grounds that I suggest that the Bill be referred to a Select Committee.

I should like to say one word more and then I shall resume my seat. The Motor Vehicles Act is unfortunately, to my mind, not an exhaustive measure at all. The offences which are made compoundable or which are sought to be made compoundable under the proposed legislation would be confined, I think, after excluding sections 5, 6, and 7, to section 8 and such rules as may be made by Local Governments under section 11.....

**The Honourable Sir Henry Craik :** Also section 4.

**Mr. M. Asaf Ali :** Now, let us turn to section 8 and see how unreasonable that section is : section 8 says :

“ The driver of a motor vehicle shall produce his licence upon demand by any police officer.”

In cases which are almost countless this section has been interpreted to mean that the driver of a motor vehicle shall produce his licence on demand by any police officer on the spot. For instance, I am driving my car and I am hauled up somewhere in the middle of a street and just by chance I have forgotten to carry my licence in my pocket, although I possess that licence—probably it was left at home. But I am hauled up and brought before the court, and the court has no discretion in the matter whatsoever. These are cases which must be made compoundable—I have not the slightest doubt about that.....

**The Honourable Sir Henry Craik :** There is a way here.

**Mr. M. Asaf Ali :** It is made compoundable under this Bill, I agree. But the point I am driving at is slightly different. What I was saying was this, that section 8 is far too conclusive, far too drastic : it allows no discretion to the court whatsoever : it ought to be made a little more exhaustive and it ought to give a little more discretion to the court : this is only by way of illustration....

**The Honourable Sir Henry Craik :** The law in England is exactly the same, where there are many more thousands of motor cars : the driver must produce his licence on the spot.

**Mr. M. Asaf Ali :** I should not be surprised if the law in England was just the same but I should like to know if the interpretation put upon this law is also the same....

**The Honourable Sir Henry Craik :** Yes.

**Mr. M. Asaf Ali :** I doubt it : I very seriously doubt it. Why should it not be possible for me to say : “ Oh, yes : I have my licence : only I did not happen to have it on the occasion.... ”

**The Honourable Sir Henry Craik :** I happen to know from personal knowledge that no magistrate ever accepts that excuse : he insists on the driver producing his licence on the spot.

**Mr. M. Asaf Ali :** Even if that is so, I think it is a most unreasonable position. It is not as if I did not possess a licence : I have got the licence : it is merely a question of my having committed a very venial kind of omission which would be sufficiently punished if I am brought up before the court any time subsequently and I have to waste my time by going to the court and waiting there, probably the whole day, before my case is called up : is that no sufficient punishment for me ? I am only just illustrating the fact that the Motor Vehicles Act is susceptible of many amendments which might be considered if this Bill is referred

[Mr. M. Asaf Ali.]

to a Select Committee. It ought not to take us very long there : if it goes to the Select Committee, it will probably take us about an hour or two hours and the whole thing can be finished within that time. But as it stands it certainly is not and cannot be acceptable for the reasons which I have stated.

May I be permitted, Sir, to add one more name to the number of persons in the Committee—the name of Mr. James ? That is all I have got to say.

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

“ That the Bill be referred to a Select Committee, consisting of the Honourable Sir Nripendra Sircar, the Honourable Sir Henry Craik, Mr. Bhulabhai J. Desai, Mr. Suryya Kumar Som, Mr. Sri Prakasa, Mr. R. S. Sarma, Maulana Shaukat Ali, Mr. Husenbhai Abdullabhai Laljee, Mr. Lalchand Navalrai, Mr. M. Ananthasayanam Ayyangar, Mr. F. E. James and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

**Mr. M. Ananthasayanam Ayyangar** (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Sir, the objects of this Bill are that greater latitude may be given to Courts in treating offences punishable under this Act. It is intended to enable persons charged with offences under this Act to compound offences. Far from enabling that purpose to be achieved, the phraseology of this Bill makes the noose against the accused tighter. I, therefore, object both to the form of the Bill and to the substance of the various clauses of this Bill. It is on this ground that I support the motion for reference to a Select Committee. I will take the last clause first. No doubt it is the last clause that makes the composition also a conviction under this Act. Mr. Asaf Ali and Mr. Lalchand Navalrai have both taken objection to this, and the Honourable the Mover has said that he has since discovered that the composition ought not to be placed on the same footing as a conviction and, therefore, if a suitable amendment is brought he is prepared to accept it. But I heard him say—subject to correction, I did not hear him quite audibly—that the facts might be endorsed on the licence : am I correct ? Yes. The mischief of this clause is still there. If my Honourable friend the Mover wants that the facts leading to the charge and the further composition of the offence should be endorsed on the licence, the Honourable the Mover forgets the further consequences of such an endorsement. Under section 18, facts have to be endorsed on a licence so that those facts may constitute a first offence and disqualify the owner of a licence from obtaining a licence for a period to be stated, or to be fixed under the rules to be framed by the Local Governments or disqualify him for ever otherwise, the endorsement does not serve any purpose. Composition, by the very nature of it, implies that neither the prosecutor nor the accused can definitely say that an offence has been committed; in that, while it is still undetermined the parties do not go into the evidence and come to terms. The very object of the composition will be frustrated if my friend agrees to have it amended to a statement that it amounts to conviction, which will be the meaning if the facts are endorsed on the licence. Unless there is a conviction under section 18, even if the facts are endorsed on the licence, it may not disqualify a man from obtaining a licence for the future.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Akhil Chandra Datta).]

Therefore, after the admission by the Honourable the Home Member that he is prepared to have a suitable amendment, he must also not insist upon the facts being endorsed on the licence. Sir, this is a very important matter, and, if the endorsement of these facts is insisted upon, it will frustrate the very object of acceding to the amendment.

I would also point out, Sir, that the Honourable the Home Member has not considered another aspect of this case. If under clause 2, a composition amounts to conviction, it will entail a further amendment of the Act, because once a conviction is made there is a right of appeal. If there is only a composition, there is no right of appeal. In one breath the Honourable the Home Member allows the accused to enter into a composition and takes away the right of appeal, while in another breath makes him a convict or a person convicted under an offence, which is more or less the same. I would, therefore, say, that this clause requires radical modification, and a mere amendment on the floor of this House will not do.

We shall then go to the substantial portion in clause 16, clause (a) (i) dealing with the enabling powers or the privileges that are given to an accused to enter into a composition. The remedy, Sir, is worse than the evil. There is no option left either to the prosecutor or even to the Court to allow a composition except on payment of a sum, howsoever small it may be. I take objection to this. Under the Criminal Procedure Code, even with respect to very grave offences, it is open to the Court to absolve or to leave alone a first offender. The Honourable the Mover may himself,—though I have not been able to learn driving and I have had to engage a driver,—the Honourable the Home Member may himself have the chance of driving a car many a time and he may be an accused under this Act if he should commit a small offence for driving his car on the wrong side of the road, or if he does not take care to see that the Number Plate is properly kept up or at the back the tail lamp is lit properly. There is no similar provision here, whatever might be the anxiety with which the Report of the Committee of the United Provinces is sought to be followed in this Bill, and, I would, therefore, say that to insist upon payment of some amount of money, whatever might the magnitude of that sum, is very wrong, and I take serious objection to it. Option must be allowed to the Court or to the Prosecutor to allow a composition, even without payment, in proper cases. There is such a provision in section 562 of the Criminal Procedure Code.

Then, Sir, with respect to the payment, it does not appear that my Honourable friend has taken notice of the fact that once there is a conviction and subsequently the same man is charged under section 16 of the Act, the amount of fine that may be inflicted on him is twice the original amount. Thus if the amount of fine to be inflicted for a first conviction is Rs. 100, the amount of fine for a subsequent conviction may go up to Rs. 200, because, Sir, "on payment by the accused of such sum, not exceeding the maximum amount of fine with which the offences are made punishable by this Act", would mean twice the amount in the case of a second offence. It is also necessary here to point out that it

[Mr. M. Ananthasayanam Ayyangar.]

has not been shown as to who is the person that is competent to enter into a composition or compound these offences. In Local Acts such as the Abkari Act and the Forest Act, I find that provision is made for particular officers of Government above a particular rank to enter into a composition. Even a head constable can charge a man with having committed an offence under this section, and it is the head constable who attends the Magistrate's Court. And should it be left to him, Sir, to compound this offence? I shall just read a section, section 67 of the Madras Abkari Act, 1886, where power is given to Abkari Officers specially empowered to enter into a composition. I have not been able to get the Forest Act where also such compositions are allowed even though the Government or the Forest Officer is the prosecutor. "Any Abkari Officer specially empowered....." If the Honourable the Home Member will kindly read the clause in the Bill, he will observe that no provision is made for prescribing the procedure or the qualifications of a person who is entitled to enter into a composition. It is stated in the Bill that in sub-clause (b) after clause (h), the following clause shall be inserted, namely " (hh) prescribing the procedure to be observed by Courts in permitting offences to be compounded under section 16A ", and under this particular clause, a sub-clause is added by which power is given to the Local Government to prescribe the procedure to be followed by Courts in permitting offences to be compounded. Therefore, it regulates only the procedure that is to be adopted in Courts, but it does not refer to the qualifications of the person or the status of the officer who is empowered to enter into a composition. Therefore, Sir, when these things are not mentioned in the Bill itself, I submit, that at least rules must be framed to empower particular classes of officers to enter into a composition. It is not a private offence in which the prosecutor and the accused can enter into a composition of this kind. When the Government itself under the Indian Motor Vehicles Act is the officer that enters into the composition, I submit that the rank of the officer of the Government who is empowered to enter into a composition must be specified in the Act itself or otherwise, rules must be framed to empower particular classes of officers to enter into a composition. Therefore, Sir, it is very necessary that the whole Bill should be referred to a Select Committee.

Lastly, Sir, I would submit that under the main Criminal Procedure Code, section 345, offences which could be compounded have been divided into two categories,—those that could be compounded without the leave of the Court and those that could be compounded only with the leave of the Court where the offences are graver. If a person who wants to compound had already committed two previous offences he may be considered to have committed a more serious offence, and he can compound only with the leave of the Court. If really the benefit of the composition is sought to be given to a person who is charged under the Indian Motor Vehicles Act, it ought to be made easy for him to compound an offence with a superior officer of the police or with the prosecutor even before he comes to a Court of law. No doubt, it is stated in clause 3 that even before the accused puts in his appearance in Court, it might be open to him to enter into a composition, but then, even though the accused does not appear before the Court, this clause insists that the composition should be made only with the leave of the Court. There does not seem to be

much meaning in insisting upon the composition being made only with the leave of the Court. I think a distinction of that kind can be made by rules framed under the Act to decide as to what class of cases can be compounded without the leave of the Court and what class of cases can be compounded only with the leave of the Court. Therefore, in these three respects I suggest that this Bill requires a radical modification so as to really carry out the objects for which it has been introduced. It is not by an amendment here or an amendment there on the floor of the House that the object of this Bill can be carried out. I would, therefore, strongly support the motion for reference to the Select Committee that has been made by my friend, Mr. Asaf Ali.

**Mr. J. D. Boyle** (Bombay : European) : In rising to speak on the motion before the House, I should like to make it clear that I do not wish to oppose the reference of this Bill to a Select Committee. But I hope I shall have the indulgence of the House if I make a few observations on the Motor Vehicles Act and the advantages to be gained from its amendment. When the Act of 1914 was passed it was of a general character. The Local Governments were given power to make rules to deal with conditions that were peculiar to their provinces and also with the enormous and inevitable increase in the use of motor cars in their provinces. The Local Governments have made full use of those powers, and now it can be said that there is no uniformity whatever between the provinces on those matters of major importance on which I think the House will agree that it is both possible and desirable to have uniformity. I should like to take three examples from those matters which I think should, in their application, be general to the whole of India. The first of those points is the question of driving test. That a universal test is eminently desirable I think the House will agree with me. Such a test has recently been introduced in England. The Deputy Commissioner of Police in Bombay, whose special duty it is to control traffic, has given it as his opinion within the last few days that 70 per cent. of the total number of accidents that occurred within his jurisdiction could have been avoided if drivers had had more ability and more road sense. I hope the House will agree with me that this is one of those matters in which there should be a universal test laid down in the body of the Act. The second point is one of fees and their application. I do not refer to taxation, by which I mean tolls, municipal wheel tax and that sort of thing. Even on that there is a considerable volume of doubt in the country. By fees I mean simply registration and renewal registration fees and the issue of driving licence, and, if I may refer once more to Bombay, I may say that the Bombay Government have recently been faced with a very difficult situation on the question of fees. The subject of fees and their enhancement and the possibility of their application to provincial revenues was a matter of considerable doubt both in the non-official and official mind. This is a matter of such importance that I think the House will agree with me it is one on which there should be all-India legislation. The third point which I wish to make is in reference to the question of third party insurance. I shall not waste the time of the House by going into this matter in detail, but I would go so far as to say that it is a matter of such vital importance, having in view the number of accidents that take place every year throughout India, that I do not think it should be a matter governed by rules only, but it should be a matter embodied in the Act and made a statutory obligation. Finally, if I may just very

[Mr. J. D. Boyle.]

briefly summarise, I hold that this 1914 Act is now enforced in the provinces only by rules, and I have always understood that it is a fundamental principle of legislation that where an Act itself has fallen into the background and important provisions are governed by rules, it is high time that those important provisions were incorporated in the body of the Act itself. I would suggest, therefore, that, if it is at all possible, the Government should produce a consolidated amending Bill and not indulge in piecemeal legislation. (Applause.)

