

17th 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



**PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI.
PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, SIMLA.
1938.**

Legislative Assembly.

President :

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

Deputy President :

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

Panel of Chairmen :

SIR MUHAMMAD YAKUB, M.L.A.

MR. S. SATYAMURTI, M.L.A.

SIR LESLIE HUDSON, M.L.A.

SIR COWASJI JEHangir, BART., K.C.I.E., O.B.E., M.L.A.

Secretary :

MIAN MUHAMMAD RAFT, BAR.-AT-LAW.

Assistants of the Secretary :

MR. M. N. KAUL, BAR.-AT-LAW.

RAI BAHADUR D. DUTT.

Marshal :

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

Committee on Petitions :

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

SIR LESLIE HUDSON, M.L.A.

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

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

MR. MATHURADAS VISSANJI, M.L.A.

L453LAD

CONTENTS.

VOLUME V.—2nd September to 17th September, 1937.

	PAGES.		PAGES.
THURSDAY, 2ND SEPTEMBER, 1937—		FRIDAY, 3RD SEPTEMBER, 1937,—contd.	
Starred Questions and Answers	983—1014	Resolution re—	
Short Notice Questions and Answers	1014—21	India's withdrawal from the membership of the League of Nations—Discussion adjourned	1086—88
Unstarred Questions and Answers	1021—22	Economics in the Central Government expenditure—Adopted	1088—1131
The Control of Coastal Traffic of India Bill—Referred to Select Committee	1022—55	Appointment of qualified Indian cadets by British Navigation Companies—Discussion not concluded	1131—37
The Repressive Laws Repealing and Amending Bill—Motion to continue adopted	1055	MONDAY, 6TH SEPTEMBER, 1937,—	
The Muslim Dissolution of Marriage Bill—Motion to continue adopted	1055	Members Sworn	1139
The Child Marriage Restraint (Amendment) Bill (Mr. Lalchand Navalrai)—Motion to continue adopted	1056	Starred Questions and Answers	1139—57
The Child Marriage Restraint (Amendment) Bill (Mr. B. Das)—Motion to continue adopted	1056	Unstarred Question and Answer	1158
The Muslim Intestate Succession Bill—Discussion on the motion to refer to Select Committee not concluded	1056—59	Motion for Adjournment re erection of an abattoir in the Lahore Cantonment—Disallowed	1158
FRIDAY, 3RD SEPTEMBER, 1937,—		The Insurance Bill—Discussion on the motion to consider not concluded	1158—1207
Starred Questions and Answers	1061—84	TUESDAY, 7TH SEPTEMBER, 1937,—	
Unstarred Questions and Answers	1084—86	Member Sworn	1209
Nomination to the House Committee	1086	Starred Questions and Answers	1209—43
		Unstarred Questions and Answers	1243—46
		Statements laid on the Table	1246—47
		The Insurance Bill—Discussion on the consideration of clauses not concluded	1248—94

	PAGES.
WEDNESDAY, 8TH SEPTEMBER, 1937,—	
Starred Questions and Answers	1295—1323
Short Notice Question and Answer	1324
Unstarred Questions and Answers	1325—29
The Insurance Bill—Discussion on the consideration of clauses not concluded	1329—76
THURSDAY, 9TH SEPTEMBER, 1937,—	
Starred Questions and Answers	1377—1402
Unstarred Question and Answer	1402—03
The Muslim Intestate Succession Bill—Referred to Select Committee	1403—26
The Moslem Personal Law (Shariat) Application Bill—Discussion on the motion to consider not concluded	1426—47
FRIDAY, 10TH SEPTEMBER, 1937,—	
Member Sworn	1449
Starred Questions and Answers	1449—81
Unstarred Questions and Answers	1482—86
Report of the House Committee	1486—90
Resolution <i>re</i> Appointment of qualified Indian cadets by British Navigation Companies—Adopted as amended	1490—1538
MONDAY, 13TH SEPTEMBER, 1937,—	
Speech delivered to the Council of State and the Legislative Assembly by His Excellency the Viceroy	1539—44
Members Sworn	1545

	PAGES.
MONDAY, 13TH SEPTEMBER, 1937—<i>contd.</i>	
Starred Questions and Answers	1545—76
Unstarred Questions and Answers	1576—80
Statements laid on the Table	1580—96
The Repealing Bill—Introduced	1597
The Criminal Law Amendment Bill—Introduced	1597
The Indian Mines (Amendment) Bill—Referred to Select Committee	1597—1614
TUESDAY, 14TH SEPTEMBER, 1937,—	
Member Sworn	1615
Starred Questions and Answers	1615—47
Unstarred Questions and Answers	1647—52
The Indian Tariff (Second Amendment) Bill—Introduced	1652
The Insurance Bill—Discussion on the consideration of clauses not concluded	1652—96
WEDNESDAY, 15TH SEPTEMBER, 1937,—	
Starred Questions and Answers	1697—1720
Unstarred Question and Answer	1720—21
The Indian Mines (Amendment) Bill—Appointment of Sir Cowasji Jehangir to the Select Committee	1721
The Insurance Bill—Discussion on the consideration of clauses not concluded	1721—65
THURSDAY, 16TH SEPTEMBER, 1937,—	
Starred Questions and Answers	1767—99
Unstarred Questions and Answers	1799—1805

	PAGES.		PAGES.
THURSDAY, 16TH SEPTEMBER, 1937,—contd.		FRIDAY, 17TH SEPTEMBER, 1937,—	
Statements laid on the Table	1805—18	Starred Questions and Answers	1867—86
Motions for Adjournment <i>re—</i>		Unstarred Questions and Answers	1886—88
Fixation of the price of sugar-cane—Withdrawn.	1818—19	Motion for Adjournment <i>re</i> China's appeal against Japanese aggression to the League of Nations—Disallowed by the Governor General.	1888-89, 1902.
Inquiry about the Bihta Railway—Disaster—Disallowed	1819	Resolution <i>re</i> Constituent Assembly—Discussion not concluded	1889—1936
The Moslem Personal Law (<i>Shariat</i>) Application Bill—Passed as amended	1819—65		

LEGISLATIVE ASSEMBLY.

Friday, 17th 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.

AIR-CONDITIONING OF BARRACKS FOR BRITISH SOLDIERS.

586. *Mr. Badri Dutt Pande : (a) Will the Defence Secretary state if barracks for the British soldiers are going to be air-conditioned in India ?

(b) If so, what will be the cost ?

(c) Will all the present barracks be abandoned and new ones erected, or will only additions and alterations be made to the existing ones ?

Mr. C. M. G. Ogilvie : (a), (b) and (c). It is not a fact that the army authorities have any such scheme in hand. All that is happening is that the subject of air-conditioning is being examined to discover its advantages and disadvantages. The medical and structural engineering aspects are now being investigated and certain very minor experiments may be carried out if the results of the present investigation prove to be promising. Until further progress has been made it will not be possible to say whether the air-conditioning of barracks is feasible, desirable or financially economical nor to estimate the cost of any particular or general scheme for the purpose.

Mr. Badri Dutt Pande : Are we to understand that so far no experiment has been made in any part of India ?

Mr. C. M. G. Ogilvie : That I have said, Sir.

Mr. Lalchand Navalrai : In view of the fact that the British soldiers have remained so long in India, where is the necessity for air-conditioning the barracks ?

Mr. C. M. G. Ogilvie : No necessity has as yet been shown.

Mr. Lalchand Navalrai : Then why is the matter being considered ?

Mr. C. M. G. Ogilvie : If the Honourable Member had listened to my answer, he would have heard my reply.

Mr. Abdul Qaiyum : Will the same air-conditioning of barracks be applied to Indian soldiers also or is it meant only for the barracks of British soldiers ?

(1867)

Mr. C. M. G. Ogilvie : If ultimately it is found to be satisfactory economically and financially and structurally possible, then it will be applied to everybody.

Maulvi Abdur Rasheed Chaudhury : May I ask what expenditure has been incurred on the experiment so far ?

Mr. C. M. G. Ogilvie : As far as I know, no direct expenditure has yet been incurred.

Mr. Badri Dutt Pande : Has any indirect expenditure been incurred ?
(No answer.)

Mr. S. Satyamurti : With reference to the answer of ' financially economical ' which my Honourable friend gave, may I take it that the Government will not embark on this scheme, unless it is likely to save money on the experiment ?

Mr. C. M. G. Ogilvie : Generally speaking, I think the answer to that would be " Yes ", unless the advantages were seen to be sufficiently great to justify a comparatively slight increase.

NEGOTIATIONS REGARDING JOINING OF THE FEDERATION BY THE STATES.

587. ***Mr. S. Satyamurti :** Will the Honourable the Leader of the House be pleased to state :

- (a) whether any negotiations are going on between the Political Department and the Indian States with a view to persuading them to join the proposed Federation ;
- (b) whether the representatives of His Excellency the Viceroy who went to the various States have finished their tours ; and
- (c) whether they submitted any report to the Political Department and whether that report will be placed on the table of the House ;
- (d) whether these negotiations are being conducted in consultation with the Finance Department so far as the possible loss on the revenues of the Federation is concerned ; and
- (e) whether any calculation has been made of the total value in money of the concessions demanded by the States for joining the Federation, and if so, what it is ?

The Honourable Sir Nripendra Sircar : (a), (b) and (c). Government have nothing to add to the statement of the position made by His Excellency the Viceroy in his recent address to the Legislature.

(d) The Finance Department is consulted on every issue of a financial nature arising from the views expressed by States in connection with their accession to Federation.

(e) The attention of the Honourable Member is invited to the reply which I gave to part (a) of his question No. 435 on the 10th September.

Mr. S. Satyamurti : With reference to the answer to clauses (a), (b) and (c), may I know whether these gentlemen, who went on behalf of the Viceroy, have finished their tours ?

The Honourable Sir Nripendra Sircar : It is very difficult to understand what is meant by saying "finished their tours". They may have come back, and yet tour may not have been finished. Whether they will go on more tours or not, I cannot say.

Mr. S. Satyamurti : May I know whether they have finished a part of their tours, and, if so, whether they have visited the major States ?

The Honourable Sir Nripendra Sircar : My friend wants to know what are the places they have visited ?

Mr. S. Satyamurti : I want to know whether they have visited the major States ?

The Honourable Sir Nripendra Sircar : I cannot say offhand at present whether they have visited all the major States; but it appears to me that they must have visited all the major States.

Mr. S. Satyamurti : How long are these tours expected to continue ?

The Honourable Sir Nripendra Sircar : No expectation can be formed one way or the other, about duration of tours, if any.

Mr. S. Satyamurti : With reference to the answer to clauses (c) and (d) of the question, may I know whether the report submitted by these representatives will be placed on the table of the House ?

The Honourable Sir Nripendra Sircar : My Honourable friend is assuming that they have made reports. They may have made reports or they may not have made reports. I am not prepared to make any statement on that.

Mr. S. Satyamurti : But the Viceroy has said that a report has been received ?

The Honourable Sir Nripendra Sircar : That report must have been received, but I understood "reports" were meant.

Mr. S. Satyamurti : I am asking whether that report will be placed on the table of the House.

The Honourable Sir Nripendra Sircar : To that, the answer is "No".

Mr. S. Satyamurti : With reference to these tours, some of which have been completed, may I know whether the demand of the Indian Princes, who have been visited by these gentlemen, with respect to financial concessions are in advance of previous claims ?

The Honourable Sir Nripendra Sircar : That is covered by the answer I gave on the previous occasion, that is to say, that it is a desire to know the negotiations which are going on and what are the claims which have been put forward by them. In the public interest I will not disclose them.

Mr. Bhulabhai J. Desai : Without going into the individual question, may I ask whether information can be given to this House as to whether any greater financial burden is expected to be placed as a result of offers of these negotiations by the major States in general ?

The Honourable Sir Nripendra Sircar : I am afraid I cannot answer that question because I have to give the sum total of the claims that have been made by all the States.

Mr. Bhulabhai J. Desai : What I am asking is whether they are, in fact, in advance either of the previous or the present figures ?

The Honourable Sir Nripendra Sircar : My friend has put the same question in another way, but that involves my saying what the claims are. In any case, if I am to say whether the claim is more or whether it is less than that which was put on the previous occasion, it will involve giving certain information which I am not going to disclose.

Mr. Bhulabhai J. Desai : Is my Honourable friend not prepared even to say whether any further inducement is being held out to them by way of burden upon us to induce an unwilling horse to join the Federation ?

The Honourable Sir Nripendra Sircar : The answer to that is " No ". There is no question of inducement or further inducement.

Mr. S. Satyamurti : Does it mean that the unwilling horses are not being asked, or you refuse to tell us ?

Mr. President (The Honourable Sir Abdur Rahim) : I think you had better leave that question.

Mr. B. Das : With reference to part (a) of the question, may I ask whether it is not a fact that the Finance Department had already certified four to five crores of rupees by giving concession in customs revenue to these Indian States ?

The Honourable Sir Nripendra Sircar : You mean to say as part of these negotiations ?

Mr. B. Das : Yes.

The Honourable Sir Nripendra Sircar : I am not aware of that and even if I could say anything about it, I would not disclose it in the public interest.

Mr. S. Satyamurti : With reference to the answer to part (e) of the question, may I know whether, on the present scale of demands made by these Princes, any calculation has been made of the total value of the loss to the British Indian part of the Federation, on the basis of all the concessions demanded by the States ?

The Honourable Sir Nripendra Sircar : The calculation of the loss to British India, you mean in customs revenue and so on ?

Mr. S. Satyamurti : Yes.

The Honourable Sir Nripendra Sircar : I am sure that although the exact calculation is not possible, some kind of approximate idea must have been arrived at in the necessary quarters.

Mr. S. Satyamurti : What are the results of that calculation ?

The Honourable Sir Nripendra Sircar : I cannot disclose that.

Mr. Bhulabhai J. Desai : May I ask whether so far as the possibility of financial stability in the future Central legislature is concerned, the offer that is made on behalf of the Princes, is it going to be a greater strain on British India by Indian States ?

The Honourable Sir Nripendra Sircar : I have no reason to believe that that view is justified by any information I remember—but I cannot make any statement.

Mr. Bhulabhai J. Desai : Having regard to the last answer, may I ask whether the information justifies this that no further demand is being made on behalf of the major States in general so as to make the financial burden on the British part of the Federation heavy ?

The Honourable Sir Nripendra Sircar : I think I have answered that question in the negative, by saying that I am not prepared to disclose what further demands, if any, they have made.

Mr. Bhulabhai J. Desai : If the information in the possession of the Honourable Member is such that he is able to tell me in the negative the answer to the question, namely, whether larger financial burden would be placed upon the British Indian part of the Federation, if he has good reason to believe that there is no such thing, I ask him whether in view of that information, can he or can he not tell us whether or not larger demands are made ?

The Honourable Sir Nripendra Sircar : I am afraid I cannot—nor have I given a clear negative either.

Mr. S. Satyamurti : With reference to the answer to part (d) of the question, I think my Honourable friend said "Yes" to that.

The Honourable Sir Nripendra Sircar : I said the Finance Department is consulted on every issue of a financial nature arising from the views expressed by the States in connection with their accession to the Federation.

Mr. S. Satyamurti : May I ask for some elucidation of the answer ? May I know whether, before the terms are offered to the Princes or before the terms are accepted by the Government of India, the opinion of the Finance Department is taken in writing, and is given due effect ?

The Honourable Sir Nripendra Sircar : There can be no acceptance unless and until the instrument of accession has been signed and what the Government of India will do, and how they will ultimately treat the views of the Finance Department, I do not know, nor can I make any statement.

SOLDIERS AND OFFICERS SENT TO THE FAR EAST.

588. ***Mr. S. Satyamurti :** Will the Defence Secretary be pleased to state :

- (a) the number of soldiers and officers, Indian and European, who have been sent to the Far East ;
- (b) the operations, if any, in which they have been engaged up to date ; and
- (c) the number of casualties among them, Indians and non-Indians, respectively ?

Mr. C. M. G. Ogilvie : (a) The number of officers and soldiers who have been despatched to the Far East as a result of the present crisis is as follows :

British officers	6 (including one I.M.S. Officer).
King's commissioned Indian Officer ..	1
Indian Commissioned officers ..	6
Viceroy's commissioned officers ..	13 (including one sub-assistant surgeon).
Indian warrant officers	2
Indian other ranks	635
Total	663

(b) They have been sent for internal security purposes and are not engaged in any operations.

(c) None.

Mr. S. Satyamurti : May I know whether these troops are now in Hongkong ?

Mr. C. M. G. Ogilvie : As far as I know, they are at present on the high seas.

Mr. S. Satyamurti : Are they destined to Hongkong ?

Mr. C. M. G. Ogilvie : Yes, Sir.

Mr. S. Satyamurti : Is there any intention on the part of the Government to see that they are not transferred to any theatre of War ?

Mr. C. M. G. Ogilvie : I cannot possibly prophesy the future.

Mr. S. Satyamurti : May I know whether the Government have taken note of the feeling in this country and in this House that the Indian soldiers ought not to be engaged in any way in the hostilities between China and Japan and that they should be confined purely for internal security purposes of the Indian nationals ?

Mr. C. M. G. Ogilvie : The British Government are not in the least concerned in any hostility between China and Japan and there is no thought whatever of indulging in any.

Mr. Bhulabhai J. Desai : Do I understand the Honourable Member to say that there are no Indian troops at present in any of the disturbed area in China ?

Mr. C. M. G. Ogilvie : As far as I know there are none.

Maulvi Abdur Rasheed Chaudhury : Is there any intention on the part of the Government to send these troops to Shanghai ?

Mr. C. M. G. Ogilvie : No, Sir.

EMPLOYMENT OF CRIMINAL INTELLIGENCE DEPARTMENT OFFICERS FOR SHADOWING POLITICAL SUSPECTS IN THE PROVINCES.

589. *Mr. S. Satyamurti : Will the Honourable the Home Member be pleased to state :

- (a) whether the Home Department of the Government of India are employing any Criminal Intelligence Department officers or men on shadowing political suspects in the provinces ;
- (b) the reasons why they are doing it ; and
- (c) whether such shadowing is being done in consultation with the Provincial Governments concerned or without reference to them ?

Mr. J. A. Thorne : (a) No.

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

REORGANISATION OF THE BUREAU OF PUBLIC INFORMATION.

590. *Mr. S. Satyamurti : Will the Honourable the Home Member be pleased to state :

- (a) whether the question of reorganising the Bureau of Public Information is under consideration ;
- (b) whether Government propose to consult the opinion of the House before taking up any scheme of reorganisation and, if not, why not ;
- (c) whether Government are aware of the strong public feeling against the methods of subsidised publicity pursued by the Bureau in the past ;
- (d) whether Government intend to direct special attention to " vernacular " publicity ;
- (e) whether Government intend to appoint translators and journalists to write articles for the newspapers in Indian languages ; and
- (f) whether the weapon of giving or withholding official advertisements is to be continued to be used to force newspapers to give publicity to Government propaganda ?

Mr. J. A. Thorne : (a), (d) and (e). The question of reorganizing the Bureau is at present being examined by Mr. Joyce whose proposals are awaited by Government.

(b) I cannot say until the proposals are received.

(c) No.

(f) The policy of Government in this matter was stated in my answer to the Honourable Member's question No. 409 on the 9th September, 1937.

Mr. S. Satyamurti : With reference to the answer to part (a) of my question, may I know whether Mr. Joyce's presence is in connection with the reorganisation of the Bureau of Public Information, or he is merely carrying on the normal duties at present of the Bureau ?

Mr. J. A. Thorne : Mainly in connection with the reorganisation.

Mr. S. Satyamurti : With reference to part (b), I think I heard my Honourable friend say that the Government of India cannot say until they received the proposals. May I know if that answer means that Government may or may not consult the House, and that will depend entirely on the nature of the proposals ?

Mr. J. A. Thorne : Yes, Sir.

Mr. S. Satyamurti : What is exactly in the mind of the Government on the question of consulting this House ? Does it mean that if it does not mean extra expenditure, they would not consult the House, or if it means extra expenditure they would consult the House ?

Mr. J. A. Thorne : No, Sir. We do not yet know what the proposals are likely to be and therefore I cannot say that there is anything in the mind of Government.

Mr. S. Satyamurti : I did not quite follow the answer to part (c). I beg the Honourable Member's pardon. Are Government aware of the strong public feeling ?

Mr. J. A. Thorne : No, Sir.

Mr. S. Satyamurti : Do Government now follow the methods of subsidised publicity ? I am asking this, in view of the answer to part (f) of my question, in which I have been referred to a previous answer ?

Mr. J. A. Thorne : I answered that before. I cannot admit that Government employ any " weapon " in order to " force newspapers to give publicity to Government propaganda ".

Mr. Bhulabhai J. Desai : With reference to the answer to part (b) do I understand the Honourable Member to say that re-organisation will be given up if it involves larger financial burden ?

Mr. J. A. Thorne : No, Sir.

Mr. Bhulabhai J. Desai : Do I understand the Honourable Member to say that even if it involves further financial burden, they have decided still not to consult the House ?

Mr. J. A. Thorne : They have decided nothing. I think I made it clear that when proposals are received, the effect of them from every aspect will be considered and a decision will be taken whether the House should be consulted or not.

Mr. Bhulabhai J. Desai : I will put one definite aspect of the matter. May I know if the re-organisation scheme involves a greater burden, will they or will they not consult the House ?

Mr. J. A. Thorne : That, Sir, I submit is a hypothetical question which I am not called upon to answer.

Mr. S. Satyamurti : With reference to the answer to part (e), may I know whether Government do write articles themselves and get them published as leading articles in the columns of newspapers which they subsidise ?

Mr. J. A. Thorne : Whether Government themselves write articles ?

