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LEGISLATIVE ASSEMBLY DEBATES

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TENTH SESSION

OF THE

FIFTH LEGISLATIVE ASSEMBLY,
1939



NEW DELHI
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1940.

Legislative Assembly.

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

Deputy President:

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MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

Assistants of the Secretary:

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

KHAN SAHIB S. G. HASNAIN.

Marshal:

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

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SYED GHULAM BEIK NAIRANG, M.L.A.

MR. N. M. JOSHI, M.L.A.

RAJA SIR VASUDEVA RAJAH, C.I.E., M.L.A.

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LEGISLATIVE ASSEMBLY.

Tuesday, 5th September, 1939.

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

MEMBER SWORN.

Mr. Samuel Harrison Yardley Oulsnam, C.I.E., M.L.A. (Government of India : Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

†101*—105*.

SCHEME OF COTTON SUBSIDY INTRODUCED IN THE UNITED STATES OF AMERICA.

†106. *Mr. M. S. Aney : Will the Education Secretary please state :

- (a) whether Government are aware of the scheme of cotton subsidy announced by Mr. Wallace, Secretary of the Agricultural Department of the Government of the United States of America on the 22nd of July last ;
- (b) whether the attention of Government has been drawn to the speech delivered by Mr. P. M. Kharegat, President of the Indian Central Cotton Committee, at the 40th meeting of that Committee held on Thursday, the 3rd August, 1939, and published in the *Times of India* of Friday, the 4th of August, 1939, at page 10, in which he has generally discussed the possible repercussions in India of the subsidy on Indian cotton, and particularly to the following observations :
 - (i) " I think it is generally realised that the effect of the subsidy will be to lower the price of Indian cotton, though perhaps not to the full extent of the subsidy, and to this extent it is the Indian cotton grower who will suffer " ;
 - (ii) " Be that as it may, every one will agree that anything that may be found possible and practicable should be done to prevent loss to the cotton grower and to the industry as a whole " ;

†These questions were withdrawn by the questioner.

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

- (c) whether the Government of India agree with the above views of Mr. Kharegat generally and propose to take any steps to prevent the loss to the cotton grower ;
- (d) whether Government propose to appoint immediately a mixed committee consisting of official and non-official members representing the interests of the cotton growers and cotton industry, the Indian Central Cotton Committee and the Board of Agricultural Experts serving in the cotton growing provinces, to enquire into and find out the methods to fix, if possible, a minimum price for each variety of Indian cotton, with directions to submit its report to the Government of India, before the middle of October ; if not, why not ; and
- (e) what other remedies the Government of India have in view to make up the loss which the cotton growers are bound to suffer as a consequence of the recently introduced cotton subsidy by the Government of the United States of America ?

Mr. S. H. Y. Oulsnam : (a) and (b). Yes.

(c) and (e). The first part of (c) calls for an expression of opinion. As for the second part of (c) and part (e) the matter is under examination.

(d) I would refer the Honourable Member to the reply given to part (a) of Sardar Sant Singh's question No. 1629 on the 30th November 1938.

COLLECTION OF STATISTICS OF LABOUR.

107. *Mr. N. M. Joshi : Will the Honourable Member for Labour be pleased to state :

- (a) whether the Government of India propose to introduce legislation to make the providing of certain statistics compulsory on employers of labour ;
- (b) whether a convention has been adopted recently by the International Labour Office on the subject ; and
- (c) what action the Government of India propose to take on that convention ?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar :
 (a) The Government of India have decided to place the question of collection of statistics concerning Labour and Industry before the Conference of Labour Ministers which is to meet in New Delhi on 15th November, 1939. The attitude of the Government of India regarding the introduction of legislation to make the providing of certain statistics compulsory on employers of labour will depend upon the conclusions which will be arrived at by the Conference.

(b) Yes.

(c) I would invite attention of the Honourable Member to the statement laid on the table of this House on the 12th April, 1939. Replies to the letter addressed to the Provincial Governments are still due from two Provincial Governments.

Mr. N. M. Joshi : May I ask whether it is the intention of Government to call a conference of Provincial Ministers in order to delay these urgent reforms ?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar : Not at all. It is just the other way, to expedite, if possible.