**Mr. N. M. Joshi** (Nominated Non-Official) : I wish to make a few remarks from the layman's point of view regarding the provisions of this Bill. I also wish to place before the House the apprehensions which I am feeling as a pedestrian from the speeches which I heard this morning and yesterday. I feel that in India the restrictions for regulating motor driving are not sufficiently stringent, and my own experience is, whatever may be the restrictions laid down by the rules, those restrictions are not properly observed. My further experience is that, even though accidents take place on the streets, sufficient steps are not taken against the people who cause those accidents. I shall give you one or two instances that I have come across in my own experience. I was once sitting in a car and an accident took place. It was not my car, nor was I the driver. The accident took place, a man was hurt, and I felt that there would be a case made against the driver and that I would be called as a witness. Nothing happened. I will give you another instance. I thought, after that accident, that it is my duty to tell the police that I was willing to give evidence. I was once standing on the terrace of the Bombay Municipal Corporation and I saw an accident taking place. The driver was obviously going by the wrong side of the tramway. I saw that a man was hurt. I wrote to the police that I had seen the accident and that I would like to give evidence in the case. After having written, the police once called me, but I think the case was not taken up that day or something happened. After that, nothing was heard of the case.

**Mr. Sri Prakasa** (Allahabad and Jhansi Divisions : Non-Muhamadan Rural) : You are too innocent, Mr. Joshi !

**Mr. N. M. Joshi** : I feel that there is very little protection in India to the pedestrian against the rashness of the motor drivers. From a cursory reading of the Bill, I feel that the Government of India are relaxing the restrictions which are laid down by the Motor Vehicles Act, and I think it is a wrong thing altogether to relax those restrictions. I do not wish to oppose the motion for reference to a Select Committee, but I think that, when a Select Committee is being formed, it should be so formed that there should be some representative of pedestrians on that Committee. I have heard the speeches from the Congress side, from the Nationalist side, and from the European Group,....

**Mr. Lalchand Navalrai** : I am a pedestrian.

**Mr. N. M. Joshi** : ....and, from their speeches, it appears to me that they generally represent either the owners of cars or the drivers of cars. I would, therefore, suggest to the gentleman, who made the motion for the appointment of a Select Committee, to appoint on the

Select Committee some people who would make it their business to represent the cause of pedestrians.

**Mr. M. Asaf Ali** : With your permission, Sir, if Mr. Joshi would only allow me to add his name, I should only be too glad to do so.

**Mr. N. M. Joshi** : I do not mind serving on the Select Committee if the House is willing to appoint me on the Select Committee. But let me assure you, Mr. Deputy President, that that was not the object of my rising to speak. My object in rising was to show that this Bill has another side than the side which has been placed before the Legislature. Some Members said that compounding an offence should not be regarded as a conviction. I do not know why. A rich man may break the rule, and he may be liable to a fine of Rs. 500. The rich man may say : " Here is a five hundred-rupee note, you may take it." But, by doing so, he should not be made to escape the conviction.

**An Honourable Member** : But the pedestrian will get it.

**Mr. N. M. Joshi** : I do not want the pedestrian to get it, but I want these people who own cars and who drive cars on roads to be very careful, and, when they break the rules, I want them to be severely punished. I hope the Select Committee will look into the question from the point of view of the pedestrian also.

**The Honourable Mr. D. G. Mitchell** (Member for Industries and Labour) : I would like to make a few remarks in answer to the points raised by Mr. Boyle which seemed to receive a certain amount of approbation from the House. As a result of recent discussions with the Transport Advisory Council, the Government of India have decided to take into consideration some fairly extensive amendments of the Motor Vehicles Act, and they have addressed Local Governments concerning these matters. They cover most of the points raised by Mr. Boyle, particularly questions relating to all-India registration of vehicles, the all-India validity of driving licences and insurance against third party risks. It is probable that, if the proposals of the Government of India receive any degree of agreement from Local Governments, the necessary amendments to the Act will be fairly extensive and it will then be for consideration whether instead of bringing in an amending Bill it will be desirable to redraft the whole Act in order to include these new provisions and other matters mentioned by Mr. Boyle, and also to make provision for what certainly will happen, namely, further development in the control of motor traffic.

**Mr. Muhammad Azhar Ali** (Lucknow and Fyzabad Divisions :  
1 P.M. Muhammadan Rural) : Sir, from the aims and objects of the Bill, I conclude that the Honourable the Home Member, in this small Simla Session, is trying to ride rough-shod and to do his best to trample the rights of the people as much as he can. To me it appears that the real objects of this Bill are a bit concealed. There seem to be two objects, one is to increase the number of offenders in India and the other seems to be to raise more money by means of prosecutions. Now, Sir, in spite of the fact that the matter may be compoundable and the parties may agree to compound the offence, still the Government leave some sort of loophole for raising money by means of fines. It is an ordinary dictum of criminal law that no punishment will be inflicted on an offender unless he is proved guilty. Now, don't



Mr. Muhammad Azhar Ali!

we find in this Act, that in spite of the fact that the parties are prepared to compromise, still without any evidence and procedure prescribed by law for the production of evidence and witnesses, you force the parties to admit that they are offenders? I have never seen or heard of a law like this. The motion before the House is that this Bill may be sent to a Select Committee. I think this point struck Mr. Lalchand Navalrai very early and I hope that Government will agree to send this Bill to the Select Committee, so as to purge it of all the stupid things which this Bill contains, which are really against humanity and which ought to be really repulsive to every good Government and to the good sense of the people of this country. With these words, I support the motion for Select Committee.

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

“ That the Bill be referred to a Select Committee, consisting of the Honourable Sir Nripendra Sircar, the Honourable Sir Henry Craik, Mr. Bhulabhai J. Desai, Mr. Suryya Kumar Som, Mr. Sri Prakasa, Mr. R. S. Sarma, Maulana Shaukat Ali, Mr. Husenbhai Abdullahai Laljee, Mr. Lalchand Navalrai, Mr. M. Ananthasayanam Ayyangar, Mr. F. E. James, Mr. N. M. Joshi, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

The motion was adopted.

#### THE REPEALING AND AMENDING BILL.

**The Honourable Sir Nripendra Sircar (Law Member) :** Sir, I beg to move :

“ That the Bill to amend certain enactments and to repeal certain other enactments be taken into consideration.”

I need hardly say anything on this motion but for the fact that I find a notice of a motion for referring the matter to a Select Committee. I do not know whether that is going to be moved but the matter, as I explained to the House the other day, is purely formal and nothing can be done before any Select Committee. In fact, similar Repealing Acts have been passed from time to time and they have never been referred to a Select Committee. May I explain to the House four or five points which are involved in this Bill, which are intended to get rid of enactments which have expired by efflux of time and correct certain accidental slips.

Now, as regards the Income-tax Act, if Honourable Members will turn to the Statement of Objects and Reasons, they will find that the substance of sub-sections (2) and (3) of section 57 of the Act was, by Act XVIII of 1933, incorporated in sub-sections (3C) and (3D) of section 18. What has happened is that by inadvertence sub-section (9) of section 18 ignores the fact that the sub-sections (3C) and (3D) refer to payment of dividends, not of interest. I do not think that the department has taken any advantage of the slip but that slip has got to be corrected. That is the whole object. Then, Sir, as regards the Cantonments Act, clause (ix) is alphabetically out of place amongst the definitions. That is to say the definition of ‘ Officer Commanding the station ’ is in the wrong place alphabetically and that is going to be corrected. Then with regard to

the Repealing and Amending Act, 1920, with the repeal of the Indian Aircraft Act, 1911, by Act XXII of 1934, the reference to the former Act in the Schedule to Act XXXI of 1920 has become obsolete and is being removed. As regards the Indian Merchant Shipping Act, 1923, while other references in the Act to "native passenger ships" were, by Act XXV of 1933, altered to "unberthed passenger ships", the words "native passenger ships" in section 146 (1) (e) of the parent Act were inadvertently left unaltered. This was corrected in all other places but this one mistake was made inadvertently. This is now being rectified. Then in sub-sections (1) and (2) of section 209A of the Act the word "the" was, in two places, inadvertently retained by the amending Act, XI of 1933, before the words "His Majesty's Representative"; that is, the word "the" has been mentioned twice, and it is now being excised, because one of the "the"s has got to be struck out. Next, with regard to the Mechanical Lighters (Excise Duty) Act, 1934, with the repeal by Act XXXII of 1934 of Act VIII of 1894, section 16 of Act XXIII of 1934 becomes otiose and is now repealed. That is, that is necessary by reason of the repeal by Act XXXII of 1934 of Act VIII of 1894. Then with regard to the Repealing and Amending Act, 1934, we have followed the ordinary rules and according to precedent, the repealing provisions of this Act are now themselves repealed, that is, the whole Act has been repealed. As regards the Iron and Steel Duties Act, 1934, the references in this Act to Act VIII of 1894, now repealed, have become redundant and are here repealed. Section 10 is itself a repealing provision, and this has also, according to precedent, been repealed. Then there are six Regulations which are called Manpur Regulations. They are now of no use, because they have become spent as the result of the cession, on the 15th of August, 1932, of Manpur to His Highness Maharaja Holkar, and, therefore, they have now got to be formally repealed as they have spent their force. Then there are seven Regulations applicable to the North-West Frontier Province and British Baluchistan. They are all time-expired, but they are still on the Statute-book, and we want to repeal them. I submit, Sir, this is all extremely formal business, and that there is nothing which really need be seriously considered by any Select Committee or even by the Members of this House. Sir, I move.

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** Motion moved :

"That the Bill to amend certain enactments and to repeal certain other enactments be taken into consideration."

The Honourable Member, Mr. Ananthasayanam Ayyangar, has sent in notice of an amendment to this motion. Does the Honourable Member propose to move his amendment ?

**Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) :** Sir, in view of the statement made by the Honourable the Law Member, I do not move the amendment.

**Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) :** Sir, I want one point to be explained. I find that the Honourable the Law Member said that there are several Regulations applicable to the North-West Frontier Province and British Baluchistan which are now time-expired, and are, therefore, hereby repealed. My difficulty is this. I do not know if these several Regulations were to remain in existence for certain times. If it was so, where is the necessity of repealing

[Mr. Lalchand Navalrai.]

them by this Act? They have "repealed" themselves by the time-expiry itself, and I would like that point to be explained.

**The Honourable Sir Nripendra Sircar :** Sir, they have spent their force; they were for a certain number of years, they have now expired, they have no operative value now; but they will not now come off the Statute-book unless they are formally removed.

**Mr. Lalchand Navalrai :** What is the rule which says that they will not be non-existent until they are repealed and removed from the Statute-book?

**The Honourable Sir Nripendra Sircar :** There is no rule except the rule of practice and common sense.

**Mr. Lalchand Navalrai :** The common sense of the Honourable the Law Member, I believe? But my common sense says that when a Bill repeals itself by time, this further thing is not necessary, and I do not think such a practice is a good practice.

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

"That the Bill to amend certain enactments and to repeal certain other enactments be taken into consideration."

The motion was adopted.

Clauses 2 to 4 were added to the Bill.

The First Schedule and the Second Schedule were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Sir Nripendra Sircar :** Sir, I move :

"That the Bill be passed."

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

"That the Bill to amend certain enactments and to repeal certain other enactments be passed."

The motion was adopted.

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

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

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#### THE FACTORIES (AMENDMENT) BILL.

**The Honourable Mr. D. G. Mitchell (Member for Industries and Labour) :** Sir, I move :

"That the Bill to amend the Factories Act, 1934, for a certain purpose, be taken into consideration."

Honourable Members may remember that on the 2nd of September last this House adopted a Resolution recommending to the Governor

General in Council that he should ratify the Geneva Convention of 1934 which relates to the employment of women during the night.

**Dr. N. B. Khare** (Nagpur Division : Non-Muhammadian) : Is there a quorum, Sir ?

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : (After a count was taken.) There is a quorum.

**The Honourable Mr. D. G. Mitchell** : In moving that Resolution, I mentioned that in order to clear the way for the ratification of the Convention, it would be necessary to make a small amendment in the Factories Act of 1934. I also mentioned that it was the intention of the Government not to take advantage of the exemption contained in Article 8 of that Convention which allows the exemption of women holding higher positions of supervision in factories. I introduced a Bill immediately after the House had adopted the Resolution, which I now ask the House to take into consideration. As I have said, the passage of this Bill will clear the way towards the ratification of the Convention. Apart from that, the Bill is of very little practical importance under the existing conditions in India. I do not, therefore, propose to take up the time of Members any longer as I know they are longing to sniff the spicy breezes of Zanzibar.

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

“ That the Bill to amend the Factories Act, 1934, for a certain purpose, be taken into consideration.”