Mr. S. Satyamurti : Do not Government get articles written by hirelings and send them to newspapers which have no circulation worth mentioning, and these articles appear as leading articles in those newspapers, for the consideration of their getting advertisements from Government ?

Mr. J. A. Thorne : I do not know what is meant by hirelings ?

Mr. Bhulabhai J. Desai : They are mercenary journalists who are employed by Government to write articles upholding Government action.

Mr. J. A. Thorne : What is the distinction between a journalist and a mercenary journalist ?

Mr. Bhulabhai J. Desai : A mercenary journalist is one who does not write his own opinions, but who writes what he is paid to write ?

Mr. J. A. Thorne : In that case, Government do not employ such journalists.

Mr. Bhulabhai J. Desai : Would my last question be answered in view of this ?

Mr. J. A. Thorne : I want notice.

Mr. S. Satyamurti : With reference to the answer to part (e) of the question, may I know whether Government do now appoint translators and journalists to write articles for newspapers in Indian languages ?

Mr. J. A. Thorne : The question was whether Government *intend* to do this. If the Honourable Member wishes to know the present practice, I must have notice. The original question is covered by my answer that if Mr. Joyce's proposals contain that suggestion, that will be considered by the Government.

Mr. S. Satyamurti : May I take it that my Honourable friend's answer to part (e) means that, if there is a proposal from Mr. Joyce that Government should employ hirelings to write articles in newspapers, they will consider that ?

Mr. J. A. Thorne : I do not see why it should be put in such an offensive manner. But the answer to clause (e) is not quite in those words.

Mr. Bhulabhai J. Desai : Shall I put it in a less offensive manner ? Are the funds of the public of India going to be employed to pay people to write against the people of India ?

Mr. J. A. Thorne : The answer to that is obviously in the negative.

Mr. Bhulabhai J. Desai : Do I understand that every article to be written will be in support of the Indian view of the questions ?

Mr. J. A. Thorne : I cannot tell beforehand without knowing what the Indian view is on every question.

Mr. Bhulabhai J. Desai : Do I understand Government to mean that by now, notwithstanding the three years of this Assembly, they are not aware of the Indian view on the major questions, so far as the country is concerned ?

Mr. J. A. Thorne : I think it is quite fair to say that on most major questions there are various views held by various sections of the people of India.

Mr. S. Satyamurti : Do Government realise that subsidised journalism is bound to fail in every country, and certainly in India ?

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

PURCHASES MADE BY THE ARMY THROUGH THE INDIAN STORES DEPARTMENT.

591. ***Mr. S. Satyamurti :** Will the Defence Secretary be pleased to state :

- (a) the extent and value of the purchases made by the Army through the Indian Stores Department ;
- (b) the reasons why other purchases are not made through the Indian Stores Department ;
- (c) whether the purchases for the army are now being made in the cheapest market consistent with quality ;
- (d) whether the Army Department are taking steps to purchase more stores through the Indian Stores Department ;
- (e) the nature and value of the articles bought from outside this country and the reasons why ; and
- (f) whether the Defence Department are taking every step in their power to see that all requirements of the Army are purchased or manufactured in this country, as far as possible, and if not, why not ?

Mr. C. M. G. Oglvie : (a) The information asked for is contained in the annual report of the Indian Stores Department, a copy of which is in the Library of the House.

(b) Because the Indian Stores Department cannot at present conveniently and economically purchase more than they are now doing.

(c) Yes.

(d) Government do not at present contemplate any change in the existing arrangements.

(e) Only such articles are purchased outside India which are not manufactured here or are not up to the required standard or specification. Their value during 1937-38 is anticipated to be Rs. 115 lakhs.

(f) Our aim is to make India self-supporting as far as possible in respect of the requirements of the Defence Services. With that end in view, it is the policy of Government to utilise, encourage and develop indigenous sources of supply.

Mr. S. Satyamurti : With reference to the answer to clause (b) may I know if my Honourable friend's answer is based on the expressed inability of the Stores Department, with regard to further purchases by the Army Department ?

Mr. C. M. G. Oglvie : Yes, Sir ; for example, I am sure that the Indian Stores Department would never contemplate the purchase of foodstuffs. All that is done through the Director of Contracts.

Mr. S. Satyamurti : Apart from foodstuffs, may I know if between the Indian Stores Department and the Army Department there are periodical conferences at which the question of extending the purchases through the Stores Department is periodically examined ?

Mr. C. M. G. Ogilvie : Yes, Sir.

Mr. S. Satyamurti : With reference to clause (d), may I know if my Honourable friend's answer is based on the feeling that all that can be purchased or manufactured in this country is being done, and that no more need be done at present ?

Mr. C. M. G. Ogilvie : No, Sir, entirely not. The meaning was that Government do not at present contemplate any change in the existing arrangement whereby the Indian Stores Department purchases certain classes of stores and the Director of Contracts other classes of stores.

Mr. S. Satyamurti : Apart from the agency, with reference to the answer to clause (f), may I know whether this policy of either purchasing or manufacturing all their requirements in this country is being vigorously pursued, and when do the Army Department expect to get almost all in this country, excepting high class manufactures of arms, which cannot be done in this country ?

Mr. C. M. G. Ogilvie : Efforts are constantly being made to extend the purchase of every kind of store in India which India can reasonably be expected to produce. The following is a list of articles not previously produced in India, but which are now being produced in large numbers solely owing to the stimulus given by the educational orders of the Defence Department : gas masks, galvanised sheets, electric cells, glycerine, curry combs, grey woollen flannels, woollen vests and drawers, mosquito nets, benzol, braces, hurricane lamps, canvas shoes, knives, hand tools and pearl barley.

RETIREMENT AGE OF INDIAN MEDICAL SERVICE MEN.

592. ***Mr. Sham Lal :** (a) Will the Defence Secretary be pleased to state if there is any proposal that All-India Medical Service men should retire at the age of 57 instead of 55 ?

(b) Is there any proposal that Inspector Generals of Hospitals, Prisons and Director General of Health should retire at the age of 57 instead of 55 ?

(c) What is the attitude of Government towards this proposal ?

(d) Were the Local Governments consulted in this matter ?

(e) Are Government aware that there is a general feeling in the country that the age of retirement in the case of Government servants should be reduced and not increased ?

(f) What are the special reasons justifying the increase of the age of retirement in the case of Indian Medical Service and Inspector General and Director above-mentioned ?

(g) Are Government aware that the acceptance of these proposals would involve an extra burden on the tax-payers ?

Mr. C. M. G. Ogilvie : This question should have been addressed to the Secretary, Education, Health and Lands Department.

Mr. Sham Lal : Will the Secretary of the Education, Health and Lands Department answer this question ?

Sir Girja Shankar Bajpai : Not now, in any case.

REFUSAL TO GRANT PASSPORT TO MR. VIRENDRA, MANAGING EDITOR OF THE *Daily Partap*, LAHORE.

593. ***Mr. Sham Lal :** (a) Will the Honourable the Home Member be pleased to state if Mr. Virendra, M.A., Managing Editor of the *Daily Urdu Partap*, Lahore, applied for a passport to go to England for study in journalism ?

(b) Is it a fact that the Punjab Local Government recommended him a passport ?

(c) Is it a fact that the Government of India have refused to give the passport ?

(d) If so, will Government state the reasons for refusing the passport ?

(e) Are Government prepared to reconsider their decision and grant the passport to Mr. Virendra ?

Mr. J. A. Thorne : (a) to (e). The reasons for the refusal of a passport in this case were given in the statement laid on the table on the 22nd April, 1936, in reply to the Honourable Member's question No. 1405. No further application for a passport has been received by the Government of India.

Mr. Lalchand Navalrai : Will the Government of India consider it if it is renewed now ?

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

Mr. Sham Lal : With reference to the answer to clause (b), is it a fact that Mr. Virendra made an application recently which was recommended by the Punjab Government ?

Mr. J. A. Thorne : No recommendation has been received.

Sardar Sant Singh : What was the recommendation and why did the Government of India overrule that recommendation ?

Mr. J. A. Thorne : The Government of India have not received any recommendation and therefore it follows that they have not overruled any recommendation.

Mr. Mohan Lal Saksena : Which is the final authority in the matter of granting passports ?

CONTRIBUTION ENTITLED " PROFESSOR KHANKHOJE IN EXILE—LIFT THE BAN " PUBLISHED IN THE *Hitavad*.

594. ***Mr. G. V. Deshmukh :** Is the attention of the Foreign Secretary drawn to a contribution by Mr. D. V. Deshmukh to the *Hitavad* newspaper of Nagpur of the 15th August, 1937, under the heading " Professor Khankhoje in Exile—Lift the Ban " ?

Mr. J. A. Thorne : With your permission, Sir, I propose to answer questions Nos. 594, 595 and 596 together. I have seen the article referred to and the Government of India have received a letter on the subject from the Government of the Central Provinces. The position is that no application has been received from Mr. Khankhoje himself for facilities to return to India. He is now a naturalized Mexican citizen and if he wishes to enter India he should apply for a *visa* to the appropriate British Consular authority. Any such application will be considered in the usual way.

Mr. G. V. Deshmukh : Will the Honourable Member explain what the usual way is ?

Mr. J. A. Thorne : I shall require notice of that. I am not familiar with the action taken by British Consular authorities in countries like Mexico.

Mr. G. V. Deshmukh : What was the proposal of the C. P. and Berar Government ?

Mr. J. A. Thorne : The letter of that Government was confidential and therefore I cannot disclose it without the consent of that Government.

Seth Govind Das : If that Government consent, will the letter be laid on the table of this House ?

Mr. J. A. Thorne : Yes, Sir.

Mr. Mohan Lal Saksena : In view of the recommendation of the Provincial Government, am I to understand that if Mr. Khankhoje were to apply he would be granted permission to return to India ?

Mr. J. A. Thorne : I did not say that the Central Provinces Government have made any recommendation.

Sir Cowasji Jehangir : If a national of another country wants to come to India and goes to the Consular Office for a *visa*, have the Government of India any voice in the matter ?

Mr. J. A. Thorne : That is what I said just now, that I am not sufficiently familiar with the action taken by a British Consular authority in a foreign country to be able to answer that off-hand.

Mr. Bhulabhai J. Desai : Would it be any ground for not favourably considering the application that at one time he was a British Indian citizen ?

Mr. J. A. Thorne : No, Sir ; I should consider rather the reverse.

PERMISSION TO MR. KHANKHOJE TO RETURN TO INDIA.

†595. ***Mr. G. V. Deshmukh :** Will the Foreign Secretary please state if the Government of the Central Provinces and Berar have made

†For answer to this question, see answer to starred question No. 594.

any suggestions to lift the ban on Mr. Khankhoje and permit him to enter India?

PERMISSION TO MR. KHANKHOJE TO RETURN TO INDIA.

†596. *Mr. G. V. Deshmukh : Will the Foreign Secretary please state if the ban on Mr. Khankhoje will be lifted and he will be permitted to return to India? If not, why not?

MESSAGE ENTITLED "ALLEGED FRAUD ON INDIANS—HIGH COMMISSIONER'S WARNING" PUBLISHED IN THE *Hindustan Times*.

597. *Mr. T. S. Avinashilingam Chettiar : Will the Secretary for External Affairs state :

- (a) whether he is aware of the Associated Press of India message in the *Hindustan Times*, dated the 28th August, 1937, titled 'Alleged fraud on Indians—High Commissioner's warnings' ;
- (b) how many people who wanted to borrow in England, were deceived ;
- (c) what is the extent of the loss suffered by them ; and
- (d) whether any attempts have been made to trace the culprits in England and bring them to book ?

Lieut.-Colonel A. E. B. Parsons : This is a question which should have been addressed to the Honourable the Member for Commerce and Railways.

The Honourable Sir Saiyid Sultan Ahmad : This question ought to have been put to the Commerce Member, and it will be answered in due course.

GRANT OF PERMISSION TO PASS FOREIGN LANGUAGES TO INDIAN ARMY TERRITORIAL OFFICERS.

598. *Mr. T. S. Avinashilingam Chettiar : Will the Defence Secretary state :

- (a) whether permission to pass foreign languages is given to officers of the Army in India Reserve of Officers ; and
- (b) whether the same privilege is extended to Indian Army Territorials ; if not, why this differentiation ?

Mr. C. M. G. Ogilvie : (a) No.

(b) Does not arise.

Mr. T. S. Avinashilingam Chettiar : May I know if this privilege is given to officers in the regular Army ?

Mr. C. M. G. Ogilvie : Yes.

Mr. T. S. Avinashilingam Chettiar : May I know the difficulty in extending this privilege to territorial forces also ?

Mr. C. M. G. Ogilvie : The reason, I imagine, is that the regular Army is liable to be called upon to serve outside India, and territorials are not.

GIVING OF COMMAND OF TERRITORIAL FORCES TO TERRITORIAL OFFICERS.

599. *Mr. T. S. Avinashilingam Chettiar : Will the Defence Secretary state :

- (a) whether junior regular officers are appointed over senior Territorial officers ;
- (b) whether on page 591, Indian Army List (July) in 11/13 Frontier Force Rifles one Lieutenant is put over two Captains of the Territorial Force ;
- (c) whether Government are aware that this is causing a lot of ill-feeling among the Territorial Force officers ; and
- (d) whether Government propose to give the Command of Territorial Forces to Territorial officers ?

Mr. C. M. G. Ogilvie : (a) No.

(b) No. The Lieutenant referred to is holding the local rank of Captain. In this connection, I would refer the Honourable Member to paragraph 24 of the Indian Territorial Force Regulations from which it will be seen that when senior grade officers of that Force are serving with officers of the Regular Forces, they rank junior of their degree.

(c) No.

(d) In the case of Provincial battalions and Urban units, No. In the case of University Training Corps, Yes.

Mr. T. S. Avinashilingam Chettiar : May I understand, Sir, if it is the case that certain officers who are lower in rank in the Army get a higher rank when they are transferred to the territorial force ?

Mr. C. M. G. Ogilvie : It may sometimes be necessary for purposes of administration and command to give an officer a local rank when he is transferred to a territorial force.

Mr. T. S. Avinashilingam Chettiar : Then, what is that rank ? Is it the rank of Captain or Lieutenant ?

Mr. C. M. G. Ogilvie : His rank, while serving in the territorial force, is indistinguishable in any respect from that of a Captain.

WING COMMANDERS IN TERRITORIAL FORCE REGIMENTS.

600. *Mr. T. S. Avinashilingam Chettiar : Will the Defence Secretary state :

- (a) whether the post of Wing Commander does not exist among the Regular Forces, and also in the Territorial Forces according to Law ;
- (b) whether Wing Commanders have been created in practice in certain Territorial Force Regiments ;
- (c) since when this practice is followed ; and
- (d) whether Government propose to consider the advisability of acting according to what is prescribed under the law ?

Mr. C. M. G. Ogilvie : (a) The rank of Wing Commander exists only in the Royal Air Force and in the Frontier Corps and Militia. It does not exist in the regular army or the territorial forces.

(b) and (c). Government have no information, but an officer commanding a detached portion of a battalion may have been unofficially designated Wing Commander. The practice, if followed, is not illegal.

Mr. T. S. Avinashilingam Chettiar : May I know, Sir, whether this appointment of Wing Commander entails any financial expenditure ?

Mr. C. M. G. Ogilvie : There is no such appointment as Wing Commander.

DEBARRING GRADUATES OF VETERINARY COLLEGES IN INDIA FROM APPEARING AT THE COMPETITIVE EXAMINATION FOR APPOINTMENTS IN THE INDIAN ARMY VETERINARY CORPS.

601. ***Mr. Mohan Lal Saksena :** (a) Will the Defence Secretary be pleased to state whether it is a fact that the graduates of Veterinary Colleges in India were not allowed to sit for the competitive examination for the appointments of Indians to commissioned ranks in the Indian Army Veterinary Corps ? If so, why ?

(b) Is it a fact that the examination was open to the graduates of the Royal College of Veterinary Surgeons in Great Britain ?

(c) Is it not a fact that the graduates of Indian Veterinary Colleges with merit and experience and even post-graduate training in foreign countries, are overlooked as compared to the fresh graduates from the Royal College of Veterinary Surgeons ? If so, are Government prepared to consider the feasibility of discontinuing this practice ?

Mr. C. M. G. Ogilvie : (a) Yes, for the reasons stated in my predecessor's reply to parts (b) and (c) of starred question No. 410 on the 16th September, 1936.

(b) Yes.

(c) The reply to the first portion is that Membership of the Royal College of Veterinary Surgeons is at present the minimum qualification for a commission in the Indian Army Veterinary Corps. As regards the second portion, I refer the Honourable Member to the reply given on 17th September, 1936, by my predecessor to parts (b), (c) and (d) of starred question No. 473 on the same subject.

Mr. Mohan Lal Saksena : May I know if Government have not reconsidered their previous decision since then ?

Mr. C. M. G. Ogilvie : The position is exactly the same as it then was.

Mr. Mohan Lal Saksena : There are a large number of veterinary graduates in India who also have foreign degrees. They are qualified, but are not allowed to sit for this examination.

Mr. C. M. G. Ogilvie : Any one who is qualified to take this examination is allowed to sit for this examination.

Prof. N. G. Ranga : Have at any time efforts been made by Government to get our Veterinary Colleges recognised by the Royal College of Veterinary Surgeons ?

Mr. C. M. G. Ogilvie : I ask for notice.

Pandit Lakshmi Kanta Maitra : Is the minimum qualification for admission to the service a degree from the Royal College of Veterinary Surgeons in England ?

Mr. C. M. G. Ogilvie : Yes.

Pandit Lakshmi Kanta Maitra : May I know if the Government of India will take steps to bring the Indian Veterinary Colleges to the same standard as that of the Royal College of Veterinary Surgeons.

Mr. C. M. G. Ogilvie : If the Honourable Member will refer to the second part of starred question No. 473 and the answer thereto by my predecessor, he will see the reason.

Mr. Mohan Lal Saksena : How does the Honourable Member reconcile his answer to part (b) of the question with his answer to my supplementary question, that anybody who is qualified is allowed to sit for the examination ?

Mr. C. M. G. Ogilvie : Anybody who is qualified for the examination is allowed to sit for it.

Mr. Mohan Lal Saksena : My question is this : there are a number of Indian graduates who have had training in foreign countries and have foreign degrees, but have not been allowed to sit for the examination.

Mr. C. M. G. Ogilvie : The only answer I can give is what I gave already—nobody whose qualification entitles him to sit for the examination has been rejected.

Seth Govind Das : What is the qualification which is required for appearing at this examination ?

Mr. C. M. G. Ogilvie : I have already stated that.

Seth Govind Das : Was no Indian qualified ?

Mr. C. M. G. Ogilvie : I imagine so.

Pandit Lakshmi Kanta Maitra : Is it the considered opinion of the Honourable Member that graduates of the Indian Veterinary Colleges do not come up to the standard required by his Department ?

Mr. President (The Honourable Sir Abdur Rahim) : Mr. Ogilvie has already said so.

SUICIDE CASES IN THE CENTRALLY ADMINISTERED AREAS AND RETIREMENT OF GOVERNMENT SERVANTS AT THE AGE OF FIFTY-FIVE.

602. ***Mr. Mohan Lal Saksena** : (a) Will the Honourable the Home Member state whether Government are aware that suicide cases in the centrally administered areas are on the increase and that in the majority of such cases the victims are educated young men who fail to find means of livelihood ?

(b) Will Government be pleased to state whether any action has so far been taken to keep down the number of such events ?

(c) With a view to remove unemployment among educated young men, are Government prepared to consider the question of retiring compulsorily as was done during Retrenchment Campaign when Government were in need of effecting savings such officials who have rendered sufficient service to earn the maximum amount of pension admissible under the rules ?

(d) Are Government prepared to issue orders to the effect that no official, ministerial or non-ministerial, is retained in service after he has attained the age of 55 years ?

(e) Are Government prepared to give a lead to the Local Governments ?

(f) Are Government aware that the scheme of retiring Government servants compulsorily will not involve any extra cost because the salary of the new entrant plus the pension to be paid to the present holder of a post will not exceed the maximum salary drawn by the said present holder at the time of retirement ?

(g) Are Government aware that the increase in the cost involved in certain cases will be counter-balanced by the saving effected in other cases, so that the net result will be in the shape of savings ?

(h) Are Government aware that the proposed scheme will distribute the resources among the old and young men and will save a large number of the latter (young men) from starvation ?

Mr. J. A. Thorne : (a) and (b). Government are not aware that there has been an increase in suicides as suggested by the Honourable Member.

(c), (d), (e) and (h). Clauses (a) and (b) of Fundamental Rule 56 lay down that extensions of service, after the age of 55, cannot be granted to officers other than ministerial officers except on public grounds and that ministerial officers may be retired at 55-years of age but should normally be retained in service till they attain the age of 60.

As regards making a change in that Rule, I would invite the Honourable Member's attention to the reply given by the Honourable the Finance Member to Mr. Muthuranga Mudaliar's question No. 109 on the 25th August last.

(f) and (g). Without elaborate calculations it is impossible to estimate what the financial effect of enforcing earlier retirement would be.

Mr. Mohan Lal Saksena : Will Government please take steps to make the necessary calculations ?

Mr. J. A. Thorne : As I have said, the calculations would be elaborate, and they would also depend on the terms to be given.

PUBLICATION OF NOTIFICATIONS REGARDING TITLES IN THE GAZETTE OF INDIA.

603. ***Mr. Sri Prakasa :** (a) Will the Honourable the Home Member be pleased to state if it is a fact that there was a Gazette of India notification towards the end of May to the effect that Khan Saheb Sayed Zaffar Husain has been deprived of his title ?

(b) Under whose authority is the Gazette of India published ; and what Department of Government, if any, has been responsible for the publication of this notification ?

(c) Is it not a fact that the Gazette of India is the publication of the Governor General in Council and that they have nothing to do with the granting or taking away of titles ?