Mr. N. M. Joshi : May I ask how long this question of collection of statistics has been pending before the Government of India ?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar : I do not know how long it has been before the Government of India, but the draft convention referred to in the question was as recent as February of this year.

Mr. N. M. Joshi : May I ask whether the Honourable Member is aware that the Royal Commission on Indian Labour had reported in 1930 and it made a proposal that there should be a law for the provision of certain statistics being made compulsory on employers of labour ?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar : My Honourable friend is also aware of a great mass of literature around that recommendation and the series of committees and investigators that have been examining this question.

UTILISATION OF INDIGENOUS SYSTEMS OF MEDICINES IN INDIA.

108. ***Sardar Sant Singh :** Will the Secretary for Education, Health and Lands please state :

- (a) the steps taken by the Government of India directly or indirectly to promote the utilization of indigenous systems of medicines in India after the adoption by the Legislative Assembly on the 12th January, 1922, of the resolution on the subject moved by Rai Sahib Lakshmi Narayan Lal ;
- (b) what grants-in-aid were given by the Government of India or other bodies to the different colleges for training in the *Ayurvedic* and *Unani* systems in India, e.g., Tibbia College, Delhi, and other similar institutions in India, since 1922 ; if none, why not ; if so, how much amount was paid each year in each case ;
- (c) whether Government have opened since 1922 any *Ayurvedic* or *Unani* dispensary of their own for the benefit of their staff, which consists mostly of Indians ; and
- (d) if the reply to part (c) above be in the negative, whether Government now propose to open an *Ayurvedic* and *Unani* hospital on a large scale under learned and capable *Vaid*s and *Hakim*s at New Delhi, and make it a central institution in India for the benefit of both Government employees and the public at large ; if not, what the difficulties are ?

Mr. S. H. Y. Oulsnam : (a)--(d). I invite the Honourable Member's attention to the replies given by Sir Girja Shankar Bajpai to his starred questions Nos. 585 and 1209 on the 19th February, 1936, and the 6th April, 1938, respectively. Since the last reply was given, over Rs. 28,000 has been given in the form of grants for investigations in relation to indigenous drugs.

Mr. Lalchand Navalrai : May I know if the Provincial Governments have power to make legislation with regard to *Vaid*s and *Hakim*s, and whether any Provincial Government has taken up that question ?

Mr. S. H. Y. Oulsnam : I require notice.

PURCHASE OF MEDICINES FOR THE NEW DELHI AYURVEDIC AND UNANI DISPENSARIES.

100. *Sardar Sant Singh : Will the Secretary for Education, Health and Lands please state :

- (a) what the budget grant for the purchase of medicines for the New Delhi *Ayurvedic* and *Unani* Dispensaries was separately during each year since 1934 ;
- (b) what portion of this amount was utilized by each of the *Vaid* and *Hakim-in-charge* for preparing the medicines themselves and how much amount was spent in purchasing the ready-made medicines locally ;
- (c) whether it is a fact that almost the whole of the supply of allopathic dispensaries is obtained either through official indents on reliable firms of good repute, or, if purchased locally, the medicines are all of one and the same quality or standard ;
- (d) whether Government propose to state what check or control the New Delhi Municipal Committee has got over each of the *Vaid-in-charge* in regard to the medicines prepared by him ;
- (e) whether Government are aware that there are many reliable *Ayurvedic* and *Unani* firms in India of good repute which prepare all sorts of *Ayurvedic* and *Unani* medicines on a large scale ; and if orders for the supply of wholesale medicines, by the New Delhi Municipal Committee Dispensaries are placed with any of them, they can satisfy the general public in regard to the use of genuine and standard medicines by the *Vaids* and *Hakims* of such dispensaries ; and
- (f) whether Government propose to recommend to the New Delhi Municipal Committee that it should purchase directly the whole of its supply of medicines for the *Ayurvedic* and *Unani* Dispensaries from one of the firms of old standing ; if not, what the reasons are ?

Mr. S. H. Y. Oulsnam : Certain information has been called for and a reply will be furnished to the House as soon as it is received.

PROTECTION TO THE INDIGENOUS STARCH INDUSTRY.