The motion was adopted.

Clauses 2 and 1 were added to the Bill.

The Preamble and the Title were added to the Bill.

**Mr. Sri Prakasa** (Allahabad and Jhansi Divisions : Non-Muhammadian Rural) : Sir, I fear there is a technical omission. The Honourable Mr. Mitchell has only moved that the Bill be taken into consideration. He has not yet moved that the Bill be passed.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : That he will do now.

**The Honourable Mr. D. G. Mitchell** : Sir, I move :

“ That the Bill be passed.”

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

“ That the Bill be passed.”

The motion was adopted.

#### RESOLUTION *RE* POSITION OF INDIAN NATIONALS SETTLED IN ZANZIBAR.

**Pandit Govind Ballabh Pant** (Rohilkund and Kumaon Divisions : Non-Muhammadian Rural) : Sir, I move :

“ That this Assembly recommends to the Governor General in Council to take all effective steps in the interests and to vindicate the position of Indian nationals settled in Zanzibar.”

Sir, I owe this opportunity to the courtesy of the Honourable the Leader of the House and the Education Secretary, and I offer them my

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thanks for enabling the House to discuss a matter of supreme importance. The history of Indians overseas is a dismal tale of unrelieved agony, harassment and humiliation. Strange though it may look, it is none the less a fact that the difficulties of Indians have been particularly marked in countries which are included in that pretentious euphemism, the British Commonwealth of Nations, and they have grown worse with the tightening of the British grip and the extension of the British influence. It is an irony, it is a matter for regret, and it is a tragedy, but it is all the same the truth, the naked truth. Even in the matter of Zanzibar, the situation was much better in pre-British days, and it was only because of the interests of Indians in Zanzibar and of the avowed solicitude for Indian traders there that the first British Consulate was established there about 125 years ago, though the present regency was established there on the adjustment of the differences and the apportionment of the areas of influence between Germany and England in that zone only about 50 years ago. The position of Indians was much better then than it is today. What is true of Zanzibar is also true of other countries. We know that the position of Indians in South Africa and in a number of States included in the Union of South Africa today was much better before 1904 and 1905 and, in fact, the grievances of Indians in South Africa was a very strong reason, as was then mentioned by Lord Lansdowne and Earl of Selborne, for the controversy and the actual war that ultimately ensued between England and the then occupants of South Africa. Sir, these are matters of history. I will be saving time if I concentrate on the facts of the present situation. Before doing so and before taking up the questions appertaining to Indians in Zanzibar, I should like to make a few observations of a general character, observations which I very much wish may be borne in mind by the Secretary for the Colonies, Mr. Malcolm Macdonald or Sir Cunliffe-Lister whoever he might be.

The first thing that I would like to impress upon those interested in the destinies of Indians overseas is this that Indians were never carried away by any greed or avarice or by any desire to grab or exploit, and they never thrust themselves upon any country or State with a view to extending their sphere of political influence or economic control. They were, in fact, invited by the countries concerned. The initiative was taken by the Governments and the peoples of needy countries and they appealed to the then Government of India and to the Indian people for man power in order to develop and utilise their resources so as to enrich them and to better the lot of the residents of those countries. The Indians were never intruders. They went always as the invited and honoured guests. That is what I would like to burn into the hearts of those who have to deal with this question, lest they should forget its moral implications and the manifold obligations of the country which had invited Indians to her shores in her hour of need. The migration of Indians to Zanzibar was not due to any predatory instincts, but to their response to the earnest invitations coupled with assurances of the Sultans of Zanzibar. What I am saying is supported by historians, mainly British historians. I need not mention their names. In these circumstances, it is atrocious that the descendants of those very people who were invited in this manner should be treated in such an invidious way with a deliberate design to squeeze them out of the islands, which is the real objective of the decrees that were introduced by

the Resident of Zanzibar in June, 1934. Sir, that is one fact that I wish to impress with all the emphasis that I am capable of on the people who are now concerned in or connected with these affairs.

There is another fact which I would like to impress upon the Government of India, and it is this that they were active agents in sending Indians abroad to these foreign countries. It was with their active assistance, with their co-operation, at their instance and on the basis of the guarantees given by them that Indians migrated to these foreign States. In the circumstances, there is a special responsibility attaching to the Government of India and they will be guilty of breach of faith if they do not do their utmost to save Indians from this bad predicament. I do not suggest that they are not doing the best they can situated as they are. If there is any question over which the differences between the Government and the Opposition narrow down, it is this question pertaining to Indians overseas. Otherwise, the gulf seems to me to be wide and deep so far as domestic issues are concerned. But the Government of India can never be too careful in these matters. There is another point which also I want all concerned to have prominently before their minds' eye. The Indians do not want in any country any reservations or safeguards. The Indian does not like to be spoon-fed nor does he want to be kept within glass cases. In fact, Sir, the hardships and the difficulties of the Indian today are due to his superior moral quality. It is because of his enterprise, grit, perseverance, industry, thrift and plain and simple living that the Indian is the target of all sorts of invidious discriminations because in open field the Indian is invincible. Therefore artificial hurdles have to be devised in order to handicap him. I concede to every country the right of self-determination, economic as well as political, but that is subject to the canons of international morality and it should not be open to any country to forge any fetters to the disadvantage of people invited to and settled in those countries who have contributed towards the well-being and progress of those countries and who have been mainly responsible for their uplift and enrichment. Sir, the Indian wants no more than fair field. He does not want any commercial safeguards. He does not want to prevent the people of any country from developing the coastal traffic. He does not want to stand in their way. In other ways too, he claims, specially those of them who have been settled there for generations, who are as good Zanzibarians as the old inhabitants of Zanzibar themselves are, that no sort of penal legislation should be allowed which tends to annihilate the Indian or the Indian interests. Sir, the Indian stands on a moral footing and he will continue to stand on that alone. If on the basis of fair competition, he is wiped out, he will have no grievance, but where measures are adopted definitely, designedly with the intention of handicapping the Indian in such a competition, we have a legitimate right to complain. Sir, what happened when Zanzibar was first brought under Indian influence 100 years ago? The clove industry practically did not exist. If it did exist, it was not more than a parochial industry. It is the Indian who has given it the position that it occupies in the world today. If it has expanded, if it has developed, it is because of the contribution made by the Indian, it is because of the sacrifices of the Indian, it is because of the risk that the Indian took in migrating to a foreign land with a view to develop it. Sir, I want these facts to be borne in mind. I may as well state here that the Indians are nowhere anything but a minority in these strange lands,

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and unless their interests are watched and protected by the Home Government there is no hope for them. The world today is in a very dubious if not in a depraved mood. Intensive nationalism of a very condensed and oppressive character has taken grip of the souls of people, if people are still having any souls in those countries. And unless the nationals of a country are effectively protected by the motherland the difficulties are sure to be aggravated and increased. Sir, it is painful that the Indian should be treated in the British Dominions, Colonies, Protectorates and Mandated Territories as a Jew is hunted in the Nazi land of Germany. That is almost the fate of the Indian today in the British Dominions, and he finds himself in the net everywhere.

Now, Sir, having stated a few of the general and salient aspects of the question of Indians overseas, which, according to me, are entitled to a great deal of consideration, attention, and even respect, I will now mention a few facts bearing on the question of Indians settled in Zanzibar. Sir, six decrees were introduced by the Resident in June 1934. They were put on the Statute-book with indecent precipitancy. If I remember the words of Mr. Menon all right, within an interval of 12 days. There were thus two days for each decree. Sir, the Indian has been subjected to unprecedented oppression by means of these decrees. As though they were not enough, other things have since been heaped upon the disabilities then imposed. Then a moratorium was prescribed for 12 months. Now the period of the moratorium has been extended for another six months with the probability that it may still be prolonged further. Sir, in fact the extension of six months means the prolongation at least by one year, for the only crop that people have in Zanzibar is that of cloves, and the harvest is reaped in the month of July. If the debtors are given the option not to pay their creditors at the time when they happen to have their crop, then they will not be able to pay anything till the whole of that year is out and the next crop is reaped and garnered. So, I submit that in fact it means postponement of all debts and decrees at least for one more year. Then, Sir, the report of the Agricultural Commission that was then appointed to inquire into the state of indebtedness in the island has not yet been published. Grave charges were made against Indians, scandals and stigmas were circulated against them, and their hope was concentrated on this inquiry, but to this day that report has not been published. I have a shrewd suspicion, Sir, that that report is in favour of Indians and that all the insinuations and charges that were recklessly made against them have been disproved to the hilt. That seems to me to be the reason why that report has been held back, so long.

Now, as to the decrees of the last year I do not intend to refer to the minor ones ; it is only the three major decrees to which I wish to invite the attention of the House. First in order comes the Land Alienation Decree, then we had the Clove Growers' Association Decree, and the third was the Clove Exporters' Decree. Sir, the Land Alienation Decree is a racial decree and it was admitted by the Attorney General that in fact it had a racial object before it. It imposes a bar on Indians in the matter of acquisition of land by them. It allows not only the Arabs and the Africans settled in Zanzibar, but any Arabs or any Africans who may happen to go there at any time, to acquire and purchase land ; but it prohibits and forbids Indians whose ancestors had been in the Protectorate

for more than three or four generations and who have lost all touch with India from acquiring any land there. The fact that one might be allowed to acquire land with the special grace of the Resident makes no difference; none can acquire it by virtue of his right. Sir, is the acquisition of land an illegitimate aspiration? Is there any justification for this sort of invidious distinction? The Indian who has been there for generations, the Indian to whom the Protectorate owes its prosperity, is subjected to a ban from which the new-comer from Arabia or from the rest of Africa is exempted. Can there be any justification, can a word be said, in support of such an invidious and penal discrimination? Sir, the Indians have invested as much as eight millions of rupees in land alone there and the Indian has done his best to promote the growth of clove industry. In these circumstances there is absolutely no justification for this sort of invidious treatment of Indians. Sir, it is said that the Indians are not all of them agriculturists. I do not know what is exactly meant by agriculture there, for we have in fact in Zanzibar no agriculture and no husbandry of the real type. What we have there is merely the plantation of clove trees and cocoanut trees, and all that is done, so far as I am aware, by swahili labour. In these circumstances, what is there to distinguish the agricultural class from others? I submit, Sir, no self-respecting country can tolerate such treatment. I am reminded that there was a treaty between Zanzibar and the Government of India when Indians migrated to that island. It was guaranteed by that treaty that there would be freedom in the matter of acquisition of land and in the matter of trade and that the Government would never be a party to any monopoly, whether by itself or by any other association, in the matter of trade. I do not know if that treaty has been since modified. What I am concerned with is this that the Indians settled there under the guarantees which were held out to them by these positive, solemn clauses of a mutually agreed upon treaty; and any deviation therefrom today should be regarded as a breach of faith.

Then, Sir, that is the story about the Land Alienation Decree. Now we have got the Clove Growers' Association Decree. It is a curious decree. By virtue of this decree an association was established consisting of seven members none of whom is a clove grower himself. None of them has himself been at any time interested in the plantation or the cultivation of clove trees. Of these seven persons one is Mr. Bartlett who had not been able to compete with Indians when he was carrying this trade independently but is now in fact bossing the whole show. I will read out to you what we have been told by Mr. Menon about the constitution of this association:

“ It is hardly even an association in the ordinary sense of the word; for, apart from the Board of management, it has no members. At present 3 P.M. the Board is composed of 3 officials, the Manager of the National Bank of India—(the National Bank of India is as truly Indian as the Indian Civil Service used to be in olden days or the Indian Army until very recently)—and the Secretary, Manager, Mr. C. A. Bartlett, formerly a partner of Messrs. Grazebrook-Bartlett and Company, which used to compete, not too successfully, with Indian exporters in the clove trade. There is not a single clove grower in the Clove Growers' Association, nor is the body of clove growers directly or indirectly represented on the Board of management. It is, however, claimed that its name is justified, because it genuinely represents the interests of the clove growers. The Zanzibar Government might as well call themselves the Zanzibar People's Association! ”

That is the comment of Mr. Menon.

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



**Pandit Govind Ballabh Pant** : I am entitled to 30 minutes, and I started, I think, about 2-40 or so.

**Mr. Deputy President (Mr. Akhil Chandra Datta)** : At 2-35. He can have a few minutes more.

**Pandit Govind Ballabh Pant** : Thank you, Sir. I want just a little more time as I do not want to tire the House. The Zanzibar Clove Growers Association is anything except an association, or an association of any class of growers of any produce, much less of the growers of cloves. Nothing could be a greater travesty of facts than to call such an organisation an association. Now, this Clove Growers Association is free from all duties that are otherwise leviable under the law, and it is besides entitled to a commission of seven annas on every frasila, (i.e., 35 lbs.) of cloves exported from the island. The natural consequence is that the clove industry is placed under the direct sway and absolute control of Mr. Bartlett, who had not succeeded in competing too well with Indians, as Mr. Menon observes : and obviously the Clove Growers Association will be always able to under-sell Indians at least to the tune of seven annas per frasila, besides enjoying other advantages. Tacked on to that is the Clove Exporters' Decree, under which nobody can export cloves from Zanzibar except by virtue of a licence for which the fee may go up to Rs. 5,000. When the House bears in mind that the clove exporters have mostly been Indians, that the clove trade in the island has always been in the hands of Indians and whether it be the small traders in villages scattered here and there who collected the cloves or the big firms who exported cloves, they were all Indians, one can easily understand the natural consequences that must follow from such a decree, and that is what Mr. Menon has emphasised in his report in his own inimitable style. He says :

“ Legislative ingenuity can go no further than the measures which have been devised for the elimination of Indian traders from the clove industry. Armed with such powers, privileges and immunities as those noted above, the Clove Growers Association strikes Indian traders as a Leviathan, brushing them aside, casting them adrift and trampling upon that freedom of trade which they have enjoyed for generations.”