Mr. B. F. Mudie : (a) Yes, the notification was published in the Gazette of India, dated the 26th June, 1937.

(b) Under the authority of the Governor General in Council ; the notification was published under the orders of His Excellency the Viceroy.

(c) Yes ; but the Governor General in Council is concerned in ensuring that the orders of His Excellency the Viceroy receive publicity

Mr. Sri Prakasa : Is it not a fact, Sir, that this communiqué was published as a communiqué of the Government of India and not as an order from His Excellency the Viceroy ?

Mr. B. F. Mudie : I have not looked up the wording, Sir ?

Mr. Sri Prakasa : Will Government consider the desirability of taking away the titles privately and not exposing the individual to the contumely of his fellowmen ?

Mr. B. F. Mudie : The Honourable Member might put down a question.

Mr. Sri Prakasa : Why was this title taken away ? Why was it given ?

Mr. B. F. Mudie : If the Honourable Member wishes to have the information he might put down a question.

Mr. Muhammad Azhar Ali : Do Government know that the conferment of a title is an honour and its deprivation a dishonour ?

GRANT OF HELP TO THE FAMILY OF PRINCE MIRZA RAHMAT SULTAN.

604. ***Maulana Zafar Ali Khan :** Will the Honourable the Leader of the House please state :

- (a) whether he is aware that Prince Mirza Rahmat Sultan, grandson of Bahadur Shah, the *ex*-King of Delhi, has passed away in Rangoon, leaving a widow with five daughters and three sons to mourn his loss ;
- (b) whether he is further aware that the family of the deceased Prince is living in abject poverty and that the eldest son, on whom the burden of earning bread for this large family has fallen, is only a young boy not yet out of his teens ; and
- (c) whether Government are prepared to help this illustrious family in its great distress ?

The Honourable Sir Nripendra Sircar : The attention of my Honourable friend is invited to the reply given to his question No. 521 on the 11th instant. I may add that this is identical with the same question which the same Honourable Member put.

Maulana Zafar Ali Khan : Sir.....

Mr. President (The Honourable Sir Abdur Rahim) : I cannot allow supplementaries to the same question now. Any supplementaries ought to have been asked then.

UNSTARRED QUESTIONS AND ANSWERS.

INCOME AND EXPENDITURE OF THE ALMORA CANTONMENT.

108. Mr. Badri Dutt Pande : Will the Defence Secretary state :

- (a) the total gross income of the Almora Cantonment during the last three financial years from house tax, conservancy tax and any other taxes that the Cantonment levies ;
- (b) the Government grant to this Cantonment paid during the last three financial years ;
- (c) the total expenses of the Cantonment during the last three years on conservancy, office establishment (including pay of the Executive Officer) and other items ;

Mr. C. M. G. Ogilvie : I am collecting the information and will lay it on the table in due course.

PAYMENTS FOR CUTTING OF TREES IN THE ALMORA CANTONMENT.

109. Mr. Badri Dutt Pande : (a) Will the Defence Secretary state what payments have been demanded by the Cantonment Authority, Almora for the felling of trees within the Almora Cantonment, within the premises of the bungalow-owners during the last three financial years ?

(b) Did the Cantonment Authority, Almora, satisfy himself in all the cases in which payment was demanded for cutting trees that the same were cut for commercial purposes ?

(c) On what basis or calculation was the payment for trees desired to be cut demanded ?

(d) Is it a fact that the Cantonment Authority invariably asked the person seeking permission to cut any tree or trees, to offer a nominal price for the tree or trees sought to be cut ?

(e) Is it a fact that all such payments made for the cutting of isolated trees have been made under protest ?

(f) What steps do Government propose to take to stop the harassment of the bungalow-owners of the Almora Cantonment on this account ?

Mr. C. M. G. Ogilvie : I have called for the necessary information from the local authorities concerned and will lay it on the table as soon as it is received.

CLASSIFICATION OF THE STAFF IN THE RAILWAY BOARD.

110. **Mr. Ram Narayan Singh** : Will the Honourable the Home Member please state :

- (a) the Service (Classification, Control and Appeal) Rules under which the pensionable staff of the Imperial Secretariat Services' serving with the Government of India Railway Department (Railway Board) are governed ;
- (b) the authority which classify the staff of the Imperial Secretariat Services with the Government of India Railway Department (Railway Board) as Railway servants within the definition of section 3 (7) of Act IX of 1890 ;
- (c) the administration within the definition of section 3 (6) of Act IX of 1890 which employ the staff of the Imperial Secretariat Services as Railway servants within the definition of section 3 (7) of Act IX of 1890 ; and
- (d) whether the Government of India, Railway Department (Railway Board) is a Railway Administration within the definition of section 3 (5) and (6) of Act IX of 1890, and the difference between the Government of India Railway Department (Railway Board) and the Railway Administrations and whether these two administrations are parallel to each other or subordinate ; if so, to whom ?

Mr. R. F. Mudie : I am unable to answer this question which should be addressed to the Honourable the Railway Member.

ACKNOWLEDGMENT OF COMMUNICATIONS FROM ASSOCIATIONS, COMMERCIAL BODIES, ETC., BY THE RAILWAY BOARD AND ADMINISTRATIONS.

111. **Mr. Ram Narayan Singh** : (a) Will the Honourable the Home Member please state whether the policy declared in reply to unstarred question No. 398 asked in this House on the 20th March, 1936 regarding the acknowledgment of communications from Associations, commercial bodies, etc., is applicable to the Railway Department (Railway Board) and is to be observed by Railway Administrations ? If not, why not ?

(b) What punishment is prescribed for its defiance by the Railway Department (Railway Board) and by the Railway Administrations ? If none, why not ?

Mr. R. F. Mudie : I am unable to answer this question which should be addressed to the Honourable the Railway Member.

COMMUNICATION OF OFFICIAL DOCUMENTS, ETC., TO SERVICE UNIONS OR ASSOCIATIONS, ETC.

112. **Mr. Ram Narayan Singh** : (a) Will the Honourable the Home Member please state whether the policy declared in the second part of the reply to unstarred question No. 162 asked in this House on the 16th October, 1936, viz : ' It is open to the Union to ask for copies of any communication affecting the service the Union represents ' is applicable to the Railway Department (Railway Board) and is to be obeyed by Railway Administration ? If not, why not ?

(b) What punishment is prescribed for its defiance by the Railway Department (Railway Board) and by the Railway Administrations ; if none, why not ?

Mr. B. F. Mudie : I am unable to answer this question which should be addressed to the Honourable the Railway Member.

COLD STORAGE STATIONS ESTABLISHED IN INDIA. *

113. Mr. Badri Dutt Pande : Will the Defence Secretary state if any cold storage stations have been established in India ? If so, where and at what cost ?

Mr. C. M. G. Ogilvie : No cold storage depôts have yet been completed under the contract between the Government and Cold Storage Company. Construction has started or is about to start at the following places :

Wana.	Peshawar.
Manzai.	Nowshera.
Bannu.	Rawalpindi.
Razmak.	Sialkot.
Mari Indus.	Ferozepore.
Kohat.	Jullundur.
Thal.	Multan.
Quetta.	Ambala.

It is understood that the Cold Storage Company of India, Limited, have placed orders for all-machinery and equipment necessary to complete these establishments. Government are, however not aware of the cost involved.

MOTION FOR ADJOURNMENT.

CHINA'S APPEAL AGAINST JAPANESE AGGRESSION TO THE LEAGUE OF NATIONS.

Mr. President (The Honourable Sir Abdur Rahim) : I have received notice of a motion for adjournment from Mr. Satyamurti to this effect : to consider a definite matter of urgent public importance, *viz.*, the refusal of the Government of India to consult and take the opinion of this House, even while it is in session, on China's appeal against Japanese aggression to the League of Nations now in session at Geneva of which India is an original member.

Is there any objection ?

The Honourable Sir Nripendra Sircar (Leader of the House) Not in this forum, Sir.

Mr. President (The Honourable Sir Abdur Rahim) : The motion will be taken up at 4 o'clock.

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : May I make a submission, Sir? According to our rules and Standing Orders, we have got to take your consent to an adjournment motion; secondly, if objection is taken, 25 Honourable Members rise in their places; therefore, if there are any arguments which can appeal either to you or to Members of this House, I submit, those arguments ought to be placed here and not reserved, because there is an identical ground on which the Governor General can disallow this motion—that the matter cannot be discussed without detriment to the public interest. If the Governor General can decide that without any evidence, I submit you are at least as competent, and Members of this House are at least as competent to decide the question one way or the other. Therefore, merely because they are sure of the other thing, it seems to me that it is wanting in respect to the authorities concerned.....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member is making a speech : I cannot allow that. As a matter of fact if there is any point of order, I do not think there is because the rule is absolutely clear : the rule being there, an order passed under it means no disrespect to anybody.

The Honourable Sir Nripendra Sircar : I am not at all aware what orders, if any, may be passed in another forum.

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhammadan Rural) : Do I understand that orders have been asked for?

The Honourable Sir Nripendra Sircar : Plenty of time left for it, if that is considered necessary.

Mr. Bhulabhai J. Desai : That is not answering the question.

RESOLUTION *RE* CONSTITUENT ASSEMBLY.

Mr. President (The Honourable Sir Abdur Rahim) : Resolutions. I have gone through the Resolution and the amendments : I find that there are three substantial amendments : one is by Mr. Aney, another by Mr. Jinnah and a third by Mr. Gadgil....

Mr. N. V. Gadgil (Bombay Central Division : Non-Muhammadan Rural) : I am not moving my amendment.

Mr. President (The Honourable Sir Abdur Rahim) : What I propose to do after the Resolution is moved is to take up the amendment of Mr. Jinnah—No. 5 on the list of amendments—which strikes me as more comprehensive than the others. Then, Sir Cowasji Jehangir will move his amendment to Mr. Jinnah's amendment. Then, as there is no substantial difference between Mr. Jinnah's amendment and Mr. Husenbhai Luljee's amendment, Mr. Luljee will move his. Then, I will take up the amendment of Mr. Aney. There will then be discussion on the Resolution and all these amendments.

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

“ That this Assembly recommends to the Governor General in Council to convey to the Secretary of State for India and to the British Government the opinion of the House that the Government of India Act, 1935, in no way represents the will of the nation and is wholly unsatisfactory and should be replaced by a Constitution framed by a Constituent Assembly elected on the basis of adult franchise.”

[Mr. S. Satyamurti.]

I desire to preface my speech by a statement of fact. I am moving this motion not merely as a humble member of the Opposition in this House, but as a humble representative of the Indian National Congress which now governs 7 out of the 11 provinces in India and hopes to govern the other four provinces very soon. (*Opposition cries of "Hear, hear"*.) Therefore, the Resolution is not of a so-called irresponsible opposition, but of the most responsible body governing this country in the provincial sphere. (*Opposition cries of "Hear, hear"*.) This Resolution states three facts: first, that the Government of India Act, 1935, in no way represents the will of the nation; secondly that it is wholly unsatisfactory; thirdly that it should be replaced by a Constitution framed by a Constituent Assembly elected on the basis of adult franchise. Now, I also want to add one more fact. In all the seven Provincial Legislatures and in Sindh, this Resolution with the words "Constituent Assembly" has been passed already or will very soon be passed. No objection has been taken by any minority, much less by any Moslem minority, in any of these provinces to the phrase "Constituent Assembly". Amendments have been moved and have been accepted or will be moved and will be accepted, but no amendment touches this phrase "Constituent Assembly"; and I submit that the Muslim Members of the Provincial Legislatures—I mean no offence to Honourable Members of this House—as a matter of fact represent much larger Muslim separate electorates and represent lakhs and lakhs of Muslim voters throughout the country. (*Opposition cries of "Hear, hear"*)....

Mr. M. A. Jinnah (Bombay City : Muhammadan Urban) : That is not correct.

Mr. S. Satyamurti : Which is not correct? It does not matter. With regard to this phrase "Constituent Assembly", I desire to remind this House, if I may, that, historically speaking, that phrase stands for the Assembly representing the sovereign will of a people, after they have overthrown their Government by a violent revolution. That is the history of it; but the last page in the history of the world has not yet been written and, thank God, there is a great man in this country who can still write pages of eloquent history (*Cheers*); and, therefore, I want to submit to this House, with a full sense of my responsibility, that the Congress, standing as it does by the creed of non-violence, when it talks of a Constituent Assembly, can only mean an Assembly which comes in as the result of an agreement by the development of power in our people, compelling the present Government to agree to this Assembly. Therefore, Sir, there is no need to seek to confuse the issue, by trying to import considerations wholly irrelevant to the present question. Moreover, Sir, if Honourable Members of this House have read the recent articles of Mahatma Gandhi in the *Harijan* after our acceptance of office, they will have noticed a significant sentence in them that the Mahatma contemplates the transference of power to the people of this country by peaceful means, as a result of our agitation and our work. Therefore, the real point behind the phrase is this,—and I want my friends who object to the words 'Constituent Assembly' to take note of this. We want no more futile conferences, futile conventions, where we shall needlessly discuss, quarrel, among ourselves and present the spectacle to the foreigner and to the Government of a people who cannot settle their own affairs. On the other hand, we want

from this Assembly the elimination of the third party altogether (Hear, hear), and we want an Assembly whose decisions shall be final and binding on the British Parliament. That is the real object of this Constituent Assembly. We have had enough of these conferences, round table, and square table and it is time we cried halt to such conferences.

Then, Sir, this Resolution refers to adult franchise which must make an instinctive appeal to the heart of every Honourable Member of this House, and certainly to every Muslim Member who by his religion believes in democracy. We stand for adult franchise, no disqualification by birth, caste, race or religion or wealth ; we want every man and woman in this country, to have a voice in the shaping of the constitution of this country. Can anybody object to that ? (*An Honourable Member* : "No.") Why do you want then separate communities, separate classes, and separate electorates ? I want my friends to notice that, in this Resolution, we swear by adult franchise ; we do not want the scales to be weighted in favour of anybody for reasons of wealth or birth.

Then, Sir, we have, as usual, on such occasions the two extreme amendments,—again I mean no offence,—Mr. Aney on the one side, saying "Communal Award must go immediately", and Mr. Jinnah on the other side saying "in the absence of an agreed settlement, we must go by that". Let me re-state the Congress position. We believe the Communal Award is anti-national and anti-democratic. We believe that separate electorates are wholly inconsistent with any conception of democracy or democratic Government. (Hear, hear.) We believe that in the modern secular State, a citizen has nothing to do with caste or religion ; a Legislature ought to be composed of the most eminent representatives of the people ; but, today, Sir, what is the madness,—I cannot vote for Mr. Jinnah ; even if I wanted to vote for him, I must vote for my friend, Mr. Bhulabhai Desai, because Mr. Desai and I are Hindus and Mr. Jinnah is a Muslim. Is that correct ? Is it consistent with any sense of democratic Government ? We must, therefore, give up separate electorates. At the same time, the Congress realises that, unless and until we can get an agreed settlement with the consent of all the communities concerned, it is impossible, it is futile, to try to fight the Communal Award with the help of the third party. The Communal Award is there, not so much to help Muslims let me repeat, but to help the perpetuation of British Imperialism in this country. Therefore, Sir, we want to fight British Imperialism with the help of our Muslim friends, with the help of all communities in this country, and that is why we say, in the absence of an agreed settlement, we must go on with it, but it does not mean that the Congress will acquiesce in it. The Congress is too much of a believer in democracy, in adult franchise, in responsible Government, to acquiesce in this, and we invite our friends to help us to press forward our claim for adult franchise. I trust, therefore, that our well-known differences on the Communal Award will not influence our judgment in voting on this Resolution. (Hear, hear.)

Moreover, may I say this, Mr. President, the stand taken by the Congress has been justified by events ? I do not believe that anybody who wanted to fight the communal award, apart from the Congress, has succeeded. I say it in no patronising spirit, but I want my friends to realise that the only way to get rid of the communal award is to unite this nation on the basis of a big fight for the freedom of this country.

[Mr. S. Satyamurti.]

Then, Sir, as regards the rights of minorities in free India, public memories are short, but I want my friends to read, learn, and inwardly digest the Resolution of the Karachi Congress on Fundamental Rights of Citizens. The Indian National Congress stands for adult franchise. The moment we get power in this country, we shall see that, whatever else happens or does not happen, every adult who is not a lunatic, who is not an undischarged insolvent, gets the franchise and gets his or her part in the government of this country. Then, Sir, the Karachi Resolution guarantees freedom of worship and freedom of religious observance, to all communities and all religions, subject only to public order and public morality. Nobody can object to that. And thirdly, Sir, we guarantee equality before law, that citizens, irrespective of sect, caste or religion, will be absolutely equal before the law. And as for the expenditure of the State, the Karachi Resolution guarantees that all citizens will get equal benefits. I submit, Sir, that citizenship in the modern secular State is wholly consistent with this ideal and wholly inconsistent with any other ideal. And may I add, Mr. President, that, as far as I can see, in a modern democratic government, all legitimate interests of minorities are bound to be protected by the very nature of the electorates? Of course, there are communalists today in my country, Hindu and Muslim, Sikh and others, who seek to exploit communal ignorance and communal prejudice for their own self-advancement. I have no respect or sympathy for them. They will go when India is free, when separate electorates go, and the earlier they go the better for the country.

Then, Sir, as far as the fact that the Government of India in no way

12 Noon. represents the will of the nation is concerned, I submit it does not require any very elaborate arguments. I will merely state a few facts. This Government of India Act of 1935 does not carry out even the recommendations of the Round Table Conferences. Secondly, it does not accept a single recommendation of the famous Aga Khan's memorandum; thirdly, it is against the Resolution of this House passed less than three years ago on the Joint Parliamentary Committee's Report; fourthly, it is against the Resolutions of the Congress, the Muslim League, and all progressive bodies in this country. And the Resolutions of the Provincial Legislatures have also confirmed this view that this Act does not represent the will of the nation, and last, but not least, Mr. President, if you have read, as I am sure you have and the House has read, the many amendments, they will notice one significant fact, and it is this, there is no amendment to the Resolution up to the words "wholly unsatisfactory". Every section of the House agrees that this Act does not represent the will of the nation and is wholly unsatisfactory; the absence of any amendment proves that completely. As far as the constitution being wholly unsatisfactory, let me also give, Sir, very briefly a few facts. This House is directly elected to-day even, on a direct franchise. Our successors will sit here as the representatives of pocket, and therefore, possibly rotten boroughs, consisting of 6 to 12 voters from members of the provincial lower Houses voting in communal compartments, on the basis of the single transferrable vote, if you please. That is the first reactionary feature of this Government of India Act of 1935. Secondly, even to-day the other House has no financial powers, but under this Act the Upper House will have same financial powers of voting on the Budget and the Finance Bill, as the Legislative Assembly has. Thirdly, the Indian

Princes will nominate one-third of the representatives of the Federal Legislature. Fourthly, diarchy in a worse form, diarchy which has been proved to be a hopeless failure, will be reintroduced at the centre. Fifthly, railways, banking, exchange and currency have already become or will soon become small imperiums in imperio, wholly irresponsible to the Legislature; and sixthly, the Governor General in Council will get out of the picture completely including the Indian Members, so far as defence and foreign affairs are concerned, and the Governor General will then come completely into the picture. Having said that, may I say a word? This Federation which is being hatched for us in absolute secrecy is an unheard of Federation. I have not got the time to go into it at length, but I may refer my Honourable friends very briefly to section 6 of the Government of India Act, 1935, under which, according to sub-section (1) (a), the Ruler "declares that he accedes to the Federation as established under this Act, etc." But his accession shall always be subject to the terms of the Instrument of Accession, "but subject always to the terms thereof, and for the purposes only of the Federation, exercise in relation to his State such functions as may be vested in them by or under this Act". Therefore, the Instrument of Accession is far more important and binding on the State than the Government of India Act, 1935. Similarly, the Ruler is free to accept only such laws as he chooses to accept, and accept the administration of those laws only to the extent to which he chooses to accept. But the sting is in sub-section (5):

"It shall be a term of every Instrument of Accession that the provisions of this Act mentioned in the Second Schedule thereto may, without affecting the accession of the State, be amended by or by authority of Parliament, but no such amendment shall, unless it is accepted by the Ruler in a supplementary Instrument, be construed as extending the functions which by virtue of the Instrument are exercisable by His Majesty or any Federal authority in relation to the State."

It comes to this. Once a State accedes to the Federation, it gets a voice with regard to the amendment of this Act. Although the section says, you can amend in very many matters, if Honourable Members will turn to the Second Schedule, they will find that the qualifications there are much bigger than the subjects on which the Government can legislate by way of amending this Act. On every matter,—Governor's safeguards, discretionary powers, qualifications of members, way of election,—all those safeguards against which we are now objecting cannot be changed even by the British Parliament so far as the States are concerned, without the consent of the Ruler of the State concerned.

So far as these Indian States are concerned, our objections to their joining the Federation on the present terms are briefly these. We believe that with rare exceptions, in most of these States there is no rule of law, not even so much rule of law as there is in British India, that people are detained or deported or externed or interned, property confiscated—anything happens without any recourse to any law or courts of law. Secondly, we want the representatives of these States on our Legislature to be elected by the people of those States; we do not want the nominees of these States. Thirdly, we want that there should be a body of fundamental rights and of citizenship for the people of these States, and they should have ready access to the Federal Court, in cases of breach of those rights by their rulers. It seems to me that that is the minimum on which we can look upon the

[Mr. S. Satyamurti.]

