

2nd September 1937

**THE
LEGISLATIVE ASSEMBLY DEBATES**

(Official Report)

Volume V, 1937

(2nd September to 17th September, 1937)

**SIXTH SESSION
OF THE
FIFTH LEGISLATIVE ASSEMBLY,
1937**



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Legislative Assembly.

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MR. M. GHIASUDDIN, M.L.A.

MR. MATHURADAS VISSANJI, M.L.A.

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LEGISLATIVE ASSEMBLY.

Thursday, 2nd September, 1937.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

FAILURE OF THE RESERVE BANK OF INDIA TO FINANCE THE CO-OPERATIVE ORGANISATIONS.

260. *Mr. T. S. Avinashilingam Chettiar : Will the Honourable the Finance Member state :

- (a) whether he is aware of the proceedings of the All-India Co-operative Conference held in Bangalore in the first week of July, 1937 ;
- (b) whether he is aware of the protest they have made against the Report of the Reserve Bank of India in failing to finance properly the Co-operative organisations of this country ; and
- (c) whether Government are prepared to consider the advisability of suggesting to the Reserve Bank of India to make immediate arrangements for such financing ?

The Honourable Sir James Grigg : (a) and (b). Yes.

(c) We have consulted the Provincial Governments regarding the recommendations made in the report of the Reserve Bank, and are awaiting their views.

Mr. T. S. Avinashilingam Chettiar : May I know when they expect to receive the replies ?

The Honourable Sir James Grigg : I do not know. At the moment, the Provincial Governments seem to be busy with their budgets.

Mr. T. S. Avinashilingam Chettiar : May I know whether new arrangements will be made in the course of the year ?

The Honourable Sir James Grigg : I cannot answer any question until we have received the observations of Provincial Governments.

Mr. T. S. Avinashilingam Chettiar : May I know whether the treatment of federal finance will vary from province to province, or will they have one uniform treatment for all the provinces ?

The Honourable Sir James Grigg : To that I can only return the same answer.

Prof. N. G. Ranga : Have Government considered the report of the Reserve Bank of India on rural finance, and, if so, what conclusions have they come to ?

The Honourable Sir James Grigg : The conclusion they have come to is to consult Provincial Governments.

Mr. T. S. Avinashilingam Chettiar : May I know, in view of the fact that the replies from the Local Governments may not be uniform.....

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

ANTI-NATIONAL CAMPAIGN CARRIED ON BY THE AUTHORITIES OF THE ALIGARH MUSLIM UNIVERSITY.

261. ***Prof. N. G. Ranga** : Will the Secretary of the Department of Education, Health and Lands be pleased to state :

- (a) if Government are aware of the great discontent prevailing in Muslim and Nationalistic Circles at the anti-national campaign being carried on by the University authorities of the Aligarh University ;
- (b) whether they have read the address delivered on the 10th April last by the Pro-Chancellor, Prof. A. B. Haleem ;
- (c) whether they have observed that Prof. Haleem said, " The nationalist minded students have been a source of constant trouble during my regime, to them I issue this warning that there are sixteen other Universities in India for them to go. Aligarh has no place for them. This is the University of Musalmans, built by Muslim money and the spirit of radicalism can in no case be tolerated " ; and
- (d) whether Government are prepared to consider the advisability of taking steps to see that the University does not pursue its present policy of uprooting radicalism and nationalism from the ranks of its students and the staff ?

Mr. M. S. A. Hydari : (a) Government have seen some press reports to this effect.

(b) Professor Haleem is not the Pro-Chancellor. Government have seen in newspapers summaries of the address.

(c) and (d). Professor Haleem is reported to have denied that he made the remarks attributed to him. Government see no reason to take any action in the matter.

Mr. S. Satyamurti : Did Government address Professor Haleem, and find out whether the reports of his speeches as reported in the newspapers were correct or not ?

Mr. M. S. A. Hydari : No. There is no reason to do so as I have a confirmation of Professor Haleem's denial from the Vice-Chancellor of the University.

Prof. N. G. Ranga : Have Government taken any steps to assure themselves that any policy of "uprooting radicalism and nationalism from the ranks of its students and the staff" will not be pursued by this particular University?

Mr. M. S. A. Hydari : It does not arise.

Prof. N. G. Ranga : It does arise.

Dr. Ziauddin Ahmad : Is it not a fact that some of the newspapers deliberately publish wrong information about the Muslim University and they go on writing leaders upon that, and, on the basis of those incorrect statements, questions are put in the Assembly? May I ask the Government to protect the University against such misrepresentations?

Mr. S. Satyamurti : Did the University take any steps to vindicate its honour?

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

Dr. Ziauddin Ahmad : I shall answer outside the House. But inside the House the question may be put to the Honourable Member only.

AMALGAMATION OF THE INDIAN AND THE LONDON STORES DEPARTMENTS.

262. ***Mr. T. S. Avinashilingam Chettiar :** Will the Honourable Member for Industries and Labour state :

- (a) for how many years the question of combining the Indian and the London Stores Department is being considered ;
- (b) whether that question has been gone into and any conclusions reached over that matter ; and
- (c) if so, whether they expect both the Departments to be combined ?

The Honourable Sir Thomas Stewart : (a) to (c). The matter has been under consideration for the past three years. The Government of India, however, came to the conclusion that no decision could be taken without a detailed examination of the working of the India Store Department, London, and that Sir James Pitkeathly should undertake this work. He was placed on deputation for this purpose in the summer of last year. He finished his enquiry but has not yet been able to submit his report.

Mr. T. S. Avinashilingam Chettiar : May I know how long it takes to deal with a matter like that and report ?

The Honourable Sir Thomas Stewart : The report is expected within the next month or so, but I might explain that when Sir James Pitkeathly finished his enquiry in London he became seriously ill, and since his return to duty the calls on his time have been many and he has been unable to get down to work on the report...

Mr. T. S. Avinashilingam Chettiar : May I know whether Government are in a position to state what he has recommended about the closing up of this Department ?

The Honourable Sir Thomas Stewart : Obviously not. I am not in possession of his report.

Mr. S. Satyamurti : Do Government expect to receive the report, and come to conclusions in time for the budget of the next financial year ?

The Honourable Sir Thomas Stewart : I cannot foretell the time that may be taken, but I can assure the Honourable Member that all possible steps will be taken to secure a decision in the time that he suggests.

Pandit Nilakantha Das : Have any orders been issued this year for stores to be purchased through the London Stores Department, anticipating the coming year's budget ?

The Honourable Sir Thomas Stewart : In the absence of a decision on Sir James Pitkeathly's report the procedure which has been in force in the past will be continued until such decision is taken.

Seth Govind Das : As soon as the report is received are they going to change the procedure ?

The Honourable Sir Thomas Stewart : I cannot possibly, without seeing the report, forecast what will be the decision that will be taken.

TELEGRAPH OFFICE IN CHANDNI CHOWK, DELHI.

263. ***Mr. Sri Prakasa :** Will the Honourable Member for Industries and Labour state :

- (a) whether it is a fact that the Telegraph Office in Chandni Chowk, Delhi, is heavily over-crowded and is unable to cope with the work there and that persons have to wait for long periods of time before they are able to book their telegrams ;
- (b) what is the average number of telegrams booked in this office compared to those booked in Kashmir Gate and Eastern Court during any one month from January to April, 1937 ;
- (c) what is the amount of space occupied by the three Telegraph Offices and the expenditure incurred on each ; and
- (d) whether Government have any idea of improving the Chandni Chowk Telegraph Office ?

The Honourable Sir Thomas Stewart : (a) The Postmaster-General reports that the Telegraph Office is located in one of the best buildings in the Chandni Chowk and that no complaints regarding congestion in it have been received from the local public.

(b) The monthly average number of messages booked, in each of the three offices, during the months of January to April, 1937, was, Chandni Chowk 6,261, Kashmiri Gate 4,930, Eastern Court 51,436.

(c) The rent of the building in Chandni Chowk Post and Telegraph Office is Rs. 365 per mensem and the area occupied by the telegraph branch is about 200 square feet. The Kashmiri Gate Office is located in the General Post Office which is a Departmental building and occupies a space of about 1,250 square feet. The area occupied by the Eastern Court Office is about 16,000 square feet. No useful comparison can be drawn between the two former offices and the Telegraph Office in the Eastern Court as the latter is a large transit office which handles the traffic of a number of offices in the surrounding area. The average monthly traffic dealt with is about 250,000 messages.

(d) The Postmaster-General reports that inconvenience probably arises in Chandni Chowk from the fact that the stamp vendor is located in the verandah through which the public have to pass. He has decided on a re-arrangement whereby this man can be removed to another part of the building.

Qazi Muhammad Ahmad Kazmi : Do the messages that go from the Eastern Court include those that are sent from Chandni Chowk ?

The Honourable Sir Thomas Stewart : No.

Mr. Sri Prakasa : Is the Honourable Member aware that access to the best building in the Chandni Chowk, as this Telegraph Office has been described, is over a narrow staircase, usually dark, and that the congestion in front of the counters is so great that it is very difficult to get things done ? I speak from experience.

The Honourable Sir Thomas Stewart : No. I was not aware of the facts put forward by the Honourable Member.

Mr. Sri Prakasa : Has the Honourable Member himself ever tried to send a telegram from that office some day in the afternoon ? (Laughter.)

The Honourable Sir Thomas Stewart : No.

Seth Govind Das : Are Government aware that these difficulties increase when it is raining there and it is impossible for any man to stand in front of the staircase and there is no sufficient space in the staircase to go up ?

The Honourable Sir Thomas Stewart : I am not aware of that.

Mr. Sri Prakasa : Is the Honourable Member aware that the staircase is too narrow for the present Director General of Posts and Telegraphs ? (Laughter.)

The Honourable Sir Thomas Stewart : No.

Seth Govind Das : Will the Honourable Member enquire into the matter and see that these defects are rectified ?

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

AFFIXING OF STAMPS ON TELEGRAMS.

264. ***Mr. Sri Prakasa** : Will the Honourable Member for Industries and Labour state :

- (a) what is the rule regarding the affixing of stamps on telegrams ;
- (b) whether it is a fact that at some offices the Telegraph Master takes the money and grants the receipt while in others he insists on the sender of the telegram purchasing and affixing the stamp himself ;
- (c) why there is a differentiation in this matter at different telegraph offices ;
- (d) whether Government is aware of the delay and inconvenience caused to the sender when he is first told the amount of stamps necessary and then he purchases and affixes them at another counter and brings them back to the original place ; whether this process does not add to the work of the Telegraph Master also ; and
- (e) whether Government propose to take steps to simplify the arrangements and make it uniform ?

The Honourable Sir Thomas Stewart : (a) The attention of the Honourable Member is invited to Rule 87 of the Indian Telegraph Rules, 1932, which reads as follows :

“ Stamps tendered in payment of a telegram shall be affixed by the sender to the telegram form in the space allotted for the purpose and shall be defaced by the counter clerk with the name and date stamp of the office.”

(b) and (c). In some telegraph offices Cash Register machines have been installed. In these offices stamps are not used and booking is done on the machines. These machines are, however, costly, and their use is economical only in offices where more than 500 telegrams are booked per day. In offices not supplied with Cash Registers telegraph officials are strictly forbidden to affix stamps for the public.

(d) Government are at all times anxious to meet the convenience of the general public but uniformity of procedure is impossible in view of the diverse conditions in different types of offices.

(e) Government will issue instructions that the procedure for booking telegrams should be made as simple as possible but for the reasons given in the reply to parts (b) and (c) it is not possible to have a uniform procedure in all offices.

Mr. Sri Prakasa : Is the Honourable Member aware that at the Eastern Court Telegraph Office at Delhi, the telegraph master takes the money and affixes the stamps himself ; but at Chandni Chowk he sends the sender of the telegram to the stamp vendor and that it is impossible to get any stamp from the stamp vendor owing to the rush ? May I also ask the Honourable Member whether he himself has ever purchased stamps and affixed them on telegrams ; or the telegraph masters have obliged him by taking cash and handing over the receipt to him ?

The Honourable Sir Thomas Stewart : If the fact is as stated that the Telegraph Master at Eastern Court is taking money and affixing stamps himself, he is acting at variance with the rules laid down for his guidance.

Mr. Lalchand Navalrai : May I know from the Honourable Member with reference to clause (d) whether the stamps are purchased at one counter and they are actually entered at another counter and then the stamp is given later ?

The Honourable Sir Thomas Stewart : That is the case in an office which is a combined Post and Telegraph Office. For our accounting purposes, the two branches are separate and we do not wish to complicate accounts by issuing in the same office two imprests of stamps. For that reason there is only one seller of stamps in the combined office.

Mr. Lalchand Navalrai : If I take one stamp and then I have to apply that stamp, can I not have the same material for applying ?

The Honourable Sir Thomas Stewart : Do you mean a supply of water and sponges ?

Mr. N. M. Joshi : May I ask whether the Honourable Member will consider the question of stopping this practice of asking the senders of telegrams to affix the stamps themselves ?

The Honourable Sir Thomas Stewart : I think that is a duty which may well be carried out by the sender himself.

Mr. Sri Prakasa : If the facts about the Eastern Court are as stated by me, will the Honourable Member kindly not ask the post master concerned to discontinue obliging us ?

REDUCTION OF POSTAGE RATES BETWEEN INDIA AND BURMA.

265. ***Mr. S. Satyamurti :** Will the Honourable Member in charge of Posts and Telegraphs be pleased to state :

- (a) the latest position with regard to the demand for reduction in Indo-Burma postal rates ;
- (b) whether the Government of India propose to ask the Secretary of State to use his influence with the Government of Burma to reduce these rates to a reasonable level ; and
- (c) if not, why not ?

The Honourable Sir Thomas Stewart : (a) The Honourable Member is referred to the reply given in this House to starred question No. 174 on the 30th August, 1937, and the supplementaries thereto of the same date.

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

Mr. S. Satyamurti : With regard to (b), may I know, apart from the Government of India, approaching the Government of Burma, on which we had an answer, that they do not propose to do it until the working of the new arrangements is seen, what is the answer to clause (b) of the question, that is to say, the Government of India asking the Secretary of State to interfere on our behalf ?

The Honourable Sir Thomas Stewart : The question of taking the action suggested will only arise when the Government of India have been able to make up their own minds whether any approach of that sort is desirable or not.

Mr. S. Satyamurti : How long do they propose to wait to see the working of the new rate ?

The Honourable Sir Thomas Stewart : An opportunity of doing so may arise towards the end of January, when a second enumeration of the mail passing from India to Burma will have been taken.

Mr. S. Satyamurti : Will the Government consider the whole question of addressing the Government of Burma, with regard to the reduction of the rate ?

The Honourable Sir Thomas Stewart : If the results of the examination suggest that it is desirable to do so, the Government of India will do so.

Mr. T. S. Avinashilingam Chettiar : Apart from the examination of the figures, may I know whether the Government will consider the advisability of reducing the rates, from the point of view of trade ?

The Honourable Sir Thomas Stewart : That will be one of the relevant considerations when the question is considered.

Mr. T. S. Avinashilingam Chettiar : Is it not a fact that before 1st April, 1937, the Government of India represented to the Government of Burma that it is better to continue the old rates ?

The Honourable Sir Thomas Stewart : I believe that it was suggested that it might be in the mutual interest of the two countries that the old rates—I am wrong in saying that—that lesser rates than those now in existence should be put into operation.

POSITION OF INDIANS OVERSEAS.

266. ***Mr. S. Satyamurti :** Will the Secretary for Education, Health and Lands be pleased to state :

- (a) whether it is a fact that Sir Muhammad Zafrullah Khan and Sir Girja Shankar Bajpai, in the course of the Imperial Conference, took advantage of many opportunities to discuss with the Dominion Premiers and others many aspects of the Indian situation overseas ;
- (b) if so, what the various aspects were, which they discussed ;
- (c) whether it is a fact that an undertaking has been given that Indian representation would be given very sympathetic consideration ;
- (d) whether any results have been arrived at, as a result of that sympathetic consideration ; if so, what they are ;
- (e) whether Sir Muhammad Zafrullah Khan had conversations with Mr. Ormsby Gore, Minister for Colonies, in respect of the position of Indians in Zanzibar ; and what the result of this conversation is ; and

(f) whether he had also a talk with General Hertzog on some aspects of the South African position, particularly in relation to the contemplated legislation on the marriage and the employment of European women by Asiatics ?

Mr. M. S. A. Hydari : (a) Yes.

(b)–(f). The conversations were informal and confidential and Government regret their inability to make any statement concerning them.

Mr. S. Satyamurti : May I ask for some elucidation of this position ? I take it that Sir Muhammad Zafrullah Khan and Sir Girja Shankar Bajpai were on leave. If that is so, may I know what was the authority they had in carrying on discussions with the Dominion Premiers on the many aspects of Indians overseas and whether, in those conversations, they had any instructions from the Government of India from time to time ?

Mr. M. S. A. Hydari : Sir Muhammad Zafrullah Khan was not on leave at the time and I think Sir G. S. Bajpai was also on deputation.

Mr. S. Satyamurti : Were they sent on deputation to discuss with the Dominion Premiers this particular question ?

Mr. M. S. A. Hydari : The object of the deputation was not only to discuss with the Dominion Premiers this particular question but as the Honourable Member is aware, Sir Muhammad Zafrullah Khan went for a different purpose. Sir G. S. Bajpai went on leave and we took advantage of his presence in London at the time and asked him to carry on these conversations.

Mr. S. Satyamurti : In carrying on those conversations, did they have any authority from the Government of India to put forward certain definite points of view on behalf of the Government of India ?

Mr. M. S. A. Hydari : Certainly.

Mr. S. Satyamurti : May I know whether they had any authority to tell Mr. Ormsby-Gore and Lord Halifax that the Government of India agreed to the arrangements made in Zanzibar for what they believed to be the protection of the Indian traders there ?

Mr. M. S. A. Hydari : That would be disclosing the course of conversations which I said I cannot disclose.

Mr. S. Satyamurti : Are Government aware of the fact that in the House of Lords, Lord Halifax, and in the House of Commons, Mr. Ormsby-Gore said that the arrangements which they had entered into with regard to the position of Indian traders in Zanzibar had the approval of the Government of India, and how was that approval communicated to these gentlemen ?

Mr. M. S. A. Hydari : The mere fact that Sir Muhammad Zafrullah Khan and Sir G. S. Bajpai were in London does not mean that there was no direct communication between the Government of India and the India Office.

Mr. S. Satyamurti : I want to know whether this statement in the Houses of Parliament was made as a result of the talks with these two gentlemen or it was made on receipt of a definite formal official communication from the Government of India.

Mr. M. S. A. Hydari : This question as to how far the Government of India have agreed or not was explained in the course of the debate on the adjournment motion and I do not think the Honourable Member is justified in pressing me to say anything more.

Mr. S. Satyamurti : I am not questioning the fact of the Government having agreed. I am asking whether this approval of the Government of India was communicated to His Majesty's Ministers directly, or through these two gentlemen who happened to be there on leave at that time ?

Mr. M. S. A. Hydari : That would be disclosing what took place during those conversations and I am not prepared to do that.

Mr. S. Satyamurti : I am not asking what took place. I am asking the channel through which the information was communicated.

Mr. M. S. A. Hydari : If I tell you the channel then I would disclose what took place.

Mr. President (The Honourable Sir Abdur Rahim) : He is not in a position to disclose anything.

Mr. Ram Narayan Singh : May I ask whether the Honourable Member will place the substance of these discussions before the members of the Emigration Committee at their next meeting ?

Mr. M. S. A. Hydari : I will consider the suggestion.

POSITION REGARDING MIXED MARRIAGES AND POSSESSION OF LAND BY ASIATICS IN SOUTH AFRICA.

267. ***Mr. S. Satyamurti :** Will the Secretary for Education, Health and Lands be pleased to state :

- (a) the latest position in South Africa with regard to mixed marriages, and the question of the possession of land by Asiatics ;
- (b) whether representations have been made by the Government of India to the South African Government, in respect of all these matters ; and
- (c) if so, what the result of those representations is ?

Mr. M. S. A. Hydari : (a), (b) and (c). Both the Government of India and their Agent General in the Union have made representations on the subject. Further developments are awaited.

EMIGRANT LABOURERS TO MALAYA FROM NEGAPATAM.

268. ***Mr. S. Satyamurti :** Will the Secretary for the Department of Education, Health and Lands be pleased to state :

- (a) whether there is a rush of emigrant labourers to Malaya from Negapatam ;

- (b) whether Government are satisfied that the arrangements on the ship for the health, convenience and sanitation of the passengers are quite adequate ; and
- (c) If not, whether they propose to take any steps to improve these conditions ?

Mr. M. S. A. Hydari : (a) The number of Indian emigrants to Malaya in 1937 has shown a noticeable increase over last year's figures up to June. Since June the numbers have decreased.

(b) Government know of no reason to be dissatisfied with the arrangements.

(c) Does not arise.

Mr. S. Satyamurti : Has the attention of the Government been drawn to complaints published in the newspapers at the time that as a result of this rush of emigrants the arrangements for the health and sanitation of these deck passengers, that is the class they usually travel by, were very bad ?

Mr. M. S. A. Hydari : Speaking from memory, complaints were made about the insufficiency of the accommodation at the port where they disembarked but not on board the ship.

Mr. S. Satyamurti : Since the receipt of this question, have Government made any inquiries in the matter as to whether at that time there was rush and that the arrangements were inadequate ?

Mr. M. S. A. Hydari : I do not think so, but I am quite willing to make inquiries from the Agent.

Mr. T. S. Avinashilingam Chettiar : Apart from any complaints, may I ask whether the Government have any agency to know whether the ships carrying these emigrants afford proper amenities ?

Mr. M. S. A. Hydari : There is the Agent of the Government in Malaya.

Mr. T. S. Avinashilingam Chettiar : I am asking whether there is any Government officer to look after their interests on board the ship ?

Mr. M. S. A. Hydari : There are Inspectors on board the ship.

APPOINTMENT OF AGENTS IN CERTAIN COLONIES FOR THE PROTECTION OF THE RIGHTS OF INDIANS.

269. ***Mr. Badri Dutt Pande :** (a) Will the Secretary for Education, Health and Lands state if besides in South Africa, Ceylon and Malaya the Government of India have agents in Trinidad, British Guiana, Canada, Hawaii, Fiji, New Zealand, Australia, Siam and French Indo-China to protect the rights of Indians domiciled there ?