I cannot improve upon this language. I will not take more time. I will only read out what was said by one who cannot be accused of any partisanship for Indians, one whom we have known only as the arch-enemy of Indian political aspirations continuously during the last five years—the great Mr. Winston Churchill : this is what he said :

“ It is the Indian banker who supplied perhaps the larger part of the capital yet available for business and to whom even the white settlers have not hesitated to go for financial aid. The Indian was here long before the first British officer. Is it possible for any Government with a scrap of respect for honest dealing between man and man to embark on a policy of deliberately squeezing out the native of India from regions in which he has established himself under every security of public faith ? ”

I will not say more : there I close the chapter and I shall wait to hear what the Government of India is going to do. We are told that it has made representations. Presumably it has made representations with all the earnestness it can command. I need not doubt the good faith of the Government of India in the matter of Indians overseas, I realise that so long as they hold that *de facto* position, albeit against our will and in the teeth of our opposition, they happen to be the only constitutional

machinery and agency through whom our claims or demands can reach appropriate quarters, we can make an effort to vindicate our position. May I ask the Government of India what have they done? They told us some time back that they were doing their utmost; I have before me the report of the questions and answers in the House of Commons that were answered by Mr. Malcolm Macdonald and Mr. Butler in June last. Mr. Butler said then that the matter was still under consideration. Sir Cunliffe-Lister has since the introduction of the new decrees been replaced by Mr. Malcolm Macdonald. I do not know whether there is much difference between the two: but one happens to be the bearer of a name which at one time at least was reputed for its far-sightedness if not for wide sympathies. Well, Sir, I ask what is the Government of India going to do? They will repeat their best and utmost, but what is that utmost going to be now? Mr. Andrews than whom we have not got a greater protector of Indians overseas, that selfless, sublime soul who has made the cause of Indians overseas his own cause (Cheers), has warned us again and again that the time had come when we should proceed further and not rest on diplomatic negotiations alone. Sir, the Indian National Association of Zanzibar, whose President is one of the members of the Zanzibar Legislative Council, has earnestly asked us to adopt measures of a retaliatory character. Sir, the public who take an interest in these affairs have pressed the Government to do likewise. Sir Purshotumdas Thakurdas, the President of the Imperial Citizenship Association, has endorsed that appeal. Now, what is the Government of India going to do? I submit, Sir, that the stage is past when we could rely on mere persuasion, on the moral strength of our claim and on our appeal. Sir, the Zanzibar Government cannot exist unless they have the goodwill of the Government of India. As I told you, Sir, the clove industry supplemented by copra is the sole industry of Zanzibar. Zanzibar supplies 80 per cent. of the cloves, and the major portion of these cloves are purchased by Indians, and for those which we purchase, we pay the highest value, so that, if the Government of India were to put a complete ban, if they were to put even a prohibitive duty on the imports from Zanzibar into this country, the problem would be solved. The Government of Zanzibar cannot possibly flout the wishes of the Government of India; they are not in a position to do so. Already Zanzibar cloves are being ousted by Madagascar cloves, and so far as America is concerned, Americans have prepared a synthetic substitute for Zanzibar cloves. Then, Sir, is all the solicitude for the indigenous clove grower really honest? The other day, I think it was Mr. Joshi, who put the question as to whether a company had been formed in England for dealing in cloves, and I find that a company has actually been formed.—I have got the names of the constituents, of the manager and of all those who are going to control and run the distillery for cloves in Zanzibar. Sir, I repeat that Zanzibar cannot afford to defy the wishes of the Indians. Even if it did, Sir, so far as I am concerned, as an oriental, I care more for the soul than for the bread. I care more for the self-respect of the nation than for the few francs or dollars that one might be able to import from countries outside. Even where our requests and means have been completely legitimate, I would not be a party to anything that might cast the least reflection on my honour, on my national pride and on the self-respect of my country. I may remind Honourable Members of what one of the Viceroys, Lord Hardinge, said, when Mahatma Gandhi was con-

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ducting the Satyagraha campaign in South Africa. We have heard much in this House, lately, Sir, about Satyagraha being finally abandoned. I was reminded here, when I recalled that passage, of what one of the Viceroy's of India in office had himself stated in unequivocal terms when he applauded Mahatma Gandhi for launching the campaign of civil disobedience in South Africa with a view to publicly associate the Government of India with the struggle of Indian settlers in South Africa for the vindication of the self-respect of India. That is what they did in days gone by. Will not the Government of India take courage in both hands, specially here when they have to deal with a somewhat negligible State, and not with Italy or Mussolini? I think the Government of India can easily take courage and do the right thing.

One word more, Sir, and I have done. I have looked up the exports and imports from Zanzibar. I cannot vouch for the accuracy of these statistics, because, Sir, I have not been keeping well, and I could not check these figures, but I believe they are correct. I find, Sir, that the exports from India to Zanzibar have gone down considerably during the last three years, while the imports have gone down in a much lesser proportion. The exports have gone down from 56 lakhs to 20 lakhs, while the imports which were 45 lakhs in 1929 are only 35 lakhs today, so that at present there is an adverse balance against India in the matter of trade between Zanzibar and India to the tune of 15 lakhs. If Zanzibar adopts a policy of retaliation, I would welcome it, because, Sir, today we are giving more to Zanzibar than we are taking from Zanzibar. So why should we continue to subject ourselves voluntarily to this insult in addition to ceaseless injury? I hope, Sir, the House will with one emphatic and unanimous voice ask the Government to adopt retaliatory measures without delay for the vindication of the interests and rights and self-respect of Indians and India in relation to Zanzibar. (Applause.)

**Mr. Deputy President (Mr. Akhil Chandra Dutta) :** Motion moved :

“ That this Assembly recommends to the Governor General in Council to take all effective steps in the interests and to vindicate the position of Indian nationals settled in Zanzibar.”

**Mr. Huseinbhai Abdullabhai Laljee (Bombay Central Division : Muhammadan Kural) :** Sir, I am very much obliged to you for giving me this early opportunity to speak on a subject with which I am very familiar. I am sorry, Sir, it has fallen to my lot to speak on this subject, and, if I speak, Sir, with a certain amount of feeling, if I exhibit any feeling in the course of my observations, I hope the House will forgive me. Sir, my family has been connected with the Colonial Administration for now well nigh 135 years. (Hear, hear.) We had our business in East Africa, in Zanzibar, in Somaliland, and in Arabia. We, together with our Indian brethren, from all parts of India, went to these places as common traders. We went there, Sir, in our country crafts; we never went there by steamers or by warships. We did there honest business. We had no police to protect us. We had no Government to protect us, and we had not a single Indian on the judiciary to help us even in case of litigation. This was the position, Sir. In that position, right up to the time that the Colonial Government of the British Empire came in, not only the people of those countries, but the rulers of those countries loved us and liked us. Therefore, we have to take into consideration one of the most import-

ant questions as to why and who is responsible for our present condition in the colonies. My Honourable friend has spoken about the Zanzibar people. I am prepared to prove that even today the people of Zanzibar, as well as His Highness the Sultan of Zanzibar, do not wish any strained relationship being exhibited between Indians and the people of the soil. Sir, this policy of squeezing out the Indian has come in after the South African war. In that war, we fought for Great Britain, for the rights of the British Empire in South Africa. It is the Boer policy that has really, I honestly believe, influenced the British Government—the use of that policy against Asiatics generally and against Indians in particular. (*Voices* : “Shame.”) We have had lands in East Africa and as I told you, we maintained our trade relationship and our lands, not with any force, but with love, with business-like dealings. And when we have got now our own Government in charge of those colonies which were under the Sultans of those times, how are we treated ? We are the first persons who are required to go out.

It is a fact that we were there first, it is a fact that the British people followed us. We welcomed them, and it is a fact that after them came the European Group. My Honourable friend, Mr. James, desires to call himself of a European Group although I must say that the space in this House is for British subjects only, but this seems to be the result of a policy adopted by certain people who would like to do anything for Europeans, but not for Indians or any Asiatics. If my Honourable friend will deny that, I am prepared to prove this and something more. Go to South Africa or East Africa, go to Zanzibar, and you will find that in acquiring lands or in doing any business there is no differentiation made between an Englishman and any other European whether he be an Italian or otherwise the gentleman under whom my Honourable friend, Mr. James, asked an Honourable Member of this House whether he would like to be. Under the protection of the British flag any European whether he be an Italian can get better treatment than a British Indian subject. (*Cries of “Shame.”*) This is the real position, and that is due to the fact that our Government here is a subordinate Government to the British Cabinet. It is a fact, and I do beg of my Government to press upon the British Cabinet (if they are not still aware of the fact), that Indians, when they return from those colonies to their country here will ask a straight question. “We went out from our country to earn a living, to help our countrymen with what little saving we can make. We are thrown out, and we have come back to our own country and we go on starving.” Why did we go out ? Why are my countrymen going out to the colonies ? To save ourselves when we could not find sufficient employment in our own country. What is going to be the effect when 3, 4 or 5 lakhs of our people are slowly going to be turned out from their honest livelihood in countries far off from their motherland and are coming back to this country ? What will be the effect ? Will they tolerate anybody else in this country ? It is a safety valve. I specially warn my Honourable friend, Mr. James, and his friends, to remember that this is the safety valve. I also warn those Honourable friends of mine who are not taking that interest in their brethren in other countries and who have lived a life of deportation outside their own country. When they come back here, they will ask that clear question and it is for the British Government to calculate the result of that very carefully, very seriously. We stand by the British Empire. We owe allegiance to His Majesty the King Emperor, and we demand

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equal treatment wherever the British flag flies. Let them prove that we have not behaved properly in foreign countries. We have never tried by force or by some insidious method to do anything ill to the people of foreign countries. But what do we find ? On the one hand, we are asked to leave those countries and come back to our own country, (miserable as we are here). And on the other hand, we find in this Italo-Abyssinian business that the British statesmen in Europe say, "We must find some outlet for Italians". Even the Leader of the Labour Party, Mr. Lansbury, said the other day, "Oh, we ought to be very careful. The Italians are growing and we must find out some avenues for them. We have got a big Empire and we ought to consider that as well". This is the feeling that they have got for all Europeans including the Italians. And what is the feeling that is exhibited for my countrymen ? "You are not required there !" (*Cries of "Shame."*) See what happens in my own country. Not only the British people,—they are with us, they have been with us, they have got some vested interests, I admit, but the safeguards that have been provided recently are for all Europeans.

**An Honourable Member :** Is that so ?

**Mr. Husenbhai Abdullabhai Laljee :** Yes. Let them deny. Well, Sir, we have got in our own country many European firms, who have captured lot of our business, not British, I make a clear distinction between—not like my Honourable friend, Mr. James. He is a British European, but he still wants to call himself a European. A European Group has no space in this House, it is only for the British Europeans, but for reasons best known to himself my Honourable friend calls himself European and not a British European. (Laughter.) We have got here large business firms, big European concerns, and in season and out of season for years together we have asked our Government to restrict their activities. But what has been done ? Nothing. On the other hand, we are told, keep our doors open for anybody and everybody. Remember, Sir, those who will come back from the colonies will demand their rightful place in their own country. I once again ask the Government of India to tell the British Cabinet clearly that people in India have fully realised that it is the act of the British Colonial Government and of nobody else that is responsible for the Indians having to leave the colonies,—the colonies which they built, the colonies to which they invited the British flag, the colonies in which they helped the British Government in season and out of season, and in the Great War. I just remember one instance over which I cannot speak without some feeling. I happen to be an unfortunate Indian who possesses some land, some building in the British Somaliland and in the port of Zeila. Sir, that port of Zeila in Somaliland was under the care of British Indians. We paid for it. It was transferred to the Colonial Government. Sir, we were told during the great struggle about the Abyssinian question one morning that the Foreign Minister to the British Government was proposing to transfer this port and a port of Somaliland to the tender mercies of Abyssinians. Will any Englishman tolerate such a thing. What has our Government done ? Nothing. I owe allegiance to my country and to the King Emperor. What right have they to transfer me to the Abyssinians. That is the thing that is going on. It is no use telling us that it is for this reason and that. Let me, there-

fore, appeal to the Treasury Benches and point out that you are going to create great trouble if this sort of thing goes on. We know how we have been treated and we shall not tolerate it, if we are not given sufficient scope. With these words, I support the Resolution that has been moved.