Indian States joining this Federation. But, Sir, while British India is being coerced more or less into the Federation, morning after morning I tried my best with the Leader of the House, but I drew a blank. Every time there is an organised conspiracy of silence on his part and on that of his colleagues to tell British India. "We shall go on with any negotiations with the Indian States, sacrifice Indian revenues, give up sovereignty, we will do anything we like, but we will not say a word to this Legislature or consult British Indian opinion." It is going back on the principle behind the Round Table Conferences; at least there, they pretended to consult British Indian opinion. But to-day you want to go on with your Federation without so much as by leave of British India. How do you expect British Indian opinion to acquiesce in this experiment? The other day, the Maharaja of Patiala, the Chancellor of the Chamber of Princes, said that they were not eager to come into the Federation, but they were confronted with a situation wherein the extension of responsibility at the centre was made contingent on the States' adherence to the principles of an All-India Federation. No, thanks! We neither want this Federation nor this so-called central responsibility; we do not want either. And our position is this. By all means make a Federation of the eleven self-governing provinces. Keep the door open for Indian States to come in on agreed honourable conditions. Good States will come in sooner or later; bad States may not come in; it is best that they do not come in. Then, His Highness the Maharaja concluded by saying:

"Let it not be forgotten that, while our British Indian friends are concerned with the merits and demerits of the Government of India Act of 1935, we of the States have to examine the Act as well as each individual Instrument of Accession, and the latter even more than the former, because for us it is the Instrument that governs the Act."

That is a revealing picture of the relations between British India and Indian States. We have an Act enacted for us by the British Parliament. Their Highnesses are going to have separate Acts enacted, each for himself by their own Highnesses getting Instruments of Accession with the Government of India. Yesterday, in the *Statesman* in a leading article, and this morning in the *Hindustan Times* there are ominous rumours and suggestions that even the Government of India Act of 1935 can be and will be amended to suit their Highnesses' pleasure and convenience; and it does seem to me strange when we are told constantly as against the strong, well expressed unified British Indian public opinion that the Act is the last word, that negotiations are going on behind the scenes in order to oblige Their Highnesses to persuade them or to coerce them to join the Federation by, if necessary, even amending the Act. This is more than a mere conspiracy of silence; it is almost a criminal conspiracy.

Now, I want to make one more point clear. When we say in this Resolution that this Act does not satisfy us and must go, we want to make it clear that the acceptance of office by the Congress Ministries in the seven provinces cannot and does not mean acceptance of this Act in any form or to any degree. We have accepted office, Mr. President, in order to strengthen and unify this nation, in order to serve our people to the extent of the opportunities afforded to us, in

order to remove the fear of Government in the minds of our people, to make our people strong and united and brave, and in order, above all, to convince all the minorities in the provinces that they have nothing to fear from the majorities that are governing the Congress provinces, that the minorities will have all their legitimate rights protected, and that there is no danger for any legitimate interest of any minority in this country. Now, Sir, if that is so, I merely want this House and the Government to consider one or two matters which govern the whole consideration of this question. It is all easy for the Government to say, "We have conquered India. We are here. You are quarrelling amongst yourselves. We will make you quarrel as long as we like, and therefore we refuse to accept this Resolution. You must take the Act or leave it". I put it to them,—perhaps it is hoping against hope, but I still believe in human nature—I want to put it to the Government that they can easily do worse than accept this Resolution. They are depending upon two classes of people, the communalists and the Princes,—Hindu communalists and Muslim communalists and the Princes. They will find that these communalists, the moment joint electorates come in, disappear and they are coming—the Honourable Sir Sikandar Hayat Khan, the Premier of the Punjab, and Sir Ghulam Hidayatallah, the Premier of Sind, have both said in public and private that they stand by joint electorates—if this problem is treated on a province-war basis and not on an all-India basis—and I am in favour of this—I have no doubt that in every province except perhaps in Bengal, the problem will be solved and we shall have joint electorates everywhere. Therefore, it seems to me, Mr. President, that joint electorates are coming, and when they come, these communalists who now strut on the political stage as leaders and try and mislead the people will find their occupation completely gone. I say a new race of nationalists, Moslem and Hindu, will take their place, who will fight the battle of the freedom of this country, and will not stoop to pick the crumbs thrown from the foreigner's dining table. They cannot rely on Indian Princes. I want to tell them that these Princes have sat so long on their backs that they have forgotten the art of walking or flying. They will find them broken reeds when the time comes. Therefore, I hope they will accept the Resolution.

As for the situation in the world, do you know, Mr. President what England is doing? She may have been a lion once, but she has become a very old lion. Mussolini twists her tail. Japan sits on her and the old lion cannot even roar. She whines.

The Honourable Sir Nripendra Sircar (Law Member) : An old lion is better than a Tom cat!

Mr. S. Satyamurti : My friend may pretend to be a lion and don the lion's robes, but he is only a cat and he will deceive nobody. You are a cat on whom lion's robes have been put, and which don't fit you. It is better to be a free cat than a slave lion. It does seem to me that even the Law Member's irrepressible joke cannot belittle the importance of this Resolution. The fact remains that Britain wants to make love to Mussolini, while Mussolini wants to make the Mediterranean an Italian lake and she sits helpless when Japan overruns China. Who is going to keep watch on the world situation? You

[Mr. S. Satyamurti.]

want to disallow our adjournment motion, and to run to the Viceroy's House to get an order and it certainly does not lie in your mouth to try to belittle the significance of this Resolution. The other day my friend, the Maulana, from the Punjab questioned whether the words that fell from Mahatma Gandhi's lips were true. Yes, truly has the poet Bhavabhuti said :

*“ Laukikanam Sadhunam
Artham Vaganuvastate
Rishinam pura dyanam
Vacham Arthonudhavate.”*

Those who are Rishis, when they speak, the meaning runs after the words. Mahatma Gandhi said : “ Let Congress accept office ”. The Congress accepted office. Mahatma Gandhi has said that Great Britain and India must either come to terms, or enter into one of the bitterest of struggles. Believe me, Mr. President, if the latter contingency arises, we will enter on the last and the bitterest struggle that India has ever engaged in. Therefore, I suggest, Mr. President, that this Resolution is a humble but definite indication of the desire and determination of the people of this country to be masters in their own home. It seems to me that all patriotic Indian members of this House, whose vote is free and their own, must whole-heartedly support the Resolution. It is not a question of the transfer of power from a white to a black or brown bureaucracy. On the other hand, we Congressmen are pledged to Swaraj and independence, not for the transference of power into our hands, so much as that the people of this country should come by their own and live like free men and free women in this great country of ours and banish from it the evils of poverty, misery, and disease which beset her to-day.

It may seem that we are impotent to-day to drive the Britisher out, but they are short-sighted who think that a great nation, when it makes up its mind to attain its freedom, can be thwarted in its efforts. Several years ago, I was in Dublin and I asked the mother of four boys who had all laid down their lives in the Sinn Fein fight for the freedom of Ireland “ How long will this fight go on ? ” She answered with tears in her eyes “ So long as an Irish child is alive, the fight for the freedom of Ireland will go on ”. I want to say from my place on the floor of this House that so long as an Indian child lives this fight for the freedom of the country will go on. Therefore, Mr. President, I ask the House and the Government to accept the Resolution. There is yet a chance, so long as Mahatma Gandhi lives, to arrive at a friendly settlement and grasp his hand of friendship. Let us go forward. Let us repeal this Act and get an agreed constitution which will give the millions of this country their rights. Therefore, I will conclude on this note of confidence that we shall attain the freedom of this country very soon, sooner than our friends hope and our enemies fear, and it is in that confidence that I move the Resolution, because, believe me, Mr. President, when once a great people make up their mind to obtain their freedom, there is no power on earth, not even Great Britain, which can stand in her way. Sir, I move. (Applause.)

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

“ That this Assembly recommends to the Governor General in Council to convey to the Secretary of State for India and to the British Government the opinion of the House that the Government of India Act, 1935, in no way represents the will of the nation and is wholly unsatisfactory and should be replaced by a Constitution framed by a Constituent Assembly elected on the basis of adult franchise.”

Before I call upon Mr. Jinnah to move his amendment, I am not quite sure that I have got a correct copy of his amendment. I find in the amendment the words : “ the interests of the Mussalmans and other minorities should be effectively safeguarded only with the mutual consent of the communities concerned ”. The word “ only ” conveys to me that unless every community concerned agrees to it, there could be no safeguard. I do not know whether that is the meaning of the Honourable Member.

Mr. M. A. Jinnah : The word “ only ” is superfluous and should be cut out.

Mr. President (The Honourable Sir Abdur Rahim) : Very well. You can move your amendment.

Mr. M. A. Jinnah : Sir, I move :

“ That for the words ‘ Constituent Assembly elected on the basis of adult franchise ’ the following be substituted :

‘ a convention or a conference elected on the basis of electorates as provided in the Communal Award in the absence of any agreement to the contrary and further that the rights and interests of the Mussalmans and other minorities should be effectively safeguarded with the mutual consent of the communities concerned ’.”

I do not know whether you are going to follow the procedure that all the amendments should be formally moved or that I should now move my amendment and proceed with my speech. You will see that a serious difference exists between the Resolution moved by the Honourable Member on behalf of the Congress Party and my amendment. I do not think it will be quite fair that I should be called upon now to speak, because you have on former occasions allowed all the amendments to be moved and then a general discussion took place on the Resolution and on the amendments.

Mr. President (The Honourable Sir Abdur Rahim) : If that procedure suits the Honourable Member and other Members of the House, I have not the least objection to it. I can put the amendment to the House and the other amendments can be moved and then there will be a general discussion on the Resolution and the amendments.

Amendment moved :

“ That for the words ‘ Constituent Assembly elected on the basis of adult franchise ’ the following be substituted :

‘ a convention or a conference elected on the basis of electorates as provided in the Communal Award in the absence of any agreement to the contrary and further that the rights and interests of the Mussalmans and other minorities should be effectively safeguarded with the mutual consent of the communities concerned ’.”

Mr. President (The Honourable Sir Abdur Rahim) : I now call upon Sir Cowasji Jehangir to move his amendment. I do not know whether he wishes to move it or not.

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : Sir, I beg to move :

“ That in the amendment proposed by Mr. M. A. Jinnah, after the words ‘ agreement to the contrary ’ the words ‘ and further that all small minorities be represented ’ be inserted.”

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

“ That in the amendment proposed by Mr. M. A. Jinnah, after the words ‘ agreement to the contrary ’ the words ‘ and further that all small minorities be represented ’ be inserted.”

Mr. President (The Honourable Sir Abdur Rahim) : The Resolution, if amended in that way, will read like this :

“ That this Assembly recommends to the Governor General in Council to convey to the Secretary of State for India and to the British Government the opinion of the House that the Government of India Act, 1935, in no way represents the will of the nation and is wholly unsatisfactory and should be replaced by a convention or a conference elected on the basis of electorates as provided in the Communal Award in the absence of any agreement to the contrary and further that all small minorities be represented and further that the rights and the interests of the Mussalmans and other minorities should be effectively safeguarded with the mutual consent of the communities concerned.”

I will now call upon Mr. Aney to move his amendment.

Mr. M. S. Aney (Berar : Non-Muhammadan) : Sir, I beg to move :

“ (a) That after the words ‘ Government of India Act, 1935 ’ the following be inserted :

‘ and the ordinances promulgated and the body of rules framed thereunder including those relating to the franchise and class-representation based on the Cabinet decision known as Communal Award ’,

(b) that for the word ‘ represents ’ the word ‘ represent ’ be substituted, and

(c) that after the words ‘ on the basis of ’ the following be inserted :

‘ the non-communal system of representation and ’.”

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

“ (a) That after the words ‘ Government of India Act, 1935 ’ the following be inserted :

‘ and the ordinances promulgated and the body of rules framed thereunder including those relating to the franchise and class-representation based on the Cabinet decision known as Communal Award ’,

(b) that for the word ‘ represents ’ the word ‘ represent ’ be substituted, and

(c) that after the words ‘ on the basis of ’ the following be inserted :

‘ the non-communal system of representation and ’.”

Mr. President (The Honourable Sir Abdur Rahim) : If that amendment is carried, it will make the Resolution read like this :

“ That this Assembly recommends to the Governor General in Council to convey to the Secretary of State for India and to the British Government the opinion of the House that the Government of India Act, 1935, and the ordinances promulgated and the body of rules framed thereunder including those relating to the franchise and class-representation based on the Cabinet decision known as Communal Award in no way represent the will of the nation and are wholly unsatisfactory and should be replaced by a Constitution framed by a Constituent Assembly elected on the basis of the non-communal system of representation and adult franchise.”

I will now ask Mr. Husenbhai Laljee to move his amendment.

Mr. Husenbhai Abdullabhai Laljee (Bombay Central Division : Muhammadan Rural) : Sir, I beg to move :

“ That for the words ‘ Constituent Assembly elected on the basis of adult franchise ’ the following be substituted :

‘ a convention or a conference elected on the basis of electorates as provided in the Communal Award in the absence of any agreement to the contrary, whose decisions shall be binding on the British Parliament and further that the rights and interests of the Mussalmans and other minorities should be effectively safeguarded with the mutual consent of the communities concerned ’.”

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

“ That for the words ‘ Constituent Assembly elected on the basis of adult franchise ’ the following be substituted :

‘ a convention or a conference elected on the basis of electorates as provided in the Communal Award in the absence of any agreement to the contrary, whose decisions shall be binding on the British Parliament and further that the rights and interests of the Mussalmans and other minorities should be effectively safeguarded with the mutual consent of the communities concerned ’.”

There are several other amendments which I think I had better dispose of just now.

[At this stage, all the other Honourable Members, in whose names the amendments stood, said that they did not wish to move them.]

In that case, the discussion will now proceed on the Resolution and the amendments that have been moved.

Maulana Zafar Ali Khan (East Central Punjab : Muhammadan) : Sir, I do not know what to say. (*Voices* : “ Then sit down.”) My Honourable friend, Mr. Satyamurti’s Resolution reminds me.....

Mr. President (The Honourable Sir Abdur Rahim) : I ought to remind the Honourable Member that he will have only 15 minutes.

Maulana Zafar Ali Khan : Thank you, Sir. My Honourable friend, Mr. Satyamurti’s Resolution reminds me of a story. There were two brothers. Their father had died and the family house had been left to them. They wanted to divide it and a fine principle was enunciated when the partition came on. The elder brother, who happened to be very cunning, said : “ Here is the principle ” :

“ *Az sahn-i-khana ta ba lab-i-bam azan-i-man, Waz bam-i-Khana ta ba surayya azan-i-tu.*”

In plain English, it means : “ This fine house, from the floor to the roof of the House, is mine and from the roof of the house to the highest Heaven is yours.” Well, Sir, this India is a very fine house. We, the Hindus and the Mussalmans, have inherited it from our great-great-grandfather, whoever he may be. (*A Voice* : “ Monkey.”) (Laughter.) Now, Mr. Satyamurti has appealed to all the peoples of India in the name of liberty, in the name of fraternity and in the name of equality to sink all their differences, stand in a row shoulder to shoulder and turn out the Britishers from India. And how is he going to turn out the Britishers from India ? Not by means of the sword, not by means of the machine-gun, not by means of bombs, but by means of a moral force generated from the spinning of the spinning-wheel, which means spinning of yarn,

[Maulana Zafar Ali Khan.]

and we are spinning yarns here ! How can the Britisher be turned out of India unless there is a military revolution ? Can the Britisher be turned out of India unless the peoples of India, both Hindus and Muslims, inherit the same military traditions which were the pride of a Partap or of a Tippu ? Oherwise it is all tall talk and when my Honourable friend says that he means to emancipate India from the clutches of foreigners by means of non-co-operation and non-violence, I do not believe in it. It is all bosh, it is all rubbish. (Laughter.) Look at the Britishers, they are all laughing in their sleeves. Well, Sir, there is something as a moral force. Even the Britisher bows down before this force sometimes, but not to the extent of clearing out of India. The Britisher may give India a form of Dominion Status, some form of diluted Dominion Status, but so far as complete independence is concerned, don't you run away with the idea that he is going to give it to you without a desparate struggle. He is not clearing out of India. These 60,000 British soldiers, who are fed on orange marmalade, butter and toast and nice things of that kind, are not going to give them up and leave the shores of India. What are you going to do then ? In the meantime what do you ask the Mussalmans to do ? According to that old story, where the elder brother wanted all the house from the floor to the roof to himself and who left everything from the top of the roof to the highest heaven for his younger brother you want us, Mussalmans, to give away everything to you and clear out ourselves ! Look at the position of the Muslims. Even nature has treated the Muslims of India with great parsimony. Look at their position in the different provinces ? In Madras Presidency, a country in itself, six per cent. Muslims, although they are 30 lakhs for all that. In the Bombay Presidency, ten per cent. Muslims after the separation of Sind, and in the Central Provinces, they are five per cent. and the Hindus are 95 per cent. In the United Provinces, the Hindus are 86 per cent. and the Muslims are only 14 per cent., while in Bihar, there are eleven per cent. Muslims as against 89 per cent. Hindus. So, Sir, you can very well see what will be the position of the Muslims when there is complete independence for India ? What will be the kind of generosity shown to the Muslims by the majority community in an independent India ? Where is your generosity ? There is none. See how the Provincial Congress Ministries have been treating the Muslims during the last three or four months of their rule in the Provinces. The treatment of Muslims in the provinces bears ample testimony to the so-called generosity of the Hindus. We will have to take their word with a grain of salt. In contrast to this, let us turn to Egypt and see how Zaghlul Pasha of blessed memory treated the Copts who were only five per cent. in Egypt. He was more generous and more liberal than the Hindus are in India towards the minority community which forms over one-fourth of the population. Zaghlul Pasha was far more far-sighted than the Congress people are. If I had been in the place of these Congress men, if I had been in the place of Gandhiji or Pandit Jawahar Lal Nehru, I would have called upon the Muslims and said to them " You want representation in services over and above your proportion on the population in this country ? Well your are four per cent. of the population. We will give you 40 per cent." Let us see, Sir, what is the fate of the Muslims in Orissa ?

An Honourable Member : Why don't you join the Congress ?

Maulana Zafar Ali Khan : I have been in the Congress, and I know what the Congress people are. Yesterday, one of my Honourable friends sought shelter behind the President, simply because a certain word slipped out of my tongue—that word was “toady” which he very much resented. This Honourable Member had sided with the Government only the day before yesterday—can he deny it—it does not lie in his mouth, as a Congressman, to say : “ If the English are reasonable, we could co-operate with them ”. This is coming from the height of complete independence to the depth of responsive co-operation. (Applause.) So, I tell my Honourable friends of the Congress Benches who dabble in responsive co-operation, if they only raise the standard of revolts, in the name of liberty and if they carry on a *jihad* against the Britishers, I will be the first to join them and I would be in the forefront of the struggle if they want to obtain complete independence for India. But when they want to obtain independence by means of speeches in this House, I would be justified in asking them to come to a settlement with the Muslims during the thousand years that this thing will go on. Independence is not coming in this manner, I may assure my Honourable friends. I am with my Congress friends so far as sentiments are concerned, they are very fine. I support every word of what my Honourable friend, Mr. Satyamurti, said. I want the Government of India Act to go. I want the Federation to be sunk in the lowest depths of the Bay of Bengal. I want every man and every woman of India to have bread to eat, to have clothes to cover their nakedness and I want certain powers of taxing the people to the extent of their capacity to pay. I want all that. I want the Britishers to leave the shores of India for ever.

An Honourable Member : And yourself be the Viceroy.

Maulana Zafar Ali Khan : Why should I not ? What is the difference between me and the Viceroy, except that he is a shade lighter in colour, and I am darker. A darkie also can be the Viceroy of India as much as a whitie. Where is the surprise in it.

Sir, with the utmost strength that I am capable of, I support the amendment which our Honourable Leader of the Independent Party has put before this House—I mean my Honourable friend, Mr. Jinnah. I submit that this Honourable House should remember that so far as the Muslims are concerned, Mr. Jinnah has the power to deliver the goods : (Hear, hear.) Pandit Jawahar Lal Nehru will have one of these days to eat his words when he said that there were only two parties in India, namely, the British and the Congress and Mr. Jinnah retorted that there was a third power, that is the Muslims in India. I am here to vindicate what Mr. Jinnah said.

An Honourable Member : A fourth power !

Maulana Zafar Ali Khan : Are you referring to myself ? Thanks.

The Britishers will come and join with us the moment we come to settlement amongst us. Don't be under the delusion that you can drive out the Britisher and deal with the Muslims in any way you like. You have no right to ill-treat the Muslims. My Honourable friend, Mr. Satyamurti, said that there were Muslim Ministers in the Congress Provinces who had millions of followers behind them who believe in joint electorate. I say, my Honourable friend was thoroughly wrong. Take a referendum throughout India and you will find that the Muslims of

[Maulana Zafar Ali Khan.]

India will declare in unequivocal language that they are for separate electorates until such time as there is a change in the mentality of the Congress people. With these words, I give the rest of time to others, because the debate is going to be a very hot one, and support the amendment moved by Mr. Jinnah. (Applause.)

Rao Sahib N. Sivaraj (Nominated Non-Official) : Mr. President, I thank you for calling on me to speak and thereby giving me an opportunity to take part in this debate which one might quite harmlessly describe as the cannonade of the big guns. I value this opportunity the more because it enables me to give expression to my views upon this motion which vitally affects the political rights and interests of a large section of the Indian population which has been variously described as the Scheduled Castes, Harijans, and what not, but whom I am here to represent in however feeble a manner.

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhammadan Rural) : Are you an elected Member ?

Rao Sahib N. Sivaraj : No chance ; not for people of my type ! (Laughter.)

Sir, I crave, on this my first attempt to address this Honourable House, your indulgence and through you the indulgence of Honourable Members here, and I pray that I may be allowed to speak without any interruption of any kind. Sir, ever since notice of this motion was given I was trying, most sincerely and to the utmost of my capacity, to understand the spirit underlying this motion and the scope of this motion. My first reaction to this motion was one of straight and stout opposition because.....

Mr. President (The Honourable Sir Abdur Rahim) : Today being Friday, the House will adjourn now and meet again at 2-15.