(b) If not, is it the intention of the Government to appoint agents ?

(c) What is the difference between an agent and an Ambassador ?

(d) What are the duties and responsibilities of agents serving at present in colonies ex-India ?

Mr. M. S. A. Hydari : (a) No.

(b) The question of appointing Agents in certain territories is under consideration.

(c) The representatives of the Government of India in Ceylon, Malaya and South Africa are generally designated as Agents and the Honourable Member must be aware that the term Ambassador is used only in the case of ministers or representatives of a Sovereign or State at a foreign court.

(d) The Agents in Ceylon and Malaya have been appointed under section 7 of the Indian Emigration Act, No. VII of 1922, for the purpose of safeguarding the interests of emigrants in those countries. The appointment of the Agent General in South Africa is not, however, under that Act and was created in 1927 in order to secure continuous and effective co-operation between the Government of India and the Government of the Union of South Africa in the solution of the Indian problem in that country.

NON-APPOINTMENT OF INDIANS AS DIRECTOR GENERAL, INDIAN MEDICAL SERVICE, AND DEPUTY PUBLIC HEALTH COMMISSIONER.

270. ***Mr. Badri Dutt Pande :** Will the Secretary for Education, Health and Lands state :

- (a) why Major General D. P. Goil, K.H.P., was not made the Director General of Indian Medical Service, as he was the senior most officer in the Department ;
- (b) if Colonel Sheikh, Deputy Director General, Indian Medical Service, is going to be transferred to the Provinces ; if so, when ;
- (c) who is going to succeed him ; and
- (d) why the post of the Deputy Public Health Commissioner has gone to a British officer of the Indian Medical Service, and why it was not reserved for an Indian ?

Mr. M. S. A. Hydari : (a) I would refer the Honourable Member to the reply given on the 12th October, 1936, to Mr. C. N. Muthuranga Mudaliar's starred question No. 1126.

(b) Lieut.-Colonel Shaikh reverted on the 15th July last to the United Provinces Jail Department.

(c) Lieut.-Colonel E. G. Kennedy, I.M.S., has been appointed to succeed him.

(d) Administrative or advisory posts in the Indian Medical Service (Civil) at the headquarters of the Central Government are open to all Indian Medical Service officers whether British or Indian and there was no reason to make an exception in this case. The most suitable officer available at the time was selected.

Mr. B. Das : Is there any Indian I. M. S. officer in the Public Health Department in the headquarters of the Government of India ?

Mr. M. S. A. Hydari : The Public Health Officer, Simla, is an Indian officer.

Mr. B. Das : I am talking of the Government of India Secretariat ?

Mr. M. S. A. Hydari : No.

Mr. B. Das : How does, then, Government give effect to the practice that at least there should be 50 ; 50 Indian element in the Secretariat of the Government of India ?

Mr. M. S. A. Hydari : These are not Secretariat officers.

Mr. B. Das : Is it the opinion of the Honourable Member, then, that no Indian I. M. S. officer is to be taken in the Public Health Department ?

Mr. M. S. A. Hydari : If the Honourable Member looks at the percentage of Indian and European I. M. S. officers in the civil posts under the Central Government, he will find that the ratio is 50 : 50.

Mr. B. Das : But they are not in Simla heights.

Prof. N. G. Ranga : Is it not a fact that Colonel Kennedy did not have any civil experience at all whereas Colonel Shaikh had jail as well as military experience ? If so, why is it that Colonel Shaikh has been superseded by Colonel Kennedy ?

Mr. M. S. A. Hydari : I have already answered that the most suitable officer was selected and I cannot say anything more.

Mr. Badri Dutt Pande : Was he an officiating Deputy Director General or was he permanent ?

Mr. M. S. A. Hydari : He was on probation.

Mr. Badri Dutt Pande : Why has he been sent back to the province ?

Mr. M. S. A. Hydari : Because his probation has terminated.

Mr. S. Satyamurti : With reference to answer to clause (d), may I ask whether the most suitable officer who was selected was also the most senior officer ?

Mr. M. S. A. Hydari : No.

Mr. S. Satyamurti : Then, why were the seniors overlooked ? Did the Government come to the conclusion, on an examination of the qualifications of these people, that all those senior to the person who was actually appointed were not qualified for this post ?

Mr. M. S. A. Hydari : Not a bit. Government examined the names of various people. I may say—and I do not think I am giving away any secret—that the post was actually offered to five Indian officers and on their refusal it was given to Lieut.-Colonel Kennedy.

DILAPIDATED CONDITION OF THE ADITYA MANDIR IN KATARMAL VILLAGE OF THE ALMORA DISTRICT.

271. ***Mr. Badri Dutt Pande :** (a) Does the Secretary for Education, Health and Lands know that the Aditya Mandir in Katarmal village (Almora District, United Provinces) a protected historical monument is in a very dilapidated condition ?

(b) Have any repairs been carried out since it was declared a protected monument ?

(c) If not, why not ?

Mr. M. S. A. Hydari : (a) and (b). Certain repairs were carried out in 1928-29 and 1934-35 respectively. The necessity for repairs is recognised and a further estimate is under preparation on the basis of a conservation note prepared by the Assistant Engineer, Northern Circle, Agra.

(c) Does not arise.

ANTI-INDIAN AGITATION IN CEYLON.

272. **Mr. Badri Dutt Pande :** Will the Secretary for Education, Health and Lands state :

(a) if the Ceylon-India League has submitted a memorandum to the Government of India inviting their attention to the anti-Indian agitation being carried out in Ceylon by a section of the Sinhalese to repatriate Indians and to measures passed by the State Council and to restrict and control Indian immigration and also introduction of measures curtailing the rights of Indians such as land development ordinance, destitute immigrants ordinance amending bill ?

(b) if so, what steps have Government taken to ameliorate the condition of the Indians in Ceylon and to give them relief ?

Mr. M. S. A. Hydari : (a) The Government of India have received representations on various matters from the Ceylon Indian League.

(b) The attention of the Honourable Member is invited to my reply to Mr. Mohan Lal Saksena's question No. 193 on the 30th August, 1937.

Mr. S. Satyamurti : Do Government propose to start any negotiations with the Ceylon India League, with regard to mutual trade and as part of these negotiations, take up for negotiation and settlement the question of the disabilities from which Indians are suffering there ?

Mr. M. S. A. Hydari : I must have notice of this question.

Mr. T. S. Avinashilingam Othettiar : May I ask if the Government have received any reply to the representation with regard to anti-Indian agitation with regard to the election to village communities.

Mr. M. S. A. Hydari : No, Sir.

Prof. N. G. Ranga : May I ask if any reply was given to the Ceylon India League giving them an idea of the election proposed to be taken by the Government of India ?

Mr. M. S. A. Hydari : Indians in Ceylon know that we have made a representation and the matter is under discussion.

Prof. N. G. Ranga : Was any reply sent to the Ceylon India League ?

Mr. M. S. A. Hydari : I am sure an acknowledgment must have been sent.

Seth Govind Das : May I ask when do the Government expect a reply to this representation ?

Mr. M. S. A. Hydari : I cannot say.

Seth Govind Das : Will they send a reminder ?

Mr. M. S. A. Hydari : If necessary, yes.

Maulana Shaukat Ali : May I ask the Government to enquire why suddenly there is so much unpopularity for Indians abroad ? Is there anything wrong with the men that go outside ? Do these men try to exploit the weaker people with whom they come in contact ? The same story is repeated in Iraq, in Zanzibar and other places ?

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member cannot make a speech. He must put a question to elicit information ?

Maulana Shaukat Ali : Why is the good name of Indians being spoiled outside India by the people who migrate to those places ?

Mr. S. Satyamurti : It is not spoiled. Their name is good.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member should not go on making all sorts of observations. Next question.

HANDING OVER OF POSTAL OFFICIALS TO THE POLICE.

278. ***Mr. M. Asaf Ali :** Has the Honourable Member for Industries and Labour any objection to issuing general instructions that no postal official should be handed over to the police before the postal authorities are satisfied on departmental inquiry that a strong *prima facie* case exists against the suspect ? If so what ?

The Honourable Sir Thomas Stewart : I presume the Honourable Member is referring to offence committed in the course of official duties ?

Mr. M. Asaf Ali : Precisely.

The Honourable Sir Thomas Stewart : General instructions in the sense suggested by the Honourable Member already exist. The attention of all concerned is being drawn to these orders.

Mr. M. Asaf Ali : I should like to know whether the few cases in the various circles in which these employees were harassed by the police before departmental enquiry was conducted have come to the knowledge of the Honourable Member ?

The Honourable Sir Thomas Stewart : No, Sir. If the Honourable Member will bring them to my notice I shall look into them.

Mr. M. Asaf Ali : In the original question I had given all the particulars and I do not know why it was dropped ?

The Honourable Sir Thomas Stewart : As the question is before me, there are no details given.

Mr. M. Asaf Ali : The original question which I gave notice of contained all these particulars.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member cannot go into all sorts of details in putting supplementary questions. The Government Member cannot be expected to answer questions of details without any reference to the question.

Mr. M. Asaf Ali : I am inviting the attention of the Chair to the fact that the original question which I sent notice of to the Assembly Department contained all these particulars.

Mr. President (The Honourable Sir Abdur Rahim) : The question as it is printed in the list is, "Has the Honourable Member for Industries and Labour any objection to issuing general instructions, etc.," and the Honourable Member has already answered that.

Mr. M. Asaf Ali : This is not the full question as given notice of by me. Something has been omitted. I was inviting the attention of the Chair to the original question as I had sent to your office ?

Mr. President (The Honourable Sir Abdur Rahim) : That has been disallowed. The Honourable Member cannot ask any question relating to the portion that has been disallowed.

RESOLUTIONS OF THE DELHI PROVINCIAL POSTAL AND RAILWAY MAIL SERVICE CONFERENCE.

274. ***Mr. M. Asaf Ali :** (a) Has the attention of the Honourable Member for Industries and Labour been drawn to the resolutions of the Delhi Provincial Postal and R. M. S. Conference held on 18th July, 1937 ?

(b) What steps do Government propose (1) to redress the grievances enumerated in these resolutions and particularly (2) to solve the housing problem, (3) the question of allowing sufficient time for exchange of mails by the R. M. S. staff, (4) the grievances of R. M. S. sorters in regard to postings and transfers, provision of amenities on mail vans, railway platforms, rest houses and other difficulties experienced by the staff ?

(c) Has the Honourable Member examined the resolution of the Conference mentioned in the foregoing question as regards the scale of pay and pension of the menial staff ? If so, what steps do Government propose to adopt to place the menial staff in a better position in this respect ?

The Honourable Sir Thomas Stewart : (a) No.

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

Mr. S. Satyamurti : With regard to pensions to those who are called the menials, may I know if Government have come to any decision to pay them pensions now ?

The Honourable Sir Thomas Stewart : That question does not arise.

Mr. S. Satyamurti : If the Honourable Member would look at part (c) of the question, he would find :

"Has the Honourable Member examined the Resolution of the Conference mentioned in the foregoing question as regards the scale of pay and pension of the menial staff" ?

The Honourable Sir Thomas Stewart : I have already said that I have not seen the resolution and therefore I cannot be expected to have taken any decision on the contents of that resolution.

Mr. S. Satyamurti : If my Honourable friend would look at this question, first of all the resolution is specifically reproduced and the question is asked about pension and pay to the menial staff. I may also draw the attention of the Honourable Member to the fact that this question has been before the House and before his predecessor many a time, and promises have been given. I am simply asking whether Government have come to any conclusion on the question of pensions to those who are called menial staff of the department.

The Honourable Sir Thomas Stewart : I am not aware of the issue that has been raised in the reported resolution regarding pay and pension and I can therefore give no answer.

Mr. M. Asaf Ali : In reply to part (a) I understood the Honourable Member to say that he had not seen the resolution. Is the Honourable Member aware of the fact that a deputation waited on the Director General, Posts and Telegraphs, the other day and brought all these resolutions to his knowledge. Were they not communicated to the Honourable Member ?

The Honourable Sir Thomas Stewart : I am prepared to take the Honourable Member's word for it.

Mr. M. Asaf Ali : Why did the Director General of Posts and Telegraphs not convey to the Honourable Member the resolutions passed at this Conference and brought to his knowledge by a deputation only the other day ?

The Honourable Sir Thomas Stewart : I am informed that the Director General has no recollection of the incident as stated by the Honourable Member.

Mr. M. Asaf Ali : I think I might remind the Director General of Posts and Telegraphs who is sitting in the House now, that this deputation waited on him only about a week ago ? Has he got such a short memory ?

The Honourable Sir Thomas Stewart : I am informed by the Director General that these issues were not raised by the people who came to see him.

Mr. M. Asaf Ali : Is it the case that this deputation did not bring to the notice of the Director General, Posts and Telegraphs, the resolutions passed by this Conference ?

The Honourable Sir Thomas Stewart : I am informed that they did not.

Mr. S. Satyamurti : May I know why, since the notice of the question was received, the Honourable Member did not send for the resolutions and look into them ? When a notice of a question is given to the Honourable Member specifically mentioning certain resolutions passed at a Conference, it is not a fair answer to this House that he should get up and say " I have not seen that ". What is he paid for ? Is it not to look into the questions asked, and prepare suitable answers after referring to the particulars noted in the question ?

Mr. President (The Honourable Sir Abdur Rahim) : No ; such questions cannot be asked.

Mr. S. Satyamurti : I am entitled to ask

Mr. President (The Honourable Sir Abdur Rahim) : I have given the ruling. You cannot use all sorts of language in putting questions, which have nothing to do with the original questions.

Mr. S. Satyamurti : When the Honourable Member is not giving straight answers, I am entitled to protect myself.

Mr. K. Saathanam : Is it not the duty of the Postal Department to take notice of such resolutions whether they are sent to the Department or not ?

The Honourable Sir Thomas Stewart : Not before they are received.

Mr. S. Satyamurti : May I know why Government did not send for the resolution, after notice of this question was given ?

The Honourable Sir Thomas Stewart : The Government were reasonably confident that in due course the resolutions would be received.

Mr. S. Satyamurti : That does not help in answering this question. May I know why before the question came to be answered in this House, my Honourable friend did not get official information or authoritative information of the resolutions ?

Mr. T. S. Avinashilingam Chettiar : The Conference was held so long ago as 18th July 1937 ?

Mr. President (The Honourable Sir Abdur Rahim) : He said they were waiting to receive a copy of the resolution.

Mr. Bhulabhai J. Desai : Was no attempt made to obtain information about this resolution ?

The Honourable Sir Thomas Stewart : No, Sir.

Mr. Bhulabhai J. Desai : Why not, Sir ?

The Honourable Sir Thomas Stewart : We expected the people concerned to send it in due course.

Mr. Bhulabhai J. Desai : Was the information not obtained for the purpose of answering this question which was admitted and allowed by the Honourable the President ?

The Honourable Sir Thomas Stewart : No, Sir.

Mr. Bhulabhai J. Desai : Why was no attempt made to obtain information relating to a question properly put and properly allowed ?

The Honourable Sir Thomas Stewart : The Government do not think they have any more responsibility in this matter than those who put the question who might have arranged for a copy of the resolution to be sent in due time to the Government.

Mr. Bhulabhai J. Desai : Why did Government fail to keep themselves informed about matters concerning questions put to them relating to their administration or relating to grievances brought to their notice ? Do the Government say they have no responsibility in this matter ?

(No reply.)

Mr. Bhulabhai J. Desai : I demand an answer.

The Honourable Sir Thomas Stewart : Will the Honourable Member repeat his question ?

Mr. Bhulabhai J. Desai : Why was it not followed before this ? Do Government declaim all responsibility of informing themselves about grievances addressed to them either through public resolutions at meetings or conferences or otherwise especially when the subject matter of those resolutions form part of questions put to them ?

The Honourable Sir Thomas Stewart : Government do not absolve themselves from responsibility in those circumstances.

MAKING INDIA SELF-SUPPORTING IN THE MATTER OF QUININE.

275. ***Mr. S. Satyamurti** : Will the Secretary for Education, Health and Lands be pleased to state :

- (a) whether the Government of India propose to consider the proposal of the Central Advisory Board of Public Health that India should be made self-supporting in the matter of quinine ; and if so, what their conclusions are ;
- (b) whether Government have also considered the opinion of the Board that the price at which quinine is sold at present in India is too high, as it is greatly in excess of the cost of production, and that the Government of India should not regard the production of quinine as a source of profit and that, even if any profit accrues from its sale, such profit should be earmarked for expenditure on public health, and what the conclusions of the Government of India thereon are ;
- (c) whether Government propose to take any steps through the Provincial Governments for carrying out the recommendations of the Board, that much more intensive propaganda should be carried on among the people, especially in rural areas, to bring home to them the utility of quinine as a cure against malaria, and the possibilities of its cheaper and more widespread distribution through non-official and other agencies ; and if so, what their conclusions are ?

Mr. M. S. A. Hydari : (a) Consideration of this question must follow the results of the enquiry into the possibility of extending cinchona production in India to which I referred in my reply to part (a) of Mr. Badri Dutt Pande's question No. 98 answered on the 25th August, 1937.

(b) The Board referred to producing Governments in India. The Government of India no longer produce quinine ; and the production, supply and distribution of quinine are now matters of entirely provincial concern.

(c) A number of Provincial Governments have for years past conducted an active propaganda in regard to the use of quinine. It is proposed, in consultation with all concerned, to examine further every possible means of effecting cheaper and more widespread distribution of quinine.

Mr. S. Satyamurti : With reference to clause (b), I think Madras and Bengal are the two Governments who produce quinine. Will Government take steps to impress upon the producing Governments that they should not regard the production of quinine as a source of profit but that such profit, if it arises, should be earmarked for expenditure on public health ?

Mr. M. S. A. Hydari : If the Honourable Member means that we should issue directions, we cannot do that. But if the Honourable Member means that we should bring the resolutions of the Board prominently to the notice of the Provincial Governments and at further meetings of the Board find out what has been done in the matter, we will certainly do it.

Mr. S. Satyamurti : With reference to clause (c), may I know if the Government of India will take steps, in consultation with the Provincial Governments, to carry on an intensive rural propaganda for quinine, considering that the toll of mortality and disease by malaria in this country is something colossal ?

Mr. M. S. A. Hydari : We can only advise in this matter, we cannot take steps ourselves. But within the limits of what I have said, we will do everything we can.

Prof. N. G. Ranga : Do Government propose to ask for any additional grants in the next budget to facilitate their helping the Provincial Governments to carry on a more intensive propaganda for popularising quinine in the rural areas ?

Mr. M. S. A. Hydari : I do not see how that question arises.

Prof. N. G. Ranga : Here is a recommendation that Government should carry on a more intensive propaganda among the people, specially in rural areas, for popularising quinine. My question is whether the Government of India propose to ask for more money to be granted to Local Governments to enable them to carry on this propaganda ?

Mr. M. S. A. Hydari : So far as the Provincial Governments are concerned, it does not lie with us to give them money. In so far as the centrally administered areas are concerned and the betterment of rural conditions in those areas, there are schemes under the consideration of Government.

Prof. N. G. Ranga : Do the Government of India propose to make any grant to the Provincial Governments in this regard ?

Mr. M. S. A. Hydari : No, Sir.

Mr. M. S. Aney : What steps are the Government of India taking to secure equitable distribution of quinine in all the different Provinces, in view of the fact that quinine is produced by two Provinces only ?

Mr. M. S. A. Hydari : None, Sir, after the 1st April last.

SUGAR FACTORIES CLOSED AFTER THE INCREASE OF EXCISE DUTY.

276. ***Mr. Lalchand Navalrai :** (a) Will the Honourable Member for Industries and Labour be pleased to state if any sugar factories have closed down after the increase of excise duty in March last ?

(b) If so, how many and at what places ?

(c) Was the closing of the factories due to the increase of the excise duty and the fixed cane price or any other reasons ?

(d) What has been the ruling market price of sugar since the last increase of the excise duty ?

(e) Has the import in India of foreign sugar increased since the imposition of the latest excise duty ? If so, how much ?

Mr. A. H. Lloyd : (a) Government are informed that no sugar factories have closed down since the excise duty was increased.

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

(d) Sugar prices are published in the daily press. A statement of the prices ruling at Cawnpore is laid on the table.

(e) No.

Sugar Prices at Cawnpore since the excise duty was increased (per maund of 82 lbs. ex-factory).

1937 (Weekly Prices).	Cawnpore Special.	Mashowrah Crystal No. 1.	Padrauna Crystal No. 1.	Pilibhit Crystal No. 1.
	Rs. s. p.	Rs. s. p.	Rs. s. p.	Rs. s. p.
<i>March.</i>				
(1st week)	6 8 0	6 7 0	6 2 0	6 9 0
<i>April</i>				
9	6 5 0	6 8 6	6 2 0	6 8 0
16	6 2 0	6 8 0	6 0 6	6 7 0
23	6 2 0	6 4 6	5 15 0	6 5 0
30	6 2 0	6 3 0	5 13 0	6 5 0
<i>May</i>				
6	6 3 0	6 8 0	5 13 0	6 4 0
14	6 2 0	6 2 6	5 13 0	6 3 6
21	6 2 0	6 2 0	5 12 0	6 2 0
28	6 2 0	6 1 6	5 11 6	6 1 0
<i>June</i>				
4	6 2 0	6 2 6	5 12 0	6 2 0
11	6 2 0	6 3 6	5 12 0	6 2 0
18	6 2 0	6 3 0	5 11 0	6 1 6
25	6 4 0	6 1 6	5 10 6	6 1 0
<i>July</i>				
2	6 6 0	6 2 6	5 11 0	6 1 6
9	6 7 0	6 4 0	5 13 0	6 3 0
16	6 9 0	6 5 0	5 14 0	6 4 0
23	Not quoted.	6 6 0	6 1 0	6 6 0
30	Not quoted	6 8 0	6 1 0	6 7 0
<i>August</i>				
6	Not quoted	6 8 0	6 1 0	6 8 0
13	6 12 0	6 6 0	6 6 6	6 8 0

Mr. Lalchand Navalrai : With regard to clause (a), in what way have Government made inquiries and found out that they have not closed down ?

Mr. A. H. Lloyd : We made inquiries through another Department under the Government of India,—the Imperial Council of Agricultural Research.