**Sir Girja Shankar Bajpai** (Secretary, Department of Education, Health and Lands) : Mr. Deputy President, the Honourable the Deputy Leader of the Opposition has already established a reputation in this House for robust and vigorous eloquence. That is appropriate ; as a French critic Buffon said long ago, the style is the man, and it is only appropriate that the robust and vigorous Pandit Govind Ballabh Pant should move his Resolution in vigorous and eloquent language. But, although he had spoken with characteristic eloquence, I am happy to say that he has not spoken with quite his customary disapproval, because he did say that in this matter of Indians overseas Honourable Members opposite and the Government of India think alike and I am very glad of that admission. But I must say that my Honourable friend from Bombay, Mr. Husenbhai Laljee, has actually excelled the Honourable Pandit, if not in the logic or relevance of his argument, at any rate in the vigour, because while we are discussing today the question of Zanzibar, my Honourable friend has roamed over all the Colonies and fastened on Abyssinia.

**An Honourable Member** : Quite justified.

**Sir Girja Shankar Bajpai** : Sir, my Honourable friend seems to assume that on any conceivable question the subject of world policy can be raised. After he has been in this House some time longer. I hope, he will change his views.

**An Honourable Member** : He knows where the shoe pinches.

**Sir Girja Shankar Bajpai** : I stand corrected, but I do not think it is worth while, in the time available to me, to pursue hares, shall we say, in Abyssinia or elsewhere. I had better limit myself to Zanzibar. The House has taken keen and continuous interest in the question of Zanzibar. The number of questions which I have answered last Session and this Session bears testimony to it. But it has not been possible, in the course of replies to interpellations, to unfold all the aspects of this problem and also to indicate the limitations within which action is circumscribed. And for that, if for no other reason, we welcome the discussion that has been raised today, because it gives one an opportunity of explaining exactly what the problem is and how and to what extent it can be dealt with by action on the part of the Government of India.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : The Honourable Member will allow the Chair to make an announcement. Mr. Aney has sent intimation that he does not propose to move his adjournment motion. Therefore, the discussion on this Resolution will proceed up to the usual hour.

**Sir Girja Shankar Bajpai** : I wish I had known that earlier, because, in that case, I would have reserved my remarks to a later stage, but that does not matter.

[Sir Girja Shankar Bajpai.]

Now, Sir, I was saying that we are glad of this opportunity. We can now state to the House all the aspects and implications of this problem. It may be that, in whatever I have to say in regard to it, I shall be indulging in something very elementary to those Honourable Members who have studied this subject deeply but, then, I shall ask them to bear with me for the sake of those who have not been able to bestow upon it an equal measure of time and attention.

The territories with which we are dealing today comprise the islands of Pemba and Zanzibar. The population is 235 thousand. Six per cent. of these are Indians. The producers of cloves—80 per cent. of the world's output of this commodity comes from these islands—are in the majority of cases Africans or Arabs—small men who according to a report which was submitted by Mr. Strickland some time ago, are singularly unorganised and pathetically unable to regulate the very difficult and important business of marketing. (Interruption by Prof. Ranga.) I am very glad that Prof. Ranga agrees with Mr. Strickland and his colleagues. The reports of Mr. Strickland, who was a Registrar of Co-operative Societies in this country, and Sir Allan Pim corroborate the contention of the Government of Zanzibar that the problem of marketing in Zanzibar is of the utmost importance, because of the complete dependence for the price that the Zanzibari gets for his cloves upon the operations of dealers and of exporters. Now, the economic position of Zanzibar is this. The Arab is the producer of cloves, the Indian is the dealer in cloves and is the exporter of cloves. Here again the peasant, I hope my friend, Prof. Ranga, will corroborate me, deep in indebtedness, has been particularly hit by the depression that has come over this clove trade along with trades in other primary commodities since 1930 and the legislation to which my Honourable friend, Mr. Pant, referred represents the attempt of the Government of Zanzibar to find a solution for the two-fold problem of alleviating the burden of indebtedness and of improving the marketing of cloves. Now my Honourable friend mentioned three decrees, the Land Alienation Decree, the Clove Growers' Association Decree and the Clove Exporters' Decree. Really the two major documents are the Land Alienation Decree and the Clove Growers' Association Decree and those are the decrees with which I propose to deal. The Land Alienation Decree, Sir, has two provisions which are of interest to us, one which restricts the sale of land by an Arab or an African to an Arab or an African unless the Resident directs otherwise. That provision, Sir, has been described as racial and, further, in the report which Mr. Menon submitted, he pointed out that in conjunction with another section of the decree, section 19, by which the moratorium to which my Honourable friend referred was declared, section 4, by reason of its retrospective character would have the effect of preventing the Indian, although he held a mortgage on the land, from bidding for it at an auction. To that extent the legislation has been described as confiscatory by reason of the fact that it reduces the value of the security. But, Mr. Menon also pointed out that the main object of this particular legislation, I am talking of the Land Alienation Decree, was economic. He further pointed out that the Government of Zanzibar had appointed a commission to go into the question of agricultural indebtedness and that for that reason his opinion was that we could not object either to the

moratorium, nor we could at this stage suitably make representations in regard to the provision of the decree which restricts the transfer of land in the manner I have described. He wanted us, Sir, to wait for the report of that Commission. The report of that Commission became available to the Government of Zanzibar in April. It was received by us, I think, some time in the month of May. We at once represented to the Secretary of State for India that action should be taken to publish this report. We were informed that the Resident in Zanzibar wanted time to consider this report, and that it would be desirable to defer publication until the recommendations of the Resident in Zanzibar were available to the Secretary of State for the Colonies.

Now, Sir, in this country, during the last few years, as Honourable Members are aware, a great deal has been done in order to tackle this question of agricultural indebtedness. Those Honourable Members who have interested themselves in this question will appreciate the fact that a solution which is fair and equitable to both parties is not easy to evolve. I am not for a moment suggesting that the Government of India have no duty in this matter. I am not for a moment suggesting that the Government of India propose to relax in any way their efforts to ensure that, when a solution is finally reached of this problem of agricultural indebtedness, the Indians' interests will not be safeguarded. Equally I am not suggesting that the Government of India have given up their intention—indeed it is more than their intention, it is their duty—of pressing that the racial character of the provisions to which I have referred, namely, section 4 of the Land Alienation Decree, should be altered. But I am, all the time, simply contending that, considering the complexity of this question, it would not be right for us to be impatient and say, “no matter what happens, you have got to undertake, here and now, legislation to amend this particular decree”. My Honourable friend, Pandit Govind Ballabh Pant, Sir, referred to the hardship of the Indian by reason of the moratorium which was declared first by the provision of section 19 and which has since been extended until the end of the year. That is perfectly true, Sir; I recognize that there is hardship involved in that, and when you are dealing with a matter of this kind, a certain element of hardship has to be suffered by some people. But I think it is only fair to draw the attention of Honourable Members to the assurance which the Resident in Zanzibar gave when he was dealing with this question in November 1934. He said :

“ It should be distinctly understood that in any measures which the Government may find it necessary to take the legitimate claims of creditors are as much its concern as those of the debtors, and that every effort will be made to ensure that these legitimate claims are satisfied as circumstances permit.”

Now, Sir I, think we may at any rate give some measure of credit to this statement, reflecting as it does the policy of the Government of Zanzibar in this respect.

Sir, having dealt with the question of the Land Alienation Decree, I pass on to the Clove Growers' Association Decree. My Honourable friend, Pandit Govind Ballabh Pant, said that, that Association was set up by the decree which was passed last year. The facts, Sir, are slightly different. The Association actually came into being in 1927.....

**Pandit Govind Ballabh Pant : This Association ?**



**Sir Girja Shankar Bajpai :** . . . . .the Clove Growers' Association not as constituted now but the Clove Growers' Association with functions which I am now going to describe. Its functions were then to make advances and to store cloves. In 1931, Mr. Strickland, went into this question. He recommended, and Sir Alan Pim, who reported next year, also recommended that the Clove Growers' Association should be strengthened. The recommendation of both was that the strengthening should be in the interest of the producer. It was further recommended that the functions of the old Association, in so far as the storage of cloves and the making of advances were concerned, should be continued. Mr. Strickland was, in respect of the matter of the strengthening of the Association, concentrating upon propaganda as a means of educating the clove grower to improve the methods of marketing. Sir Alan Pim went one stage further and said that the Association should take a direct hand in marketing cloves. The Zanzibar Government, in the decree which they ultimately brought in, went one stage further and said that the Association should deal in agricultural produce and actually export it. And, with regard to finance, the Government of Zanzibar improved, according to their lights, on the recommendation made by Mr. Strickland : for the two-anna commission per frasila of cloves sold which Mr. Strickland had recommended, they said there should be a levy of seven annas per frasila of cloves exported from the country and the proceeds of it should be credited to the Clove Growers' Association. My Honourable friend, Pandit Govind Ballabh Pant, has referred to what Mr. Menon had to say with regard to the probable effect of this legislation upon Indians engaged in the clove trade in Zanzibar. When Mr. Menon visited Zanzibar, the Clove Growers' Association Decree had not been in operation even for a period of one month. It will be admitted, therefore, Sir, that he was not in a position to pronounce any judgment on the basis of any experience actually gained of the operation of the legislation. What he expressed was reasonable apprehensions as to the effect of this legislation upon Indian interests in Zanzibar. Now what did the Government of India do ? The Government of India did not say : " what you have said represents merely a stage of apprehension ; therefore, we shall do nothing until experience has actually been gained of the operation of this legislation ". The Government of India, on the contrary, proceeded at once to represent to the Secretary of State that the apprehensions expressed, that the apprehensions voiced, were reasonable apprehensions and that action should be taken in order to modify that legislation. Well, the answer that we got was : " it is not possible, when you are discussing a measure of this kind, to pronounce in favour of apprehensions as against an unascertained fact. You have got to wait until that fact becomes available ". Now, Sir, as I have already said, the decree became operative in July, 1934. One clove season has gone, a second clove season is in progress now. The problem with which we are confronted now is one of ascertaining the facts. If the Indian, be he the middleman, be he the exporter, has actually suffered from the operation of the decree, it should not be difficult to supply the facts : inasmuch as for our purposes, if the facts establish a widespread hardship, we do not merely want individual relief, we want really a modification of the decree itself, and because, Sir, the ascertainment, shall we say, of facts on a

comprehensive scale and in a convincing measure may take time, it is because of that that the other day I announced to the House the decision of the Secretary of State for the Colonies that cases of individual hardship could be represented to the Government of Zanzibar and, if necessary, to him. That, Sir, is the position as it stands today in regard to the 'Love Growers' Association.

Now, Sir, it is possible that the trend of my remarks may give Honourable Members to think that what I have been indulging in is an apologia on behalf of the Government of Zanzibar (*Ironical Cries of "Hear, hear"* from the Opposition Benches). Nothing, Sir, is further from the truth. I am not indulging in an apologia on behalf of the Government of Zanzibar. All I am trying to do is to state the problem as we visualize it and to persuade the House to realize that it is not quite so simple an affair as Honourable Members may have thought. After all, the question of agricultural indebtedness or the question of marketing are not the questions which are peculiar to Zanzibar. They are questions in which we are profoundly interested in this country. It so happens that in Zanzibar the producer, as I have already said, and the exporter, happen to belong to different nationalities. It also happens that in Zanzibar the debtor and the creditor happen to belong to different nationalities. But I maintain that this House is a fair-minded House and my Honourable friend, Pandit Govind Ballabh Pant, himself said that the Indian wishes to take his stand on moral considerations. I do not think that any Honourable Member in the House will say that we should insist on the application of principles to the solution of these problems in Zanzibar which we shall not apply in this country ourselves. That is the basis on which I put the whole problem and I say this to the House. They have done Government the compliment of saying that in this matter they think with Indian opinion and they feel with Indian opinion. I can assure them that because I have pleaded for time for the solution of this problem it does not follow that any fair, any feasible method of protecting Indian interests, of vindicating Indian honour, will not be adopted by the Governor General in Council should an occasion arise. All that I plead for is that we should follow what my Honourable friend, the Leader of the Opposition, has been constantly reminding us of. Do unto others as you wish that they should do unto you. Sir, in the confidence that the House will wish us to proceed on that basis, I accept the Resolution moved by my Honourable friend, Pandit Govind Ballabh Pant.