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

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

MOTION FOR ADJOURNMENT.

CHINA'S APPEAL AGAINST JAPANESE AGGRESSION TO THE LEAGUE OF NATIONS.

Mr. Deputy President (Mr. Akhil Chandra Datta) : I have got to announce that the adjournment motion of the Honourable Mr. Satyapuri has been disallowed as it cannot be moved without detriment to public interest.

RESOLUTION *RE* CONSTITUENT ASSEMBLY—*continued.*

Rao Sahib N. Sivaraj : I was saying that my first reaction to this motion was one of opposition, because it created in me the impression that it was nothing more than a mere jumble of high sounding words and phrases having no relation whatever to facts and realities. If this motion is, as it may well be and probably is, a mere blandishment of the Congress and a mere attempt to redeem one of the many wild pledges that my friends gave to the electorate, then my attitude is one of saying no to this motion.

Mr. S. Satyamurti : On whose behalf ?

Rao Sahib N. Sivaraj : On my own behalf and on behalf of the sixty millions of the people of this country.

An Honourable Member : Are you elected ?

Mr. S. Satyamurti : We rejected you in three constituencies.

Rao Sahib N. Sivaraj : I need not be afraid of being called a Nominated Member of this Assembly !

Mr. Bhulabhai J. Desai : A rejected Member !

An Honourable Member : He is making a maiden speech.

Mr. Bhulabhai J. Desai : Maidens must be modest, and if they are modest, we will respect them.

Rao Sahib N. Sivaraj : I need not be afraid of being called by my friends opposite as a Nominated Member. They can easily recall to their minds the fact that a person, who was defeated in an ordinary election in a municipality and who stood against a Congress candidate, is today a Nominated Member of the Madras Legislative Council and an Honourable Minister of the Congress Cabinet.

Mr. George Joseph (Madras and Ramnad *cum* Tinnevelly : Non-Muhammadian Rural) : He does not speak on behalf of the Congress.

Dr. F. X. DeSouza (Nominated Non-Official) : On a point of order, is it not the etiquette of this House that an Honourable Member who makes his maiden speech should not be disturbed ?

Mr. Deputy President (Mr. Akhil Chandra Datta) : I think the Honourable Member should be allowed to speak.

Rao Sahib N. Sivaraj : If it is, as I said, merely an attempt on the part of the Congress friends to redeem one of their wild pledges to the electorate, then I say my answer is a definite 'no' to this proposition, and for two reasons. One is the political lesson that I have learnt during the short period I was a member of the Madras Legislature, namely, that I should not play into the hands of my political opponents and be used as a pawn in their game, whatever the merits of their resolution. Again, I do not want, by my vote for this motion, to encourage my friends in their career of non-co-operation from which they have been lately weaned by the statesmanlike attitude of His Excellency the Viceroy. But if it is, as I hope, it is a genuine desire to substitute, for the present Act, another Government of India Act more amenable to the wishes of the various communities in India, then I welcome the spirit underlying this motion as an expression of their spirit of co-operation. Sir, I claim to belong to a political party which, in Madras, has been working the constitutional reforms during the last decade and more.

Mr. S. Satyamurti : Where are they now ?

Rao Sahib N. Sivaraj : And which in Madras and very likely all over India gained the credit of having worked the reforms very successfully.

Mr. S. Satyamurti : No.

Ito Sahib N. Sivaraj : I am very happy to see my friends of the Opposition are now following the path which was laid down by the Justice Party under very great handicaps. I must remind my friend, particularly the Mover of the Resolution who hails from Madras, the terrible handicaps under which the Justice Party had to work the constitution there. We had to work the constitution at a time when we were on the one hand assailed by an irresponsible opposition like the Swarajists and the Congress, and had on the other hand, an enormous trouble with the reserved half. We were working under very limited powers unlike today when ministers are free to do whatever they like. What is more, we were working in days when *khaddor* was a red rag to every Britisher and particularly to the British bureaucrat, not as it is today, a silken tassel that binds in close friendship Britannia and *Bharata Mata*. We were working in days when, under the limited powers, Secretaries had direct access to the Governor on any question. Under these very provoking conditions we had made a success of the constitutional reforms because we followed the simple and the only possible method of working the constitution under protest, which my friends have today adopted. I may go even further and say that some of the latest statements of Mahatma Gandhi have made it clear that there is enough possibility of working the present Autonomy to the benefit and advantage of the country even though there are limitations. Sir, that is the position that I take. If that is the spirit in which this Resolution is moved, that is, in a spirit of co-operation, then I welcome that spirit ; though, at the same time, I take exception to the Resolution as it stands, because it is in my opinion, in the first place, premature, in the sense that, if as a matter of fact you have accepted office in the provinces, which provinces have now become legal units of the Federation, it does not stand to reason that you should here come and say that this Act must be abolished without giving it a trial as you do in the provinces. So I say that till the actual Federation is established it is not fair that you should condemn this Federation.

Secondly, I say that the method provided is one that does not appeal to me at all. It will be seen that my friend, the Mover of the Resolution, tried to justify the phrase "Constituent Assembly". I think the position taken up by the President of the Indian National Congress, Pandit Jawahar Lal Nehru, is a much clearer position than the one adopted by the Mover of the Resolution, who says that you can have a Constituent Assembly working within the Constitution provided by the present Government of India Act. I personally feel that that is not the method. The method that has been suggested in the amendment of my Honourable friend, Mr. M. A. Jinnah, will be the only method that one can think of in trying to amend this constitution. In condemning this Constitution, the Mover of the Resolution particularly made reference to two points, namely, the system of indirect election that is provided in the Act so far as the Federal Legislature is concerned. I thought—and I think I am right in saying that—that one of the most important persons, perhaps the most important person in India who advocated the method of indirect election to the Federal Legislature was Mahatma Gandhi himself, and I am surprised to see that the Mover of the Resolution should condemn that method. He next referred to the Communal Award as something which was thrust upon us from outside and as something for which people who do not belong to his way

of thinking are responsible, namely, the minority communities. May I remind him that this Communal Award, in a sense, is a standing shame to the capacity of Indians.....

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

Rao Sahib N. Sivaraj :to get together and frame a Constitution for India. I maintain that the challenge of the late Lord Dukeshead still remains unanswered owing to the peculiar difficulties and the problems which we have to tackle and which Mahatma Gandhi as the sole representative of the Indian National Congress—my friends may say as the sole representative of the Indian nation—tried to solve in England and failed and had to return to India. This Communal Award is a result of that.....

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

Rao Sahib N. Sivaraj : May I have a minute more, Sir ? I must explain my point of view.

Mr. Deputy President (Mr. Akhil Chandra Datta) : This is a Resolution and the Honourable Member cannot speak for more than fifteen minutes.

Pandit Lakshmi Kanta Maitra (Presidency Division : Non-Muhamadan Rural) : Sir, I rise to support the Resolution with the amendment moved by my Honourable friend, Mr. Aney. I also oppose the amendment moved by my Honourable friend, Mr. Jinnah. With the conception of a Constituent Assembly and with the spirit and purpose of the Resolution, I am in the fullest agreement with the Mover, but I must ask the pardon of my friends when I say that the moment chosen for moving it is not the right moment. (*Independent Party Cries of "Hear, hear."*) My Honourable friends on the left say "hear, hear". I do not want it to be understood in the sense that I do not want a Constituent Assembly or any Resolution on it. What I say must not enter through one ear and pass out through the other. What I mean is that the Constitution that has been thrust upon us by an alien bureaucracy, the Imperialist British Government is so reactionary and so unsatisfactory that it is not worthy of the acceptance of any self-respecting politician in this country. But, at the same time, we must realise that if we want to thrust our will on the powers that be, we must develop sufficient sanctions behind us, so that there may be no power on earth which can refuse our demand to have a Constitution framed according to the genius of this country, according to the requirements of this nation. It is in that sense that I say the time is not ripe. I want it also to be borne in mind that those who now cry "hear, hear" should come and join us to fight for the liberation of this country. My Honourable friend, Maulana Shaukat Ali, says that he will then lead us and that my Honourable friend, Mr. Jinnah, also will lead us. Let me tell him and, through him, the great Muslim community that so far as we Congressmen are concerned, we will always gladly accept their leadership if a genuine, patriotic and national lead is given by Maulana Shaukat Ali or by Mr. Jinnah and not this kind of sectarian or communal leadership, which has so long been the unfortunate experience of this country. Sir,

[Pandit Lakshmi Kanta Maitra.]

I am in an awful predicament. I now stand here sandwiched between my comrades in arms on the right, the Congress Party, and my friends on the left, the Independent Party of Mr. Jinnah.

The Honourable Sir Nripendra Sircar : And friends opposite !
(Laughter.)

Pandit Lakshmi Kanta Maitra : That is no surprise to me. But the opposition of the official Congress, even now, is a tragedy. That is the most unkindest cut of all. Sir, when I feel that the real salvation of India depends on the united, sincere and voluntary effort of the Indian Nation inspired by a supreme sense of duty to the motherland and by love of liberty which can come only from within, and not from any private or communal pact and among the communities, I must stand for it. Even and though I am faced on all sides by forces which oppose me, I shall have to fight with my back to the wall, and I do not mind the consequences. Sir, I am very sorry to note that in the course of the speech made by my Honourable friend, Mr. Satyamurti, for whom I have great respect and admiration, he has made a sort of sneering reference to my Honourable friend, Mr. Aney, for tabling that amendment.....

Mr. S. Satyamurti : On a point of personal explanation, Sir. I have too much respect for the Honourable Mr. Aney to make any sneering reference to him now or at any time.

Pandit Lakshmi Kanta Maitra : I am very thankful to him for clearing up the situation. For myself, I was under that impression and it pained me.

Mr. M. A. Jinnah : It was meant for me.

Pandit Lakshmi Kanta Maitra : I hope it was not meant for you either.....

Mr. Deputy President (Mr. Akhil Chandra Datta) : The Honourable Member must address the Chair.

Pandit Lakshmi Kanta Maitra : Now, what is wrong in Mr. Aney's amendment ? It simply says that the Communal Award should go and that there should be non-communal franchise. This House knows, and the country knows very well that as Congressmen, it is on this point and this point alone that we had the misfortune to split. The Congress has always stood for joint electorates : the Congress has never made a secret of it that if any Constitution for this country is to be drawn up, it should be based on joint electorates with universal adult franchise. Sir, to the great misfortune of this country, the British Imperialist has thrust upon us a wicked device in the shape of Communal Award and separate electorates, a device which is so nefarious that it has already succeeded in breaking the solidarity of our national life and infecting it with the virus of communalism. I believe, Sir, that this Communal Award, with the system of communal representation, is the most nefarious device that human ingenuity could devise to split this country into different camps and compartments, so that a united fight for the liberation of our country may be made practically impossible. And, for the time being, British Imperialism has succeeded. Therefore, Sir, if we want to counteract this evil, if we want to liberate this country

from the diplomacy of British Imperialists, we want a Constituent Assembly where we can frame a Constitution suited to the needs, aims and aspirations of the people of this country, and for that purpose it is but meet and proper that representatives of all the communities in this country should come not through the pocket borough methods, nor through special constituencies or separate electorates, but through general electorates based on the broad principle of adult franchise, so that there may be no water-tight compartments, no separate sickening divisions the Indian nation has been broken into by this obnoxious Government of India Act of 1935. Sir, my friend, Mr. Satyamurti, has just now stated the Congress position with regard to the Award, that it re-iterates that the Communal Award is anti-national, irrational and what not. If he takes that standpoint, why does he not work it up to its logical conclusion? Why should it not be rejected, thrown aside when it is so bad? If we have got the honesty and the courage of our convictions, let us stand up as truthful, courageous and patriotic men and say that, in the framing of the future Constitution of this country, this Communal Award and the communal representation will find no place. That is what Mr. Aney's amendment means. It means that in the calling up of a Constituent Assembly, the question of communal representation should not arise at all, there should be non-communal franchise, and the Government of India Act which has, by its various orders and rules, embodied the Communal Award and separate electorates should be done away with. I don't find anything wrong in my friend, Mr. Aney's amendment. I don't think any Congressman can go against it if he really wants to stand by what he has been advocating for this country all along. There is nothing illogical about that amendment. Congressmen can accept that without any breach of the accepted principle and policy of the Congress. I find, Sir, it has recently been growing into a fashion among some people to decry and dub as communalists those very men who say that communalism should go. That is the most cruel of all ironies. They all stand up and say that communalism should go, but how can it, when they do not oppose separatism boldly? Let my Honourable friends, like Mr. Jinnah, Mr. Bhulabhai Desai, Mr. Aney and others, when they want to enter the Legislative Assembly, not go to particular groups or sects to secure their suffrage; let them approach every one of us, irrespective of our or their religious faiths, so that we may select the right man on his own merits for guiding the destinies of our nation. I don't find anything wrong in it. Sir, the policy behind the system of communal representation is the most dangerous and vicious one, and we must wipe it out at all costs.

Then, Sir, reference was made to my benighted province,—Bengal

.....

Mr. Bhulabhai J. Desai : Benighted? I never knew it by that name.

Pandit Lakshmi Kanta Maitra : You may not have known it as such, but you may have felt like it. I am not meaning you particularly, but I know there are people in this House and elsewhere, who, whenever a reference is made to Bengal, betray a spirit of suppressed sneer and suppressed jeer. But, Sir, may I remind my friends on my right, on my left and on the opposite side also, that Bengal has been the cradle of Indian nationalism, the nursery of patriotic genius? It was in Bengal and it was a Calcutta orator who first preached the gospel of freedom in

[Pandit Lakshmi Kanta Maitra.]

this country. Sir, what is the position today? Today, in seven out of the eleven provinces in India, the Congress party, to which I have the honour to belong, is supplying the Government of the land, and, Sir, I, as a Congressman, feel proud of it, and we eagerly look forward to the day when we shall be able to supply the Government in the other provinces too before very long. But when it is said that in all the provinces except Bengal and the Punjab, Congress Ministries are bound to function, I feel ashamed that Bengal has not been able to keep pace with the other provinces, though it has in no way been due to any lapse on the part of National and Political Bengal. Sir, Bengal, which has been the fore-runner, which has been in the vanguard of fight for political liberty, which had been the first in the field to demand self-Government for India, is completely out of the political picture today. Bengal, the first messenger which carried the message of freedom and liberty to the rest of India, and which roused the rest of India from lethargy and political slumber, has now been ruthlessly penalised for her crime of patriotism, by this device known as the Communal Award. The result is that the land which produced a Vivekananda, the land which produced a Bankim Chandra, the land which produced a Tagore, and a Deshbandhu, the land which produced a man like Aurabindo Ghosh of whom any country in the world might feel proud, that land today is a sink of reaction and communalism, and that political and national Hindu is being reduced to the position of utter political impotence. And, why? It is all because of the Communal Award. Do you call me a member of the minority community, a communalist, when I want that communalism born of this Communal Award and communal electorate should go out of this country, and that our people should think in terms of their country and not community? Was not our friend, Mr. Fuzlul Haq, the present Chief Minister of Bengal, who had only a following of 12 Muslim members in the Calcutta Corporation, elected Mayor of Calcutta by the Congress people, the highest honour that the City of Calcutta could confer on him? In offering him the mayoralty of Calcutta, we never cared to take any note of his views on religion, caste or creed or such other matters. Sir, it is incomprehensible to me that, in a scheme of political representation, differences should be made according to the manner and the place where the man makes his offerings to his Maker. It passes my understanding, Sir, that because one man says his prayers in a temple, and another man says his prayers in a mosque, a third man in a church, and a fourth man who never says his prayers, because they think of, and pray to, the Almighty Father in different ways, they must go through different channels to seek admission into the legislatures and not pass through one common door. It is the most nauseating vivisection that Mother India has had to suffer at the hands of an alien bureaucracy. Sir, my Honourable friend, Maulana Zafar Ali Khan, who is not here in his seat now, said, that the Muslim community was prepared to fight with us for our common cause, and that the day of independence would then arrive soon, but that the Muslims must have a settlement beforehand. At the Round Table Conference, Mahatma Gandhi said that he was prepared to give the Muslims a blank cheque if they would join the Congress and fight for independence. But there was no response then. Now, we can again say: make a solemn promise that you will join us to liberate this country: Come forward, don't go on bargaining. Patriotism knows no sordid

bargaining. It will serve no useful purpose if you say that you are prepared to fight for the liberty of this country provided we safeguard, in advance, your interests, before we gain victory ; don't stipulate that a lion's share of the spoils should be reserved for you before you enter the lists. If you are really anxious that our country should be liberated, first of all join us, join the Congress and work with us shoulder to shoulder. Let us first try to establish and consolidate our position in the eyes of the world. Let us gain the freedom of this country, and then see whether we Congress people can do justice to all communities in this country or not.....

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

Pandit Lakshmi Kanta Maitra : You can safely trust the Congress. After all, what has not the Congress done ? Congress people have suffered and sacrificed. You cannot think of a Congressman who has not made some sacrifice for the country, and no sacrifice is too great for the liberty of this country. If my friends on my left, the Independent Party, can rise to the height of that political ideal of liberating this country, through suffering and sacrifice, let them not reckon the cost, let them come and join us in the common fight. Success is bound to come. With these words, Sir, I support the Résolution and the amendment of my friend, Mr. Aney.

Mr. George Joseph : Sir, my friends here want peace, and I hope I may be the means of introducing a certain amount of peace in this matter. The one point which I want to make clear is that a Constituent Assembly is really inevitable. The position now is that the Government of India Act has been passed. It has been brought into operation in the provinces, and frantic efforts are being made,—with what success only the astrologer and the future can say,—to bring into existence the scheme of Federation. But the one outstanding fact is, whether in the provinces or in the proposed Federation, there is absolute unanimity with reference to one matter, and that unanimity consists in this, that there is not a single responsible statesman anywhere in India, there is not a single responsible organised party, there is not a group of people who are interested in politics—not one of them who is prepared to say that the Government of India Act is satisfactory. The Congress has pronounced its condemnation. My Honourable friend, Mr. Jinnah, who seems to dislike the Federation more than anything else in the world, has joined in the condemnation though on other grounds. The leaders of the Liberal Party have pronounced their condemnation of the Government of India Act. Therefore, I am perfectly justified in saying that there is not one progressive or independent political party or group or one responsible statesman who is prepared to say that this Government of India Act is the final solution of the problem in India. Therefore, we have got to look ahead and see whether there is some means not available, some means not possible by which the future of this country can be secured by at least making sure that the instrument of our government is satisfactory. And you will notice, especially in the British Empire, that wherever a dominion has come into being, wherever a colony has been granted the powers of self-government—and we are assured by the Government of India, by my Honourable friends on the Treasury Benches

[Mr. George Joseph.]

that the final end and aim of the whole scheme of constitutional reforms is with a view to make sure that India gets Dominion Status and with it the right of secession if she so chooses to exercise....

The Honourable Sir Nripendra Sircar : Not said by any Member on the Treasury Benches as you seem to think.

Mr. George Joseph : I thought that you would really echo at least the things said by people above you. Lord Irwin did say that we were going to get Dominion Status on the same basis as that of the other Dominions.

The Honourable Sir Nripendra Sircar : None of them used the word "the right of secession".

Mr. George Joseph : Let not my Honourable friend argue like a lawyer. It is perfectly true that what they said was Dominion Status on the same basis as other Dominions. And, as far as the other Dominions are concerned, it is conceded by the Statute of Westminster that they have that right of secession. The Honourable the Law Member may be true in saying that Lord Irwin did not use the words "right of secession", but he used something more than a mere word; he acknowledged the substance of it, and there is not a single statesman who can deny that implication. It has been conceded, again and again, that the right of secession is really implied in the Statute of Westminster.

The Honourable Sir Nripendra Sircar : No, Sir.

Mr. George Joseph : You can argue that when your turn comes. If that is the position, obviously these Dominions have come into existence only on one single basis. The Dominions and their representatives gathered together in an assembly, discussed things amongst themselves and then with representatives of the Colonial Office or the Dominion Office, and finally they definitely said, "This is what we want". Then the thing was put in a legal form by the Parliament at Westminster and that is how the thing has taken place. In India, the whole difficulty is because you have been tied up by the handicap of old traditions, the tradition of tyranny, the tradition of bureaucracy, the tradition of irresponsible government, and when the last step towards Dominion Status has got to be taken I am not in the slightest degree surprised that friends on the other side and their masters elsewhere have tried to get over that difficulty by denying its existence. Take Australia, take Canada, take South Africa, or take the latest thing, the Irish Free State. What has always happened is this. The representatives of these States have come together on a treaty basis with the representatives of the British Government and it was because a treaty was really brought into being that these Dominions came into existence. If the British Government is not more hypocritical than I credit them with being, the only logical consequence of the developments that have come into being during all these years, is that India will have Dominion Status with the right of secession if it so chooses to exercise that right. And the only way it can come into being is by calling into council representatives of this country who will sit and talk things over and decide what will be the final instrument of Government or constitution they want to have in this country. When they come to a considered decision on it the British Parliament and Government will have no other alternative but to grant it. That is the whole difficulty, and till that is realised, I respectfully submit that the point of the discussion

will be missed. I am not worried over the exact word, but the essence and substance of it is that it must be left to the people of this country, their representatives elected on an adult franchise or any other, to come into council, sit together and talk over things, to call into council even the experience and caution and conservatism of the opposite Benches, to sit in council with them, and if, at the end of that, these representatives should come to a conclusion as to what the future constitution of India is to be, then I say there is really no other alternative to the British Government but to accept it. That is the substance of what is meant by a Constituent Assembly. What is going to happen in the near future God only knows ; we do not know. It may be today, it may be tomorrow, or it may be day after tomorrow, it may be as the result of what my Honourable friend, Mr. Sivaraj, praised as constitutional activities, it may be as a result of that, or may be as a result of a fresh call to mass action. But I am perfectly certain that the time will come—whatever the previous stage may be, whatever it may be, even as a result of the kind of thing that my Honourable friend, Maulana Zafar Ali Khan, prefers, I mean violent revolution,—there is bound to come a time when this matter will have to be put to the test as to how the Government of this country is to be carried on. It is really with a view to hastening the matter, or as my Honourable friend, Mr. Sivaraj, said cynically, with a view to making good the wild pledges that the Congressmen made to the electorates during the last election—whatever it is, that issue has got to be faced.