Dr. Ziauddin Ahmad : Is it not a fact that the difference between the import duty and the excise duty is exactly the same as the Tariff Board recommended as being suitable protection for this industry ?

Mr. A. H. Lloyd : May I suggest that that does not arise ?

Mr. M. Ananthasayanam Ayyangar : If they have not closed down, how many have been reduced to a tottering condition ?

Mr. A. H. Lloyd : For the answer to that question I must refer the Honourable Member to the proprietors of the factories.

Mr. Baijnath Bajoria : Is it a fact that the price of sugar has gone down since the imposition of this additional duty ?

Mr. A. H. Lloyd : The figures that I have laid on the table show that it went down for a time and has since revived.

CREATION OF A CORPORATION FOR THE CONTROL OF THE ALL-INDIA RADIO.

277. ***Mr. M. Asaf Ali :** (a) Has the attention of the Honourable Member for Industries and Labour been drawn to a leading article in the newspaper 'Times' (London), a summary of which recently appeared in the 'Statesman', dated 29th July, 1937, in which it has been suggested that the All-India Radio Department should be made over to a public corporation, like the British Broadcasting Corporation ?

(b) Is there any ground for this suggestion in the fact that Government are contemplating the creation of such a Corporation for the control of the All-India Radio ? If so, will the Honourable Member state the Government's proposals in this respect ?

The Honourable Sir Thomas Stewart : (a) Yes.

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

Mr. Mohan Lal Saksena : Will Government consider the advisability of appointing an inquiry committee to consider the suggestion made by the *Times* ?

The Honourable Sir Thomas Stewart : I do not think that this arises out of this question.

Mr. S. Satyamurti : Have Government considered the suggestion in the course of this leading article in the *Times* that any activity controlled by this Government is likely to be suspect by the people of this country ?

The Honourable Sir Thomas Stewart : The Government of India do not agree with the thesis put forward by the writer of the leading article.

ENQUIRY ABOUT CERTAIN CUSTOMS OFFICIALS IN MADRAS.

278. *Mr. K. Santhanam : Will the Honourable the Finance Member please state :

- (a) whether the enquiry about certain customs officials in Madras started in the beginning of the year has been completed ;
- (b) if the answer to part (a) be in the affirmative, the result of such enquiry ;
- (c) if the answer to part (a) be in the negative, how long it is expected to continue ?

The Honourable Sir James Grigg : (a) No.

(b) Does not arise.

(c) I cannot say.

Mr. K. Santhanam : With reference to clause (a), is there any time limit for this inquiry ?

The Honourable Sir James Grigg : No, Sir, but I understand that the delay is due to the action of the officials whose conduct is under inquiry.

Mr. K. Santhanam : Will it be finished in their lifetime ?

The Honourable Sir James Grigg : It depends on when they die.

Mr. S. Satyamurti : Are Government taking any steps to expedite the conclusions of this inquiry ?

The Honourable Sir James Grigg : Yes, Sir, to the maximum extent possible. The delay is entirely on the other side.

OPENING OF COMBINED POST AND TELEGRAPH OFFICES IN SIND.

279. *Mr. Lalchand Navarai : (a) Will the Honourable Member for Industries and Labour be pleased to state how many Post and Telegraph combined offices have been opened in Sind during the last year and this year and at which places ?

(b) Are there such combined offices at all the Headquarters of the Talukas in Sind ? If not, at which such places do they not exist, and do Government propose to establish such combined offices at these places ? If not, why not ?

(c) Is it a fact that a guarantee is being insisted upon to the full extent in opening such offices ?

(d) Is it a fact that a guarantee is being insisted upon even at places where the income is expected to develop ?

(e) Are Government aware that such combined offices are wanted at 'Ubauro', 'Warah' and 'Garhi-Khairo' in Sind ?

(f) Do Government propose to start combined offices wherever they are required in India, without insisting on the guarantee when it is expected that the income will develop and in calculating the guarantee the income of the postal branch or part thereof be set off against the required guarantee ? If not, why not ?

The Honourable Sir Thomas Stewart : (a) Combined Offices were opened during 1936-37 at Pritamabad, Nabisar Road, Reti and Shadipalli and at Badah during 1937-38.

(b) Information is being collected and will be communicated to the Honourable Member in due course.

(c) A guarantee is insisted upon only in those cases in which the telegraph revenue is not expected to cover the cost of providing telegraph facilities.

(d) No ; both the Shadipalli and Badah Combined Offices have been opened without a guarantee.

(e) A guarantee has recently been quoted to the merchants of Ubauro. No demand for the opening of telegraph offices has been received from the public of Warah and Garhi-Khairo.

(f) It is already the policy of Government to open Combined Offices, without a guarantee, where there is reason to believe that the offices will pay their way. The income from the Postal Branch of a Combined Office cannot be set off against the required guarantee since separate commercial accounts are maintained for each Branch of the Department.

Mr. Lalchand Navalrai : May I know if the Honourable Member will instruct the Director there not to make double inquiries and too many inquiries, and to avoid delay ?

The Honourable Sir Thomas Stewart : Surely the question of the Director's inquiries does not arise on this question.

Mr. Lalchand Navalrai : What I meant was that the Director does not make only departmental inquiries in order to create these combined offices, but he makes double and triple inquiries by asking other officers of other departments and therefore there is delay. Will the Honourable Member tell him not to do that ?

The Honourable Sir Thomas Stewart : I cannot blame the officer for being cautious in this matter.

Mr. Mohan Lal Saksena : With reference to part (c), may I know what part of the deficit, if any, is met by Government itself and what part by the guarantors ?

The Honourable Sir Thomas Stewart : The object of taking a guarantee is that Government should not be called upon to meet any part of the deficit.

TOURS OF THE DIRECTOR OF POSTS AND TELEGRAPHS FOR SIND AND BALUCHISTAN.

280. ***Mr. Lalchand Navalrai :** (a) Will the Honourable Member for Industries and Labour be pleased to state if the Director of Posts and Telegraphs for Sind and Baluchistan has his fixed time for touring in his Division ? If so, how much ?

(b) Are Government aware that during the current year he went only to Quetta, mostly for a change of climate ? If not, will the Honourable Member be pleased to state which camps in his Division did he visit during the current year and the last year, and for how long did he stay at each place ?

The Honourable Sir Thomas Stewart: (a) No special season is prescribed for touring, nor is any minimum period assigned for such tours.

(b) Government are satisfied that there is no justification for the implication contained in the first part of this question. A statement furnishing the information asked for by the Honourable Member is placed on the table.

Stations within his jurisdiction visited by the Director of Posts and Telegraphs, Sind and Baluchistan Circle, Karachi, during 1936-37 and 1937-38.

Date of visit.	Station.	Period of stay.
1936-37.		
<i>April, 1936.</i>		
20th April, 1936	Gwador	2 hrs.
21st April, 1936	Muscat	1½ hrs.
25th April, 1936	Bahrein	1 day 12 hrs. 15 mts.
<i>May, 1936.</i>		
1st May, 1936	Muscat	2½ hrs.
14th May, 1936	Quetta	2 days 21 hrs. 45 mts.
17th May, 1936	Chaman	18 hrs. 10 mts.
18th May, 1936	Quetta	1 day.
19th May, 1936	Mach	1 hr. 35 mts.
<i>June, 1936.</i>		
15th June, 1936	Hyderabad (Sind)	9 hrs. 45 mts.
29th June, 1936	Quetta	1 day 2 hrs. 40 mts.
<i>July, 1936.</i>		
17th July, 1936	Sukkur	2 days 16 hrs. 45 mts.
20th July, 1936	Quetta	5 days 2 hrs. 40 mts.
<i>August, 1936.</i>		
Nil.		
<i>September, 1936.</i>		
Nil.		
<i>October, 1936.</i>		
Nil.		
<i>November, 1936.</i>		
18th November, 1936	Quetta	2 days 1 hr. 5 mts.
20th November, 1936	Pishin	1 hr.
21st November, 1936	Quetta	2 days 16 hrs.
24th November, 1936	Loralai	19 hrs.
25th November, 1936	Harnai	4 hrs. 55 mts.
25th November, 1936	Sibi	1 hr. 3 mts.
<i>December, 1936.</i>		
10th December, 1936	Quetta	3 hrs.

Date of visit.	Station.	Period of stay.
<i>January, 1937.</i>		
25th January, 1937 Quetta 3 hrs. .
<i>February, 1937.</i>		
4th February, 1937 Pritimabad 23 hrs.
28th February, 1937	.. Lahoro 13 hrs. 30 mts.
<i>March, 1937.</i>		
25th March, 1937	.. Las Bela 1 day 14 hrs. 45 mts.
1937-38.		
<i>April, 1937.</i>		
15th April, 1937	.. Hyderabad (Sind)	.. 1 hr. 15 mts.
<i>May, 1937.</i>		
Nil.		
<i>June, 1937.</i>		
Nil.		
<i>July, 1937.</i>		
15th July, 1937	.. Quetta 1 day 19 hrs. 15 mts.
17th July, 1937	.. Ziarat 1 day 20 hrs. 30 mts.
19th July 1937	.. Quetta 3 days 4 hrs. 40 mts.
<i>August, 1937.</i>		
Nil.		

Mr. Lalchand Navalrai : With regard to clause (b), have Government made inquiries of the officer or in some other way ?

The Honourable Sir Thomas Stewart : Government are in possession of the tour diaries of the officer which show where the officer has gone and the purpose for which he has gone.

Mr. Lalchand Navalrai : Is the Honourable Member aware that in other departments there is a time fixed for the tours, and is the Honourable Member going to follow that procedure ?

The Honourable Sir Thomas Stewart : It is not considered necessary in this particular case.

APPOINTMENT OF THE DIRECTOR OF POSTS AND TELEGRAPHS FOR SIND AND BALUCHISTAN.

281. ***Mr. Lalchand Navalrai :** (a) Will the Honourable Member for Industries and Labour please state whether the policy of Government is to employ a telegraph officer to be the Director in Sind ? If so, why is the postal side in Sind also placed under his control ?

(b) Has the present incumbent in Sind remained on the postal side of the department before he was appointed the Director ? If not, what were his special qualifications for being entrusted with the postal side of the department ?

(c) Do Government propose to make any change in their policy either to appoint a Director having experience of both the postal and telegraph work, or to so arrange that the postal work be attended to by an officer having experience of the postal side of the department? If not, why not?

The Honourable Sir Thomas Stewart : (a) and (b). In the opinion of the Government of India it is administratively desirable that the Director should be a Telegraph Engineer as a considerable part of his duties are those of a Divisional Engineer, Telegraphs. As is usual in the case of the head of a Circle, he is in administrative charge of the Postal Branch also. He has not had experience of the postal side, but such experience is not necessary for the purpose of the duties which he has to perform, the more so, as he is assisted by an experienced postal officer as Assistant Director.

(c) Government have under consideration at the present moment the future organisation of the Circle.

Mr. Lalchand Navalrai : Has the Honourable Member made inquiries whether on account of this policy the postal side of the work there is suffering?

The Honourable Sir Thomas Stewart : Government are not prepared to admit that statement.

Mr. Lalchand Navalrai : Is the Honourable Member satisfied that this officer who has not had much experience on that side is doing his work very well?

The Honourable Sir Thomas Stewart : Government are satisfied that the work that has been performed has been done satisfactorily.

Mr. Lalchand Navalrai : On what ground does the Honourable Member say so? (Laughter.)

(No reply.)

DEBT OF THE GOVERNMENT OF INDIA.

282. ***Mr. Abdur Rasheed Chaudhury :** Will the Honourable the Finance Member please state :

- (i) the total debt of the Government of India ;
- (ii) how much of this debt is productive and how much non-productive ;
- (iii) on what different occasions non-productive debts were incurred and why ;
- (iv) the total interest paid for these debts annually ;
- (v) how much of this debt is in India and how much in England ;
and
- (vi) what time it will take to pay off this debt ?

The Honourable Sir James Grigg : (i) Approximately 11,60 crores.

(ii) and (iii). About 178 crores can be classified as non-productive or only partially productive. This amount is accounted for in the main by India's contribution to the Great War, the New Delhi Capital Project, Commutation of Pensions and the Port of Vizagapatam.

(iv), (v) and (vi). It is not possible to give definite figures since the loans raised from time to time have not been earmarked for specific purposes.

Mr. S. Satyamurti : What are the tests which my Honourable friend applies in classing the debt heads as unproductive and productive ?

The Honourable Sir James Grigg : I cannot answer that question exactly or in full detail ; but the general test is whether against the debt there exist reproductive assets.

Mr. S. Satyamurti : May I know then whether the railway debt is classified as productive debt ? (Laughter.)

The Honourable Sir James Grigg : Yes.

Mr. S. Satyamurti : With reference to the commutation of pensions, are Government considering the question of not charging it to capital, but bringing it under revenue heads ?

The Honourable Sir James Grigg : I am not sure, but I believe it has been taken up in some connection, but whether it has been taken up generally I am not sure.

Mr. S. Satyamurti : With reference to the answer to clause (v), may I know what is the difficulty in giving the figures ?

The Honourable Sir James Grigg : I can give the total rupees debt and the total sterling debt : that is quite easy ; but how much of each category is in India or in England it is impossible to say : if the Honourable Member wants the totals, they are—India, 677 crores : England the equivalent of 483 crores.

Mr. S. Satyamurti : How much of this debt is held by Britishers in England, and by Indians in India ? Can the Honourable Member give the figures ?

The Honourable Sir James Grigg : No.

Mr. B. Das : With reference to part (ii), how much of this 167 crores consists of the loss due to the silver sales policy of former Finance Members which was debited under this head ?

The Honourable Sir James Grigg : My recollection is that if you go back to the dawn of time or to the dawn of the British regime in India, silver transactions have resulted in a profit. It is perfectly true that transactions since 1914 have resulted in a loss—at least I think they have ; but taking the silver transactions as a whole, I believe they have resulted in considerable profit.

Mr. B. Das : Is it not a fact that in the time of the Honourable Member's predecessor, nearly 30 crores of this item are due to the loss in silver transactions ?

The Honourable Sir James Grigg : But that was due to the fact that he started from a certain date which gave very unfavourable results. Figures for earlier years were not available without a great deal of research ; but I have very little doubt that if you take the British regime as a whole the story will be a very different one.

Mr. T. S. Avinashilingam Chettiar : May I know whether on what you call productive debt, it pays all the interest on the debt ?

The Honourable Sir James Grigg : To the best of my belief, since my answer to the question related only to the debt which can be classified as non-productive or partially productive, I think the inference is that all productive debt does pay interest in full.

Maulana Zafar Ali Khan : May I know whether India still owes anything to the late lamented East India Company ?

The Honourable Sir James Grigg : I was under the impression that the East India Company no longer existed.

INCOME OF THE PEOPLE OF INDIA.

283. ***Mr. Abdur Rasheed Chaudhury :** Will the Honourable the Finance Member please state :

(i) the average *per capita* income of the people of India now and what it was 50 years ago ; and

(ii) how the *per capita* income of the people of India compares with that of Canada, Britain and Japan ?

The Honourable Sir James Grigg : (i) and (ii). Government have no official information on this subject.

Mr. S. Satyamurti : Will Government take steps to get the figures compiled ? Have any steps been taken at all ?

The Honourable Sir James Grigg : I say that we have no official information on the subject. I can refer the Honourable Member to certain unofficial estimates if he likes to buy the books which I shall refer him to : so far as I can make out from those estimates in the last fifty years the *per capita* income of the people of India has doubled.

Mr. T. S. Avinashilingam Chettiar : May I know from what year they have got figures ? Have they got official figures for any year ?

The Honourable Sir James Grigg : There are no official figures for any year. Various unofficial estimates have been prepared from time to time : one of them happened to be about fifty years back and another of them three years ago.

Mr. S. Satyamurti : Will Government take any steps to collect official information as regards this very vital matter ?

The Honourable Sir James Grigg : I do not place in a very high order of urgency the collection of that information. I should put in a higher order the means of increasing the present income.

Mr. S. Satyamurti : Will Government collect any official information on the latter statement of my Honourable friend ?

The Honourable Sir James Grigg : I think the Honourable Member has misunderstood me : I said actual measures for increasing income, not for measuring the increase of income.

Prof. N. G. Ranga : Is it not a fact that in the book of Mr. Findlay Shirras several estimates were made by him and published by the Government of India ?

The Honourable Sir James Grigg : I knew of the estimates made by Mr. Findlay Shirras. One of those I referred to was his estimate, but I refrained from mentioning his book, because it always seems to excite the wrath of the party opposite.

Mr. Bhulabhai J. Desai : Was it a matter of lapse on the part of the Government of India when they published it or assisted in its publication ?

The Honourable Sir James Grigg : I must have notice of that.

Seth Govind Das : Is it a fact that the income *per capita* of India is the lowest in the whole world ?

The Honourable Sir James Grigg : I do not know, but it is very low. I said I was not aware of that. If the Honourable Member is making an assertion, that is a different story. He asked me a question and I answered it.

Mr. Sri Prakasa : Is it a fact that our average income now has become double of zero ?

(b) WRITTEN ANSWERS.

QUALIFICATIONS OF THE BRITISH EXPERT INVITED TO STUDY THE POSSIBILITIES OF DEVELOPMENT OF BROADCASTING IN INDIA.

284. ***Mr. Mohan Lal Saksena :** (a) Will the Honourable Member for Industries and Labour be pleased to state the qualifications of the British expert who had been invited by Government to study the possibilities of development of broadcasting in India ?

(b) How long did he stay in India and how much did his visit cost India ?

(c) Did he submit any report ? If so, why has it not been published so far ?

(d) What were the reasons for calling an expert from Great Britain ?

(e) Are not persons with equal qualifications available in India ? If they are, why was not one of them selected for the work ?

The Honourable Sir Thomas Stewart : (a) The Honourable Member is referring presumably to Mr. Kirke. He is an Associate Member of the Institute of Electrical Engineers, a member of the Institute of Radio Engineering, and the head of the Research Department of the British Broadcasting Corporation.

(b) He stayed in India from the 23rd January to the 2nd May, 1936. The Government of India paid for his actual expenses including subsistence allowance and this amounted to £533-13-11.

(c) Yes. The Government of India considered it unnecessary to publish the report as it was entirely technical in nature.

(d) The Government of India wished to take advantage of the very great technical experience of the British Broadcasting Corporation.

(e) I am not quite clear as to what the Honourable Member means by "equal qualifications". As far as Government are aware, there was no one in India with the practical knowledge and experience of broadcasting development which Mr. Kirke had.

QUALIFICATIONS OF THE CONTROLLER OF BROADCASTING AND THE CHIEF ENGINEER, ALL-INDIA RADIO.

285. ***Mr. Mohan Lal Saksena :** (a) Will the Honourable Member for Industries and Labour state what technical qualifications, if any, does the Controller of Broadcasting possess ?

(b) Is it a fact that he was Director of Talks in the British Broadcasting Corporation ? If so, is it also a fact that the post being found superfluous was abolished and the incumbent was transferred to India as Controller of Broadcasting ?

(c) What were the respective salaries of the two posts ?

(d) Were any applications invited for the post, and what were the reasons for selecting the present incumbent ?

(e) Is it a fact that Mr. C. W. Goyder, the Chief Engineer, All India Radio, possesses no engineering qualifications ?

(f) Will the Honourable Member state how much experience Mr. Goyder has had ? What posts did he hold prior to his present appointment and for what periods ? What was the last salary he was drawing and what is his present salary ?

(g) Is it a fact that the Research Engineer is a Bachelor of Commerce ? If so, what were the reasons for his appointment to the post the principal function of which is direction of research in wireless ?

(h) What post did he hold prior to his present appointment, and what is the difference between his last and present salaries ?

(i) What are the qualifications and experience, if any, of the Deputy Controller ? What post did he hold prior to his appointment and what is the difference between his present salary and that of the post which he held last ?

(j) How are appointments made in the Broadcasting Department? Are they made through the Public Service Commission? If not, why not?

The Honourable Sir Thomas Stewart : (a), (b) and (d). The attention of the Honourable Member is invited to the reply given by Sir David Mitchell on the 17th September, 1935, to parts (b) and (g) of Sardar Sant Singh's starred question No. 430. My information is that there is at present a Director of Talks in the British Broadcasting Corporation.

(c) His salary in England was in the neighbourhood of £950—1,090 a year. He was appointed Controller of Broadcasting on a salary of Rs. 2,000 rising to Rs. 2,200.

(e) It is not a fact.

(f) I am sorry I have no detailed information on these points. Mr. Gcyder was employed in the British Broadcasting Corporation prior to his present appointment and was appointed on the strong recommendation of Sir Noel Ashbridge, Chief Engineer to the British Broadcasting Corporation, whose position in radio engineering is well known. His present pay is Rs. 1,700 in the scale of Rs. 1,650—50—1,850.

(g) and (h). The Research Engineer is a B.Com. (Eng.), and has passed the Final Examination in Radio Communication of the City and Guilds of London Institute and the Graduateship Examination of the Institute of Electrical Engineers, London. Before his appointment in All-India Radio, he was practising as a Consulting Radio Engineer in Madras and spent a good deal of time in studying wireless. His income was about Rs. 400 per mensem. He is at present drawing Rs. 420 per mensem on the scale of Rs. 300—20—600.

(i) The Deputy Controller of Broadcasting is a member of the Punjab Educational Service, Class I. He is an M.A. of the Cambridge University and was a Professor at the Government College, Lahore, prior to his joining All-India Radio in March, 1936. As a Professor, he was in receipt of a pay of Rs. 680 per mensem in the scale of Rs. 360—40—720—760—40—800|50—1,000—1,000—50—1,150 plus an allowance of Rs. 200 per mensem for his work on the Text Book Committee. His present pay in All-India Radio is Rs. 1,000 per mensem.

(j) Government have recently decided to make appointments to higher posts through the Federal Public Service Commission and to entrust the recruitment of lower posts to a selection committee to be appointed for the purpose.

SHORT NOTICE QUESTIONS AND ANSWERS.

NORTH-WEST FRONTIER TRIBES ENGAGED IN HOSTILITIES WITH THE BRITISH INDIAN FORCES.

Mr. M. Asaf Ali : (a) Will the Foreign Secretary please state how many independent tribes of the North-West Frontier were engaged in hostilities with the British Indian forces during the operations of the last six months?

(b) How many of these tribes have expressed their willingness to accept Government's peace terms, as declared in the communiqué, dated the 26th August, 1937 ?