**Maulana Shaukat Ali** (Cities of the United Provinces : Muhamadan Urban) : Sir, in my wanderings round the world, I had the opportunity of visiting Zanzibar twice. I had the honour of meeting the very pathetic figure, the Sultan of Zanzibar, and I was right royally entertained by my Indian brethren who are trading there and also by the Arabs and the Swahilis. My Arab and Indian friends there told me that the former Sultan wanted his country to be independent, but the British said that his administration was bad and the British nationals suffered, and, therefore, he was robbed of his property. Now, he is a pensioner on a few thousand rupees a month and keeps a very poor sort of a Court and has nothing to do with the administration of Zanzibar. The British Resident has the control of the purse. Sir, very few Arabs and Swahilis are educated in modern ways, with the result that all the higher

[Maulana Shaukat Ali.]

appointments in various departments have gone to Europeans, be they Britishers, Italians or Germans. That I saw myself. The country is a wonderful country, and the people have got nothing but agriculture. I asked my Honourable friend, Sir Girja Shankar Bajpai, how the action that he wanted to take would affect the original people of Zanzibar, who have lived in the land for centuries? He said that he was not interested in them. The Zanzibar administration will look after them. He has got to look after the interests of the Indians who have settled there. Our complaint is that when we were weak and demoralised ourselves in India, exploiters came in and took advantage of our position. I am sure, I will have the support of this House when I say that any legislation, which hurts the Arab and Swahili and the cultivator of Zanzibar, will be to our great shame, and I for one would not support it. If any discrimination is made in the Zanzibar administration, that a European can get land while an Indian cannot get it, then, certainly, I will support fully the case of the Indian. But if anybody wants something at the expense of the Zanzibar Arab and Swahili, then I will fight tooth and nail for them, because they have got no voice here nor in the British Parliament. It is a small country and a wonderful country. The people are very fine, and I have been to their clove gardens, and they have entertained me. The depression has hurt them. Sir, I am not an expert in matters financial. The first time I heard about the moratorium was when I was in America, where I could not get money from banks, because there was moratorium. Luckily, I had some dollars in my pocket, and I could reach London. I do not know how this financial arrangement will affect the people of Zanzibar. I do not want to take advantage of these people. I have got the whole world where I can go. Zanzibar is a small island, and I do not want to rob these people of their money, hearth and home. My country is big enough for me. Please do not rob these poor people. Sir, there is an Urdu proverb which says :

“*Mare ko mare Shah Madar.*”

“The Saint Shah Madar further kills him who was already dead.”

I do not want that India should have any hand in this dirty work. Will my Honourable friend, Sir Girja Shankar Bajpai, or my brother, Mr. Hussenbhai Laljee, or Pandit Govind Ballabh Pant, tell me honestly as to how this Act is going to act on the Arabs and Swahilis? If it is going to hurt them, I for one will oppose it tooth and nail.

**Mr. T. S. Avinashilingam Chettiar** (Salem and Coimbatore *cum* North Arcot : Non-Muhammadan Rural) : Sir, it is very regrettable that time after time we have to come to this House and pass adjournment motions or Resolutions to the effect that the Indian nationals in the Colonies should be protected. It is really a matter of shame that there should be need for such Resolutions.

**Mr. Muhammad Yamin Khan** : We cannot hear you. Please speak louder.

**Mr. T. S. Avinashilingam Chettiar** : When Sir James Grigg speaks, you do not hear him which is much more important and yet you do not mind it. But now you are asking me to speak louder.

Sir, it is really a matter of shame that we have to come time and again to this House with motions of adjournment or  
 4 P.M. Resolution in the matter of Indians who are settled in Colonies. Sir, we have read history, nay, we were forced to read British history, and time and again we have seen that simply because a few British nationals were insulted or ill-treated, wars were declared. England has fought with them and has vindicated the claims of her nationals. Here we are helpless and can only pass Resolutions. Only the other day a Bill was introduced in the Bombay Legislative Council asking that only an Indian may be appointed as the President of the Port Trust. It was disallowed by the Governor General. And on what grounds? It was said that it is racial to ask for the appointment of an Indian in his own country! Sir, we boast in this country of such altruistic and universal ideas. How can we help Indians in other countries when Indians are being deprived of their rights in their own country. Nobody could have heard the speech of Mr. Husenbhai Laljee without some feeling. They are trying to oust Indians from their own country. They are trying to deprive the Indians of their trade and of the ownership of the wealth that they have built up. Sir, we ask for nothing but justice. We do not ask that the natives of the country should go away, we only ask that the rights that we have built up there, the rights that our colonials have built up there should not be jeopardised and wiped away. In whose interests are they sought to be wiped out? Not in the interests of the Arabs, not in the interests of the natives of the soil, but in the interests of the very Britisher who claims universalism in this country. It is a damn shame that such things should occur. I am glad in this connection of the full mouthed expression which my Honourable friend, Sir Girja Shankar Bajpai, has given expression to as he is usually accustomed to. Nothing unexpected has happened in his supporting the Resolution. We all expected that he would support it. The other day we heard from the lips of Sir Fazli-i-Hussain that India being in a helpless position, she can only make representations, and do nothing more. I suggest to them that they are men; let them be a little more manly. Instead of meekly saying, we will make representations, let them show their mettle. It is not as if we are up against Kenya or any other country where we cannot retaliate. As regards Zanzibar we are in a very good position to retaliate. In this case, with a little strong-mindedness, with a little grit and with a strong arm and sound judgment, we can bring the Government of Zanzibar to its knees. I am told—I cannot vouch for the accuracy of the figures—that India is purchasing cloves from Zanzibar to the extent of 40 per cent. of her output. Are we not then in an advantageous position to bargain for our rights being maintained and honoured? We are not so helpless as my Honourable friend, Sir Girja Shankar Bajpai, would make us think. We have some means by which we can retaliate against Zanzibar, if our rights are trampled under. So far as the question of suffering is concerned, we are willing to take any step to vindicate our position as the nationals of this country. We do not want to shirk if it comes to a question of suffering. The explanations of Sir Girja Shankar Bajpai, some of them at least, were very ingenious. He said that Mr. Menon went there and he found that the decree had worked only for one month and so he was not in a position to know how the Ordinance will work now. He advised us to wait for one year to see the real effect of the Ordinance. He also assured us that exceptional cases in which the decree has worked hardship, if they are brought to the notice of the authorities

[Mr. T. S. Avinashilingam Chettiar.]

in the meantime, will be attended to. So he asked us to wait for one year before taking any action to get the decree annulled. Sir, I am always afraid of the word 'exceptional', because when you concede the exception, you also concede the rule. When you say exceptional cases where hardships occur, you agree to the generality of cases do not cause hardship. That is the mischief which I would not like to tolerate.

**Sir Girja Shankar Bajpai** : I never used the expression, "exceptional cases". I said cases of hardship.

**Mr. T. S. Avinashilingam Chettiar** : Very well, I am content with the expression "cases of hardship". Our complaint is that your own officer, whom you deputed to enquire into the matter, has reported that cases of hardship are bound to occur very often. So, instead of being the exception it will be the rule. In this connection, I am reminded of a story told about Napoleon. He wanted to make an experiment as to through how many people a bullet would pass. So he got hold of his brothers and sisters and made them stand in a row and told them : "well, my brothers and sisters, I am going to send a bullet through all of you to see through how many people it would pass". Immediately his brothers and sisters rushed to their mother and complained about the behaviour of Napoleon. His mother asked Napoleon as to what he was doing when he said that he was trying to see as to through how many people would a bullet pass and he took his brothers and sisters for that experiment. Similarly, Sir, our Government is trying to see as to how many people this decree of the Resident of Zanzibar will affect. Just as a single bullet if it passes through the body of any man will instantaneously kill him, similarly this decree if applied even to a man but once will immediately kill him and his trade. The Honourable Member, Sir Girja Shankar Bajpai, has no doubts about the effect of these decrees in his mind. He is sure that the decrees will ruin the Indians. He only wants to postpone taking action to see how much hardship will be caused. By this postponement, after some time, the eyes of people will be shifted to other things and if the decrees should be allowed to operate even for a single year, then they will become a settled fact and the Indians will ever be under the subjection of these hardships caused by the decrees.

The Honourable Member also made another statement that the Indian honour will be vindicated should occasion arise. In his own eloquent language he said that he would always be ready to vindicate India's honour. I submit that the occasion will not come hereafter, the occasion has already come and I want that the Government should rise to the occasion to vindicate India's honour. I have nothing more to add except this, that merely assenting to Resolutions will not do. Mere acceptance is no good, explanations to this Assembly are not necessary. All these excuses are not wanted. What we want is action. What we want is vindication of India's honour and the honour of the Indian nationals. (Applause.)

**Mr. Mohan Lal Saksena** (Lucknow Division : Non-Muhammadan Rural) : Sir, I rise to support the Resolution before the House. After the very eloquent and comprehensive speech of my Honourable friend, Pandit Govind Ballabh Pant, and the frank speech of my Honourable friend, Mr. Husenbhai Laljee, based on his first-hand knowledge of the conditions obtaining in Zanzibar, I had thought the Secretary to the

Education, Health and Lands Department will be taking a different attitude and would welcome these speeches as they would strengthen his hands in taking effective action to bring redress to the grievances of our countrymen in Zanzibar. But that was not to be. I, therefore, rise to bring to the notice of the House a few facts and to impress upon the Government and this House the necessity of taking effective steps to bring redress to our countrymen in Zanzibar. Our friend has told us that new facts had been ascertained. He says that when Mr. Menon went to Zanzibar, the Ordinance had worked only for one month. On the other hand, let us see what the report of Mr. Menon says in regard to this decree about cloves. He says definitely that :

“ The Clove Growers Association Decree of 1934 and the Clove Exporters decree of 1934 are in my opinion calculated to cause irretrievable damage to Indian interests and will practically oust the Indian trader from Zanzibar. I would therefore urge that the strongest possible representation may be made for their removal from the statute-book.”

This report was written on the 10th September, 1934. One year has passed since then. Mr. Menon did not make any conditional recommendation that the Ordinance had worked only for one month and so he could not say what effect it would ultimately have. He was positive that the Ordinances would work great hardship. He did not say that other facts might come to light thereafter, and the recommendation might be examined in the light of those ascertained facts. There is no such condition attached to Mr. Menon's report. After having slept over the report for nearly a year, after having allowed one full year to lapse, the Honourable Member, Sir Girja Shankar Bajpai, now comes up and says that certain facts have come to his knowledge which show that no action was necessary. This is how he brushes aside the report of his own Deputy. The Honourable the Education Secretary also has given the assurance that individual cases of hardship could be brought to the notice of the Colonial Secretary and suitable action would be taken to bring redress in such cases. In this connection, I would say that not only the report of Mr. Menon is there, but there is also the letter of the Imperial Citizenship Association which I want to read to the House. We know that the Imperial Citizenship Association is the one Association which takes active interest in the welfare of Indians abroad and I should say greater interest in the position of Indians outside India than even the Government. What does that Association say? The Association particularly calls attention to Mr. Menon's report and says :

“ That the cumulative effect of these decrees is to squeeze out all the natives of India from regions in which they have established themselves under every security of public faith. In view of the uncompromising attitude adopted by the British Resident in support of these decrees and in view of the absence so far of any indication of the views of His Majesty's Government, the Council feels that no further time should be lost by the Government of India in taking a definite stand for the protection of Indian interests. One clove season has passed and the next will begin in July. After careful consideration and with a full sense of responsibility the Council is obliged to request that the Government should take an early opportunity of intimating to the Colonial Office in London and of announcing to the Indian public here and in Zanzibar that it would have no alternative but to consider the imposition of prohibitive duties on Zanzibar cloves so long as the grievances of Indians in that Protectorate remain unredressed.”

So this is the considered opinion of the Council of the Imperial Citizenship Association. What are the views of the Indians in Zanzibar themselves? The other day I put a question to the Education Secretary

[Mr. Mohan Lal Saksena.]

between the Indian agriculturists and the Arab agriculturists. After whether he had received any Resolution passed by the Indians in Zanzibar and the reply was in the affirmative. And this Resolution was passed in June, 1935, after the decree had been in force for one year and not after one month as was the case when Mr. Menon went to Zanzibar. The Resolution says :

“ That this meeting puts on record its feelings of great dismay and disappointment at the studied and continued indifference of the Local Government of the interests of the Indian community and its legitimate grievances relating to the recent group of legislations and respectfully urges the Government of India to immediately take drastic measures including imposition of prohibitive import duty on cloves if deemed expedient to obtain redress of the Indian community's grievances.”

So, certainly one would have expected that after this Resolution, after the representation by the Council of the Imperial Citizenship Association, after the unqualified recommendation by Mr. Menon, the Education Secretary should have placed before the House facts which would show that the fears of these associations and of Mr. Menon have been falsified ; but he has done nothing of the kind. He has only said something about this Clove Growers' Association. He said that it had existed, and had been formed in the interests of the agriculturists themselves and to help the clove trade. On that I will refer him only to one passage in Mr. Menon's report. In paragraph 23 of Mr. Menon's report, after giving the history of the Clove Growers' Association, he said that it is a misnomer to call it a Clove Growers' Association and it should not be so called. Then he says that it was recommended by Mr. Strickland that the Clove Growers' Association should be formed for helping the clove growers in the development of this trade and the growth of cloves ; but he says that this Association does not satisfy the conditions laid down by Mr. Strickland. Then in paragraph 24, Mr. Menon says :

“ The Association, however never really became a living institution, because as Mr. Strickland remarks in his ' Report on co-operation and certain aspects of the economic condition of agriculture in Zanzibar ', it was ' a function of Government without the authority of Government ' ; and the proper task of Government was ' to create but not to conduct the Association '.”