I earnestly appeal to this House, especially the elected representatives of India, that it should be possible for them as self-respecting men, as men of honour, as men who are prepared to stand on their own legs and take up the responsibility of this Government,—it is really for them all to come to this conclusion. We have got this issue still to be settled with the British Government. Who is to decide the future of this country ? Is it the British Government in its wisdom, or is it the people of this country in the plenitude of their suffering and starvation and poverty ? The alternative is that. As I have already mentioned, the experience of all the other colonies has been that the decision has come from the colonies and the countries concerned. And why should that position be reversed here in India ? That is the point at issue. Even as regards the Round Table Conferences, that was really how it started. In 1930, when the first Round Table Conference was summoned in the time of Mr. Wedgwood Benn who was the Secretary of State then, I think,—it was really on that basis—sending for the representatives of the people from India, I may be challenged as to the exact words, but the theory of it all was this. The representatives would come into conference with the representatives of the British Government, they would put their heads together, talk over things and arrive at a settlement which would be binding on the British Government and Parliament. That was the basis on which it began, but, unfortunately, a stage was reached when the Indian delegates ceased to function as representatives at a Round Table Conference but became members of a deputation to the British Government. It is rather difficult to fix the cause but many think that England, going off the gold standard, was responsible for the reduction in status and function of the Round Table Conference. The Indian delegation became members of a deputation. It was recognised when the Labour Government fell. A coalition Government

[Mr. George Joseph.]

came into power and then a National Government which was dominated by conservative opinion and naturally the original basis on which the whole thing started was departed from and the Indian section of the Round Table Conference became a body of deputationists, a body of petitioners waiting on the British Government : Quite characteristically, they failed to carry conviction to anybody in authority. That is the position. As I said, I am really not quarrelling about words. The essential thing is that all the organised representatives in this country must join together. They must be elected or authorised, if possible, on an adult franchise, but certainly on some popular franchise. These people must come together, talk things over and decide the future of this country and present their Bill to the British Parliament, through the British Government, and the British Parliament must really ratify every full stop, semicolon and every comma of that Bill. It is really on that basis that we can have a solution. Otherwise, as my friend, Maulana Zafar Ali Khan, said, you can only have something which will lead to direct action, either mass violence or all the suffering of the past. I do not hesitate for one moment to face the necessities of a situation like that, if that should arise but in the interests of England and the future of this country and the future of the world, in the interests of the development of the wonderful technique of Mahatma Gandhi, we should try to arrive at a settlement without getting our heads broken or cutting each other's throats. I wish to appeal to the Members of the Treasury Bench and through them to their masters in England that this is the situation which faces us. It is not really a question of Mr. Jinnah's amendment or Mr. Aney's amendment. The real question to be decided is—who is to decide the future of this country. You can call it self-determination or by any other name but there is only one solution and one answer possible. The future of the world, the future of the peace of India and the future security of England are at stake in this issue. The terms that England imposed in the days of the Mutiny or in the days of the Khilafat can no longer satisfy the people of this country. I will, therefore, add one final word. I am not even a member of a big minority. Though I belong to a small minority : I happen to be here as a member of the Congress. I am here as a member of the biggest political party in the country, and it is the political issue with which I am concerned. The Government should not make the mistake of imagining that they can ever solve this problem without the Congress. Today the Congress are the rulers of seven provinces ; tomorrow it may be eight. There is bound to come a time when we can settle the claim of all the political parties in India, because the Congress represents the one mighty political energising unit in India and it is only the Congress that can deliver the goods.

Sir Muhammad Yamin Khan (Agra Division : Muhammadan Rural) :

3 P.M.

I oppose the Resolution as well as all the amendments standing in the names of the other Members. Some of the Honourable Members may be thinking that I am not agreeing with their views, but I am going to tell them something very plain. and I hope they will have at least the patience to appreciate the point of view of a person who does not agree with them on this question. When I heard my friend, Mr. Satyamurti, speaking on this Resolution, I began to wonder what he really had in his mind when he asked for a Constituent Assembly to be elected on an adult franchise. I want

to know whether he is afraid of the Hindu population on whose vote the Hindu Members have come here ? Are you afraid that you will not enjoy their confidence in future ? Was he afraid of the Hindu communalists, because my friend is so much inclined towards the other communities ? He is so benevolent to the other communities that the Hindu communalists will wipe him off. Was that the fear in his mind ?

Mr. S. Satyamurti : I have no fear of any kind.

Sir Muhammad Yamin Khan : Or was it the desire of my friend that the mouths of the people, who come here to speak on behalf of the minorities, should be shut up, by the method that the majority community to which he belongs will have a preponderating voice in electing the people ? I will take the illustration of my own province and my own community. Why is he afraid that 14 per cent. Mussalmans in the United Provinces should have a voice to speak on behalf of 14 per cent. Mussalmans ? Does he want that 86 per cent. people should vote for the men he chooses to put up, who are chauffeurs or cooks, or men of that kind, and 14 per cent. should have no voice ?

Mr. S. Satyamurti : May I answer your point ?

Sir Muhammad Yamin Khan : I do not give way. My time is very limited.

Mr. S. Satyamurti : Then you are afraid of the answer.

Sir Muhammad Yamin Khan : My friends will reply. I have got only fifteen minutes. Does he want by this Constituent Assembly to be elected jointly to represent the views which he stands for ? Does he want to make an arrangement with the Muslims in the way that he wants in this crooked manner ?

Mr. M. S. Aney : On a point of order. If a speaker raises a series of points and puts questions, is it not decent for him to give way when the gentleman to whom he puts questions gets up to reply ?

Mr Deputy President (Mr. Akhil Chandra Datta) : The Honourable Member asks "Is it not decent". That is not a point of order.

Sir Muhammad Yamin Khan : I am sorry that a Leader of a Party should have talked like this. I would have tolerated this thing from one of his back-benchers. He knows that I am not putting any questions. I was simply wondering whether certain things were in Mr. Satyamurti's mind.

If my Honourable friend is willing to constitute a Constituent Assembly, consisting of the majority community to the extent of 50 per cent. and all the other minority communities constituting the other 50 per cent., then, I will whole-heartedly support him. But, if my friend wants to have only his voice heard outside this House, I am not willing to join him. I have seen him for many years. I have been watching those people who have been the greatest communalists and who have come in the guise of nationalists on the floor of this House. I am sorry to say that these men appear to me to be of the Congress communalistic mind because they do not want to give to the minorities any voice in the settlement of the affairs of the country. I have differed from my friend, Mr. Jinnah, in many respects even at our

[Sir Muhammad Yamin Khan.]

own meetings. I was a member of the Muslim League for many years and I do not agree with him on many points. But, I was never an impediment in his way to seek the elections in my province in any way he desired. But I expected some consideration to those people who have been returned in a majority to Mr. Jinnah's party. I may not have had any place and I may have been called pro-Government. Whatever people may call me, I am sure nobody in this House can call me that I have been a communalist in this House. Of course, I stand to safeguard the interests of my community from the aggression of communalists, and if that is communalism, then I am a staunch communalist in that sense. I will not give in even to my Honourable friend, Mr. Jinnah, if I find that my community is being treated badly by my friends over there in any way. Now, the point is that in the United Provinces the Congress has been returned in majority by the slogans of my friend, Maulana Shaikat Ali, who was saying that the Congress will sweep the polls and was a great champion of the Congress at the time of elections.

Mr. S. Satyamurti : Why not ?

Sir Muhammad Yamin Khan : Of course, he was right in doing this, and I am glad that he is getting the right treatment from the Congress. I am glad that it has opened his eyes now because up to this time he was living in a fool's paradise.

Maulana Shaikat Ali (Cities of the United Provinces : Muhammadan Urban) : I am still fighting them.

Sir Muhammad Yamin Khan : The Honourable Member has spent the whole life in fighting and he will never settle down. My point is that the Congress ought to have shown, in the six provinces where they had a clear majority, a benevolent attitude towards the minorities. I am talking of the minorities and not only of the Muslim community. The first benevolent attitude ought to have been shown to the Muslim big minority which came next to them in majority. They ought to have taken them into their confidence. They ought to have taken the men of that big community in their Ministry and should have worked hand in hand with them. But instead of doing that they are kicking them out. This shows that they are not willing even to extend their hand to people like Mr. Jinnah. Then, the other minority whom they are treating badly is the minority of the zamindars. They ought to have seen that in my province there were only two parties, the Congress Party and the Zamindar Party, let alone the communal parties. Ever since the Congress came in power, what have they done ? They have collected all the land revenue and they have stopped all the rent being collected. Where is the zamindar going to pay the land revenue from ? He is made to pay the land revenue because his property is being attached but he is not allowed to collect any rent. In the most autocratic manner they have stopped the rent collection by means of executive orders. If my friends over there do not like the bureaucratic manners, they ought not to allow themselves to do the same thing. And if they are going to imitate the same methods which our bureaucrats are following, then there is no difference between them

and the British bureaucrats. If the present Government were to issue executive orders, I could justify them because they are not responsible, but when the Congress does the same thing which they have been criticising, I think they should receive the greatest blame which they deserve. From this attitude of theirs, one could feel what would be the condition of the minorities if a Constituent Assembly were formed.

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

Sir Muhammad Yamin Khan : I will finish my speech in one minute, Sir. I want to give in one word my explanation as to why I do not agree with my friend, Mr. Jinnah's amendment. I think that my friend, Mr. Jinnah, is making the greatest blunder by moving his amendment. There will be no safeguard when a Constituent Assembly is formed. His Constituent Assembly will be like this House minus the Government Benches and my friend will have no voice in that Constituent Assembly. Therefore, it will mean only wasting the labour by calling a Constituent Assembly in this manner, why not have this House as that Assembly ? Therefore, I think that it is absolutely futile to have any kind of Constituent Assembly unless the Congress comes forward and shows by its deeds that it is ready to meet the minority communities and treat them properly. When they are willing to do that, we shall all join hands with them. Until they do that, we will never join them and will go on opposing tooth and nail the Congress activities in the country.

Qazi Muhammad Ahmad Kazmi (Meerut Division : Muhammadan Rural) : Sir, I find that this Resolution of Constituent Assembly has been taken advantage of for ventilating the private grievances of one party against another party.

Sir Muhammad Yamin Khan : No, of one community against another.

Qazi Muhammad Ahmad Kazmi : The Honourable Member is a party in himself. So far as the objections of the learned Knight are concerned, he being an ultra loyalist, I do not want to join issue with him on those points. Sir, if we closely look at the real issue, we find that the demand of the whole House is unanimous. I do not mean that the Government Members or the ultra loyalists agree with us, but it is a common demand of all the elected representatives of this House. As was pointed out by my Honourable friend, Mr. Satyamurti, so far as the Government of India Act, 1935, is concerned, so far as the necessity for its repeal is concerned, all parties are agreed. So that the first part of the Resolution is fully admitted as far as the elected representatives of this House are concerned. The only question that is in dispute is about the method in which the Constituent Assembly is to be convened, and, in that respect, I think it will be proper for me to explain the position of the Congress. (Interruption.) Just as the Honourable Knight from Bombay is entitled to express his own views, I, as a humble man, have got the right to express my own views, however humble they may be. I want to place my point of view before the House.

[Qazi Muhammed Ahmad Kazmi.]

Sir, it is a clear question that in the fight that is proceeding, sometimes in the form of civil disobedience, sometimes in the form of entry into the Councils, sometimes in the form of leaving the Councils, sometimes in some constitutional way, sometimes in another, it is absolutely necessary for India to have a body—to have a representative body in which persons of all the communities must be represented. I do not say that it is not right on the part of the Muslims, or the Sikhs or the Christians to have their own party organisations, but it is admitted on all hands that there must be a common organisation for all the communities of India. (Hear, hear.) We must have a common platform on which all of them can join hands and it was for this purpose that the Indian National Congress was established so far back as 1885. At that time, it was not only the Indian National Congress that was established, but other Associations also came into existence,—for example, the Indian Defence Association and others, but all of them are no more, and now it is only the one common body—the Congress which claims and which has got in its ranks persons representing all the communities. (Hear, hear.) I do not claim any perfection for the Congress, the Congress may have its own defects, but I must say that the defects can only be removed by a larger number of members of different communities joining the Congress itself. If you allow any one particular community to dominate and you do not want to take part in it, it may develop some tinge which you may not like, but you should not blame that body, but blame yourself, because, though you have got the opportunity of enrolling yourself in that organisation as a member, and thus correcting its view point, yet you do not care to join it. I submit that whatever be its defects and whatever be its merits the only one common body that represents India is the Indian National Congress, and there can be no doubt that to whatever party one may belong, one cannot deny the fact that it is absolutely necessary for Indians to have one common platform. (Hear, hear.) Having described the necessity and object of the Congress we have to see as to what should be its attitude towards the amendments to this Resolution. To maintain its non-communal character it must be prepared to face difficulties and make sacrifices. The amendments to the Resolution hang round the Communal Award and I submit that whenever we talk of the Communal Award, either talk in favour of it or say anything against it, I feel ashamed because a reference to it means that we, either on this side or on the other side, cannot settle our differences amongst ourselves. Let us settle our differences today, let the Independent Party and the Congress Nationalist Party settle their mutual differences, the Congress will follow them. Does any Honourable Member think that the Congress has got the power of forcing the Congress Nationalist Party to accept the Congress view point? It is not so because if the Congress had that power, then the Congress Nationalist Party would not have been following the course that they are doing today. To say that the Congress has got the power to force the entire Hindu community to come to a certain settlement is incorrect. Had that been possible there would have been no other political body in India except the Congress. There would have been no separate Hindu political organisation. So, the Congress, when it claims to be non-

communal, when it claims to have the representatives of all the communities in its fold, has got to act up to a policy which must be non-communal in character. Therefore, it is neutral in the matter of the Communal Award, a matter in respect of which, as I said before, we must hang down our head in shame rather than apportion the blame or praise to one or other of the parties; the Communal Award had been delivered by the Premier because we did not agree amongst ourselves. When we say that it should be set aside or that it should be retained what we admit is that we cannot come to an agreement amongst ourselves. That is the position. So it is useless to wax eloquent against or in favour of the Communal Award. When the Communal Award was announced, so far as I could observe, there was a considerable body of opinion amongst Muslims against it. It is no doubt due to the undue antagonism of some other persons to the Communal Award that my Muslim friends stick to it today. It is only this attitude on the part of either community that is responsible for the subsistence of this Communal Award. When my Hindu friends tell the Muslims that the Communal Award is very favourable to the Muslims and so it must go, then I submit that this House can rest assured that the Hindus and Muslims will, for ever, go into two different compartments. We knew the defects of this Communal Award, the Muslims were complaining against it. The Muslims are afraid that on account of the agitation against the Communal Award by the Hindus, whatever they have got might be taken away from them and that is why they stick to the award tenaciously.

My position under the circumstances is this. What is it that the Congress can do? So far as the Communal Award is concerned, every word that has fallen from the lips of my Honourable friend, Mr. Satyamurti, will be supported by almost all the parties in this House, but—there will be a 'but', and that 'but' will not be a very important 'but'—he said that Communal Award and separate electorates are anti-nationalist, and anti-democratic. I think the Congress Nationalist Party is also of that view and it is from that point of view that they are attacking it. I know my Honourable friend, Mr. Jinnah, was one of those who has been a very strong supporter of joint electorate. He it was who, in this very Simla, convened a conference in 1927 of the various Muslim parties in which he preached joint electorates as the only solution for the salvation of all minorities in India. I do not believe for a minute that Mr. Jinnah is going to say that separate electorates and Communal Award are democratic institutions or nationalist institutions and these are things which we must stick to. The difference is only this, that so long as any solution is not arrived at, so long as no agreement is arrived at between the parties, we must stick to this Communal Award. The Congress says: "We say nothing in the matter". So the position is this that all agree regarding its merits or demerits. The Congress Nationalist Party has brought this amendment and says that the Communal Award must go. I would appeal to all the parties not to make this Resolution demanding a Constituent Assembly as giving an opportunity to ventilate our grievances against one another. We must not make it a point just to make a declaration of faith by the Muslims or by the Congress Nationalist Party or a declaration of faith by any other party. Let us go to the maximum

[Qazi Muhammad Ahmad Kazmi.]

common agreement that can be brought about between the parties, and it is for this reason that the Congress has come forward with a Resolution for a Constituent Assembly in which there will be adult franchise. It does not say anything so far as Mr. Jinnah's amendment is concerned, on what principle it should be elected. So my submission is that we must have sense enough to solve our problems and if the Independent Party and the Congress Nationalist Party come to a solution the Congress will accept it. I am an humble man but still I say that this is the correct thing which the Congress must do and I think they will do. But if they cannot come to a compromise I will ask them that if they consider the necessity of this Resolution they must withdraw their amendments and leave this matter to be decided amongst ourselves at better moments. All these grievances need not be ventilated in this House but they may be ventilated somewhere else so that we may come to an agreement.

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

On the merits of the Resolution I want to say that any constitution which is drafted by persons who do not belong to India can never be acceptable to India. That is a truth which cannot be denied by anybody.

Major Nawab Sir Ahmad Nawaz Khan (Nominated Non-Official) : That is because you cannot agree.

Qazi Muhammad Ahmad Kazmi : We do not ask you anything ; you go on agreeing with those people.

The position is that every one of us says that we do not like the Government of India Act. Only a couple of days ago when we were discussing the Insurance Bill we found hardships inflicted upon us by the Government of India Act and every one agreed that it is a thing which binds our hands in every way. All agreed that this Government of India Act must be repealed and replaced by some other Act.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member's time is up.

Qazi Muhammad Ahmad Kazmi : So any Act which is inflicted upon us by the British authority cannot be acceptable to us and it must come by agreement. And India has got the right to make such Act itself and foreigners have absolutely no right. That is the demand which is contained in this Resolution. Sir, I support the Resolution moved by Mr. Satyamurti.

Dr. F. X. DeSouza : Sir, in the flood of impassioned eloquence to which the House has been treated in this debate, I venture to think that there is a danger of the real issue being lost sight of. I may, therefore, be permitted just to clarify our ideas and state what exactly is the matter in issue in this debate. The goal to which we all aspire, to which Mr. Satyamurti referred in his eloquent address, is the goal to which every self-respecting son of India will cordially subscribe. Our goal is to be a self-governing unit as an equal partner in the partnership of the British Commonwealth of Nations.

Sir Cowasji Jehangir : That is not their goal ; it is your goal.

Dr. F. X. DeSouza : I venture to think, in spite of the contradiction of my Honourable friend, that that indirectly is also the goal to which they aspire.

Sir Cowasji Jehangir : Make them admit that.

Dr. F. X. DeSouza : The goal is Dominion Status as my Honourable friend, Mr. George Joseph, on the other side, said. That goal implies, if the Statute of Westminster has any force at all,—and here with the greatest deference I differ from my Honourable friend, the Law Member,—if the Statute of Westminster has any force at all, it means the power to secede from the Empire when and as we like. That, Sir, is the goal which successive Viceroys have described as the goal to which the British Government, in the end, will permit India to aspire. That being so, it cannot be disputed for a moment that the present Government of India Act falls far short of achieving that goal. It contains provisions which detract from the sovereignty of the Parliament of the Legislatures of India by giving reserve powers to the Governors ; it contains provisions which act as a stranglehold upon the development of the commerce and industries of India ; it contains provisions which attempt to disintegrate the country by having this communal division. We all agree, I do not think there is one person in the House who does not agree, that the Government of India Act has to be modified ; we only differ as to the methods by which that should be done. There are two methods for the consideration of this House. Is this method going to be by the formation of a Constituent Assembly such as has been described by my Honourable friend, Mr. Satyamurti, or is it going to be achieved by allowing the Government of India Act to function as a stage in the evolutionary development of the constitutional advance of this country, as has been the programme of the British Government for the last 30 years ? That is the clear-cut issue before the House. Are we going to advocate a Constituent Assembly or a constitutional advance ? The theory of Constituent Assembly was thus propounded by Pandit Jawaharlal Nehru who is the father of that idea and who is deservedly the idol of the youth of modern India. He said this at the last Lucknow Congress, in 1936 :

“ This constituent assembly will not come into existence till at least a semi-revolutionary situation has been created in the country and the actual relationships of power are such that the people of India can make themselves felt.”

He added that this state of things can be easily realised because this is the time when—

“ the world is too much in the grip of dynamic forces to admit of static conditions in India.”

If that is so, it seems to me to be pretty obvious that the formation of a Constituent Assembly contemplates a semi-revolutionary state in the country and that semi-revolutionary state, whatever my Honourable friend, Mr. Satyamurti, may say, cannot be brought by non-violence but can only be obtained by violence. If that is so, is this the creed of those who preach non-violence ? (*Cries of “ Yes ”*.) Is it the opinion of any Member of this House that the British Government will be inclined to surrender their power except, as pointed out by Pandit Jawahar Lal Nehru, through force ? If I have studied English history to any purpose, if I have studied British character to any purpose, my firm

[Dr. F. X. DeSouza.]

conviction is that this state of semi-revolution, which is a condition precedent to the establishment of the Constituent Assembly, cannot be brought about except by force. Therefore, those who believe in non-violence, those who believe in avoiding all force, cannot possibly be advocates of a Constituent Assembly in the sense in which it is used.