(c) Does the acceptance or refusal of these terms mean assumption by the Government of India of the regular Government of the unsettled area ? If so, to what extent ?

(d) Will the assumption of the administration of the unsettled area mean the occupation of the scientific Frontier of India ?

(e) If the answer to part (d) be in the negative, to what extent will the danger of hostilities with the residents of the tribal area be reduced ?

(f) How many of the 250,000 " weapons of modern precision " possessed by the tribes will be handed over to the Indian Government in consequence of these terms ?

Lieut.-Colonel A. E. B. Parsons : (a) No independent tribes. The tribes mainly concerned have been the Tori Khel, the Mahsuds and the Bhitannis. The Dawars, the Jani Khel and Bakka Khel have been concerned to a less extent.

(b) Mahsud jirgas, to whom alone terms have so far been announced, are reported to have accepted them and to be trying to carry them out. To others, terms have not yet been announced.

(c) If I understand the meaning of the question, No.

(d) and (e). I am afraid I do not know what the scientific Frontier of India is. If the Honourable Member will explain, I will do my best to answer.

(f) The estimate of the number of rifles which the Honourable Member quotes must, I think, have been for the whole of tribal territory. The number in Waziristan is much less. As has been announced already about 2,000 rifles are being demanded.

Mr. M. Asaf Ali : With reference to parts (d) and (e) it appears that the Honourable Member does not know what the scientific border of India is. May I know whether he is aware of Lieut.-Colonel Collins Davis' Book in which the scientific Frontier of India has been mentioned ?

Lieut.-Colonel A. E. B. Parsons : I have been so much engaged in dealing with the subject on the spot for the last 30 years that I have had little time to read all the literature on the subject.

Mr. Abdul Qaiyum : With reference to part (b), Sir, if instead of the words " scientific Frontier ", the words " Durand Line " are substituted, what will be the reply ?

Lieut.-Colonel A. E. B. Parsons : I am afraid I must then ask the Honourable Member to define " occupation ". It is a little difficult to answer the question in that form.

Mr. Abdul Qaiyum : I mean some sort of administration and control different from what it has been so far ?

Lieut.-Colonel A. E. B. Parsons : No, I think no extension of area is contemplated at all. The areas next to the Durand Line are of course less controlled than those nearer to the administered borders.

Mr. M. Asaf Ali : With reference to (a) again, I understood the Honourable Member to say that no independent tribes were in hostility with the British forces. Is it or is it not a fact that all the tribes living beyond the settled districts are independent tribes ?

Lieut.-Colonel A. E. B. Parsons : I don't think it is a fact. I think the legal position is that they are under the suzerainty of His Majesty the King Emperor.

Mr. M. Asaf Ali : I am not talking of the legal position at all. I am talking of the actual position today. Have they always been described as independent tribes, and has the area between the settled districts and the Durand Line always been described as the independent tribal area ; is it or is it not a fact ?

Lieut.-Colonel A. E. B. Parsons : I think they have always been described as independent tribes by those people who wished to establish that position.

Mr. M. Asaf Ali : On the contrary, may I know if this description has not always appeared in Government papers, even in the Administration Report of the N. W. F. P. right down to, I should think, about three or four years ago, and was this area not described as an independent tribal area ?

Lieut.-Colonel A. E. B. Parsons : The Honourable Member is quite right in saying that in earlier periods they have been described in Government communications as independent tribes, but Government no longer hold that view.

Mr. M. Asaf Ali : What has happened to make the Government change their view, though until recently they described this area as an independent tribal area ? What has happened since then to change the Government view ?

Lieut.-Colonel A. E. B. Parsons : The real change in status came with the agreement with the Afghan Government by which the Durand Line was fixed in the eighties after the second Afghan War.

Mr. M. Asaf Ali : Is it not a fact, Sir, that until 1893 there was no agreement with the Afghan Government, and it was only after 1893 that the agreement with regard to Durand Line was reached, and even since 1893 this area was always described as independent tribal area. What has therefore since happened to make the Government change their opinion ?

Lieut.-Colonel A. E. B. Parsons : There must have been a mistake, for which I apologise.

Maulana Zafar Ali Khan : May I know if the Honourable Member can describe the Durand Line ?

Lieut.-Colonel A. E. B. Parsons : I could off-hand, but I don't think it will be of much use to anybody. Does the Honourable Member really wish me to describe it from North to South ?

Maulana Zafar Ali Khan : I want to know whether it is a fixed line or it is changed ?

Lieut.-Colonel A. E. B. Parsons : That I can answer at once. It is a fixed line, and except in one portion, it has been actually demarcated.

Mr. M. Asaf Ali : Is it not a fact that it is the change in the angle of vision of the Government in so far as the independent tribes are concerned that the independent tribes do not, like it, and that is why hostilities are always continuing from year to year ?

Lieut.-Colonel A. E. B. Parsons : I don't think so.....

Mr. M. Asaf Ali : It is a matter of opinion.

Lieut.-Colonel A. E. B. Parsons : May I suggest the Honourable Member should not ask for my opinion. As a matter of fact, as the Honourable Member knows, the Government of India's present policy is to a large extent based on the necessity of protecting the administered area of British India, and by long experience they have discovered that they cannot protect it except by going inside the tribal area.

CREATION OF NEW PROTECTED AREAS IN THE TRIBAL AREA.

Mr. Abdul Qaiyum : (a) Will the Foreign Secretary please state whether it is a fact that under a proclamation issued by the General Officer Commanding in Waziristan it is proposed to create new protected areas in the tribal area ?

(b) If so, what areas are going to be classed as protected areas ?

(c) What will be the proportion of the protected area to the entire tribal area ?

Lieut.-Colonel A. E. B. Parsons : (a) Yes.

(b) and (c). As the terms to some of the tribes have not yet been announced, the Honourable Member will realise that it would not be in the public interest for me to give the information at present.

Mr. Abdul Qaiyum : I understand that the terms have been announced to some of the tribes. May I know whether at the time of announcement certain areas were described as protected areas, and, if so, what are those areas, and what proportion of the entire tribal area the protected area constitutes ?

Lieut.-Colonel A. E. B. Parsons : So far terms have been announced to the three main Mahsud sections, and the area that has been announced to them extends—I can give you a rough line. Engamal Narai—Tauda China—the watershed of the Shoran—Mamusar—Mahsud-Tori Khel boundary.

Mr. Abdul Qaiyum : I wanted to know the protected area in square miles as compared to the non-protected area. I wanted to know what particular areas are going to be classed as protected.

Lieut.-Colonel A. E. B. Parsons : I have already given an answer.

Mr. Abdul Qaiyum : I think the Honourable Member has stated that the terms had not been announced to most of the tribes, and I want to know what is the proportion of.....

Mr. President (The Honourable Sir Abdur Rahim) : I thought in the last answer the Honourable Member gave certain descriptions of the place. I do not know the places myself.

Mr. Abdul Qaiyum : I am confining myself to the tribes to whom the terms have been announced. May I know what part of that tribal area is to be classed as protected and what part will remain as unprotected ; also the relative proportion of that area to the whole area ?

Lieut.-Colonel A. E. B. Parsons : The details which I gave were with regard to those tribes to whom terms have been announced,—I mean, the three main sections of the Mahsuds. I cannot give the proportion of the area, I am afraid, to the total Mahsud territory, but it is very small.

Mr. Abdul Qaiyum : Is the entire Mahsud territory to be classed as protected from now on ?

Lieut.-Colonel A. E. B. Parsons : I am sorry I have not made myself clear. I have given the Honourable Member limits of the area in Mahsud territory which will in future be protected, and I have said that that area is only a very small part of Mahsud territory, but I am unable to give any proportion.

Mr. K. Santhanam : Will the Honourable Member supply us a map showing the names of the places ?

Mr. Abdul Qaiyum : Is it proposed to extend this protected area system to tribal areas outside Waziristan, I mean, the Mohmands, the Afridis and Bhattanis, or will it be mainly confined to Waziristan ?

Lieut.-Colonel A. E. B. Parsons : Government have only considered the question with reference to Waziristan.

Maluans Shaukat Ali : May I ask if the idea of a buffer State between India and Afghanistan has been given up ?

Lieut.-Colonel A. E. B. Parsons : I am afraid I have never heard of the idea.

PROTECTION OF THE PROTECTED TRIBES AGAINST THE NON-PROTECTED TRIBES.

Mr. Abdul Qaiyum : (a) Will the Foreign Secretary please state whether it is one of the terms that Government will protect, if need be, by resort to arms the protected tribes against the non-protected tribes ?

(b) Is it also a term that the protected area will be gradually extended in future ?

Lieut.-Colonel A. E. B. Parsons : (a) Yes.

(b) No.

Mr. T. S. Avinashlingam Chettiar : What is the estimated expenditure for the protection of those protected areas ?

Lieut.-Colonel A. E. B. Parsons : Estimates have not yet been made out, but it is a very small sum of money for the large results which are expected to come out of it.

Mr. T. S. Avinashilingam Chettiar : What is that small sum? Two crores may be very small to the Government of India for aught I know.

Lieut.-Colonel A. E. B. Parsons : I am afraid I cannot give any further estimate, but it is nothing like a crore. I think it is scarcely a lakh.

Maulana Zafar Ali Khan : May I know whether the proposed protectorate in the tribal area will not add to the military responsibilities of the Government which are already very great, in view of the world events which are happening, from Morocco and Spain, to the corners of China?

Lieut.-Colonel A. E. B. Parsons : If the Honourable Member asks my opinion, I do not think that it will to any very great extent. For years past we have been, in fact, doing this, though we have not called all these areas as protected, and our administration of Waziristan from the interior has meant that we have interfered in nearly every tribal dispute which has occurred in Waziristan during the last fifteen years.

Maulana Zafar Ali Khan : Will the Honourable Member please tell me whether it is a wise policy to alienate the sympathies of people living on our border?

Mr. President (The Honourable Sir Abdur Rahim) : That is a matter of opinion.

Mr. Abdul Qaiyum : May I know if it is not a fact that the last Mohmand campaign was the result of the intervention of political authorities when they went there to protect a certain part of the tribe and that led to tribal war with Mohmands?

Mr. President (The Honourable Sir Abdur Rahim) : That does not arise from the question.

Mr. Abdul Qaiyum : Has the Honourable Member read the proclamation of the G. O. C., and if he has done so, he will there find that it is proposed to extend the protected area gradually with a view to absorbing the entire tribal area.

Lieut.-Colonel A. E. B. Parsons : I do not think the Honourable Member will find that that is in the proclamation. That, I think, was in the nature of an intelligent comment by some journal.

Mr. Kuladhar Chaliha : May I know what protection is given to these protected areas?

Lieut.-Colonel A. E. B. Parsons : The amount of protection that is given to them is stated in the announcement, but I have no doubt that the Honourable Member has not read it.

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

INTRODUCTION OF THE FRONTIER CRIMES REGULATION AND TRIAL BY JIRGAS
IN THE NEWLY PROTECTED AREAS.

Mr. Abdul Qaiyum : (a) Will the Foreign Secretary kindly state whether it is proposed to introduce the Frontier Crimes Regulation and the trial by jirgas in the newly protected areas ?

(b) Is it a fact that this system was in force in the settled districts before 1933 ?

(c) Did this system cause tremendous agitation in the settled districts and was it subsequently abolished ?

(d) Why is this system being introduced in the protected area which has proved unworkable in the settled districts ?

Lieut.-Colonel A. E. B. Parsons : (a) The Frontier Crimes Regulation and the system of trial by jirgas are already in force in these areas.

(b) Yes.

(c) As a result of agitation against the Frontier Crimes Regulation, its provisions were with a few exceptions suspended in the case of inhabitants of the settled districts.

(d) Conditions are not the same. The tribal system is still in full force in tribal areas, and the Frontier Crimes Regulation provides the means of giving legal force to customary decisions.

Mr. Abdul Qaiyum : May I know if it is a fact that no right of appeal is allowed under section 48 of the Frontier Crimes Regulation ?

Lieut.-Colonel A. E. B. Parsons : Would the Honourable Member refresh my memory about section 48 ?

Mr. Abdul Qaiyum : Is it a fact that there is absolutely no right of appeal under the Frontier Crimes Regulation ?

Lieut.-Colonel A. E. B. Parsons : The Honourable Member is correct technically in saying that there is no right of appeal, but the right of revision is very wide and is used practically as a right of appeal.

Mr. Abdul Qaiyum : Is it a fact that a person involved in a criminal case under the Frontier Crimes Regulation has absolutely no right to be defended by a counsel ?

Lieut.-Colonel A. E. B. Parsons : That is correct I think, but I do not know if he wants to be so represented.

Mr. Lalchand Navalrai : Is it not a fact that in the case of revisions, when these revisions come before the revising authority, they always say, " We do not interfere " ?

Lieut.-Colonel A. E. B. Parsons : Will the Honourable Member kindly repeat the question ?

Mr. Lalchand Navalrai : At least that is so in Sind.

Mr. Abdul Qaiyum : Is it not a fact that when a revision application is heard under the Frontier Crimes Regulation the person involved is not allowed to be represented by a counsel.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member cannot discuss the Frontier Crimes Regulation on this question.

Mr. Abdul Qaiyum : It is a very important thing, Sir.

Mr. President (The Honourable Sir Abdur Rahim) : I know it is important, but that is not the object of his question.

Mr. Abdul Qaiyum : Another supplementary question, Sir. The Foreign Secretary has stated in his answer to part (a) that the Frontier Crimes Regulation was already in force in the tribal areas. May I know when it was actually enforced and what particular tribal areas were actually administered under the Frontier Crimes Regulation ?

Lieut.-Colonel A. E. B. Parsons : If the Honourable Member wants very definite data on the subject, I am afraid he must put down a question, but I can tell him from memory that I think it was in the year, roughly, 1912 that under the authority of a Government of India letter the Frontier Crimes Regulation was extended to both agencies of Southern and Northern Waziristan and that even before that time it had been administered there by usage or whatever you like to call it. Later on the Government of India letter was replaced by an order under the Foreign Jurisdiction Order in Council and that is still in force. Similar orders have been passed in the case of Kurram, Khyber and Malakand, I think the Sherani area and, of course, various areas in Baluchistan.

UNSTARRED QUESTIONS AND ANSWERS.

REMOVAL OF THE POSTAL SEALS AND STAMPS OFFICE FROM ALIGARH TO ALIPORE WORKSHOP.

40. **Dr. Ziauddin Ahmad** : (a) Will the Honourable Member in charge of the Department of Industries and Labour please state whether Government are contemplating the removal of the Postal Seals and Stamps Office from Aligarh to Alipore Workshop, Calcutta ?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state the economic or administrative convenience on account of which the transfer is contemplated ?

(c) Is it not a fact that the work in Aligarh at present is done by the contract system which is cheaper than that directly manufactured by Government ?

(d) How long has the Postal Workshop been in Aligarh ?

The Honourable Sir Thomas Stewart : (a) Yes.

(b) and (c). The manufacture of postal stamps and seals at Aligarh is carried out under the contract system, but the workshops at Alipore are better equipped. It is under consideration whether or not greater efficiency and economy can be effected by transfer of the manufacture to Alipore.

(d) For about 95 years.

DELAY IN THE DESPATCH OF *Dak* TO PAURI IN THE GARHWAL DISTRICT.

41. **Mr. Badri Dutt Pande** : (a) Does the Honourable Member for Industries and Labour know that while Pauri, the Headquarters of the Garhwal District, is only 42 miles from the motor road, it takes the *Dak* nearly three days to reach there from the motor terminus and that consequently people are clamouring for immediate change in the timings of the mail from Pauri ?

(b) Does the Honourable Member propose to make enquiries why there is so much delay in the despatch of the *Dak* to Pauri ?

The Honourable Sir Thomas Stewart : (a) Yes.

(b) The mails are transported by mules and formerly were carried both by night and day. On the night of the 20th July, 1936, the convoy was attacked and the attendants in charge of the mules seriously wounded, one man subsequently dying. On the advice of the police the night running was, therefore, discontinued and this resulted in the delay in transit. Revised timings will be introduced with effect from the 1st of September, 1937, which will, it is hoped, ensure the delivery of the mails at Pauri on the day following their arrival at Dogadda.

THE CONTROL OF COASTAL TRAFFIC OF INDIA BILL.

Mr. President (The Honourable Sir Abdur Rahim) : The House will now proceed with the further consideration of the Bill to control the Coastal Traffic of India.

I understand that Sir Abdul Halim Ghuznavi, the Mover of the motion, was in possession of the House, when the matter was adjourned. Sir Abdul Halim Ghuznavi.

Sir Abdul Halim Ghuznavi (Dacca *cum* Mymensingh : Muhammadan Rural) : Before I continue my speech, I ask your permission, Sir, to delete the name of the Honourable Sir Muhammad Zafrullah Khan from the Select Committee as he is no longer a Member of this House and add the following names : the Honourable the Commerce Member, Mr. Bhulabhai J. Desai, Mr. S. Satyamurti, Pandit Lakshmi Kanta Maitra, Sardar Sant Singh, and Mr. M. Asaf Ali.

Babu Baijnath Bajoria (Marwari Association : Indian Commerce) : I would suggest the name of Seth Govind Das.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : May I suggest the name of Haji Chaudhury Muhammad Ismail.

Mr. M. Ghiasuddin (Punjab : Landholders) : I would suggest the name of Mr. Anwar-ul-Azim.

Sir Abdul Halim Ghuznavi : I have no objection.

Mr. President (The Honourable Sir Abdur Rahim) : The number of members on the Select Committee is already large. I think it will be better to retain the names that have already been mentioned.

The Honourable Member, Sir Abdul Halim Ghuznavi, has made a motion that he wants to delete the name of Sir Muhammad Zafrullah Khan.

as he is no longer a Member of this Honourable House and add the following names : The Honourable the Commerce Member, Mr. Bhulabhai J. Desai, Mr. S. Satyamurti, Pandit Lakshmi Kanta Maitra, Sardar Sant Singh, and Mr. Asaf Ali. I do not think it is necessary for me to read the entire motion again with these names.

Sir Abdul Halim Ghuznavi : I gave notice of this Bill some time in June, 1935, but as I felt that I may not get a chance in this Honourable House to introduce this Bill, as there were too many Bills already pending, I asked my Honourable friend, Mr. P. N. Saprú, to introduce the same Bill in the Council of State as well. Both of us got a chance and on the 7th April, 1936, the Bills were introduced in both the Legislatures. The Honourable Mr. Saprú moved for a Select Committee on the 28th September, 1936. The Honourable Mr. Dow, on behalf of the Government of India opposed this motion and moved an amendment for the circulation of this Bill for eliciting public opinion thereon before the 31st January, 1937. The Council of State was then dissolved, and Mr. Saprú's Bill lapsed. Nevertheless, opinions were collected and I am now in possession of those opinions. My friend Mr. Saprú was again returned to the Council of State and he has reintroduced this Bill in the Council of State in a somewhat altered form in the light of the opinions that were obtained and also of the remarks made by the Honourable Mr. Dow on the 28th September, 1936. I will have to refer to that Bill in passing, as also to the opinions obtained and that is my excuse for mentioning these particulars now. That Bill of Mr. Saprú is pending before the Council of State. I got a chance on the 1st April, 1937, when I moved this motion for the Select Committee. My Honourable friends on my right (Congress Party) were not present in the House on that occasion, and I was speaking practically to empty benches. With your permission, Sir, I shall read only a few lines from the speech I made on that day.

Mr. M. S. Aney (Berar : Non-Muhammadan) : Is it permissible for an Honourable Member to read everything that he said ?

Sir Abdul Halim Ghuznavi : Only three lines.

Mr. President (The Honourable Sir Abdur Rahim) : This happened such a long time ago that I would allow the Honourable Member to go on.

Sir Abdul Halim Ghuznavi : Thank you, Sir. My reason is just to refresh the memory of this House. On the 1st April last, I said *inter alia* that it was not necessary to go into the whole history of Indian navigation and maritime activities in order to realise that India had a remarkable tradition in the matter of shipping. I would refer, for instance, to the history of Indian Shipping by Mr. Radha Kumud Mukerjee and similar works for you to realise the traditions and achievements of Indian maritime activities from the earliest times. Even after the advent of British rule in India, Indian shipping and ship-building were in a flourishing condition, and numerous authorities could be cited to show the skill of Indian shippers, ship builders and Indian sailors, as well as the strength and beauty of Indian-built ships. Sir, this is absolutely necessary to realise this, because the British shipping interests claim that they are the pioneer of shipping, so far as this country is concerned, and that we have no right now to oust them from this shipping

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business, since they have done all that they could to build it up in this country. To quote again from my last speech :

“ Since the British shipping came gradually to control not only the trade between India and England but even the coastal trade of India itself, the P. and O. Company secured the mail contracts for India in 1842, that is, nearly 96 years ago, and the British India Steam Navigation Company received subsidy for the carriage of mails between Calcutta and Rangoon in 1853 from the East India Company and has been receiving it from the Government of India since 1863, that is, for the last 77 years. British shipping consequently established itself in Indian waters and consolidated its position through its technical equipment, financial resources and direct and indirect political advantages.”

I will not read any more, and will go on with my speech. Now, Sir, what do we find from the opinions that we have received ? The British interests oppose my Bill and the whole of the Indian interests support it. The 15 British Chambers of Commerce are unanimous on this point, and I will read to the House one of the paragraphs of their letter to the Government of Bengal. This is what they say :

“ The principle of minimum rates is repugnant to the British lines as it would have the effect of depriving them of the only recognised means open to commercial enterprise to defend its business interests from the attack of all and sundry who, having done nothing to create the business, would like to participate in and share the fruits of another's labour.”