But we find that this Association is not at all looking to the interests of the clove growers. On the other hand it has entered into competition with the clove traders and we find that this Association will be competing with those very exporters of cloves who will be getting their licences from it. This Association will be deriving a duty, as has been pointed out by Pandit Govind Ballabh Pant, of seven annas per frasila of clove, and this will not be used for the benefit of clove growers or for the development of the clove industry but it will be used for the purposes of the Association itself. Then there is one thing more which was said by the Education Secretary about agriculturists, taking the word from Prof. Ranga. He said that this Association has been formed and also that the Land Alienation Decree has been enacted, in the interests of agriculturists. In reply to this I have nothing else to say but to quote a passage from the speech of Mr. Ghulam Ali Kaderbhoy, an Advocate of Zanzibar and a prominent public man of that place. He said that it is not proper to say that these decrees have been enacted in the interests of agriculturists. He says that if they were in the interests of agriculturists, as certain Acts have been enacted in India in the interests of agriculturists, then there should not have been made any difference

between the Indian agriculturists and the Arab agriculturists. After all these Arab clove growers also live in the cities. Clove trees are just like mango trees. It is only at the time of the harvest that these people go from the towns and reap the harvest. It is not like agriculture here, as has been pointed out before, that cloves are grown.

Sir, in the end I have only to say that even if no case of hardship has been brought to its notice, it is for the Government to see whether the decree itself has got provisions which will cause hardship to Indians in the future. It is no question of hardship for the time being ; what steps did the Education Secretary take to find out from those engaged in the trade in Zanzibar as to whether or not they have been hit hard ? The very fact that they may have to pay a licence fee upto Rs. 5,000 is itself something which may cause hardship later on. It is another thing that no fee has been charged or a smaller fee has been charged just now ; but when by this decree they are authorised to levy a licence fee to the extent of Rs. 5,000 on every exporter of cloves, it is implied that they can charge a fee to that extent any time they consider necessary. It will not be then for the Government of India to say that because in the first year they did not realise a fee to the extent of Rs. 5,000, therefore, they could not realise a licence fee higher than what they have realised in the first year. Then there is this duty of seven annas per *frasila* which this Association is getting and to that extent this Association is having an advantage over other dealers in clove.

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

Lastly, Sir, I want to point out that so far as India is concerned, we are importing cloves worth about 33 lakhs of rupees ; in addition to that we are getting only about Rs. 40,000 worth of cloves. As has been pointed out by my Honourable friend, Pandit Govind Ballabh Pant, even if the Zanzibar Government were to adopt counter retaliatory measures, we shall not stand to lose but, on the other hand, as has been pointed out, we shall not be only vindicating the position of countrymen there but shall also be giving protection to them who went there under assurances of the British Government. Sir, the other day I put a question whether there was a treaty of trade and friendship between the British Government and the Zanzibar Government, and the reply was that that the treaty had been abrogated. The treaty might have been abrogated, but there were its provisions and the Education Secretary will admit that these decrees are directly in contravention of its provisions. The treaty provided that no citizen of the British Empire will be treated differently from any resident of Zanzibar, that there shall be no monopoly in any trade either in the hands of any Government or of any individual or association, and that the Indians and the British subjects shall have the right to acquire land in Zanzibar. And since they are being deprived of this very valuable right, I think it is for the Government of India to take at the earliest possible date effective steps to see that these cherished rights of our countrymen are not jeopardised. There has been considerable delay in this direction.

Mr. N. M. Joshi (Nominated Non-Official) : Mr. President, the question of Indians abroad is a very difficult one. Indians either were taken to some British colonies in order to develop them, or were encouraged to go to them in order to carry on some useful occupations. There



[Mr. N. M. Joshi.]

is no doubt that, in the case of Zanzibar, the Indians have played a very important part in its development. Unfortunately, as has happened in other colonies, when Indians by their efforts developed those colonies, the same thing has happened in Zanzibar. The Indians, by their peaceful methods and business habits, have developed that colony, and I have no doubt in my mind that the effect of some of the measures, which the Colonial Government propose to take, will be greatly harmful to the interests of Indians in that colony. The difficulty of the solution of this question, in the first place, arises out of the fact that the Government of India are a subordinate Government, and when anything has to be done for the protection of Indians abroad, the Government of India have to depend upon the British Government, and the British Government, when they are asked to protect the interests of Indians in Zanzibar, the Europeans in Zanzibar and the natives of Zanzibar, have their own tests of deciding the comparative merits of the cases of the Indians, the natives and the Europeans. The Government of India, on account of this subordinate position of theirs, and, on account of the differences of values which the Government of India and the British Government place upon the merits of the cases of the different people, have been unable to protect the interests of the Indians as we want them to do. But there is another difficulty, and that difficulty is the real one. That difficulty was mentioned by my Honourable friend, Moulana Shaukat Ali. We Indians go to colonies which were not our original homes : there were people in those colonies who had gone there, even if they were not the inhabitants of those colonies, before us ; and, when any measures are taken to protect the interests of the inhabitants of those colonies and when those measures are likely to affect us injuriously, the problem does become complicated and difficult of solution. I would, therefore, like this Assembly to consider this question very seriously and carefully, not only looking to the interests of ourselves, but to the interests also of those people who are the natives of those colonies.

This question of the Indians in Zanzibar and the report made by Mr. Menon on this subject was carefully considered by the Standing Emigration Committee. Before I speak about what the Standing Emigration Committee did, I would like to pay a word of tribute to Mr. Menon on the excellent report which he has made. The Standing Emigration Committee considered this report, and we requested the Government of India to make very strong representations to the Colonial Government and to the British Government to see that justice was done to Indians. The questions which are dealt with in Mr. Menon's report and which have caused Indians some anxiety as to the protection of their interests are mainly two : first, the question of the Land Alienation legislation. I am glad to hear from my Honourable friend, Sir Girja Shankar Bajpai, that the Government of India strongly feels as we do that there should be no racial discrimination in this matter. Legislation to restrict the alienation of land is not unknown to India. We have this kind of legislation ; but we object to legislation which is based upon racial grounds. So far as I am concerned I would like the land belonging to any country to remain only in the hands of people who would cultivate the land. There should be no consideration of any other kind, much less a racial consideration. Although therefore I am in favour of

some legislation which will prevent alienation of land from the hands of agriculturists into the hands of those who never cultivate the land, I feel that it is wrong to make any racial discrimination in this matter. So far as the Clove Growers' Association is concerned, we must also consider whether it is not the right of any Government to make arrangements for the marketing of produce of that country. So far as I am concerned, again, I feel that it is not only the right of a Government but it is the duty of a Government to see that the trade of a country does not suffer. I, therefore, feel that we cannot take any objection on the ground of principle to the Government in Zanzibar taking control over the trade in cloves. But I equally feel that if the Government in Zanzibar is taking control of the trade in cloves in Zanzibar, it is the duty of that Government to see that the Indians who were engaged in that trade do not suffer any losses. May I say a word to our friends in Zanzibar—I mean Indian friends in Zanzibar? There are some occupations and some kinds of business which are not very popular, and, in my humble judgment, which ought not to be very popular, and one is the business of a middleman. A middleman is not always popular anywhere. I would, therefore, suggest to the Indians in Zanzibar that, whatever they may have done so long, they should now try to become the real citizens of Zanzibar, begin to cultivate themselves the land which they own at present, which will give them a right and a very good right to complain and demand that they should have a right to own more land. I would like the Indians.....

**Mr. Husenbhai Abdullabhai Laljee :** You can address this to every human being and not merely to Indians.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : You don't want Indian middlemen, yet you want European middlemen.

**Mr. N. M. Joshi :** Well, Sir, I should like Indians to be, in the first place, primary producers ; I would like them to engage themselves in agriculture and industry. I would also like them to engage themselves in the work of distributing the produce.....

**Mr. Husenbhai Abdullabhai Laljee :** You just said that you did not want middlemen ?

**Mr. N. M. Joshi :** I do want the middlemen. On the whole, Indians in Zanzibar are, to a very large extent, middlemen, but I would like them, as I said just now, to be primary producers of land and to engage themselves in industry.

I don't wish to say more on this subject, but I would like to say a word to our British Government. Sir, Indians abroad have suffered a great deal, and although I feel that we should depend upon our own efforts to protect ourselves under our present political conditions, I would warn the British Government that for the present we are willing and even sometimes proud to become Members of the British Commonwealth of Nations. But, Sir, if the interests of Indians abroad are not adequately protected, not only shall we cease to feel proud of our position as Members of the British Commonwealth, but we shall have to think very seriously whether we should remain members of that Commonwealth.

**Mr. B. Das :** Very good, very good.

**Prof. N. G. Ranga** (Guntur *cum* Nellore : Non-Muhammadian Rural) : Sir, I am not one of those who believe either in the advisability or in the utility for India of our membership in the British Commonwealth of Nations ("Hear, hear" from the Congress Party Benches), but, in spite of ourselves, we happen to be a part and parcel of this British Empire, and as long as we remain a member of this British Empire, I claim that we should be privileged, we should be helped, and we should be enabled to enjoy the same privileges within its scope as are permitted for anybody else in the whole of this British Empire.

Then, Sir, I wish to state just one other fact, that none of us here on this side, at least in the Congress Party, like to associate ourselves with Imperialism. We are all opposed to Imperialism, whether it is religious Imperialism, economic or political Imperialism, and we are opposed to the British Empire and all that it stands for, because, we know, Sir, that it stands for political as well as economic exploitation all over the Empire and also in the rest of the world. I find Sir Girja Shankar Bajpai saying and growing eloquent about the needs and disabilities of the poor peasant in Zanzibar. I can sincerely assure him, Sir, that my heart also goes out in sympathy for the sufferings of the peasants in Zanzibar. I would certainly have been the very first to ask my Indian friends and Indian traders there to come away from that country if a demand had come from the Zanzibar clove growers themselves for the removal of Indians from their own country, but the fact, Sir, is entirely different. The clove growers in Zanzibar have not made any such irrational demand, they have not made any such revolutionary demand, they have not asked for the removal of Indian traders from their own country.

As my friend, Mr. Husenbhai Laljee, said so clearly, Indian growers had not gone there at the point of the bayonet, nor had they gone there at the instigation of a Christian Cross, nor had they gone there with the power and the strength and prestige of a great Empire as the British Empire. They had gone there as regular traders, as regular businessmen. Their only weapon, their only strength, has always been their integrity, their willingness to deal with others on a par. They have never tried to steal a trade from others as Mussolini is trying to do. They have never tried to find a place for themselves under the sun as Japan had done in Manchukuo only the other day. They had not gone there because the Hindu Rajas or the Nawabs were behind them, but they have gone there because of their own efficiency, and they stand there and they will continue to stand there only so long as they continue to be efficient traders as well as cultivators. My friend, Maulana Shaukat Ali, is very anxious that nothing should be said or done in this House which might in any way jeopardise the interests of the clove growers in Zanzibar. I am in complete agreement with my friend, that nothing should be said and nothing should be done to jeopardise their interests, but who is it who really is harming the interests of the Zanzibar clove growers? It is not Indians who do it. It has not been stated so by anybody, not even by the Clove Growers' Association of that country, but it is the Britishers, it is the British traders who are really at the bottom of all this mischief. Who is interested in this Clove Growers' Association which was rejuvenated only the other day? It is the Europeans or their nominees, and not one Indian is really represented

on this Association. And, therefore, in whose interest does this Association claim to have been established there? Not in the interest of clove growers, but in the interests of Britishers themselves. Well, Sir, Honourable Members may wonder how it is that the Britishers come in here. Britishers come in here in an extraordinarily mischievous fashion. They come in first of all as guardians of clove growers and save them from the clutches of the Indian moneylenders and Indian traders, and yet what is it that they want to do? They want to have the right for themselves to deal in the clove marketing trade, and they want for themselves the right to license or not to license any Indian trader and it is up to them to say whether the licence fee should be Rs. 400 or Rs. 5,000 .....

**Sir Girja Shankar Bajpai :** I do not wish to interrupt my friend in his speech, but I think it is just as well to point out that the licence fee is not fixed by the Clove Growers' Association but by His Highness the Sultan of Zanzibar.

**Pro. N. G. Ranga :** By whom is it fixed, Sir?

**Sir Girja Shankar Bajpai :** By the Government of Zanzibar.

**Prof. N. G. Ranga :** Well, the licence fee is fixed by the Government of Zanzibar, but the Government of Zanzibar does not seem to be the real representative of the clove growers. It seems to be an interested party. It is this Government which has thought it fit to pass six decrees within a short period of 12 days; it is this Government which almost dares for its own purposes even the Colonial Secretary, if not the Secretary of State for India, and how can the interests of the Indian traders be safe in the hands of a Government like this? And this is a Government, Sir, which is entirely a tool in the hands of the Colonial Government,—the Colonial Government which has become notorious in the recent past for having broken that excellent, fine and impartial declaration of Lord Passfield embodied in that White Paper. And, Sir, I find that my friend, Sir Girja Shankar, will have no objection to Indians becoming cultivators. There are some Indian cultivators today, but how can they remain cultivators hereafter? If any one of those Indians finds it necessary to sell away his land he can sell it, not to any other Indian, but to a non-Indian. And if he wants to save the clove growers of Zanzibar, how can they be saved if they are at liberty to sell away their lands to everybody else in this world except Indians? What provision is there to prevent the Clove Growers' Association itself from taking usufruct mortgages of the clove growers' lands and even from purchasing the lands of clove growers? If the Clove Growers' Association can purchase those lands from clove growers and afterwards sell out those lands to Europeans and everybody else except an Indian, how can the clove growers be saved? Again, how can the Indians improve their land holdings? Can they purchase from anybody else except an Arab, except a Negro? No. They cannot purchase from anybody. They cannot purchase even from amongst themselves, and, therefore, in course of time, the only result would be that all Indians there will become landless and they will be obliged to ply the trade which my Honourable friend, Mr. Joshi, abhors, the middleman's trade.