It follows, in the circumstances, that the only possible method of achieving the object we have in view is not through a Constituent Assembly, but by allowing the present Government of India Act to function as one link in the general evolutionary progress. Now, I come to the question, how is that to be done? The question was considered at great length by the Congress before they decided to accept office. First, they considered and with great plausibility argued, that the safeguards, reserve powers in the hands of the Governor, were a barrier to constitutional advance of any kind. But, later on, a keen controversy ensued, and in a remarkably well thought out letter addressed by Lord Lothian to the *London Times* of the 13th April, he pointed out that it by no means follows that the existence of the safeguards is a barrier against constitutional advance. He said the Governor's use of his reserve powers must inevitably be affected by the popular support his ministers had behind them. His decision, as all past history shows, largely depends on whether the majority in the legislature is united and resolute and on whether it can count on the support of the electorate in the event of a dissolution. If it is, the Governor has usually decided not to provoke a constitutional crisis for which there is no solution save the suspension of the normal functioning of the constitution. That is why he says responsible Government has always led to self-Government. This interpretation of the constitutional position was accepted by Pandit Jawahar Lal Nehru himself. He was satisfied with this interpretation and he asked, why all this fuss about safeguards, if electors are the final tribunal.

It is true, Sir, that in the last resort, the Governor's responsibilities are as much as Ministers' responsibilities, and the Governor's responsibilities and the Ministers' responsibilities are co-extensive. Nevertheless, the fact remains that the Governor's powers are an integral part of the Act requiring an amendment of the constitution before they are eliminated. And, how is this elimination to be carried out? As all constitutional history, especially the British constitutional history shows, the British method of amendment of the constitution is not by a revolution but by evolution. The British liberty is broad-based upon the popular will, and liberty which is broad-based upon the popular will broadens from precedent to precedent. Therefore, it follows, that it may not be by a revolutionary change, but by a steady evolutionary progress in the constitution that this amendment of the Government of India Act can be achieved.

There is one word more, and I have done. This Constituent Assembly which is advocated by the Honourable Members opposite is based upon adult franchise, but, Sir, it must be regretfully noticed that an Assembly elected by adult franchise will not represent the will of the nation taken as a whole, but will represent the will of the majority party only. A study of the history of the French Revolution will tell you what happened when the States General called for a Constituent

Assembly. The Constituent Assembly was constituted by the vote of the third estate. What did they do? What happened to the peers, what happened to the clergy? Till then the most important estates of the realm. Why, Sir, the peers were banished from the country and several of them were guillotined and the clergy were all expelled from the church. It is only the third estate which remained to constitute the Constituent Assembly. If past history is any guide for the future, is it not likely that a Constituent Assembly formed on adult franchise will also have the same result here? I venture to think that it will. Especially now, after the formation of Congress ministries in several provinces, misgivings in this sense have arisen in the minds of minority communities. Sir, I am not a communalist: I have never advocated communalism in this House. I believe communalism disintegrates a nation. It does not mean, however, that I should sit silently by looking on with equanimity when my own community has not received just treatment at the hands of the Congress Ministry in Madras province where the Christians number three millions. What recognition have we got? Mr. Satyamurti, speaking as a responsible representative of the Congress, said he thought the Congress had done well by the Christian community because they have taken a Christian Parliamentary Secretary and had helped in the election of two Congress Members to this Central Assembly. Now, Sir, I ask in all humility is that just treatment accorded to an enlightened community which has approved and followed the Congress programme? I am not saying this in a spirit of complaint. I only say that is the feeling of the community. Although I am not a communalist it does not mean that I wish to see my community submerged. That is what I wish to say. With these words, I sit down.

Sir Abdul Halim Ghuznavi (Dacca cum Mymensingh : Muhammadan Rural) : Sir, we have listened this morning to the speech of my Honourable friend, Mr. Satyamurti. After I heard him, I felt that such a Resolution should have been moved at a later date, after having come to a settlement with the Muslims for which my Honourable friend, Mr. Jinnah, did his very best.

An Honourable Member : Would you then support it?

Sir Abdul Halim Ghuznavi : Certainly.

An Honourable Member : What has Mr. Jinnah done?

Sir Abdul Halim Ghuznavi : Your inquiry shows your colossal ignorance. Much has been said about the Communal Award.....

Mr. M. S. Aney : Nothing in comparison to what will be said hereafter!

Sir Abdul Halim Ghuznavi :and I was surprised when I heard my Honourable friend, Pandit Lakshmi Kanta Maitra, from Bengal; because he was blissfully ignorant of what happened in England in the various Round Table Conferences. In England, the Muslim delegation which was led by H. H. the Aga Khan and the late Sir Muhammad Shafi and Mr. Jinnah gave a blank cheque to Mahatma Gandhi on behalf of the Muslims to bring about a settlement: that will not be denied: Mahatma Gandhi himself has said so in his speech in one of the Round Table Conferences.....

Mr. M. S. Aney : He says *he gave* blank cheque to the Muslims.

Sir Cowasji Jehangir : They all gave blank cheques without filling them in or signing them even ! (Laughter.)

Sir Abdul Halim Ghuznavi : Every proposal that was brought before the Muslim delegation was accepted, but Mahatma Gandhi could not deliver the goods. That is a fact. That is the story of how the Communal Award came into existence. He did his very best, but his followers would not allow him to do what he wanted to do. In fact, in the Second Round Table Conference, the whole of this communal bitterness had almost completely disappeared. He brought out a formula, but, unfortunately, he could not succeed as he was not allowed to do by Dr. Moonje and Pandit Madan Mohan Malaviya—a fact which is known to everybody who was in England then and was also admitted later on by Mahatma Gandhi. I have documents—though they are not with me today—to prove decisively that the Muslims were not to blame, that every proposal that was brought to the Muslim delegation by Mahatma Gandhi, with necessary safeguards, was accepted by Mr. Jinnah and the late Sir Muhammad Shafi and H. H. the Aga Khan on behalf of the Muslim delegation as a whole ; but the difficulty was that the Hindu leaders could not deliver the goods and would not bring about the arrangement which Mahatma Gandhi wanted. I have just said that these two gentlemen refused to accept the proposal which Mahatma Gandhi put forward. Now, Pandit Lakshmi Kanta Maitra said that he supported this Resolution with the amendment proposed by my Honourable friend, Mr. Aney, because the Congress did not want to displease the Muslims and so they would neither say “yes” nor “no” as regards the Communal Award ; they would keep quiet : and this, he has explained to the House, was the reason of his friction and difference with the Congress Party, and was the *raison detre* of the Nationalist Party which was openly out against the Communal Award. As a matter of fact, the Communal Award concerns only the grievances of the Bengal Hindus and of no other province.....

Sardar Sant Singh (West Punjab : Sikh) : Uh ! See the Punjab !

Sir Abdul Halim Ghuznavi : “Uh” says my friend. What did my friend do—did he raise his little finger in 1932 when the Communal Award was published ? Nothing of the kind.....

Sardar Sant Singh : May I inform my Honourable friend of one thing, that the Government had to issue.....

Sir Abdul Halim Ghuznavi : Sir, when the Communal Award was published in August, 1932, no opposition from Bengal was made by the Hindus at all, and that has been proved to the hilt. What happened was this : In August, the Award was published : in September, we were having the Session of this Assembly in this House : After the Award was published, Mahatma Gandhi began to fast to death : his point was that the depressed classes should not have electorates separate from that of the other Hindus. He began his fast : there was not a word about the Communal Award, and, in this House, the Leader of the House informed us that a settlement had been arrived at between Mahatma Gandhi and the Hindus of Bengal, which this House applauded and asked the President of this House to convey to His Excellency the Viceroy to be conveyed to the Secretary of State, that that compromise

might be accepted. There, of course, the caste Hindus lost a few seats, but that was not due to the Muslims. Mahatma Gandhi did it and the Hindus accepted the position. Later on, in England, after the Award was published, every effort was made to bring about a settlement between the Hindus and Muslims and every time the Muslims agreed to whatever settlement the Hindus wanted. In fact, an agreement was signed by the Hindus and by the Muslims in the presence of H. H. the Aga Khan in 1933. But, later on, the Hindus backed out again. What are we to do? It is no fault of ours. We did our very best to bring about a settlement, but my Hindu brethren would not agree. Even later on, two years ago, Mr. Jinnah did his very best to bring about a settlement. The whole point was that until an agreed settlement was arrived at, we must, as a minority community, stick to the Communal Award that had been given to us. We cannot do without it. I did not know what was the formula that was discussed by Mr. Jinnah and Mr. Rajendra Prasad, but I find from the *Leader* that the formula that Mr. Jinnah accepted was.....

Mr. M. A. Jinnah : No.

Sir Abdul Halim Ghuznavi : Then, I am sorry. The Congress must show its *bona fides* by its action, and not by words, that they are prepared to help the minorities. What have they done in the six provinces where they have accepted office? Do they really enjoy the confidence of the minority communities in those provinces? Do the minority communities feel satisfied that their interests would be adequately protected? No. I am very sorry, Sir, to say that the Congress Ministries have not succeeded in any province.

An Honourable Member : Question?

Sir Abdul Halim Ghuznavi : It is very easy to "question". Take, for instance, Bombay. They have taken a Muhammadan by name. The Muslim community has no confidence in that gentleman at all. But because the Congress Ministry has to take a Muslim, they have selected a gentleman of their own choice.....

Sir Cowasji Jehangir : He became a Congressman!

Sir Abdul Halim Ghuznavi : Yes, he became a Congressman. If that is the kind of thing the Congress Ministries can do at their very inception, Heaven alone knows what they will not do in course of time if they are in power.

Then, take the case of Orissa. There was a Muslim Minister when the interim ministry was going on.....

Pandit Nilakantha Das (Orissa Division : Non-Muhammadan) : Is there a Muslim Congress Member in the Orissa Assembly? We cannot certainly nominate one.

Sir Abdul Halim Ghuznavi : It is not a question whether there is a Muslim Congress member or not.

Sir Muhammad Yamin Khan : Englishmen might as well say that because you are not Englishmen, you cannot be on the Cabinet here.

Dr. G. V. Deshmukh : They may say that for England, and not for India.

Sir Abdul Halim Ghuznavi : Sir, I may say this much that not even a quarter per cent. of the Muslim population of India is with the Congress.

Seth Haji Sir Abdoola Haroon (Sind : Muhammadan Rural) : All these Ministers are representing themselves.

Mr. M. S. Aney : In your province also ?

Seth Haji Sir Abdoola Haroon : Yes, certainly.

Sir Abdul Halim Ghuznavi : Congress can by their action show to the minority communities that they need have no apprehensions about their interests being sufficiently safeguarded, and then will be the time for proposing a Constituent Assembly for this country. We cannot leave the Muslim interests unprotected.....

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

Pandit Lakshmi Kanta Maitra : May I know, Sir, from my friend what was the decision reached at the conference held at his house ?

Sir Abdul Halim Ghuznavi : I may as well tell my friend that that conference brought about a 50 : 50 proportion in the Bengal cabinet with the result that the bitterness of Communal Award has largely disappeared in Bengal. Sir, if a Resolution of this kind is to pass at all, it should be with the amendment proposed by my Honourable friend, Mr. Jinnah.

Sardar Sant Singh : Sir, if I intervene in this debate, I do so in order to represent the viewpoint of the community to which I have the honour to belong. Sir, this Resolution raises one of the big issues which has been agitating the country for a very long time. I am afraid that our quarrels over the methods of representation in legislatures and services has rather overshadowed the real principle of the Resolution which is now before us. Now, this Resolution stands for two things. The first is, that the present constitution which has been thrust upon India under the Government of India Act of 1935 has not been accepted by any class or community in India, and I think, Sir, there can be no two opinions on this issue. It has been condemned by the Hindus, the Muslims, the Sikhs, the Liberals and everybody alike in most unequivocal language. Then the second point is, that we claim, and rightly claim,—and there can be no two opinions about this claim,—that India has a right to propose and frame her own constitution suited to her genius and to her requirements. I do not think any part of the House can disagree with this proposition either. Now, the question remains as to how we can bring about the change in the constitution, and that has been mentioned in the last part of the Resolution moved by Mr. Satyamurti. He says that this should be replaced by a constitution framed by a Constituent Assembly elected on the basis of adult franchise. It fails to tell us what is the method by which this adult franchise is to be exercised in order to bring into existence a Constituent Assembly, or as our friend, Mr. Jinnah, calls it, a conference or a convention, call it by whatever name you like, because name is immaterial. But how is this to be brought about ? There is naturally a difference of opinion in the House. On one side Mr. Jinnah claims that it should be subject to the provisions of the Communal Award ; on the other side, our party claims that we should convene this

conference by means of a joint electorate without any regard to the question of Communal Award that has been thrust upon us. Now, we have to choose between the two methods. At present what holds the field in India is the Communal Award, and on this I want to say a few words to my friend, Sir Abdul Halim Ghuznavi, who, I find, has left his seat.

An Honourable Member : Later on. Let him come.

Sardar Sant Singh : Very well, I will refer to it later on. What is this Communal Award ? It is an award given by an alien nation in order to settle a dispute which, according to my friend, Mr. Ghiasuddin from the Punjab, we could not settle. Suppose I accept the position that we could not settle the dispute. Then whose fault is that we could not settle it ourselves ? The fault is not of the communities ; the fault is of those leaders who, at that time, claimed, and probably rightly claimed, to settle these issues for the communities. And my Honourable friend, Mr. Jinnah, is one of them. I fail to understand how those leaders who claimed to settle these disputes for us, having failed to settle them,—with what face can they come forward and say, “ We will abide by this award ” ? This award is a standing shame to their inability to settle this question, and as such, they should be the last persons to come forward and tell us, “ We will abide by this award till we come to a common agreement ”. That is my view point. Those who have failed, and failed very badly, to settle this question amongst the communities, should be the last persons to come and take shelter behind the Communal Award.

Then, I come to the position taken up by my Honourable friend, Sir Abdul Halim Ghuznavi, who has just now returned to his seat. My Honourable friend says : “ Who cares for you ? You did not raise a single finger when this Communal Award was settled ”. I want to remind him that he was a Member of the last Assembly when I happened to be a Member. This Award was published some time on or about the 17th August, 1932, and our Assembly met for the first time on the 5th September. The first thing that I did was to give notice of an adjournment motion on the publication of this Communal Award. My Honourable friend forgets that he was one of the speakers on that adjournment motion. I will read a portion of what I said then.

Captain Sardar Sir Sher Muhammad Khan (Nominated Non-Official) : We know what you have said.

Sardar Sant Singh : You know many things, and yet you know nothing. (Laughter.) I said then :

“ Sir, there can be no gainsaying the fact that since the day the forecast of the communal decision was published, it roused the bitterest opposition particularly in the Punjab and generally in the whole of Hindu India. Even the best advocates of the decision have not dared to call it a just decision or one which will satisfy all the communities in India.”

Then, during the course of my speech, I referred to a letter which I addressed to His Excellency the Governor General before this Award was published. In that letter, I said :

“ Such a demand is unheard of in the constitutional history of any country and is diametrically opposed to the principles of democracy. The Sikh community is the minority community in the province yet as Your Excellency must be aware has all along stood for these principles and all their seventeen demands are based on these principles. I need not reiterate here these demands of the Sikh community as Your Excellency and Your Excellency's Government is, I believe, fully acquainted with

[Sardar Sant Singh.]

them. The press reports have now agitated the mind of the Sikh community to almost a breaking point and I in the capacity of a member of the Legislative Assembly representing as an elected member half of the Sikh population of the province owe it to myself, to Your Excellency's Government and the Sikh community to acquaint Your Excellency that the Sikh community to a soul is not prepared to accept or submit to the statutory majority of the Muslim community in the Punjab.''

An Honourable Member : The cat is out of the bag !

Sardar Sant Singh : You will have many cats out of the bag very soon. This is the letter which I wrote to the Government of India then. For my Honourable friend, Sir Abdul Halim Ghuznavi, to say that we did not raise a little finger on that occasion when the Award was published is anything but the truth. My Honourable friend himself spoke on that and he has probably forgotten, and the colossal ignorance which he has attributed to my Honourable friend, Pandit Lakshmi Kanta Maitra, is very much more attributable to himself. However, I want to point out that this Communal Award has been taken bitterly by the Sikh community, so much so that we who have sworn upon the Holy Granth that we shall never willingly submit to this Communal Award so long as it is on the Statute-book,—we cannot perjure ourselves and we cannot rest content till this Communal Award is thrown out of the constitution of the Government of India. My Honourable friend, Mr. Jinnah, may try to take shelter behind the Communal Award, and if any Constituent Assembly is convened on the basis of the Communal Award I assure you that the Sikh community will have nothing to do with that Constituent Assembly. We are one per cent. in India and 14 per cent. of the total population of the Punjab, and yet we care not a fig for the majority, if the revolution which is threatened by Maulana Zafar Ali Khan comes on in the Punjab. We are sure to stand on our ground and we do not care a tuppence for those who go by the name of the majority.

Captain Sardar Sir Sher Muhammad Khan : You will be the first to run away.

Sardar Sant Singh : My Honourable friend who is a representative of the army is not ashamed of himself, having been disciplined in the army, to sit behind the Government and always vote for them. (Interruption.) Resuming my speech, I submit, that if constitutional methods are to be followed in this country, if progress is to be made by constitutional methods, I say, and I say openly, that the Sikhs will be there to help the development of the constitution on healthy lines, not on communalistic lines. That is the point that I want to impress on you today on the floor of this House. An attempt is being made in the Punjab at the present time to bring about harmony and unity between the various communities. I never deny that. I am with you if the attempt is to be made on just lines, on lines of equity, on lines of justice to all. But if the attempt is to be made, as it is sought to be made on my right side and on my left side by these gentlemen, if the Congress, or as a matter of fact, anybody else, is to yield to the demands, the unreasonable demands of the Muslim community. I am here to tell them that I am neither with the Congress nor with these demands. I have openly complained and I give expression once more to my views, that the Congress having shaken off the fear of the bureaucracy, having made noble sacrifices in the cause of Indian independence, is afraid of the Muslim community. That is why the Muslim community gets on

their shoulder every time that such questions come up. Let the Congress take its stand on justice and equity for all, and I am sure that every one will be with them to help in the cause of winning complete independence for this country. I want to say one more word about a remark of my Honourable friend, Maulana Zafar Ali Khan, who unhappily is not here. He said :

“ If I were in the place of a majority community, I will tell the minority, we do not mind if the Government is by the minority.”

May I ask him what treatment they have meted out to the Sikhs in the Punjab ? May I tell him that the Muslims are 14 per cent. in the United Provinces and still they get 30 per cent. seats ? And are the Punjab Muslims willing to concede the same 30 per cent. to the Sikhs in the Punjab ? Let him answer this question. Another point is that the whole communal struggle that was carried on at the Round Table Conference fell through because the Muslims in the Punjab were not willing to yield one seat to the Sikhs, an additional seat which they wanted. (*An Honourable Member* : “ Question.”) It may be questioned, but the fact is there. Again, when during the Joint Parliament Committee's proceedings the Sikhs demanded to re-open this question of Communal Award, Sir Zafrullah Khan threatened the Joint Parliamentary Committee that he would walk out if the question was re-opened. This is the attitude of those who want justice ! The time at my disposal is very short ; otherwise I would have given

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member's time is up.

Sardar Sant Singh : If the leaders think that communal harmony can be restored on just and equitable grounds for all, I am with them, but if one community wants to have its full pound of flesh, then rest assured that the Sikh community will not help them at all.

Major Nawab Sir Ahmad Nawaz Khan : Sir, I do not like to produce any heat in the discussion, nor do I like to take much of the time of the House, because the other eminent Honourable Members have to speak on this subject. To me it seems that the cancellation of the Communal Award rests with us, Indians, and not with the Government. So far as my humble knowledge goes, the author of the Communal Award has often said that if all the Indians unitedly arrive at a settlement, it will be accepted. I am not ashamed in expressing our own defects. Our chief defect is our own disunity which is the root cause of all troubles in India. That is very clear from the discussions that have taken place in this small House. The Congress is the most organised body in India and they should take into confidence all the other minority communities in India. If all the communities, Hindus, Mussalmans, Sikhs, Parsis and others are united in framing a constitution in the form of a new Government of India Act, then I think that will be the proper occasion for such a Resolution and to say : ‘ Here is our united demand. There is no fear of the interests of any minority being disregarded. Kindly grant us our this united demand ’. Unless, you do that, the success seems far off. What is the duty of this or of any Government ? They have to safeguard the rights, interests and culture of the different communities, whether it is acceptable to only a few or not acceptable to any. Let my friends put themselves in the position of a judge and if Muslims, Hindus and others come to him

[Major Nawab Sir Ahmad Nawaz Khan.]

to decide a disputed question. The judge advises them to come to an amicable settlement and, if for any reason, the parties do not come to an amicable settlement, then what is the duty of the good or wretched judge? He has to decide the matter as he thinks fit, one way or the other. We Indians had many opportunities in India, here in this House and in England, to discuss the communal questions but, unfortunately, we never came to any amicable settlement. The British Government cannot go on keeping the questions pending and pending for ever. They had to give a decision. Fortunately or unfortunately the majority of the Mussalmans think that the Communal Award is more favourable to them than the decision which the Hindus and Mussalmans could arrive at. If the Congress Party gives to the Muslims or the Sikhs more seats and rights, then they surely will say: 'We do not want the Communal Award and we will abide by your decision'.

An Honourable Member : That is the kind of settlement you want.