They say that we have done nothing. We had been in the field and our shipping commanded the seas throughout the world. You came and ousted us through the arm of political power. You got protection after protection for hundred years, and now you are in the field and you say : “ You clear out ; we are in the field and we will not allow you to enjoy the fruits of our labour.” That is the answer you give us, and the benign Government of India tremble, because they dare not take any step which will hurt British interests. What is the British interest here ? The British interest is represented only by the B. I., because the Asiatic has been practically absorbed by the B. I. At the present moment, 80 per cent. of the capital has been absorbed by the B. I. Only for the sake of B. I., the Government of India are so afraid that they dare not even consent to the small modicum prescribed by this Bill. (*Cries of “ Do not associate with them. Come to the Opposition Benches.”*)

Sir, when I gave notice of this Bill, my European friends in Calcutta, who are very good friends of mine, asked me when did I join the Congress ? I said : “ I have never joined the Congress.” They said : “ You must have joined the Congress, otherwise how could you give notice of such a Bill ? ” That is their mentality. If we want even this much, which is very little indeed for the protection of Indian interests, we are immediately asked : “ When did you join the Congress ? ”

Now, what is the object of this short Bill consisting of four clauses ? It is, as its preamble states, to encourage the development of an Indian Mercantile Marine. The Government of India profess to have sympathy with this object, and I will read to the House just a few extracts from what they have said from time to time as regards this :

On the 5th December, 1929, Sir John Woodhead, the then Commerce Secretary, said :

“ They are in full sympathy with the widespread desire that India should possess a merchant fleet of its own.”

From the speech of Lord Irwin, the then Viceroy of India, delivered on the 17th December, 1929, at the Annual Session of the Associated Chambers of Commerce, at Calcutta, we find that he sympathised with the desire that :

“ India should have its mercantile marine and that the ships of that mercantile marine should be officered as well as manned by Indians.”

The statement made by Sir George Rainy, the Commerce Member, on the 23rd September, 1929, was to the effect that the Government of India welcomed :

“ Adequate participation of Indian shipping in the coastal and overseas trade of India.”

Sir C. P. Ramasawamy Aiyer, the then Commerce Member, made the following statement of Government policy in the Legislative Assembly on the 7th September, 1932 :

“ The Government are particularly anxious to facilitate the expansion of the coastal trade of India in so far as that coastal trade is operated by the Indian agencies and through the instrumentality of Indian capital.”

Then, the following communiqué was issued by the Government of India, on the 6th January, 1930, after the Shipping Conference, convened at the instance of Lord Irwin, proved abortive, namely :

“ The Government of India will take into consideration at an early date the issue raised in the discussion which took place in the conference on the development of Indian mercantile marine as soon as it has been found possible to fully consider these issues. The responsibility will rest with the Government of India of deciding what action should now be taken.”

So, I have shown that the Government of India have been always sympathetic and were quite willing to do what was necessary in this connection, but when the time for doing something comes, the B. I. frightens them and they take no steps whatever.

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : Therefore, capture the Government and join us.

Sir Abdul Halim Ghuznavi : That time is not far off. (“ Hear, hear ” from Congress Party Benches.)

Now, Sir, what is the position today of this Indian merchant fleet on whose growth and expansion, I believe, the whole House has agreed. Let us realise what is the strength of our fleet. From a statement laid on the floor of this House on the 9th of April, 1936, it will be found that the total number of Indian steamers employed on the Indian coast was 63 with 1,36,000 tons gross, while the number of British steamers was 87 with a total of 4,14,000 tons gross. In other words, Indian net tonnage forms less than 20 per cent. of the total tonnage engaged in the coastal trade. From the proceedings of the Federation of the Indian Chambers of Commerce, dated March, 1935, I find that the total quantity of cargo carried by Indian shipping companies on the Indian coasts is round about 20 per cent. That is as far as the coastal trade is concerned. On the other hand, the share of Indian shipping in the overseas trade of India is absolutely *nil*, despite the large volume and value of its foreign trade. From the statistics available, it has been found that the increase in the share of Indian shipping during the last ten years has been hardly ten per cent. It is ten per

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cent. for ten years or one per cent. per annum. What do the Bengal Chamber of Commerce say? They and the other 14 British Chambers of Commerce agree to the formula that Indians should not get anything at all. To quote from the opinion which the Secretary of the Bengal Chamber of Commerce addressed to the Government of Bengal on this Bill they say that their views are wholeheartedly endorsed by fifteen Chambers comprising the membership of the Associated Chambers of Commerce in India. They proceed to say :

“ The Indian mercantile marine has made considerable progress within recent years without the aid of legislation and the prospect of further development is by no means precluded.”

What a wonderful progress the Indian Mercantile Marine has made in the last ten years—one per cent. every year? That is the great and considerable progress which they say the Indian Mercantile Marine made without the aid of legislation. They further say :

“ The development of the Indian mercantile marine during the past 13 years has been most marked, the tonnage operated by the Scindia company having increased from 29,000 gross tons in 1922 to 91,000 gross tons in 1935 and they are still adding to their fleet. By agreement with the British lines, they now participate in the mail and passenger trades.”

Let me pause here for a minute and find out what is this so-called participation in mail and passenger trade. A small line, called the Bengal Burma Steam Navigation Company, had as late as four years ago, been practically killed by the nefarious methods adopted by the B. I., such as carrying passengers free; next, not being satisfied with carrying passengers free, allowing them two meals of sweetmeats (Laughter)—still not being content, because they were mostly Muslim passengers who resisted all temptation, paid their fares and travelled only in that particular line (Hear, hear), the B. I. arranged music and *nautch* parties for the passengers. It is a matter of eternal shame that the B. I. had recourse to such tactics and Government can verify them for themselves by referring to records. But God was on the side of that poor Bengal Burma Steam Navigation Company and they survived this attack from the powerful B. I. Because they put up a big fight, the B. I. had to surrender and they were allowed to carry a small mail which does not bring them more than a few hundreds as subsidy. That is the sort of great subsidy, and that is the sort of mail that the British interests want to allow for Indian lines. They quietly say that the Scindia's development has been most marked. No wonder, because the Scindias were compelled in self-protection to be fellow looters along with the B. I. They are not allowed to carry passengers, but from a small line which is permitted by the fullness of the heart on the part of the overlord, the B. I., somewhere in an insignificant out of the way corner to carry a few passengers on agreement with the permanent B. I. Of course, I must say that Scindia being bound for some years to come to the apron strings of the step-mother, B. I., are not free to go their own way. But what a terrible struggle and loss the Scindias had to encounter before they got this scanty recognition and favour from the B. I. So far as the agreement of the small Indian shipping companies on the west coast of India with the Major Coastal Conference, which they refer to in their opinion, is concerned and the benefit which is expected to accrue therefrom, I shall let the

representatives of those Small Companies speak. In their letter, the Honorary Secretary of the Buyers and Shippers Chamber, Karachi, states as follows :

“ The working of the agreement had not been found satisfactory inasmuch as

- (a) the B. I. S. N. Company who had given an undertaking at the conference to consider the claims of the Eastern Steam Navigation Company, Limited, for participation in the carriage of Persian Gulf traffic have studiously kept silent on this point even till date although they have been requested frequently by the Indian steamship company concerned in this behalf ;
- (b) the quotas fixed for small steamship companies at the said conference have proved wholly inadequate for their existing tonnage. The group of small steamship companies have already applied for revision of the Award of Sir Joseph Bhore with a view to substantially increasing their quota of traffic to meet the altered situation and to keep their existing vessels agoing but so far there has not come forth any response to their appeal.”

Mr. Muhammad Reza Hajee Shareef of Eastern Steam Navigation Company, Ltd., wrote :

“ The trade traffic between Bombay and Karachi is 50,000 tons and out of this total three small companies which are existing now were awarded only 5,000 tons. The trade traffic from Bombay and Karachi to Tuticorin is 2 lakhs tons. Small companies were awarded only 11,500 tons out of this, and had their sphere of activity restricted up to Tuticorin only. This quota to Tuticorin is very low in view of the volume of the trade. Small companies have been able to finish the quota during the first five months of the year. It follows in consequence that with a bigger allotment smaller companies would be able to complete it as well. The sphere of action is limited and during a portion of the year the ships cannot go half-load of cargo both ways and the vessels are run at considerable loss.”

It is, therefore, clear, Sir, that even in the coastal waters of India, the development of Indian mercantile marine has been disappointing, and that the agreement between the Major Coastal Companies and Small Companies is not at all likely to lead to further development and expansion, and there is hardly any prospect of further development without the aid of legislation. The case for the necessary legislation has the support of practically the whole of the Indian press as will appear from this printed pamphlet which I circulated last year to all Honourable Members here. We find that the entire Indian press throughout the country has supported this Bill. Then, Sir, I find that the whole of Indian shipping interests, as well as the commercial interests, has supported me, except, as I said, the British interests who opposed it.

Next, let us consider the principle underlying the Bill. It is the prevention of ruinous and unfair competition in the coastal trade of India. Honourable Members will be shocked to hear what struggle the Scindias had to make to exist during the first four years of their life. They nearly lost all their capital. There is no doubt that such competition still exists, and equally it cannot be denied that it has ruined many an Indian venture. The rate wars, the secret and deferred rebates, are manifestations of this unfair competition. The British shipping interests and the Associated Chambers of Commerce do not deny their existence nor do they question their effect. On the other hand, they claim this as fair and legitimate and describe them as the only recognised weapon and means open to the commercial interests to defend their business interests from attacks of all and sundry. I shall

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deal with this argument at a later stage, but in the meantime what I want to impress upon Honourable Members is that this Bill deals only with one of the several impediments in the way of development of Indian mercantile marine. It has been well pointed out by the Indian Merchants' Chamber, Bombay, that while the coastal trade of almost all important maritime countries in the world has been reserved to national ships, in India it is open to all flags,—not only to British flags but to all flags. Indian shipping has therefore to struggle against the unhealthy competition from two different sources. The British shipping interests regularly engaged in the coastal trade, as admitted by Sir Alfred Watson, have crushed all attempts of Indian ships to live and grow in their own home waters; while the actual and potential opposition of occasional outside steamers, such as in 1933 reduced the earnings of the coastal shipping by over 375 lakhs of rupees, exhausts their resources by compelling them to keep their rates of freight throughout the year at a very low and uneconomic level. It is this open door policy coupled with the unfair competition from these two sources which makes it impossible for Indian shipping even to live in its own home waters, not to say anything about its growth and development. This Bill deals with only one of these three-fold dangers, namely, unfair competition from British as well as Indian shipping companies. So far we have not heard of unfair competition from Indian shipping companies which would hardly be in a position to carry on rate wars and resort to rate-cutting; but there are plenty of instances of unfair competition from British shipping interests ruining Indian ventures. Sir Alfred Watson,—I am quoting again the late editor of the *Statesman*,—in his evidence before the Joint Parliamentary Committee, was constrained to admit as follows :

“ I recognise that Indian company after company which endeavoured to develop the coastal service has been financially shattered by the heavy combination of the British interests. I think those British interests have to realise in the future that they must be prepared for a real partnership and must admit Indians to at least a share in their coastal trade.”

Even that our British friends would not agree to. Authoritative statistics in this connection are not available, but it has been calculated that during the last 35 or 40 years more than 20 or 25 Indian shipping companies whose subscribed capital aggregated to more than 20 crores have been compelled to close down mainly owing to the drastic and unfair competition of the powerful non-Indian British companies. It is perhaps not very well known that even Mr. Jamshedji Tata, the pioneer of the Tata steel industry, had also gone into the shipping industry, but was forced to go out owing to the competition of the British shipping companies. Mr. Walchand Hirachand, the present Chairman of the Scindia Steam Navigation Company, Ltd., which is one of the few Indian shipping companies that have survived on the Indian coast, mentioned in his evidence before the Indian Fiscal Commission and the Indian Mercantile Marine Committee that when the Scindia Company first made its appearance in the Indian coastal trade in 1919-20, the current rate of freight on rice from Rangoon to Bombay which was in the neighbourhood of Rs. 18 per ton was brought down by the B. I. to Rs. 6 per ton, although it was not at all an economic proposition and was less than the cost of operation, involving a loss of

nearly 200 per cent. Such instances can be multiplied *ad infinitum*. I have already mentioned about the Bengal Steam Navigation Company and how they tried to ruin that company by rate war between Rangoon and Chittagong. It is a recent history about the B. I. carrying passengers between Chittagong and Rangoon. Sir, with the view to secure the monopoly of the Persian Gulf I will give you another instance of Persian Gulf traffic. Before Scindia started in 1918, we started a company with a capital of 50 lakhs of rupees—known as the Eastern Bengal Navigation Company, for coastal trade. In not more than two years time, it was crushed and forced to go into liquidation, losing the entire 50 lakhs.

From what has already been stated, it is quite clear that the evil of unfair competition exists and it operates to the detriment of Indian shipping enterprise. It is also equally patent that the British shipping interests propose to persist in this competition by having recourse to rate-cutting, secret rebates, deferred rebates, rate-wars, etc.

How is this evil of unfair competition to be put down? As the
 1 P.M. Government of India have no powers of intervention in matters of this kind, it has been suggested that a policy of friendly negotiations and co-operation is the only remedy. This is the suggestion which we always receive from the Government of India when the question of coastal shipping comes up. Sir, I do not underrate the necessity and desirability of such a policy but it can only have a limited scope. Further, in my opinion Indian shipping, like other national and key industries, is entitled to exist and develop on its own inherent right and not be allowed to live through the favour and grace of its competing interests. I, therefore, consider that Government should possess adequate powers themselves to check and stop these abuses and thereby prevent the annihilation of Indian shipping enterprise. By this Bill, therefore, power is given to the Governor General in Council, when he is satisfied that unfair competition exists, to fix minimum rates of fare and freight, or to prohibit the grant of rebates or other concessions which are calculated to reduce such minimum rates. This Bill also empowers the Governor General in Council by notification to make rules for carrying out the purposes of this Act and provides penalties for the contravention of any rule prescribed by the Governor General in Council or any directions given by him with regard to the grant of concessions. Now, for the purposes of this Bill, British and Indian shipping must be deemed to stand on the same footing. We were far better off before than we are now. The Government of India Act, 1935, has taken away the power from our hands of legitimate discrimination. The Honourable Mr. Dow said sometime ago :

“ We could have helped you before : we cannot help you now. We could have given you subsidies or something of the kind before : we cannot do it now. There cannot be any discrimination between British and Indian.”

Mr. B. Das (Orissa, Division : Non-Muhammedan) : That is the joke of the Government of India Act.

Sir Abdul Halim Ghuznavi : The provisions of this Bill, therefore, will apply equally whether a British or an Indian shipping company carried on unfair competition. The power of the Indian Legislature to

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deal with abuses like rate-wars, etc., with which the present Bill is concerned by measures which may even look like discrimination was recognised in the discussion which took place in the Joint Parliamentary Committee on this very issue. This Bill in the circumstances of the recent case cannot be considered as an interference with the legitimate use of an ordinary commercial means of protecting their business interests by British shipping companies. What they really claim is a perpetuation of that domination and monopoly in the region of the shipping trade as in so many other directions, against the economic and political interests of the children of the soil which cannot be conceded and tolerated for a moment. This Bill, I admit, cuts at the root of that untenable claim but does nothing more to impede and hinder the British shipping interests to pursue their peaceful vocation as citizens of India in the same way as Indians. This Bill is really an assertion of that elementary right which every government worth the name and every legislature have got of taking whatever action they consider necessary for developing indigenous and national industries. This Bill, when and if it becomes the law of the land, will be an exercise of that inherent power of this Honourable House to develop its own economic policy in regard to Indian shipping, along with other indigenous industries such as textiles, sugar, steel, etc., consistently with the provisions of the Government of India Act, 1935.....

An Honourable Member : Do you want to do away with that Act ?

Sir Abdul Halim Ghuznavi : We will think of it later on. At the moment we have that Act before us. If the Government of India and this Legislature are entitled to interfere with British and foreign vested interests in textiles, steel, sugar, etc., and what they would describe as the legitimate exercise of their trade and business, why cannot they do it in this case also ? Why cannot they be allowed to take the small step proposed in this Bill to encourage and develop such a national and key industry as shipping ? To my mind, it is indeed one of their primary duties and obligations to do so not merely in the narrow interests of the shipping trade but also in the broader, larger and primary interests of the nation such as its defence and safety, particularly when it is found that the Government of India have failed and neglected to implement substantially their repeated declarations and policy to facilitate the growth and expansion of the coastal trade of India. I desire further to point out that Government have already accepted in regard to inland navigation the principle of prevention of unfair competition as will be clear from a reference to an " Act to amend the Inland Steam Vessels Act, 1917 (Act XIII of 1930) " which was passed by this House in 1930. Unfair competition had existed, and after Government took power to check it, and after the Act was passed I do not think that unfair competition exists now in inland navigation. I am quite aware of the fact that there are differences between inland navigation and coastal navigation, particularly in the fact that occasional tramp steamers of foreign nationalities are likely to intrude upon coastal trade, while it is not likely that they would enter the inland waters of the country. It would, therefore, be unfair if such steamers are allowed to come into the coastal trade and cut rates against the regular lines, British and Indian, while the coastal shipping companies

would be precluded from meeting such competition from outsiders. As I have already pointed out, it is another danger to coastal shipping for which the open door policy of the Government of India is responsible. This danger can easily be met by the Government of India if they so choose. But neither the existence nor the possibility of such danger will justify the perpetuation of unfair competition on the part of British vested interests to the detriment of our nascent shipping industry. The road lies another way, namely, to repeal the statute which throws Indian coast waters open to vessels of all nations and Government of India realise it as would appear from the Government's plans for dealing with Japanese and other foreign competition in Indian coastal traffic to which publicity was given recently by the Associated Press of India.

Precedents are also to be found in other countries for the action suggested by this Bill. In the United States, for instance, the Shipping Act of 1916, prohibits a number of practices similar to those in question in this country.

Sir, before I deal more fully with the objections against the Bill urged by British commercial and shipping interests, I should like to refer to certain criticisms of its provisions which are common to Indian as well as the British interests. They are :

- (1) Non-prevention of intrusion into our coastal waters from foreign shipping ;
- (2) encouragement of mushroom companies and addition of further tonnage ;
- (3) imposition of a heavy fine in clause 3 of the Bill without any form of judicial trial and any right of appeal ;
- (4) refusal of entry of a ship to an Indian port as provided in clause 3 of the Bill.

As regards criticisms Nos. (1) and (2), these are easily met by the incorporation of a further clause vesting power in the Governor General in Council to make it obligatory on all tonnage to obtain necessary license from the Government of India for plying on the Indian coast. Provision for such license has already been made in clause 4 of Mr. Sapru's Bill and may also be incorporated in this Bill when it goes to the Select Committee.

As regards criticisms Nos. (3) and (4), these are easily met when a provision for licence has been incorporated. The penalty will then consist in either the cancellation or temporary suspension of the license as provided in clause 8 of Mr. Sapru's Bill. Any party aggrieved by any order passed by the Governor General in Council may also be given a right of appeal to the Federal Court of Justice and a clause on the lines of clause 10 of Mr. Sapru's Bill may also be incorporated in this Bill. All these are matters for consideration in the Select Committee as in the case of every Bill, and need not stand in the way of reference of this Bill to the Select Committee.

Having met these criticisms common to the general body of opinions received, I shall proceed now, with your permission, to deal briefly with the main objections against this Bill urged by British commercial and shipping interests.....

Mr. President (The Honourable Sir Abdur Rahim) : Will the Honourable Member conclude his speech now ?

Sir Abdul Halim Ghuznavi : No, Sir, I will take another 15 minutes.

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

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

Sir Abdul Halim Ghuznavi : Mr. Deputy President, before I continue my speech, I would ask your permission to add one more name to the names of members of the Select Committee, and that is the name of Mr. M. Slade of the Commerce Department.

Sir, having met the criticisms which were common to the general body of opinions received, I shall proceed now, with your permission, to deal briefly with the main objections against this Bill urged by British commercial and shipping interests. For this purpose I cannot do better than take the letter of the Secretary, Bengal Chamber of Commerce to which I have already referred and which embodies the considered view of all the 15 British Chambers comprised in the Associated Chambers of Commerce arrived at in consultation with the Shipping Sub-Committee of the Bengal Chamber of Commerce.

I have already dealt with the argument that the Bill will, in fact, operate to the detriment of non-Indian shipping interests engaged in the coastal trade. As I have already said, the Bill is not discriminatory either in form or in fact because it will apply equally whether a British or an Indian shipping company carries on unfair competition. I have also shown that legislation of the kind forming the subject matter of this Bill was held to be justifiable in the discussions before the Joint Committee on Indian Constitutional Reform. I have already submitted that this Bill is a part of the general scheme to take whatever action may be considered necessary for developing indigenous and national industries, and the development of the Government's own economic policy in regard to Indian shipping as against the claim of the vested interests to perpetuate their virtual monopoly of an important branch of trade which should have been our own, can form no exception to the rule.

I have already dealt with their second point, namely, that Indian shipping has developed remarkably during the last 13 years. It was next argued in the letter to the Government of Bengal by the Bengal Chamber of Commerce that the fixing of minimum rates was not a simple matter and might in practice be easily evaded. It may be true that the fixing of minimum rates is a complex matter and I acknowledge that if shipping is to be a paying concern the minimum rate must be an economic rate and that it must depend upon various factors and conditions which might even fluctuate from time to time. I have no hesitation in stating that when the Bill goes to the Select Committee suitable machinery in the shape of a Shipping or an Advisory Board would have to be set up and the shipping interest amongst others will have to be fully represented therein. What happens in the case of foreign shipping ? There is a Conference rate. The United Kingdom has a conference of British lines ; the Continent has a conference of continental lines. That conference fixes the rate for the

particular year and changes it from time to time if there is any necessity for such a change. Similarly there can be a Conference of the coastal shipping in this country. The Conference in their meeting will decide what rate will be for a particular year and for what particular route. That has been done in England and elsewhere throughout the world and I cannot see why it cannot be done in this country. The Government might do it in this form that shipping companies will form their own conference. The Indian shipping which will obtain a license to ply in the coastal trade—let them have a conference and fix the rate and that will take away the fear that there may be a competition on uneconomic rates. As regards the argument that the provision of the Bill can be easily evaded—that is what I find from one of their letters to Government—no legislature can contemplate and no executive can permit a persistent evasion and breach of law, and if any such wholesale evasion takes place necessary steps can be and would be taken to prevent any loopholes and to ensure compliance with the provisions of the measure. As regards the cutting of rates against opposition, the answer is that there will be no occasion for resort to internecine rate wars if a fair and economic rate of freight is guaranteed to the coastal shipping companies as suggested in this Bill. The issue of licenses will also have the effect of preventing the intrusion of outsiders and stray tonnage. This reply also meets the further objection that the principle of minimum rate would deprive the British lines of the only recognised means of defending their business interests from attack of all and sundry.