I do not want a middleman, I am opposed to him, but the best way to avoid a middleman is for the State itself to undertake the marketing

[Prof. N. G. Ranga.]

of those cloves. Does the State propose to do that ? No, never. What the State proposes to do is to hand over the business to a private organisation. And what is this organisation ? It only came into existence the other day. My Honourable friend, Sir Girja Shankar, said, that it has been in existence since 1927, but it was far from the truth. What was in existence in 1927 is entirely different from what has come into existence today. Mr. Strickland who has become famous for his very valuable reports on Co-operation in other countries as well as in India had not in his mind a Clove Growers' Association like the present. The present Clove Growers' Association has been brought into existence by interested parties in order to assist European businessmen and not the clove growers. I, therefore, suggest, that it is better for my Honourable friend to address his swan song and the motto, "do unto others what you would wish others to do unto you", more to his masters, the Britishers, than to us. When the question of separation of Burma was mooted, as soon as it was mooted, the Indians at the Round Table Conference accepted it at once. That shows that Indians are not at heart imperialistic. When this question of protecting the clove growers was mooted on the floor of the House, everybody got up and said, we do not want these people to be harmed. But at the same time, to the extent to which our Indian traders can be protected and helped in the plying of their legitimate trade the Government should certainly come to their rescue. And what is the answer we get ? "We cannot retaliate." Yes, we cannot retaliate, we know that, because this Government is a subordinate Government,—it has been said *ad nauseum*. True, but what is it that we are to do in the meanwhile ? We cannot do anything to force the hands of the Secretary of State for the Colonies, we happen to be a subordinate Government. That is why, this is an additional reason why we should do our best to achieve Swaraj in this country. One of the Leaders of the European Group was mocking at us whenever we said Swaraj. Yes, he does not want us to gain Swaraj because he knows once we get Swaraj we won't allow such indignities to continue. He does not want us to get Swaraj because once we get Swaraj he cannot remain a European and go on enjoying all those special privileges while refusing to grant even the ordinary legitimate trade facilities for us in any part of the British Empire. He does not want us to get Swaraj in this country because he knows that the British Empire, the very next day, will shatter to pieces. Therefore, I stand here, not to ask this Government for a paltry benefit for the time being, because I know whatever they can do subject to the disabilities that they are in today, will not go anywhere near to helping my countrymen in Zanzibar or in any other part of the world. I do not want this Government to go down on their bended knees and with a begging bowl to the Secretary of State for the Colonies. He was my junior at Oxford. He was a socialist and now he may not be a socialist. I am still a socialist and I became a socialist very much earlier than he. I was one of the founders of the Oxford Labour Club. And I claim here better treatment for my fellowmen in other countries in the name of socialism, and I do not want any imperialist privilege for me. But, at the same time, I want my national honour to be safeguarded—not by this Government, I know this Government cannot safeguard our honour, but by the Govern-

ment that we are trying our best to achieve. And I want those of us here who are Indians—I want them—at least in words of mouth—to associate themselves with us vigorously and declare that they are prepared to take every possible constitutional step to safeguard the interests of India, and India's honour and India's name and prestige. (Applause.)

**Pandit Govind Ballabh Pant :** I appreciate the intricacy of the task which the Honourable the Education Secretary had to perform here this afternoon. But all the same I cannot disguise from myself the feeling that his speech, in spite of the generosity which he showed in accepting my Resolution, was rather disappointing. As I just said, I am not unaware of the difficulties of the position in which he is placed, but there are occasions when too much of caution is as undesirable as too much of daring. I submit that when Indian interests had been clamouring for relief for the last one year and a half and there had been no response whatever in a concrete shape it was high time for the Government of India to make an unambiguous and unequivocal declaration of their determination not only to uphold the interests of Indians in Zanzibar, but also to vindicate Indian self-respect and national pride here. I am sorry that, as on so many other occasions, they have again been found wanting on this. I am not surprised, for the history of Great Britain has the words "Too late" written in it in the boldest letters, from page to page and from line to line. Sir, the position has been clearly placed before the House. The Honourable the Education Secretary gave us the other side of the picture, if I may say so. Yet he cannot blame us very much if we cannot give preference to his *ipse dixit* as against the report of Mr. Menon who studied the question on the spot, devoting ample time and all his resources to it in order to arrive at the truth as to the correct state of affairs in Zanzibar. His statements have been mostly in variance, wherever they have not been in agreement with me, with Mr. Menon, and in so far as Mr. Menon had first hand knowledge, I would rather be guided by him than by the Education Secretary to the Government of India. My Honourable friend pointed out the difference which he noticed in my tone. I may repeat that I am one of the realists in this House who will not be a party to anything that would in the least tend to prejudice the Indians who are settled abroad even if we fail to achieve anything effective to help them. I am aware of the helplessness of the present situation, but I would suffer agony in silence rather than be provoked into blurting anything? That may recoil upon my people abroad. That is the explanation, if one were needed, for the appeal that I made to the Government of India, but I would also like the Government of India to bear in mind what I believe Lord Amphill once observed that if the Government failed in protecting the rights of Indians abroad, it would lead to grave consequences. Do they even now not realise to what enormous extent the friction and the bitterness in this country is due to the treatment accorded to Indians in British dominions and British protectorates? I would just like them to take their minds back a little and to think of the history of this country since the return of Komagata Maru. I will not say more. I will ask them to remember what has been happening since the Sikhs returned from Canada and they may yet learn a lesson, if the Government of India can ever learn one. We were told that the steps that had been taken in Zanzibar were almost on a par with what had been done in our own country recently. I would like to know if the Government of this country

[Pandit Govind Ballabh Pant.]

is prepared to enact a measure to the effect that the jute growers of this land will be given relief in the matter of their debts but will not be allowed to sell their stock to the British merchants who export jute from this country to other countries. I would like to know if the British Government or the Secretary of State for the Colonies is prepared to make a law by which the labourers in rubber estates, the Federated Malay States, will be relieved of their debts and will not remain under any obligation to those who use them in methods, cruel and atrocious, for exploitation and for self-advantage. I will not multiply the instances, but the British Empire, howsoever we may regret it, and I am one of those who do, stands for exploitation and one could enumerate such instances not only in scores but in hundreds, if one were to apply oneself to this pastime. May I know when did this light dawn upon the Resident of the Zanzibar Government that this sort of protection was needed for the clove growers in that land. How is this decree to bear upon and affect the Zanzibar Distilleries, Limited, which has been registered in Zanzibar with the object of acquiring from the Zanzibar Government a licence to distil clove oil in the Protectorate ?

“ The capital of the company is £14,020 divided into 20 Founder's shares of £1 each and 140 ordinary shares of £100 each. The Directors of the Company are Mr. E. W. Bowill, Mr. D. A. J. Buxton, Mr. W. Jenkins and Mr. F. G. Pentecost, while the Manager in Zanzibar is Mr. J. Vincent.”

I would ask the Education Secretary to kindly enlighten us as to how many of these people are clove growers, to enlighten us how many of these are the native inhabitants of Zanzibar itself and how this monopoly of the Zanzibar Clove Growers' Association is to work hereafter. Sir, the Education Secretary told us that the Zanzibar Clove Growers' Association was not at all different from the association that was founded in 1927. Does he not know that that association was founded on a co-operative basis and that it had as many as 7,000 members while this association has not a single clove grower ? I may also tell him that I am not unaware of the recommendations made by Sir Allan Pim or Mr. Strickland but they had suggested that all activities for the protection of the clove growers should be organised on a co-operative basis and they had definitely given their opinion against the creation of a monopoly. They had advised the Government not to do exactly what they have done ! Sir, I should like to know from the Government of India what they have done in the matter of the appointment of a Trade Commissioner at Mombasa. The proposal was made to them long ago. Had such a Trade Commissioner been appointed in time, things would not have taken the course they have and the injury to Indian interests would not have been as grave as it has actually been. The Education Secretary asked us to wait and see how these decrees work and what effect they have on Indian interests and Indian trade. It is just like asking us to wait and see how the poison works in the system, until the body is dead and buried but we cannot afford to wait till that disastrous end. You cannot afford to see the man die under the influence of poison, even to enable a doctor to study the disease with a view to arrive at a correct diagnosis. Sir, in these circumstances, the Government of India should authoritatively declare that they stand for retaliatory measures and that they will introduce such measures without delay. I want them just to give an ultimatum to the Secretary of State for the Colonies and to the Zanzibar Government and if things

are not set right, then to behave at least for once as a Government whose duty it is to safeguard the interests of Indians. I may tell the Education Secretary that I fully subscribe to the principle "Do unto others as you would be done by". I would be ashamed if I stood for anything except equity, justice and fairplay but the gravamen of the charge as I have placed it before the House is this, that the Zanzibar Government has forged and framed these decrees, especially with a view to insult and to prejudice and injure the interests of Indians. In fact, the Attorney General admitted that the decrees had a racial purpose. My friend talked of the protection of the clove growers. He spoke of the relief of indebtedness. That is rather a strange method. Are the debtors to be completely absolved? There is to be a moratorium and it is admitted by the Zanzibar Government that the Africans and Arabs have no money to pay. The Indians who alone could liquidate the debts cannot purchase the property. What is the natural, logical corollary? The only means by which the debts could be liquidated and settled would be through transfer of land in part; but it cannot be transferred to Indians and others have no money to purchase. What is the consequence? Those to whom money is due will neither get the land nor the money and yet we are told that it is a just and a fair measure by one who, in theory at least, represents the interests of the overseas Indians in this matter. Sir, I have nothing much more to say.

**Sir Girja Shankar Bajpai** : On a point of information, Sir. My

5 P.M.

Honourable friend is speaking now of the Land Alienation Decree. I never said that the Land Alienation Decree, to the extent that it is racial, is a fair measure; in fact, I tried to make it clear that the Government of India adhere to the recommendation of Mr. Menon that they shall contest that decree.

**Pandit Govind Ballabh Pant** : Well, Sir, I am thankful even for small mercies, and I hope that as the Honourable the Education Secretary accepts the proposition that the Land Alienation Decree is unjust, unfair and insulting to Indians as such, some remedy will be found; but, as we also know that he has not succeeded so far in his efforts to get even this decree reversed or amended by the Zanzibar Government or the Secretary for the Colonies, let us trust that he will now adopt retaliatory measures, if not on any other ground then on the basis of the unfairness and the iniquitous character of this Land Alienation Decree and on account of the racial arrogance and racial insolence which is involved in it and is its integral and inseparable part. In fact that carries a greater sting than anything else. So, having failed in his endeavours in that direction, I hope he will now press for the enforcement of retaliatory measures. Sir, I am one of those who know that no nation, no country, no individual can assert and vindicate his or her position unless the nation or the Government is a part and parcel of a free and unfettered organism and organization. We are determined to concentrate upon that one objective and upon that panacea, but so long as we do not attain that position, it is our misfortune to appeal to the Government of India for the protection of the rights of Indians abroad, as there is no other way open before us. I hope, Sir, if not for anything else, we will have their sympathy for the agony which this process involves to us. (Loud and Prolonged Applause.)

**Mr. President** (The Honourable Sir Abdur Rahim) : Sir Girja Shankar Bajpai.



**Sir Girja Shankar Bajpai** : I suppose, Sir, I really have not a right of reply without your permission ?

**Mr. President** (The Honourable Sir Abdur Rahim) : As the subject is rather important, the Honourable Member may reply.

**Sir Girja Shankar Bajpai** : I have just two points I should like to speak about, Sir, and nothing more. My Honourable friend, Pandit Govind Ballabh Pant, said that there has been established a certain firm in Zanzibar for the purpose of distilling cloves, and he seemed to see in that some move to link up the Clove Growers' Association with the company itself. I think, Sir, that the two are entirely unconnected, because, even if there had been no Clove Growers' Association in existence at all, that would not stand in the way of a company establishing itself in Zanzibar to purchase cloves in order to distill cloves. There is nothing of a monopolistic character in that. And, as regards my Honourable friend saying that he had expected me to make a more categorical statement than I made, from explanation I gave earlier, I think my Honourable friend could not expect the Government of India to say more than what I said at this stage.

**Pandit Govind Ballabh Pant** : Well, I am sorry I had a better estimate of the Government of India. That is all.

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

“That this Assembly recommends to the Governor General in Council to take all effective steps in the interests and to vindicate the position of Indian nationals settled in Zanzibar.”

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 19th September, 1935.