Major Nawab Sir Ahmad Nawaz Khan : It is a matter of great shame that we cannot arrive at a decision ourselves and every time we bring forward a Resolution like this to blame the Government with no result and the Government simply laugh in their sleeves. Now, if I take a knife in my hand and prick it on any part of my body, what will others say if I complain that I have pain? They will say: 'Nawab Sahib, the remedy lies in your own hands. Don't press the knife on your hand'. That is just like this when I say that the fault lies with ourselves and not with British Government, and our fault is our disunity. If we present a combined demand, the Government cannot say "No". Now, there is another thing. The masses and all classes are not represented here. A great number of people have no representation here yet. That is what I mean. If you can prove that the new constitution will give them more justice, more blessing and more impartiality than the present one....

Mr. Mohan Lal Saksena (Lucknow Division : Non-Muhammadan Rural) : Is it a fact that your son has joined the Congress Party?

Major Nawab Sir Ahmad Nawaz Khan : No, Sir. Well, if we Indians of all communities produce a united demand, then I assure you that every sensible man will join in that demand for his own interest and welfare.

Mr. Mohan Lal Saksena : Is it not a fact that your son has joined the Congress?

Major Nawab Sir Ahmad Nawaz Khan : I don't care if my son or my grandfather or you and your grandfather are in the Congress. (Loud Laughter.) The object of the Resolution is that you wish to do something for the good of the people of India but the only fear of the Opposition to this Resolution is that if the majority community gets more and more power, the minorities will be crushed and grounded. If the Congress can satisfy that their Laws and rule will be better and more beneficial than the present British Laws and rule, then it is quite natural that Muslims would join the Congress. So long as we all are divided, so long as we have enmity, conflicting interests and fear of one another, then how can it be possible for the Muslims to give a blank cheque to others. I submit, Sir, the word 'communal' has often been misunderstood and misrepresented, voluntarily and knowingly. Every man who has a regard for his religion

and for his community must be communal. He cannot be blamed for it. Everything should be within moderation. I admire those Hindus, Muslims and Sikhs who fight for the good of their own community, but it should be done with moderation. It should not be that everything I take and nothing for you. Our policy should be, live and let others live. The English people also have to live here. I submit that the British rule in India has been in the interest of us, Indians. You know very well, Sir, that it is only the British rule which has brought all the different parts of India into one. It is well-known what was the conditions of Bombay, Calcutta, Madras and other places before the advent of the British rule. I also submit that it was because Indians imbibed British teachings, that they are clamouring for self-rule. I admire the desire of Indians that they should participate more and more in the governing of the country. But we should do it unitedly, gradually and peacefully not in the sense that the majority or the minority wants to rule. Everything is in our own hands. I appeal to every section of the House that we should make a united and joint effort to remove the dangers or the fears which one community has against another and if this is done, then naturally the Resolution coming from such a united body will be accepted. With these remarks, I oppose the Resolution.

Maulana Shaukat Ali : Sir, I have been a great admirer of my Honourable friend, Mr. Satyamurti. I admired him for his diligence in preparing his case and for his incessant hard work in this House, I admired him for his wonderful command of the language and also for the strong use he made of that language. So far I have enjoyed his eloquence; we enjoyed it as long his big guns were aimed at the (official) Benches opposite. I had no objection to his attacking the Front Treasury Benches, for they are strong enough to resist his attacks and also give it back to him. But now, as far as we, on this side of the House, are concerned, he comes with a new orientation to us poor people who have neither the power nor the eloquence. I think the time has come when we ought to speak out very frankly. I submit this is a matter which ought not to have been brought on the floor of the House today. It is the general desire of the Muslim public that this should have been settled amongst ourselves, and then we could have approached the Government with an agreed programme or scheme. I feel very unhappy to make the speech that I propose to do. Every one in this House knows that I have all along believed for amicable settlement between the two communities. I wanted an understanding between the two communities, so that the country may have had real peace, and we could demonstrate to the outside world our ability to run our own affairs. But now that seems to be not possible. I will say this much, that I know the working of the Muslim mind very intimately, and personally I have not got the patience which my Honourable friend, Mr. Jinnah, possesses. I can say confidently that he, in spite of the desire of a section, has not banged the door for an understanding between the two communities. In spite of the abuse that is heaped upon him, both in the Press and on the platform, he still offers the hand of peace. I have the pleasure of working with him. I am a disciplined soldier under his banner just as I worked courageously and bravely under Mr. Gandhi. I am proud of those days. Today I am proud to work under Mr. Jinnah, because there is no other level headed Muslim in India today than Mr. Jinnah, who is working for a fair deal all round. He has no personal axe to grind. He means business,

[Maulana Shaukat Ali.]

and today, I believe, if there is a single man among the Muslims who can deliver the goods, it is Mr. Jinnah. You may try your Ministers. I know how these Ministers were appointed. Some of them were my very good friends, and I am sorry for the methods used by the Congress to seduce them from their allegiance to the Muslim League. I know Mr. Nuri, I know Mr. Yakub Hasan, I know Mr. Sharif who took an oath on the Koran and signed the Muslim League pledge, but broke it the next day.....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member must not deal with individuals.

Maulana Shaukat Ali : My Honourable friend, Mr. Satyamurti, said that the Congress has appointed Muslim Ministers who represent millions of Muslims. I want to show the House what kind of Ministers have joined the Congress.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member must not discuss them individually.

Maulana Shaukat Ali : Well, Sir, I have always obeyed the Chair, and I bow to it now also. I think, Sir, the time has come when we ought to speak out frankly. When our Aryan friends there came over from Central Asia to India and ruled this country, their rule was not a majority rule. When the Muslims came over to India and ruled here for a thousand years, it was not a majority rule, it was only a minority rule. The English people who rule over us today, theirs is not a majority rule, but a minority rule.

Sardar Sant Singh : The Sikh rule in the Punjab was a majority rule.

Maulana Shaukat Ali : It was only in one Province of India : I give credit to all brave people, be they Sikhs or Mahrattas. The Mahrattas put up a wonderful fight against the Muslims. I honour courageous people. I was submitting that the Muslim rule was a minority rule, so is the British rule. For the first time in the history of India, through this constitution, a majority rule is sought to be introduced in this country. If the minorities ask for certain guarantees and for certain safeguards, why should we be abused and why should we be called all kinds of names and why should we be considered as obstructionists in the way of the progress of this country. Arguments, speeches and paper resolutions will not satisfy us. I can honestly say that our Congress friends are making a very grave mistake. I do not like to use strong language or say that they are suffering from a "swollen head" or that they are having high blood pressure or things of that sort. Whatever it may be there is no doubt that they are making a great mistake. I am a poor worker amongst the masses. I am constantly in touch with every shade of the public. I am in touch with the Princes. I belong myself to an Indian State. I had family connections with a number of others. I know many of the Princes very intimately. They are extremely kind to me, and true patriots. I know zamindars also very well. I know the big zamindar, I know the small zamindar. I was myself a small zamindar at one time, but I am not now one. I am an agriculturist—a fruit farmer. I know the business people also. I submit the Congress is wrong to start a fight against the Princes. The Congress wants to

fight the zamindars and take away their property without paying any compensation. The Congress wants to fight the capitalists who have built up their business through hard work. I was touring recently the Jhansi division in connection with the bye-election there. I used to make public speeches in the Chauk, in the bazaar and there I found these business people working hard in the sweltering heat up to a late hour. I used to come away after lecturing to my dak bungalow where I had a servant to pull the punkah and make me cool and they were still there working. Now with its new orientation the Congress wants to force poor Muslims to join the Congress. The Congress has set up mass contact committee and I know what kind of mass contact it will set. I do not want to use the language which my Honourable friend, Sardar Sant Singh, used. I know that if the Congress does not go to the proper quarter and if it does not consult the right people, and does not give up bullying, a thousand mass contact committees would not bring the Muslims to the fold of the Congress in any appreciable numbers. It will stiffen their opposition and thus fail miserably. Do not talk to us as if we are toadies and sycophants. I am a communalist in the sense that I am devoted to Islam and nothing else but a Muslim. But India is my home and I want my country to be happy and my people to live in peace and amity. I have repeatedly said "let us have peace or truce for ten years to show our capacity for work and show to the people on that side of the House that when we get power in our hands we are not going to chop off the head of every Englishman nor turn out every Englishwoman, or misuse our powers in that way". Sir, I do not know what the Princes will do, but I can say this much that when the time comes and they make up their mind to act, 90 per cent. of their subjects will be under the leadership of their sovereigns and not of anybody else. (*Cries of "Question."*) No use questioning, you will see it. I do not know what the Maharajas or the zamindars will do, but I know very well what the Muslims will do. If you treat me badly, bully me because you have money and organisation behind you, I have my remedy also. After all we have the strong right arm and a stout heart. It will be the most unfortunate thing in the country if this new orientation is carried on unwisely. Like Spain there will be civil war. It is a very ugly word but please think before you try to use your force upon us.

An Honourable Member : Will you fight in that civil war ?

Maulana Shaukat Ali : If you rob me of my rights, yes. When the time comes, when you try to take this old cap I am wearing by force, and you will see what I can do. (*Laughter.*) Sir, I value the friendship of Hindus and other people, but that friendship must be honourable. A great Urdu poet has said :

*" Ham tuf key banday hain Khuda ki kasam ai Dagh,
Ham se na kabhi naz sitamgar ke othaingi."*

*" Dhamkian deto ho kiun jazbai-dil ki ai Dagh,
Banda parwar yeh mohabbat men hakumat kesi."*

The Congress would come to its senses and do as I suggest as the old Persian proverb says :

" Whatsoever the wise man does, the foolish man does also, but after so much trouble and so much worry."

[Maulana Shaukat Ali.]

I will advise my friends to get in touch with Mr. Jinnah and I think Mr. Jinnah would not let them down or let the country down.

Mr. Abdul Qaiyum (North-West Frontier Province : General) : Sir, I rise to support the Resolution moved by my Honourable friend, Mr. Satya-nurti, and in doing so I must say that I am surprised that certain Honourable Members of this House have got up and asked the Congress to come to terms with the Mussalmans, because, it is argued that, if they do not do so, the fight for freedom will have to be abandoned and the British will rule our unfortunate country for ever. It has also been said—one Honourable speaker got up and stated, that there were two brothers and they started partition of a house and the elder brother, who was the cleverer of the two, said : “ The house from the ground floor to the top floor belongs to me, and from the top floor up to the heavens is yours ”. All sorts of arguments have been addressed on this point. Personally I consider that all these arguments are futile. It is idle to talk of dividing something which is not in our possession. The British are in possession of the country, the house is in their possession, and if we go on quarrelling among ourselves as to what we are going to do when we take possession of this country, I think the fate of this country is sealed for ever. I respectfully submit, that by doing so we will be playing into the hands of the third party, namely, the British, who are ruling us and who intend to rule over us for ever. There is a large number of Mussalmans,—and I am proud to say that I belong to the Muslim community and that I have the honour to represent a constituency which is predominantly Muslim,—who are today growing up in India into a new generation who do not believe in pacts and conferences but believe in one thing, namely, to come under the banner of the Congress and to continue this war for freedom on all possible fronts, inside the legislatures and outside, and not to give up the fight until they have attained their object. Sir, it was stated in very moving terms by one of the older statesmen of our province who was once a very eminent Member of this House,—I am referring to our *ex-Chief* Minister, Nawab Sir Abdul Qaiyum,—when he was defeated in the Frontier Legislative Assembly that he felt that the ground was slipping from under his feet and that the world was moving at too rapid a pace for him and that he could not keep up. I submit, Sir, that those people,—I have great respect for them and some of them happen to be my friends,—who talk of pacts or conferences or distribution of spoils have not, I think, judged the temper of their countrymen properly. In India there is a new spirit abroad. The youths of this country, whether Muslims or Hindus or Christians, do not believe in communal organisations ; they do not believe in communal outlook, they do not believe in communal pacts. We are weighed down by a feeling of humiliation when we, who have an ancient civilisation and form one-fifth of the human race and have got a very proud heritage from the past,—that we should be ruled by a handful of foreigners who come from seven thousand miles away and who have no right to remain in this country. I say, those who prefer to be ruled by the British, let them carry on in their merry old way ; but I can say that there are millions of Mussalmans who refuse to be ruled by the Britisher. It has been stated by one Honourable speaker who took strong objection to a speech made by Pandit Jawaharlal Nehru, for whom I have the greatest respect and affection, that he had said that

there are only two parties in India, the Congress and the British, and that there was no third party. And it was asserted that in India there are three nations. Those who make this assertion are, I repeat, out of touch with the feelings which prevail in the country. We are not out to create a third nation. We Mussalmans are Indians, Indians first and Indians last ; we believe in co-operation with our Hindu brethren and we believe in the common nationhood of India. We have seen the vision of our coming greatness and we are not going to submit to people who talk of pacts and conventions and the division of spoils when the thing which is to be divided is not even in our hands but in the hands of the foreigner. What is this Government of India Act for which we are fighting ? Some are trying to defend it and some.....

Some Honourable Members : Nobody defended it.

Mr. Abdul Qaiyum : I am very glad that so far as this Government of India Act is concerned, all the elected Members are unanimous that this Act must go ; and the reason is obvious. This is an Act which has been made by an alien Parliament which claims the right to legislate and to lay down the laws for our country. The time has come, Sir, when we Indians should announce from house-tops and on the floor of this House that we will no longer submit to this assertion of the British that they have a right to lay down the law for our country. We are not going to submit to dictation from abroad. We do not concede for a moment the right of any alien people to say what progress we should make and when we should make that progress. I submit, Sir, if Mr. Satyamurti's Resolution is understood, if it is read properly, it will be seen, that it is a challenge to this doctrine of the British people, their assertion that they can legislate and lay down the law for this country. After all, what is wrong with a Constituent Assembly ? Why should anybody be afraid of it. There are only two alternatives in this country—either we Indians have to live in peace and harmony or we should go and cut each others' throats and carry on a civil war till one party exterminates the other. I submit, Sir, it is not asserted that civil war should be the rule in the country. I believe, Sir, there is nobody in the House who advocates that we should go on cutting each others' throats. If we have to live in harmony, if we believe in democracy, if we believe in the rule of law, what is the harm if we set up a Constituent Assembly which should represent the rich and the poor, the highest classes and the depressed classes, the males and the females, Mussalmans, Hindus, Sikhs, in fact all the people who inhabit this country ? If such a Constituent Assembly is brought together and they deliberate and come to certain conclusions which are unanimously agreed to, where is the harm. If a constitution is set up in this country based on the joint deliberation of such an assembly, representing and depicting the will of the toiling millions of India, I cannot see what possible harm it can do. I am surprised at the Round Table Conference being brought in again and again. Who are the people who were sent to the Round Table Conference ? Were they the elected representatives of the people.

An Honourable Member : Mr. Gandhi was sent to the Conference.

Mr. Abdul Qaiyum : Leave aside Mahatma Gandhi. He is not in the Legislature, he is far above these things. I repeat, Sir, who are the people who were sent to England ? The British Government are very

[Mr. Abdul Qaiyum.]

clever, and they selected persons who would never come to terms. They never came to terms, and Mr. Ramsay MacDonald, the Premier of England, walked in and said : " My children, I am very sorry for you, you are unable to come to terms, let me frame a Communal Award for you ", and that Communal Award is the cause of all the heart burning and all the trouble that we find. You find the Treasury Benches are having the time of their lives sitting and listening to the speeches, while, on this side of the House, people are flying at each others' throats. I submit, Sir, that this Constitution should go. We do not believe in a Constitution which has been framed by outsiders and which does not give us any power. The Reserve Bank cannot be touched, Foreign Affairs cannot be touched, the Army cannot be touched, all the things that really matter, all the things that really mean freedom and independence are in the hands of the British, and we are invited to bless this Act which has been framed by foreigners. I submit, Sir, I heartily support the Resolution which has been moved by Mr. Satyamurti, because I believe and I feel convinced that it represents the feelings of an overwhelming majority of Indians who believe in their coming freedom and who really mean to be free and are determined to rid themselves of this alien domination. (Applause.)

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : I had no intention to intervene in this debate at this stage, but the remarks made by Sardar Sant Singh really forced me to say a few words. Sardar Sant Singh really threw the entire blame for this Communal Award on the Muslims, and I will just remind him what happened at the Unity Conference at Allahabad at which Mr. Rajagopala Acharya presided. We had been setting this communal question, but ultimately it was the Sikh community who proved an obstacle. Now, the other thing that I should like to point out to him is that in the debate in the Assembly referred to by him, I put a question to him, " Is the Sikh community prepared to give up all the safeguards unconditionally ? " and his reply was, they would, if the Muslims were prepared to do so. I ask him, again, is he prepared to give up all safeguards under the Communal Award ?

Sardar Sant Singh : I will reply to the question which has been pointedly put to me. As in 1932, we are prepared to give up the safeguards, if the Mussalmans are prepared to give them up.

Dr. Ziauddin Ahmad : It really means that he is taking shelter under the Mussalmans. If he is so keen against the Communal Award, is it or is it not his duty that he should give it up as far as the Sikh community is concerned. I think if any person is opposed to the Communal Award, then it is his duty to set a good example and give it up. I believe it is quite illogical for the Sikh community to come forward and speak against the Communal Award when they are themselves enjoying its protection.

As regards the speech delivered by my friend, Mr. Abdul Qaiyum, I appreciate his remarks. Had I belonged to the Frontier Province, I would probably have said the same thing, because there, the Mussalmans, who form 91 per cent. of the population, are adversely affected by the Communal Award. The opinion of those who are in a majority in a particular province does not count so much as the opinion of those who

are in a minority in a province and whose interests have to be protected. What is the opinion of the Hindus and Sikhs in the N.-W. F. P. ? Are they not demanding safeguards ?

Now, I come to the Resolution, and I would like to point out practical difficulties in the actual working of the Constituent Assembly. In the first place, I should like to know how is the Constituent Assembly to be elected. They say it should be by adult franchise. We have got a good deal of experience of the recent election. Able men have no chance in election. Only those persons succeed in election who have the greatest capacity for canvassing, and are expert in propaganda work. It is not possible for any honest able man to get elected in the vast electorate unless he has special ability for carrying on propaganda in his favour....

An Honourable Member : How were you elected ?

Dr. Ziauddin Ahmad : Fortunately I have a large number of my old pupils and friends all over India (Laughter) and I had their help. If we have adult franchise, we know how the votes will be secured : in my old constituency, I have seen how one of the candidates, Mr. C. Y. Chintamani, was misrepresented. Voters were told that he was not a man, but a woman (Laughter).....

An Honourable Member : A woman was opposing him !

Dr. Ziauddin Ahmad : He was not only called a woman, but something else—I do not like to repeat it on the floor of the House. If votes are secured by gross misrepresentation, am I not justified in drawing the inference that you are not really selecting the best men, but the men who know how to canvass best and play upon the simplicity of ignorant voters. The number of persons who can read and write is about 13 among the males, and about only 7 taking males and females together. So, out of 100, only 7 know how to read and write. The other 93 do not really understand what Constituent Assembly is or what the constitution of India Act is : they only ask whether they will be exempted from their rates and water taxes, and you have only to promise them even if you know that the demand is impossible. Therefore, the practical difficulties in bringing the Constituent Assembly into existence are enormous ; and whatever rhetorical speeches we may make here, the fact remains that only persons, who can canvass best and make promises of remission and exemption of rent and taxes to the voters, will have best chances of success. I have gone through three hard contested elections, and, in some cases, I got votes on the strength of *futwas* I had secured from some Maulvis.... (Laughter.)

Mr. M. S. Aney : An honest man !

Dr. Ziauddin Ahmad : Then comes the vexatious problem—the difficulty of election petitions and the elaborate rules that will have to be made. Therefore, a Constituent Assembly, such as is proposed in the Resolution, is unworkable. It is impossible to elect a body of men on adult franchise who will truly represent the views of the people. The views of the people are entirely different. If you go to a tenant, he wants exemption from rent. If you go to a zamindar, he wants a guarantee that the zamindari right will not be disturbed. So with other persons : they all want personal gratifications. The person elected will have to promise all things to all men—it will be impossible for him to fulfil every promise.....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member has spoken for ten minutes. He has five minutes more. He can continue now and finish.

Dr. Ziauddin Ahmad : Few years ago, in Aligarh, some students
5 P.M. compiled a special dictionary. In this dictionary, "resignation" means "vote of confidence". There are other words in the vocabulary. Just now I am preparing a dictionary for the Insurance Bill which I may read later on. But I mention, few words from the vocabulary of the present Resolution. If we say "wholly unacceptable", it really means "partially unacceptable", because the Honourable the Mover himself has said nothing about Provincial Autonomy. His condemnation was directed only to Federation. Provincial Autonomy is not unacceptable to him, so that Constitution is not wholly unacceptable, but only partially unacceptable. Another word from the vocabulary is "wrecking" by which we mean "working". (Laughter.) We know that all the Ministers in the Provinces have accepted office in order to wreck the Constitution, but really they are working it. The third word is "majority" which means the nation : the opinion of the majority party is expressed as the opinion of Indian Nation : minority means "non-existent" ; it does not exist : or, speaking mathematically, "minority" means "zero"—it has no value whatever. These are few words from the vocabulary of the Resolution. Later on, I will give some other words in connection with the Insurance Bill : there "poor man" really means the managing agent : there is no poorer man than he is.

The crux of the whole matter is this, that the minority has no confidence in the majority. The moment the majority community shows generosity and wins the confidence of the minority, then my friends may rest assured that the minority will not demand safeguards and will follow them, and, so long as the minority has no confidence in the majority, it is absolutely impossible to have a Constitution of the type which the Mover has in mind. Take the example of Egypt.....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member's time is up.

Dr. Ziauddin Ahmad : Very well, Sir, I sit down.

The Honourable Sir Nripendra Sircar : With your permission, Sir, I desire to make a statement to the House. With the consent of the Leaders of the Parties, it has been arranged that the motion for the ratification of sugar convention will be taken up on the 27th, instead of on the 20th, so that next week we shall have the Insurance Bill. But at the rate we are progressing, I doubt whether we shall be able to finish it next week.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 18th September, 1937.