The British shipping interests contend that the existing lines adequately meet the requirements of trade, or would, with a little addition to the existing tonnage, be able to supply the requisite tonnage and that the advent of greater tonnage would be detrimental to the interests of existing lines. I do not agree. I can give you an instance here and now. What is the position today? The position today is that neither the British India nor the Asiatic nor the Scindia can give you sufficient steamers to run on the coastal lines. This is the statement that I have received from Mr. J. R. Harrison who was the Chief Mining Engineer of the Railway Board of the Government of India. He says that there are no steamers offering to carry coal and all the British India steamers are booked up to October next. The result is that the freight has gone up by 100 per cent. today. The British India say that they can give you freight for October and the rate of coal is, for Colombo Rs. 10, for Cochin Rs. 12, and Hongkong Rs. 15.

Mr. B. Das : But there is an agreement between the B. I. and the Scindia that they will charge the same rate.

Sir Abdul Halim Ghuznavi : There is an agreement, but they are also profiting by this. There are no other Indian companies in existence.

Qazi Muhammad Ahmad Kazmi (Meerut Division : Muhammadan Rural) : What was the rate before?

Sir Abdul Halim Ghuznavi : Much lower than this. I am unable to tell you offhand, but it was much lower. I think my Honourable friend, Sir Leslie Hudson, will be able to tell you. I contend that there is a vast field for Indian shipping companies in coastal shipping and many more can come in and there will be no uneconomic rate if the rates are fixed by a conference. Whether a new comer or the existing shipping company—

[Sir Abdul Halim Ghuznavi.]

they will have to abide by the same rate so there is no cause for apprehension by the British India or the Asiatic that the advent of new companies will reduce the rates and those rates will be brought down to an uneconomic level.

Now, Sir, so far as the penalty clause of this Bill is concerned, I admit it is objectionable and I was fully prepared, if the Honourable the Commerce Member would give an assurance that he would agree to this Bill going to the Select Committee, to withdraw that straightaway and re-introduce something which will be more feasible and suitable. That can be easily done in the Select Committee. If you add a clause from Mr. Sapru's Bill about the license, I think that will take away all the trouble. Licences can be suspended or cancelled and the power may be given to such licencees to go before the Federal Court of Justice. As I have said, all that I seek to do is to take the Bill to a Select Committee. Once you go to the Select Committee there will be suggestions. There will be amendments; and the Bill will be so amended that these obstacles and these difficulties which you find in the existing Bill will be removed and then it will be brought to this Honourable House for its consideration.

Sir, before I conclude I will make one or two more observations. The Bill I have tabled is on the same lines as Mr. Sapru's Bill and from the opinions that I have in my possession it has been made abundantly clear that no new companies can be started until certain measures are taken to prevent rate cutting and thereby destroying the new companies coming in for this particular trade. In the opinions obtained I find there are some European opinions which express a distrust of the Governor General in Council. I cannot follow it. My Honourable friends of the European Group know that the Governor General in Council will always support them and this takes me to the traditional hostile attitude of the Britisher in India to the Indian aspirations, which I deplore, particularly at this time. The Bengal Chamber consider that the Bill is discriminatory in character while their brother Chamber in Bombay say that it is vicious in principle. It is indeed hard to think of giving up, even partially, the fruits of the pagoda tree. Not that there is any prospect of immediate giving up but still the fear that they will have ultimately to give up a part of the privileges which they now enjoy oppresses them. The provisions of the Government of India Act as regards commercial discrimination safeguard British commercial interests against any hazard and when British Chambers of Commerce characterise an elementary national right as discriminatory and vicious, they uphold the view that the new constitution is a fresh charter for British commercial privileges and preferences.

Coming to the opinions submitted by the Provincial Governments, I am very sorry to have to refer to an opinion of the Government of Madras. The Congress had not taken office then. I make that abundantly clear. This was before they assumed office. That Government made this insulting remark: "India has not so great a need as other nations may have to build up a mercantile marine of her own in the interest of her national safety. The British mercantile marine is in a very real sense a second line to the British Navy on whose command of the seas the safety of India ultimately depends". This opinion was expressed in February 1937. I am sure that if this Bill had been circulated now, their view would have been very different. As against this effusion, I may be pardoned for

quoting no less a person than the British Prime Minister, Mr. Neville Chamberlain who said that "the next two years may well be critical in the history of Europe". That means that India may not have any help from the British mercantile marine in the next two years. They feel that such a troublesome time is coming and yet they do not want that the Indian mercantile marine should go ahead. We have also been reminded recently by no less an authority than Field Marshal Sir Phillip Chetwode who has recently retired from India :

"Things had altered so much in the matter of imperial strategy that India might find herself one day isolated until Britain was able to settle matters. One day India may have to stand on her own legs for a long time."

Only the other day, Sir Firoz Khan Noon, the High Commissioner for India in London, has drawn attention to this matter and said :

"Hitherto we have depended mainly on England. The time has come when steps should be taken to enable the Dominions and India to arm themselves to defend themselves in case of necessity."

These are significant remarks which it will be wild folly for any one to ignore.

Sir, I will not take up any more the time of the House, except to say one word more. I appeal to this House and say that I have been able to show to this House the necessity of this Bill. The Bill as it has been framed may not be complete but it can easily be amended in the Select Committee in the light of the opinions that we have received, the underlying principle being to safeguard the Indian mercantile marine on which we are agreed. I hope every elected Member of this Honourable House will vote for this motion for the Select Committee. Sir, I move.

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

"That the Bill to control the Coastal Traffic of India be referred to a Select Committee consisting of the Honourable Sir Nripendra Sircar, the Honourable the Commerce Member, Sir Muhammad Yakub, Babu Baijnath Bajoria, Seth Haji Sir Abdoola Haroon, Pandit Nilakantha Das, Pandit Krishna Kant Malaviya, Mr. Sami Vencatachalam Chetty, Dr. G. V. Deshmukh, Maulvi Syed Murtuza Sahib Bahadur, Sir Cowaji Jehangir, Sir Leslie Hudson, Mr. F. E. James, Mr. Akhil Chandra Datta, Mr. S. Satyamurti, Pandit Lakshmi Kanta Maitra, Dr. Ziauddin Ahmad, Mr. Bhulabhai J. Desai, Sardar Sant Singh, Mr. M. Asaf Ali, Mr. M. Slade and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Seth Govind Das (Central Provinces Hindi Divisions : Non-Muhamadan) : Sir, though I support the motion moved by my Honourable friend, Sir Abdul Halim Ghuznavi, yet I want to make it clear at the very outset that I do not think that this Bill is a perfect Bill. Sir Abdul Halim Ghuznavi himself accepts that the Bill is a very defective one. Besides, it accepts the principle of non-discrimination of British and Indian trade under the Government of India Act of 1935 which we, Congressmen, do not accept. The Bill which was moved in the Council of State by the Honourable Mr. P. N. Saprú was a better one, but as has been said by the Honourable Sir Abdul Halim Ghuznavi, it might be improved in the Select Committee. The fact is that, under the present Government of India Act, we cannot introduce any measure which is in the real interests of India, and, therefore, all our efforts are concentrated first to scrap this Act, and only then, we think, we shall be able to do something real and

[Seth Govind Das.]

something which is really good in the interests of India. However, as long as the present Act is in operation, we have to do whatever is possible in the interests of our country.

Now, Sir, this is not the first effort in this direction. It was in 1922 that for the first time a Resolution on this subject was moved in this Assembly by Sir P. S. Sivaswami Aiyer. A Committee, called the Indian Mercantile Marine Committee, was appointed which made its recommendations. But as those recommendations were in favour of this country and were against the interests of the British industries and British trade, the Government slept over the report for two years and did not bring any motion on the matter for legislation in this House. Then, in 1926, Mr. K. C. Neogy brought a Bill called the Inland Water Traffic Bill. That Bill was not moved and he made room for a similar Bill, called the Indian Coastal Traffic Reservation Bill, by Mr. S. N. Hajee. Those Honourable Members who were in the Central Legislature at that time know how perfect that Bill was. It was referred to a Select Committee and the Select Committee made its report. The Report of the Select Committee was taken into consideration. As some sort of excuse had to be made for a delay and its prevention from reaching the Statute-book on flimsy pleas, it was again circulated for public opinion, and so many ways were found to kill that Bill. The prophecy which was made by many prominent people in this country came out to be true, and it could never reach the Statute-book. Since then, much water has flown in the rivers of this country, but so far as our waters are concerned, they are not yet reserved for us for shipping traffic.

It would seem superfluous for me to dwell here on the point that India was much advanced in the shipping industry of the whole world till as late as the 17th century. The Honourable Sir Abdul Halim Ghuznavi made a reference to the book of Mr. Radha Kumud Mukherjee on Indian shipping and anybody who is interested in this subject will find it of great interest. We know how this key industry of ours was destroyed. We could have again built our industry just as Japan has done, Australia has done, just as any other country has done, or even as England has done. What England has done can be traced from many books. If you look at the article in the Encyclopaedia Britannica on the subject of "Maritime Shipping of Britain", you will see that at the time when England had no shipping or very little shipping of its own, she had prohibited any articles or goods from being brought to England in any ships except British ships. That is how they protected their shipping in the initial stages. They seem to forget one great fact that about the 17th century England was devoid of any great money. Financially, it was on the verge of a collapse. So much so, she had no capital to put into practice the inventions of Watts and others. This was, however, made possible by the help of the treasures they took from our country. They built up their industries. The industrial revolution was brought about by the loot from India. With the help of the treasures they took from us, they destroyed our industries and built their industries instead. Our shipping industry was completely destroyed. Now, let us see whether they will now be willing to encourage the revival of the shipping industry in this country. My Honourable friend, Sir Abdul Halim Ghuznavi, pointed out, that many important Britishers have expressed their sympathy with our down trodden industry.

He did not quote what they said. But I wish to quote some of the important pronouncements which were made by some of the most important people on the Government side to remind this House and the Treasury Benches, especially the Honourable the Commerce Member who seems to be very sympathetic to our views and woes.

This is what Sir Charles Innes, the Commerce Member, said on 19th March, 1926 :

“ We recognise that it is perfectly legitimate, perfectly natural that the people of India should desire to have a mercantile marine of their own. We recognise also that the training of officers for the Indian mercantile marine is a very long process and that men who are trained for that career must have some reasonable prospect of an opening. We recognise further that Indian companies, as things are at present, have a difficulty in forcing their way into the coastal trade.”

This is what another Congress Member, Sir George Rainy (Laughter),

3 P.M. said. Well, Sir, the time is not far when a Congress

Member will become a Commerce Minister. Sir George Rainy, another Commerce Member, said :

“ Adequate participation of Indian shipping in the coastal and overseas trade of India was the object of Government in convening a conference of the shipping interests.”

Another Commerce Member, Sir C. P. Ramaswami Aiyar said, that :

“ Government are particularly anxious to facilitate the growth and expansion of coastal trade of India in so far as that coastal trade is operated by Indian agencies and through the instrumentality of Indian capital.”

Above all, His Excellency Lord Irwin, the Viceroy and Governor General of India, also supported these views by saying : “ India should have its Mercantile Marine and that Mercantile Marine should be officered as well as manned by Indians ”. We have been having these platitudes for a very long time. We have been hearing Commerce Members and others for a very long time in sympathy with Indian trade and commerce, but Government will accept as others also will agree with me that nothing has been done so far in this respect. In fact every effort has been made in the past to destroy the revival of our industry. During the past 35 or 40 years more than 25 shipping companies were started in this country and all of them met with the same disaster. It is a well known fact that about 20 crores of our capital has been destroyed in this venture and had the Government, at any time during these years, come forward to help the shipping industry of this country, I am sure today the conditions would have been quite different.

Now, Sir, the present Bill which has been introduced is a very simple measure. It only wants that the reduction of freights and giving of rebates and things like that should not happen. In fact, other countries are doing much more for their shipping interests than has been proposed in this Bill. Full powers are vested with the Dominions as far as the control and development of this industry is concerned and the Government know that practically all the Dominions are giving subsidy to their shipping industry. Mr. Runciman, the President of the Board of Trade, England, said :

“ The Dominions have their own shipping policy which is nationalistic in character and they have not been very ready to harmonise their views with our own.”

[Seth Govind Das.]

India is the only Dominion that has not a shipping policy for the benefit of her nationals.

If this Bill is sent to the Select Committee and some announcement is made on behalf of Government today in its support, I am sure that something at least will be done in this respect.

Before I conclude my remarks, I shall read one more opinion and that is that of Sir Alfred Watson, *ex-editor* of the *Statesman*. He said before the Joint Parliamentary Select Committee :

“ I recognise that Indian companies after Indian companies which endeavour to develop a coastal service has been financially shattered by the heavy combination of the British interests. I think those British interests have to realise in future that they must be prepared for a real partnership and must admit Indians to a share, at least a share, in their coastal trade.”

It is time for the British trading interests to come forward and give proof of their friendliness towards Indian industries. Otherwise the time is not far off when they will realise that if they do not show a gesture of friendship towards us, the feeling of retaliation is bound to grow from day to day in the minds of the people of this land and that time is not far off when British interests will be ruined in this country. I support the motion of my Honourable friend, Sir Abdul Halim Ghuznavi.

Dr. P. N. Banerjea (Calcutta Suburbs : Non-Muhammadan Urban) : Sir, this is a very small measure, a measure which no legislator in a free country would have dreamt of introducing in his own Parliament. But why is this small measure introduced here ? Because India's position in respect of her mercantile marine is so helpless that my Honourable friend, Sir Abdul Halim Ghuznavi, has thought fit to bring forward a Bill in order to give some small benefit to the struggling shipping industry of this country. This measure can only be supported as a prelude to better and more important measures. Otherwise, I am afraid it will be practically useless.

Sir, the maritime activity of India goes back to the dim and distant past. We find mention of Indian shipping in the earliest books relating to India. In Kautilya's *Arthashastra* a chapter is devoted to the functions of the State in regard to shipping and in the famous work called *Yuktikalpataru* we find descriptions of ships and ship-building. *The Periplus of the Erythraean Sea* gives an excellent account of the ships that traversed the Indian Ocean and the adjacent seas. Even as late as the reign of Akbar Indian ships carried cargoes to many different countries of Asia. Towards the end of the 18th century Indian-built ships carried cargoes to Europe and these ships were regarded as better and stronger than ships built in Europe.

But what is the position now ? All the shipping that India once had has gone and how ? The industry has been strangled by the ruinous policy of the British Government, and the Government of India being a dependent Government has not been able to help India.

Now, Sir, responsible British statesmen and the high officers of the Government of India often tell us that India is marching towards Dominion Status. But what is the position of the Dominions in this

regard? Every Dominion possesses the right of discrimination even against England in respect of its maritime activity.

Sir Leslie Hudson (Bombay: European) : No, Sir.

Dr. P. N. Banerjee : You are mistaken, Sir ; read the Statute of Westminster carefully.

Sir Leslie Hudson : I am not mistaken ; read the Merchant Shipping Act.

Dr. P. N. Banerjee : And many of the Dominions give subsidies to their shipping companies in order to encourage their own shipping. Australia reserves her coastal trade to her own nationals. But has India been allowed to do any of these things? No ; on the other hand by the Government of India Act of 1935 we are prevented from giving protection to the shipping industry lest it might amount to discrimination against Britain. This Government of India Act we are determined to end and that very soon, but, in the meantime, let us see what the Government of India is doing for us.

My Honourable friend, Sir Abdul Halim Ghuznavi, has told us that high officers of the Government of India, including the Governor General, have held out promises of support to the shipping industry ; but has anything been done in practice? No, nothing has been done. The newspapers say that the Government of India is inquiring into the matter. Sir, inquiries are sometimes made with the object of solving a problem and at other times with the object of shelving it. I do not know whether they want to solve the problem or to shelve it, but we shall anxiously watch the activities of Government in this regard.

Sir, what is the present position of India with regard to her shipping? The bulk of our coastal shipping is in the hands of non-Indians, and as for shipping overseas, India's share in it is a big zero. And we are not moving even a single step towards the goal of having an entire mercantile marine of our own. No wonder, therefore, that the Government of India is described in some quarters as Government against India.

Sir, coming to the provisions of this Bill, we find that there is in reality only one clause in this Bill, only one important clause. And what does this clause seek to do? It seeks to check unfair competition. Is that illegitimate,—seeking to check unfair competition? In some quarters it is held that it is not legitimate ; our European friends hold the view that it is not legitimate. The way in which they carry on this unfair competition, namely, by secret rebates, deferred rebates, rate war and so on,—is considered by them to be legitimate. When the Government of India is approached we are told that we should approach our European friends and co-operate with them. Well, we are in favour of co-operation but are they prepared to co-operate with us in this respect? So far they have refused their co-operation and the hostile attitude they have taken up towards this small measure shows that their attitude is not friendly and they are not prepared to help us in any way. Now, what is the attitude of Government towards this Bill? I do not know whether it is one of armed neutrality or of opposition. If it be one of opposition the Government of India will stand self-condemned ; if it be one of armed neutrality, even then the

[Dr. P. N. Banerjee.]

charge that the administration of India is not carried on in the interests of India will remain true.

Sir, as I said in the beginning, I consider this to be a very small measure, but we support even a small measure because it is likely to give some little benefit to some small shipping companies in India.

Dr. F. X. DeSouza (Nominated Non-Official) : Sir, coming as I do from the maritime province of Southern India where communication by land and sea is extremely difficult and where in consequence of this policy of restricting the coastal traffic to a monopoly, maritime communications have been rendered even more difficult, I feel it is my duty to make certain observations on this Bill. The first observation I should like to make, Sir, is to repeat a remark which was made by the Honourable the Mover himself that it is a very inadequate measure of protection. I proceed further. I am not quite sure that if this Bill becomes law the last state of Indian shipping will not be worse than the first. Because, Sir, if by penalising rate cutting and deferred rebate the door is opened to all competitors to compete in the coastal traffic of India, what is there to prevent foreign nations, more efficient than ourselves, from competing in that trade? I for one think that the nation that will benefit most if this Bill is passed into law without modification, will be the Japanese. You will find the coastal traffic of India absolutely in the hands of the Japanese Shipowners. Of course my Honourable friend, Sir Abdul Halim Ghuznavi, said, that this state of things could be rectified by a provision for granting license to shippers who are allowed to ply on the coasts of India. But here you have to take into account the treaties with foreign nations; and, under the most-favoured nation clause which I believe regulates our relations with Japan, it will be very difficult to say to the Japanese Shipowners: "We shall not give you a license to ply in Indian waters".

The second remark I should like to make is about the procedure provided for enforcing the penalty or fine and for closure of certain ports to the defaulting ships. No procedure is provided by the Bill. The Governor General in Council is made the sole arbiter of whether a certain shipping company is a defaulter. Personally I think it would be impossible for the Governor General in Council to perform the duties thrust upon him unless there is a regular Maritime Board very much on the lines of the Railway Board, but constituted differently with Indian personnel, functioning to advise the Governor General in Council. That is all I have to say with regard to what I consider to be the obvious defects in the Bill; but, as pointed out by my Honourable friend, the Mover, these are defects which probably can be remedied in the Select Committee stage.

We now proceed on the assumption that the coastal traffic of India is in the hands of a monopolistic concern—the British India Company—that is what the Honourable Member said, I think. Has anybody realised what this monopoly means, and what financial and economic loss it inflicts upon the people of India? The coastal tonnage is reckoned as high as five million tons, and the freight upon this is reckoned as high as ten crores of rupees. In this coastal traffic, it has been elicited

in the course of the debate that, our national shipping has about 20 per cent. What about the overseas traffic? The overseas traffic, in which we have got no share whatsoever, amounts to 12 million tons, and the freight on it amounts to 50 crores of rupees. What is the result? I do not deny that it is for services rendered, but it means that the people of India pay these 60 crores of rupees to foreign shipping for doing services which they have been denied facilities for doing themselves. That is one aspect of the question. There is another and an even more important aspect. In these days of crying unemployment, is there any maritime career open to our young men? There was a time when, as pointed out by the Honourable the Mover, this country not only provided lascars but officers and commanders whose ships plied the ocean from one end of the world to the other. Today, except for a few lascars, in foreign ships, we have not got any maritime career open to our young men at all.

Thirdly, this concentration of traffic in foreign companies has led to a diversion of trade routes. It is the universal complaint that with regard to the railway the freight rates are so regulated as to facilitate imports from and exports to foreign countries but not the inland trade at all. Similarly, I do not think I am wrong in saying that the freight rates of these overseas companies are so regulated as to facilitate export to foreign countries, because, after all, the route from the port to the foreign country is practically a continuation of the railway system in this country. For all these reasons, the monopoly that exists now, and admittedly exists, should in the interests of Indian nationals, be relaxed so as to admit some Indians sharing in this coastal traffic.

I say that relief should be given now. It is, however, retorted, "What right have the people of India or the Indian national shipping to demand admission and participation in the fruit of British enterprise, and British labour and British industry?" After all, it is a pertinent question; but I think it should not be impertinent if we examine the circumstances under which British shipping came to obtain this monopoly, for then we shall see that what we are asking for is not to participate in the fruit of other people's labours—it is not to discriminate against foreign companies—but rather it is for the purpose of preventing a discrimination which has been all along exercised against us from the very beginning from being continued. I shall illustrate my meaning. Honourable Members in this House may be apt to regard the alleged excellence and superiority of Indian shipping in the early days as a fairy tale. But those who seriously make a study of Prof. Radha Kumud's book on this subject need entertain no doubts. But if that book is considered to be rather far-fetched, I refer to the evidence of European observers as late as the year 1801. In the year 1801, a French traveller, named M. Baltazar Solyons, wrote :

"In ancient times the Indians excelled in the art of constructing vessels and the present Hindus can in this still offer models to Europe, so much so that the English, attentive to everything which relates to naval architecture, have borrowed from the Hindus many improvements which they have adapted with success to their own shipping."

"Then, in 1802, the Admiralty ordered men of war for the King's navy, to be constructed in the Bombay dockyard. They intended to send out an European builder, but the merits of Jamshedji being made known to their Lordships they ordered him to continue as master builder."

[Dr. F. X. DeSouza.]

Is it not a tribute paid to the excellence of Indian ship building, a tribute given not only by the French Observer, but by Their Lordships of the Admiralty? But what a fall there is today? And why?.....

Dr. P. N. Banerjea : What is it due to? It is due to the Government.

Dr. F. X. DeSouza : No; I will tell you what it is due to. It is the unfortunate appearance on the banks of the Thames in the year 1801 of an Indian ship manned by Indian lascars and Indian officers laden with a cargo of Dacca muslins. Their Lordships the Directors of the East India Company were absolutely overawed by the sight of this. They wrote as follows :

“ No British heart would wish that any of the brave men who have merited so much of their country should be without bread whilst Natives of the East brought the ships belonging to our own subjects into our own ports; and considered, therefore, in a physical, moral, commercial and political point of view, the apparent consequences of admitting these Indian sailors into our navigation form a strong and additional objection to the concession of the proposed privilege to any ships manned by them.”

Sir, if I quote these passages, it is certainly not with a view to rake up any bitter memories; far from it. We have derived immense advantages from the participation of British merchants.....

An Honourable Member : No, No.

Dr. F. X. DeSouza : I entirely disagree with you. We have derived immense advantages from the participation of British merchants in our trade. In the year 1870 the total volume of Indian trade amounted to 54 crores, and the other day it was stated that it now amounts to 250—300 crores, and it is now distributed to all parts of the world, and were it not for the enterprise and co-operation of British merchants, our trade would never have flourished to such an extent. Now, Sir, what do we ask for? We ask for this. We ask that we should be allowed to participate in the benefits which they and we have derived from the world's trade. We ask, not that we should discriminate against them by legislation, but we simply ask that they should not continue the discrimination against us. That is all we ask for, and I again assert,—I think I shall not be contradicted,—that all the enormous advantages which the British people have derived from the Indian trade, from their connection with India, have been derived in a fiduciary capacity for India, and now that they, in their generous mind, are handing over more and more political privileges to Indians, they should also make up their mind, although it is much more difficult to do so,—I admit it,—to extend their commercial privileges.....

Mr. S. Satyamurti : Get water from stone !

Pandit Lakshmi Kanta Maitra (Presidency Division : Non-Muhammadan Rural) : You should give them some ships to go away.

Dr. F. X. DeSouza : Really speaking, Sir, as I pointed out at the outset of my speech, a measure of this kind will be very inadequate, and I doubt very much, even with all the ingenuity which the Select Committee may exercise, if it can ever be made effective. The only way of effectively securing to Indian nationals coastal traffic is reservation of that traffic to Indian shipping. It is a right undisputed, inalienable, according to the rules of International law. In 1932, representatives of 23 maritime

nations assembled at Geneva laid it down as a proposition that it is the inalienable right of every country to keep the coastal traffic to their own nationals ; it is not at all in violation of International law, and in pursuance of this policy, great maritime nations like Japan, the United States of America, France and others have reserved their coastal traffic to themselves. The only country which has not done so is Great Britain, but 99 per cent. of the ships plying on the British coast is British, no wonder it is not restricted by law. But that procedure is impossible to us in consequence of the Government of India Act.....

Dr. P. N. Banerjee : So you condemn the Government of India Act. That should be done away with. I think that is your view ?

Dr. F. X. DeSouza : To that extent, certainly. I don't say I condemn it, but certainly up to the extent of giving us all power to reserve the coastal traffic to our own ships, the Government of India Act should be modified.

But I don't think, on the other side, it will be seriously maintained that this fixing of a minimum rate is interfering with the freedom of competition. Competition is between those who speak at arm's length to each other, but competition between a mighty British Company like that of the British India Company and a puny company to be started is of course out of the question. I do not wish to prolong my remarks any further,—I am afraid the Mover is rather getting impatient and so I shall conclude my observations.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions : Muhammadan Rural) : Sir, I have listened with very great patience for two days to the speech of my Honourable friend, Sir Abdul Halim Ghuznavi, on the coastal shipping Bill, and I feel that my Honourable friends have been crying over spilt milk. They were harping upon what the Government of India's faults were, what their faults will be in the future and so on. I may inform the Government of India that their faults are so very heinous, so very injurious to Indian interests that if some day a foreign power were to attack India and if India is unable to resist such an attack successfully, it will be the fault of the British Empire. Sir, several times Bills like these had been brought forward, but to no effect whatever. Some plea had always been found to shelve such measures,—and, unfortunately for us, we get very few days to take up non-official Bills in this House, and so our non-official Bills cannot be taken up and discussed fully and to effect. Luckily we have got an opportunity this time, and I hope we shall be able to take a vote on this Bill today, which may perhaps produce good results. Sir, it is the Government of India which is responsible for the present state of affairs. Japan has got a monopoly to a certain extent, and 73 per cent. of the trade from India is going into the hands of Japan. Why is it that Japan is taking away all this money, all this trade from this country ? Sir, I would warn the Government of India that in view of the disturbed conditions in Europe, if they don't try and build a strong and effective maritime power in India, the result will be that one day Italy or some other nation of Europe will have more trade from Europe than Japan is having today. Sir, it is for the British Government to give Indians the right and not allow the Peninsula and Oriental Company to monopolise the whole coastal trade of India and overseas. It

[Mr. Muhammad Azhar Ali.]

is said that India is the Cinderella of the British Imperialistic policy. In the papers, which were distributed to us and which came from other Chambers of Commerce and other places, what do you find? We find that the Tatas tried their level best to build a shipping agency. The Scindia Steam Navigation Company tried to build some other maritime companies. With what results? The Tatas have made the following observations in one of the papers :

“ Having been instrumental in destroying the old Indian ship-owning trade, it has been unceasingly employed, ever since its establishment, in raising the rates of freight, and consequently hampering facility of intercourse, between India and the further East.

With scores of lines, English and foreign, plying in these waters, which our petted and much glorified Anglo-India Company can afford, and perhaps finds it good policy to tolerate, it is only jealous of a small enterprise like ours, and while it can lovingly take foreigners and possible future enemies of England to its bosom, it discards the poor India, for whose special benefit it professes to have come to India and from whose pocket it draws the greater part of its subsidy ! ”

Can there be any greater condemnation of the present Government of India than what the Tatas have said? Government has been doing whatever it could, I should say, perhaps unwittingly for the Tatas and I am sure the Tatas would not have said anything unless and until they had found out that India was suffering very badly at the hands of the Indian Government so far as the shipping policy was concerned. What do we find today? Here, in India, the “ Dufferin ” has been established and it was boasted the other day that cadets were being trained by it. Is one ship on the coast of Bombay enough for the whole of this continent of India? I ask the Government of India and I say that they should feel ashamed of having only one small ship like the “ Dufferin ” to train cadets for India as a maritime power.

Pandit Lakshmi Kanta Maitra : Even then some of them do not get employment !

Mr. Muhammad Azhar Ali : As my Honourable friend says, when they pass out some of them do not get employment. The Government made a statement, the other day, that only a few cadets were unemployed. I say that it is to the shame of Government that even those few have been left unemployed. I do not want to recount the past history, how Indians were masters of their ships, how Indians were masters of the waters on the Indian coast. We may have had a glorious past, but we have to look at the present. And in these 160 years of British rule we have been able to get one “ Dufferin ” to train our young men ! What we find at present is that this group of the Peninsula and Oriental are robbing the poor Indian. As some negotiations are going on with the Japanese, my submission today will be that we should ask the Government to get at least something for Indian shipping in these negotiations with Japan. Rather than destroy our trade and share it with Japan the British people should not attempt to share the spoilation of Indian trade with the Japanese, but they must do something for Indian interest. This Bombay-Japan Line which was established by the Tatas was established after investing lakhs and lakhs of rupees of the Indians, but as I have already said, the whole money is gone, the whole trade is gone ; so also the Indian shipping between the Calcutta-Chittagong ports. It is past history. Today what we want

is that the Government of India should be told that unless they try to build the Indian maritime power we would not vote for the army, we would not vote for the British industries in India, but would boycott their industries as much as possible.

Sir Leslie Hudson : Mr. Deputy President, Sir Abdul Halim Ghuznavi has championed many causes. I recollect his speeches on the coal contract some time ago on behalf of certain companies. I recollect his speech on behalf of Japanese importers. Now we have his speech on behalf of Indian companies in connection with this Bill.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : At last he speaks on behalf of his own country !

Sir Leslie Hudson : I listened with great interest to Sir Abdul Halim Ghuznavi's long speech. It contained some facts and some fiction, but they were so blended that it would be difficult to separate one from the other. There are one or two statements that Sir Abdul Halim made which are so incorrect that I think I must draw the attention of the House to them. He made one reference to the small steamship companies on the south-west coast of India as having a very minute portion of the coastal trade. The actual facts are that, under Sir Joseph Bore's agreement, the small steamship companies have 85 per cent. of the trade and only 15 per cent. is left to be shared between the steamers on the conference lines, the Scindia Company and the British India Company. In addition, I may say, that the small steamship companies, so far from only carrying 85 per cent. of the trade, have carried a great deal more.

Mr. K. Santhanam (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : Which are the ports ?

Sir Leslie Hudson : There is no time for interruption.

Mr. Sri Prakasa : There is plenty of time. There is no time limit in the case of Bills.

Sir Leslie Hudson : I should like to refer here, Sir, to a matter which has been mentioned not only by the Honourable the Mover but by my Honourable friend, Dr. DeSouza, and other speakers, and that is the statement that Indian shipping which used to sail over all the seas has been driven from there by the monopolistic British shipping. Sir, that is not at all the case. I, too, like other Honourable Members of the House, have read Professor Mukherji's book on Shipping ; it is an exceedingly well-compiled volume. It contains extracts which are interesting to read, but I think Honourable Members will agree with me that some parts of it are not entirely true to history. More particularly that portion where he quotes from the *Ramayana* a description of shipping in those pre-historic days. However, Sir, in regard to the driving of the Indian ships from off the seas, I think the true fact is that in the palmy days of Indian ship building—and when I talk of Indian ship building, I am talking of the building of ships of more or less modern character and not of the old indigenous style of vessel many of whom still survive—Indian sailing ships carried India's produce to many corners of the earth. The palmy days of that type of ship building were the latter days of the East India Company when, with the aid of plans and naval architects from England, the Indian builders certainly built very fine wooden ships in Bombay as my friend, Dr. DeSouza, has said, and the name of Mr. Jamsetjee Wadia,

[Sir Leslie Hudson.]

that fine master builder, will be remembered in Bombay so long as ships go down to the sea. But what really killed Indian ship building of that type was not the withdrawal of Government assistance. It was not the competition of British monopolists but it was the introduction of iron ship propelled by steam. It was the inability to build ships of that type in India that was the source of the greatest inconvenience to the Governments of those days but it was not, as I said just now, the monopolistic British steamship companies that killed Indian ship building out here.

Mr. Muhammad Azhar Ali : Was iron not to be found in India ?

Sir Leslie Hudson : My Honourable friend will admit that 150 years ago there was no Tata Iron and Steel Company in India. There is one other small matter in which I would like to correct what my Honourable friend said. My Honourable friend informed the House that many years ago, somewhere about 1895 or 1896, Mr. Jamsetjee Tata was forced out of the trade between India and Japan by the British interests. Sir, that is not the case. Mr. Tata never owned any steamships. He chartered four British steamships and ran them for several years until he found it more beneficial and convenient to himself to hand over the trade to the Japanese who have been in it ever since.

The Bill before the House bears a very close resemblance, as has already been pointed out, to a Bill which was introduced some 14 years ago and shorn of a certain amount of the objectionable features of that Bill, it has been resurrected from its decent interment, and it once more appears before this House as a Bill to assist the growth and development of the Indian mercantile marine. Sir, I maintain that the present Bill is not going to lend any assistance to such progress. The proposal of fixing minimum rates of fare and freight by law will remove equally from the Indian mercantile marine as from the non-Indian mercantile marine the means of competing with potential new companies which may be formed to force their way into the coastal trade of India. After all, we may compare the coastal trade of India to an orange. There is only so much orange to go round. Now, by dint of industry and foresight, the British steamship companies were able to foster the growth of the tree which grew that orange. They were able to tend that tree and protect that fruit for a number of years. Is it fair that all and sundry should now come in and say : ' Give us a share of that orange, give it to us '. I am sure that Honourable Members know from the conduct of their own business that you don't give away things like that. When it came to a question of fighting for your particular orange, you would consider it a little unfair to be prevented by law from utilising the only weapon that you really have in your defence against such orchard robbers, namely, that of reducing your rates or your prices. We have heard a good deal of this word ' unfair competition '. I see no definition of it in the Bill. I think that is probably because the Honourable the Mover found himself quite unable to produce a definition which would get through any court of law. Unfair competition can be practised by both sides to a dispute. Can it not ? The opposite side will always claim that the other side is unfair. It does not make it unfair on that account. The Bill says that any infringement of such regulation of minimum rates, as Government may make, is to be visited by dire

penalties even to the point of refusing entry to a ship in distress to a British Indian port, should the owner or master or agents have broken these regulations:

Sir Abdul Halim Ghuznavi : It will not be there in the Select Committee.

Sir Leslie Hudson : I quite admit that the Honourable the Mover is within his rights in saying that it will not be there but, unfortunately, it is there now and such being the case, I maintain that the production of a Bill of this sort to this Honourable House is certainly unfair. But apart from that, I cannot see how any regulations, however strict, are going to prevent rate cutting below that minimum fixed by regulation. Any such regulation, however strictly formed and framed, can be got round by some means or other and I am quite sure that my friends who have the management of the Indian mercantile marine would bear me out in that. How are you going to ascertain that there has been an infraction of such rule? Presumably, somebody lays a charge; probably a trader or a shipper? I can see a trader or a shipper laying a charge that he has been charged more than the legal *maximum* rate, but I cannot see him going to the authorities concerned and saying that he has been charged less than the legal *minimum* rate. That would certainly not suit his pocket.

Dr. P. N. Banerjea : That would be a question of fact to prove.

Sir Leslie Hudson : Sir, clause 2 of the Bill gives power to the
4 P.M. Governor General in Council to fix these minimum rates from time to time. Apart from the difficulty of arriving at what those rates should be and what should be the fair minimum rate. I consider that the mere fixation is a definitely undesirable interference with trade and free competition. The coastal shipping services have been built up by the genius, the calculation and the foresight of individuals and once this spirit of initiative is discouraged in this way, you will then be abandoning the competitive system. You will be embarking on the road which leads to the nationalisation of not only this but every other industry in the country in one vast structure under State planning. I am not at all sure that my friends in the textile industry, the sugar industry, the coal industry and iron and steel industry want to have their industry, their livelihood, planned by the State to that extent. I think experience, on the whole, goes to show that the mass of the people would be worse off under an all-embracing bureaucracy, governed absolutely by Government Departments, than they are at present with the free play of competitive influences which lead to initiative and enterprise. It is arguable perhaps that certain undesirable practices, such as secret rebates, should be removed. I do not say the same about the deferred rebates because I consider them to be sound in principle. That point has been argued before many Commissions and the consensus of opinion is that a deferred rebate is not damaging to the trader whereas it is a fair protection to the shipowner. As regards secret rebates, if they can be prohibited by legislation, as they are sought to be prohibited in the Insurance Bill, I am all for it. But I doubt if you can do it. As I have just said, the fixation of a minimum rate is going to be quite a different matter. Apart from the evil of this provision, the danger is that it might encourage the forma-

[Sir Leslie Hudson.]

tion of mushroom companies with the likelihood of their subsequently going to the wall and involving the poor shareholders in loss. In this connection, I would like to refer to a speech delivered by Sir George Rainy on the 9th February, 1928. He said :

“ There is another point about the maximum and minimum rates which are proposed. The idea of the minimum rate is that it will enable new companies to start and to take a share in the trade, but I do not clearly understand what exactly is supposed to happen after they have once started. Let us take a concrete case. Supposing there is a particular section of the River Brahmaputra, let us say, in Assam, where the existing steamer company (or companies) provides a service adequate for all the traffic offering. A minimum rate is prescribed which makes it impossible for them to reduce their goods rates in order to meet competition, and a new company starts and puts on its steamers to compete against the existing companies. The original steamers are assumed to have been adequate for the traffic, and with the addition of new steamers the inevitable result in such a case would be that none of them would be able to carry goods at a profit ; the competition would go on exactly as it does at present, both companies carrying goods at a loss. Now, it does not seem to me that in that way you are doing very much to enable the new company to survive, because unless it had very considerable capital behind it, in all probability the older company would still be able to survive the longest and eventually remain in uncontrolled possession of the field.”

An Honourable Member : That Bill was passed.

Sir Leslie Hudson : It is quite true that that Bill was passed. Sir, there is just one simile that has occurred to me in connection with this Bill. It is this. The present position of the British Steamship Companies in the Indian coastal trade is, I think, comparable to the position of the Indian merchants trading in cloves in Zanzibar about which we have heard so much lately. There the Indian community, which has built up large clove trade, is faced with legislation which, though based on economic grounds, threatens to be discriminatory in effect. That is exactly our position under this Bill. The Government of India and public opinion are unanimous in pressing for all possible steps to be taken to protect the interests of the Indians in Zanzibar who have done so much for the trade and commerce of that island. I claim, on behalf of the British steamship companies, the same protection from unfair treatment of British shipping interests in this country. We do not ask for preferential treatment : we never have. But we do claim that on the same principle on which the Government of India protect their nationals in Zanzibar we should be protected by that same Government from the discrimination—‘ naked and unashamed ’—which I consider is very obvious in this Bill. The Honourable the Mover disclaimed any intention of exercising discrimination but I think, when he comes to read the report of his speech, he will not be able to say that his speech in support of the Bill was not definitely an urge for discrimination.

Sir, I have stated my objections to this Bill. It is designed, I consider, to penalise the interests which have established themselves here for 80 years in circumstances of fair and just competition. (*Voices of “ Oh, Oh.”*) It would interfere with trade and free competition and deprive the existing companies of their only method of defence against those who wish to come into the field without going through the stage of building up the business. I consider it as unnecessary in view of the increase in Indian shipping which has taken place in recent years. The increase in the Scindia Company shipping alone is from 29,000 in 1922 to 1,00,000 tons at the present time and they are still increasing their fleet. Finally,

I maintain that it is the thin end of the wedge in a campaign for the complete State control of the shipping industry, a control which has never proved to be of benefit either to the industry itself or to those who are depending on its success. I repeat, it has never proved to be of benefit in any part of the world either to the industry itself or to those who are dependent on its success.

Sir, I oppose the motion.

Mr. B. Das : Sir, when I signed the notice of this Bill with my Honourable friend, Sir Abdul Halim Ghuznavi, I was not very much enthused over it, because my Honourable friend, Sir Abdul Halim Ghuznavi, and his friends on his left so much co-operated in England in the Round Table Conferences and the Joint Parliamentary Committee that they gave away all the free rights that Indian shipping interests were claiming in India and all the principles which Mr. Haji defined in his Bill of 1925-26. I would give my reasons why I signed the notice of the Bill and why I took interest in the Bill. I thought this Bill would give us an opportunity of exposing the perfidy of those Members of the Round Table Conference and also of the British Government who claimed special privileges and provided special safeguards for British traders in India. I was very much disappointed with the speech of my Honourable and esteemed friend, Sir Leslie Hudson. If I was speaking as the spokesman of the European Group, having secured everything they wanted in the country, having created all those troubles in the country during the days when the Government of India Bill was being shaped in the Round Table Conference, I would have said as the spokesman of the Europeans, "we have gained through holy or unholy methods all the advantages, let us enter into a gentleman's pact, we will allow the growth of Indian shipping in India and we will raise no barriers". I was very much disappointed with my esteemed friend, Sir Leslie Hudson, when he ended his speech by saying that it will work disaster to those vested interests who have built up their prosperous shipping business in India for the past eighty years and who have earned huge profits. He did not claim legal privileges, nor legitimate privileges. He claimed that the profits have grown and are accrued rights like those of landlords claiming privileges in the country. My only object in rising to speak on this Bill is to expose certain fallacies which my Honourable friend, Sir Leslie Hudson, fell into. The Bill if passed will not give the Indian shipping companies any definite advantages. My Honourable friend is right that the Indian shipowners and the European shipowners will combine and exploit and will charge the same rates as they have been doing before after the intercession of Sir Joseph Bore. The B. I. S. N. Company and the Scindia are now combining and exploiting the Orissa and Madras labourers who go to Burma by enhancing the rate to the extent of 75 to 80 per cent. of their passage rates from Gopalpur and Cocanada to Rangoon. That unholy alliance must go. If I was lukewarm in my support of the Bill, after hearing the speech of my esteemed friend, Sir Leslie Hudson, I feel that this House ought to refer the Bill to a Select Committee so that we may examine whether Indian new steamship companies cannot come in under the maxima and minima limit that will be allowed and whether we cannot stop the manipulation of rates and secret rebates and other things to which my Honourable friend, Sir Leslie Hudson, alluded and to which Indian businessmen and European businessmen are so much accustomed. Sir, I support the motion.

The Honourable Sir Saiyid Sultan Ahmad (Member for Commerce and Railways) : Sir, I came to oppose the Bill. But I did not know that I will have such strong advocates in support of my view as I found in some of the Honourable Members who have supported the Bill. One of my Honourable friends suggested that it was not an ideal Bill, another suggested that it was not a perfect Bill, a third said that it was an imperfect Bill and a fourth said that it is practically useless and a fifth Honourable Member said that the Japanese will be the people who will benefit by this. I did not quite realise that after having said all that they would really support the Bill. I shall, however, be consistent and I shall call it an impossible Bill and I shall oppose it. Sir, reference has been made to the various declarations made by Commerce Members in the past as well as to the statement made by the then Viceroy, Lord Irwin, as regards the anxiety of the Government of India to encourage the development of Indian mercantile marine. In the same breath it was said that in spite of those statements the Government of India have never fulfilled their pledges. If that be so, then it stands to reason that this Bill will certainly not achieve the object that it has in view because all the powers that have been given by the Bill have been given to the Governor General in Council who, according to my Honourable friend, Sir Abdul Halim Ghuznavi, are hands in gloves with the British. Therefore, the very object which they have in view will not be achieved by the provisions of the Bill.

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhammadan Rural) : Will they not be a little more honest in the future ? Why not make a declaration of your policy ?

The Honourable Sir Saiyid Sultan Ahmad : They will continue to be hereafter, as they have been in the past. If that declaration will enable my Honourable friend, Sir Abdul Halim Ghuznavi, or my Honourable friend, Mr. Bhulabhai J. Desai, to withdraw the Bill, I shall be happy. Now, there are four sections of the Bill. The first and the fourth need not be considered at all. The second clause gives the powers to the Governor General in Council in certain cases to intervene and I will deal with the conditions laid down there, later. The third clause is the penalty clause. That clause is so absurd, so impossible, so palpably non-sensical and ridiculous that even my Honourable friend, Sir Abdul Halim Ghuznavi, was ashamed of it. All that he had to say was that it will need some other provisions which will be provided when the Bill goes to the Select Committee. There are other matters which he says might also be introduced by the Select Committee. There is no system of licensing,—and the Bill, as it is, may be ineffective and so a licensing system will have to be introduced. In fact he wants the Select Committee to prepare a new Bill for him and he asks the House now to send the Bill to the Select Committee for that purpose. I submit that that is a very good ground for rejecting the Bill at this stage. If he wants to have a good Bill, a useful Bill, a Bill which will not help the Japanese but which will help India, in that case, he must prepare such a Bill and then come to the House to accept its principle and to refer it to the Select Committee. Sir, if I had been satisfied that the Bill really was in pursuance of the Preamble which is, “Whereas it is expedient to encourage the development of an Indian Mercantile Marine”, I would have certainly

supported the Bill. But as I am convinced that that object is not to be achieved by this Bill, I have absolutely no hesitation in opposing it. Sir, in the Statement of Objects and Reasons the Honourable Member has stated that "the Bill is intended to remove a possible impediment to the growth and development of the Indian mercantile marine". 'Possible impediment' necessarily suggests that it is not a probable impediment, nor is it an impediment which is immediate. Now, a Bill is not called for to remove a hypothetical impediment. Unless you show the necessity for such a Bill I submit it is not at all desirable that we must proceed with it. Now the possible impediment may be known to my Honourable friend; it is not known to the Government of India at all. He has given certain statements made by Sir Alfred Watson, and to which he might have added those of Sir Edward Benthall, and others in the past. But perhaps those very statements have done away with the possible impediment that my Honourable friend was thinking of.

Sir Abdul Halim Ghuznavi : Question.

The Honourable Sir Saiyid Sultan Ahmad : There is absolutely at present no apprehension of any kind that the British India Steam Navigation Company or any other company, for the matter of that, Indian or British, will, as a matter of fact, start on a rate cutting war. I, therefore, suggest, that the necessity for this Bill does not exist at all. My first objection, therefore, is that unless the House is satisfied that there is any necessity for this Bill, the further progress of this Bill must be arrested.

The next objection that I have is to clause 2 of the Bill. Now my Honourable friend, Sir Leslie Hudson, has already pointed out the difficulty of deciding as to what is unfair competition. Who is going to decide it? The same Governor General in Council who is hand in gloves with the British, in whose judgment you have got no confidence at all, and who, according to you, has behaved badly for the last 50 years and who, in spite of previous declarations, has not carried out the pledges already given.

Several Honourable Members : They might change.

The Honourable Sir Saiyid Sultan Ahmad : If you have that confidence, I can give this assurance that if we are ever satisfied that there will be a rate-cutting war, we will take action. But what action we will take it is not necessary for me to say, because you believe in violence, while we believe in non-violence. (Laughter.) It is possible for the Government of India to convene a Round Table Conference of the different interests and shipping companies, and get that apprehension removed. But I submit that at present the necessity for this Bill has not been established. Another difficulty about this Bill is that no machinery has been provided for carrying out the provisions of clause 3. The Select Committee, it is said, will do it. The Select Committee will in that case have to prepare a new Bill altogether for my Honourable friend. I submit it is not the function of the Select Committee.

Then the next difficulty that I feel is as regards fixing the minimum rates. What is to be considered as a minimum? For instance, supposing the present rate which has been in existence for a long time is considered as the minimum rate,—and as far as one can understand, the Governor General in Council may declare that the rate which has been in existence for such a long time and which has been accepted all round should be

[Sir Saiyid Sultan Ahmad.]

treated as a minimum rate. If that is likely to be the minimum rate, I do not know how the new companies are going to benefit by that. Because, it is obvious that the older companies with all the resources at their command will give greater facilities to their passengers and the public at large who may like to use their ships and also give greater facilities for carrying goods than the new companies will. In that case I do not see how the new companies are going to be benefited by this Bill. Now my Honourable friend, Sir Abdul Halim Ghuznavi, referred to the acceptance of the principle of fixing a minimum rate which was done at the time of the Inland Navigation Bill of Mr. Neogy. But he himself pointed out the difference between that and this Bill. Therefore, under all these circumstances, I submit, that no case has been made out for a Bill of this character which, according to some, is imperfect and according to us an impossible Bill. I respectfully suggest that it is no good going to the history of the *Ramayana* or the days of the Emperor Akbar. All those are, in my submission, absolutely irrelevant. Let us realise the present situation. If this Bill by any method is going to help the Indian shipping companies, by all means pass it ; but if it is going to help, according to my Honourable friend, Dr. DeSouza, the Japanese, for God's sake do not allow it to proceed further. I, therefore, oppose the Bill.

[At this stage, both Maulana Zafar Ali Khan and Mr. M. S. Aney rose to speak and Mr. Deputy President called on Mr. Aney to speak.]

Maulana Zafar Ali Khan (East Central Punjab : Muhammadan) : I did not catch your eye, Sir ?

Mr. Deputy President (Mr. Akhil Chandra Datta) : It is not so. The Honourable Member did catch my eye, but, according to the well established practice of this House, when the Leader of a Party wishes to speak, he must be called before others.

Mr. M. S. Aney : I do not stand on ceremony, Sir. It is a matter of convenience and mutual arrangement between the Parties as to who should speak first.

However, Sir, after hearing the speech of the Honourable the Commerce Member, I thought that I should offer a few observations. His speech and also that of my Honourable friend, the Leader of the European Group, compelled me or made me think that on this motion I should not record a silent vote. I admit that the measure is not, as has been stated by most of those who have preceded me, one in its present form likely to give that assistance which Indian shipping needs. It is inadequate. There is no doubt about it. But I was surprised to find that, because it is inadequate, that in itself is made a ground by the Government to oppose the Bill tooth and nail. The Honourable the Commerce Member should have looked at the position from this point of view : it is a motion for referring the Bill to Select Committee, and, so long as the principle of the Bill remains unaffected, the Select Committee has every right to insert such provisions as it deems proper to further the object with which the Bill is brought. What the principle of the Bill is will be obvious to anybody who reads the Preamble and the Statement of Objects and Reasons : the Mover himself made it perfectly clear that he will have no objection whatever to allow suitable

amendments being made in the Bill in the Select Committee. Therefore, as those amendments, to some of which he himself made reference, were not in any way inconsistent with the object and principle underlying this Bill, I do not think that there is any force at all in the contention of the Honourable the Commerce Member that the Bill, not being adequate to protect the interests of Indian shipping, does not deserve the support of this House. He should rather have taken the lenient view and a more generous view of the matter and the more patriotic view too. (Laughter.) I would ask him to look at the question from this point of view—is he satisfied with the existing state of things and does he think that it in itself is sufficient to develop Indian shipping ?

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

If he is not satisfied with that, why should he not take advantage of the Bill that is brought before the House, and use all his legal acumen and all his patriotic instinct to make it better, so that it may serve the end we have in view ? It is very difficult to get an opportunity like this, and I think the Honourable the Commerce Member should have welcomed this as a golden opportunity for himself to use all his constructive brain and all his constructive talents to help an industry which, I maintain, has been deliberately killed, in spite of all the learned disquisition of my Honourable friend, Sir Leslie Hudson, to the contrary, by the diabolical devices of foreign companies, and particularly by the British Navigation Companies. I am not going to *Ramayana* at all in support of the motion before the House. But, I want to say that the story of *Ramayana* may or may not be a myth, but the passages quoted by Prof. Radha Kumud Mukherjee refer to a certain state of economic conditions in the country, and it is not reasonable to regard them as mythical passages having no bearing to reality at all. I have great respect for the learning of my learned friend and for his study of the public questions generally discussed on the floor of this House : I have great respect for his opinions notwithstanding I have to differ from him on various matters ; but when he went on to say something about Sanskrit classics and our ancient literature and was expressing an opinion thereon, I think he would permit me to differ from him and ask him to study the matter more carefully before venturing any opinion on them hereafter. I want to say two things only and wind up my remarks, because I do not want to take up the time of the House further. The point is this : we have here the actual figures supplied to us and quoted from the Government records themselves. They clearly show that not more than 20 per cent. of the traffic in cargo and not more than 7 or 8 per cent. of the passenger traffic on the Indian coasts is carried by Indian shipping. In order to divert the mind of this House from this unpleasant fact, which is as obvious as anything to anybody who reads the reports and makes a study of it, the Honourable Sir Leslie Hudson brought in another fact—that 85 per cent. of the coastal traffic, which is now carried on, is in the hands of Indian shipping : he did not mention from what port to what port

Sir Leslie Hudson : I said on the south-west coast of India.

Mr. M. S. Aney : That word in itself does not carry much meaning to the ear of the ordinary man. It is something like talking of the mysterious North-West Frontier of India. It is only in relation to the traffic between two definite ports that some such arrangement has been arrived at. But we are legislating here with a view to securing Indian traffic to Indian shipping along the entire coast of India ; and when you have to study statistics it must relate to that entire coastal traffic of India and not confine yourself to a fraction, an infinitesimally small fraction of that coast. So long as these figures are not challenged by my Honourable friend, I do not think he will succeed in the game of misleading this House on the important point without which we shall not be able to come to correct decisions on this question. These figures are unchallenged, because they are taken from Government statistics published by the Government themselves. I say, therefore, is it not disgraceful that a country with such resources as India has for ship-building, with such resources even in iron ores and with industries like Tatas and others, should not be in a position to command even a reasonable fraction of the entire traffic carried on in Indian waters ? It is a question which the Government of India should take up in their own hands. My Honourable friend said that the Bill contains in a veiled form the idea of discrimination. In fact he said that although there was nothing of discrimination as such in the Bill, there was something in the speech of the Mover. Probably he would have said that even if there was nothing in the speech, there was something in his mind ! (Laughter.) I am reminded of the old Æsop's fable—of the Wolf and the Kid. The point is this : there has been sufficient protection given in the Government of India Act to the British Industry and no discrimination against their trade is possible now. The only possible thing under that law is indiscrimination or criminality. But these are the only ways in which it is possible for us to secure your co-operation and negotiate with you in order to see that Indian shipping hereafter develops on proper lines and has at least some reasonable footing in its own coastal traffic. This measure is for that purpose. We can get that co-operation only if we make attempts like this : and if you do not want us to make any attempts and want us to wallow permanently in the miserable plight in which the Indian shipping is at present, the result will be disastrous. Do not think of keeping the fruit in your pocket for ever. You have trespassed on the Indian soil and Indian waters and as a trespasser you have cultivated and grown these orange plants, you should now part with that orange fruit willingly. If you do not do it, there are others who will snatch it from you in the manner now recognised in the whole civilised world, as fair and equitable. (Laughter.) With these remarks I strongly support the motion of my Honourable friend, Sir Abdul Halim Ghuznavi.

Several Honourable Members : The question may now be put.

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

“That the question be now put.”

The motion was adopted.

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

“ That the Bill to control the Coastal Traffic of India be referred to a Select Committee, consisting of the Honourable Sir Nripendra Sircar, the Honourable the Commerce Member, Sir Muhammad Yakub, Babu Baijnath Bajoria, Seth Haji Sir Abdoola Haroon, Pandit Nilakantha Das, Pandit Krishna Kant Malaviya, Mr. Sami Vencatachelum Chetty, Dr. G. V. Deshmukh, Maulvi Syed Murtuza Sahib Bahadur, Sir Cowasji Jehangir, Sir Leslie Hudson, Mr. F. E. James, Mr. Akhil Chandra Datta, Mr. S. Satyamurti, Pandit Lakshmi Kanta Maitra, Dr. Ziauddin Ahmad, Mr. Bhulabhai J. Desai, Sardar Sant Singh, Mr. M. Asaf Ali, Mr. M. Slade 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 REPRESSIVE LAWS REPEALING AND AMENDING BILL.

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : Sir, I move :

“ That the Bill to repeal and amend certain repressive laws be continued.”

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

“ That the Bill to repeal and amend certain repressive laws be continued.”

The motion was adopted.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL. (AMENDMENT OF SECTION 388.)

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

“ That the Bill further to amend the Code of Criminal Procedure, 1898 (Amendment of section 388), be continued.”

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

“ That the Bill further to amend the Code of Criminal Procedure, 1898 (Amendment of section 388), be continued.”

The motion was adopted.

THE MUSLIM DISSOLUTION OF MARRIAGE BILL.

Qazi Muhammad Ahmad Kasmi (Meerut Division : Muhammadan Rural) : Sir, I move :

“ That the Bill to consolidate the provisions of Muslim Law relating to suits by married Muslim women for dissolution of marriage and to remove doubts as to the effect of apostasy of a married Muslim woman on her marriage tie be continued.”

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

“ That the Bill to consolidate the provisions of Muslim Law relating to suits by married Muslim women for dissolution of marriage and to remove doubts as to the effect of apostasy of a married Muslim woman on her marriage tie be continued.”

The motion was adopted.

THE CHILD MARRIAGE RESTRAINT (AMENDMENT) BILL.

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

“ That the Bill to amend the Child Marriage Restraint Act, 1929, be continued.”

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

“ That the Bill to amend the Child Marriage Restraint Act, 1929, be continued.”

The motion was adopted.

THE CHILD MARRIAGE RESTRAINT (AMENDMENT) BILL.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, I move :

“ That the Bill to amend the Child Marriage Restraint Act, 1929, be continued.”

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

“ That the Bill to amend the Child Marriage Restraint Act, 1929, be continued.”

The motion was adopted.

THE MUSLIM INTESTATE SUCCESSION BILL.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Sir, I beg to move :

“ That the Bill to declare that properties of a Muslim dying intestate and without any heir devolve upon the Muslim community, be referred to a Select Committee, consisting of the Honourable the Law Member, the Honourable the Home Member, Qazi Muhammad Ahmad Kazmi, Mr. Abdul Qaiyum, Syed Ghulam Bhik Nairang, Maulvi Syed Murtuza Sahib Bahadur, Khan Bahadur Sir Abdul Hamid, Maulana Shaukat Ali, Mr. Muhammad Azhar Ali and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

Syed Ghulam Bhik Nairang (East Punjab : Muhammadan) : I suggest, Sir, that the name of Maulana Zafar Ali Khan be included.

Sir Muhammad Yakub : I have no objection.

An Honourable Member : He is Maulana.

Sir Muhammad Yakub : I do not believe in Maulanas.

Seth Govind Das (Central Provinces Hindi Divisions : Non-Muhammadan) : You are yourself a Maulana.

Sir Muhammad Yakub : Sir, as long as the Mussalmans were the rulers of India, they were governed by their own laws in this country. After the Indian Mutiny of 1857, when the reins of the government of this country were taken by the late Queen Victoria, a solemn announcement was made in the name of the late Queen and, in that announcement, it was stated that Mussalmans would be governed by their own laws in respect of property where it may relate to inheritance, succession, bequest, Wakf and so on, and this declaration was subsequently confirmed by successive parliamentary enactments. In spite of all this, we find that during this interval, as the Indians had no voice at all in the small Legislative Councils, and even though those Councils were expanded a

little and one or two Indian Members were nominated to the Imperial Legislative Council, they had no hand in the framing of legislation in this country. Therefore, certain Acts were passed by the British Government which were in contravention of the Muslim law as well as the solemn declaration of the late Queen Victoria by which the British Government in India were bound. One of the Acts by which the provisions of Muslim law were abrogated was the escheat law which provided that if a Muslim died intestate, his or her property would go to the Government. Now, Sir, I do not ask this House to pass a fresh legislation in favour of Mussalmans. In fact, I am strictly against the Legislature interfering with religious matters, either of Muslims, Hindus or of any other community in this country. All that I want is that the laws, which have been passed behind the back of the Mussalmans, and without their consent, should be done away with, the Government should follow strictly the proclamation of Queen Victoria and Mussalmans should be governed, in matters of property, succession, marriage, dissolution of marriage and things like that, according to the Muslim law....

Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Also in the matter of the cut of clothes !

Sir Muhammad Yakub : I say that the Muslim law is self-sufficient and complete, even the cut of clothes is given in the Muslim law. Those people who have got no social or religious code of their own, and who depend entirely upon the rulings of the Privy Council, will no doubt be surprised at the perfection of the Muslim Law. But I consider that my religion and the laws of my religion are perfect and self-sufficient, and in every phase of our life I would like that a Mussalman should be governed according to his own law.

Mr. N. M. Joshi (Nominated Non-Official) : What is your religion ?

Sir Muhammad Yakub : I do not want to explain my religion to irreligious people ; they cannot appreciate what religion means. But, after some days, I think when we meet in the next world, I will be able to tell my Honourable friend, Mr. Joshi, what religion means. (Laughter.)

My Bill is quite a simple one, and the only clause which gives the substance of the Bill is this :

“ Notwithstanding any law or custom to the contrary, the estate of a Muslim, subject to the Muslim law of succession, dying intestate without any heir, shall devolve on the Muslim community and shall not escheat to the Crown.”

It is admitted on all hands, and even those who have opposed my Bill, they have also expressed the opinion that the provisions of my Bill are strictly in accordance with the Muslim law. Two sorts of objections have been raised to my Bill, which I find in the opinions which have so far been received. Of course, there are very few Judges of the High Courts who have given opinions upon this Bill. We have got the opinions of two eminent Muslim Judges of the High Courts, namely, the Honourable Mr. Justice Sir Shah Muhammad Sulaiman, Chief Justice of the Allahabad High Court, who is now coming as a Judge of the Federal Court, and Mr. Justice Maulvi Zia-ul-Hasan, Judge of the Oudh Chief Court. Both these gentlemen approve of the provisions of my Bill and they are in favour of it.

[Sir Muhammad Yakub.]

As I said, two sorts of objections have been raised in these opinions against my Bill. The first objection is that the provisions of the Bill discriminate between different sections and communities in India. They say, why pass a law like this in favour of the Mussalmans only? Why should not the people of other communities be allowed to be benefited by the property of the people of their community who die intestate? In reply to this I would submit that if the religious code or the religious laws of other communities have a provision like this that if any one of them dies intestate his property should not go to the Crown but should be used for the benefit of the people of that community, certainly I will have no objection if a Bill of this sort is brought before the House and the other communities in India are given the benefit of the property left by intestate members of their community. I have personally supported certain legislative measures which were brought forward here by my Hindu friends, in order to give facilities to their womenfolk in the matter of inheritance and so on. Therefore, if there is any measure before this House which improves the social system of any other community in India we do not come in the way of its being passed. On the other hand, we whole-heartedly support such measures. In the same way what I want, through this Bill, is that the provisions of the Muslim law should be observed in the case of the Muslims who die intestate and that the British Common law should not be made applicable to the Mussalmans in this matter.

The second objection to the Bill, which is generally raised, in the opinions, which I have so far received, is that the Bill is not complete and that the procedure as to how this will be acted upon is not given in the Bill. To this my reply is that, so far as this Assembly is concerned, according to the Government of India Act we are not authorised to legislate as to what procedure the Provinces should adopt in the case of "Baitulmal", or public properties, etc. All these matters of detail and procedure will be taken up by the Provinces. We, in this Assembly, can only pass a general enactment or an enabling Bill which provides for the exemption of the Mussalmans from the law of eacheat. After the principle has been accepted by this House, it would then be for the Provincial Assemblies to make rules or lay down the procedure as to how to give effect to this Bill. Again, in the case of non-official Bills we cannot expect such completeness as we find in official Bills. We have got no draftsman to prepare drafts for our Bills and we have not got a big staff who could make the Bill as perfect as possible. But even in the case of Government Bills I find sometimes that even the very next year after the passing of an Act the Government find that the law which they had enacted was not complete and they had to bring in an amending Bill. So, if my Bill is not complete, if there are certain things which are left out in this Bill or the language is not perfect and clear, I submit that having accepted at this stage the principle of the Bill, as has just been pointed out by my Honourable friend, Mr. Aney, while speaking on the Bill of my Honourable friend, Sir Abdul Halim Ghuznavi, the Select Committee is quite competent to alter the Bill in any form they like. In fact, they can even bring quite a different or a new Bill. I have got an instance of this nature in the annals of our Assembly. The Child Marriage Restraint Bill, which is usually known as the Sarda Bill, when it was first introduced in the House, by Mr. Harbilas Sarda, was in quite

a different form from what it is now. When the Government and the House accepted the principle of the Bill and the Bill came before the Select Committee, then quite a different Bill was produced by the then Home Member and the Select Committee accepted that Bill in place of the original Bill and it was brought in this Assembly. Nobody should, therefore, raise any objection to my Bill on the ground that it is an imperfect Bill or that the procedure is not given. All that I want is that the principle of the Bill may be accepted, and then if there is any lacuna or any imperfection in the language we can fill it up in the Select Committee stage of the Bill.

Sir, I have done. I only say that now when we are on the threshold of, what we may call a new era in this country and when we think that self-government in India is now coming, it is right and proper that all the communities should enjoy the same rights, and must be governed by the same laws by which they were governed when they had their own rule in this country and that the extraneous matters which have been introduced in the legislation of India by the foreign rulers should be taken out. With these words I move my motion.

Qazi Muhammad Ahmad Kazmi (Meerut Division : Muhammadan Rural) : I suggest the addition of the name of Mr. Asaf Ali.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : I suggest the name of Mr. Siddique Ali Khan.

Maulana Zafar Ali Khan : I suggest the name of Mr. Sathar Essak Sait.

Sir Mrhammad Yakub : I have no objection to the addition of any name.

Mr. President (The Honourable Sir Abdur Rahim) : I cannot add 5 P.M. any more names. Motion moved :

“ That the Bill to declare that properties of a Muslim dying intestate and without any heir devolve upon the Muslim community, be referred to a Select Committee, consisting of the Honourable the Law Member, the Honourable the Home Member, Qazi Muhammad Ahmad Kazmi, Mr. Abdul Qaiyum, Syed Ghulam Bhek Nairang, Maulvi Syed Murtuza Sahib Bahadur, Khan Bahadur Sir Abdul Hamid, Maulana Shaikat Ali, Mr. Muhammad Azhar Ali, Maulana Zafar Ali Khan, Mr. Siddique Ali Khan, 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 Assembly then adjourned till Eleven of the Clock on Friday, the 3rd September, 1937.

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