†110. *Sir Abdul Halim Ghuznavi : Will the Honourable the Commerce Member be pleased to state :

- (a) whether Government have received any representation from the Indian Chamber of Commerce, Calcutta, and other commercial bodies regarding protection to the indigenous starch industry against uneconomic competition by the suppliers of foreign starch ; and
- (b) if so, whether the Government of India have taken any steps so far in this direction ?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar :

- (a) Yes, Sir.
- (b) The matter is under consideration.

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

PROTECTION TO THE INDIGENOUS STARCH INDUSTRY.

†111. ***Sir Abdul Halim Ghuznavi** : Will the Honourable the Commerce Member be pleased to state :

- (a) whether it is a fact that an Indian starch factory situated in the Punjab has had to suspend operations recently due to dumping of foreign starch at prices at which the local factory could not compete ; and
- (b) if so, what action the Government of India have taken or propose to take to prevent such unfair competition of foreign starch manufactures ?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar :

(a) One firm manufacturing starch in the Punjab has stated that due to the low price of starch it had to cease manufacturing entirely from the 24th of July, 1939.

(b) The Honourable Member is referred to the answer to part (b) of his previous question.

FALL IN THE PRICE OF FOREIGN STARCH.

†112. ***Sir Abdul Halim Ghuznavi** : Will the Honourable the Commerce Member be pleased to state whether it is a fact that the prices of foreign starch in the Indian market have recently come down to a very low level as compared to prices ruling in the last three years ?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar : Government have received conflicting reports on the price movement of starch imported into India and are making further enquiries into the matter.

FALL IN THE PRICE OF FOREIGN STARCH.

†113. ***Sir Abdul Halim Ghuznavi** : Will the Honourable the Commerce Member be pleased to state :

- (a) whether the major proportion of starch imported into India is through one large foreign combine ; and
- (b) whether the prices of foreign starch have recently come down to a level at which indigenous manufacturers are finding it difficult to compete ?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar :

(a) Yes, Sir.

(b) I would refer the Honourable Member to the answer to his previous question.

PRICE OF IMPORTED STARCH.

†114. ***Sir Abdul Halim Ghuznavi** : Will the Honourable the Commerce Member be pleased to state what the average price of imported starch in the port markets during the years 1937 and 1938, and the first six months of the year 1939 was ?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar : Information is being collected and will be laid on the table when its collection is completed.

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

UNSTARRED QUESTIONS AND ANSWERS.

SCHEME FOR THE REGISTRATION OF DOCK LABOUR.

2. Mr. N. M. Joshi : With reference to the reply given by the Honourable the Commerce Member on the 8th February, 1939, to my starred question No. 192, will the Honourable the Commerce Member be pleased to state whether Government have completed the consideration of the scheme for the Registration of Dock labour and if so, what their decision is ?

The Honourable Diwan Bahadur Sir A. Ramaswamy Mudaliar : At the instance of Government the Conciliation Officer (Railways) has collected information on the subject. He has now been asked to submit a scheme for Government's consideration.

REPORTS OF THE SHIPPING MASTERS IN INDIAN PORTS.

3. Mr. N. M. Joshi : With reference to the reply given to my starred question No. 311 on the 13th February, 1939 by the Honourable the Commerce Member, will the Honourable the Commerce Member be pleased to state whether the consideration of the question of the publication of the reports made by the Shipping Masters is completed and what the decision of Government on the subject is ?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar : The matter is still under consideration.

UTILISATION OF CERTAIN CONTRIBUTIONS FOR THE BENEFIT OF INDIAN SEAMEN.

4. Mr. N. M. Joshi : With reference to the reply given to my starred question No. 313 on the 13th February, 1939, by the Honourable the Commerce Member, will the Honourable the Commerce Member be pleased to state whether Government have completed the consideration of the question that contributions made by British Shipowners in connection with National Health Insurance to seamen, who are neither domiciled nor resident in Great Britain, be spent for the benefit of the non-resident seamen ; and if so, what is the result ?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar : The question is still under consideration.

SICKNESS INSURANCE SCHEME FOR INDIAN SEAMEN.

5. Mr. N. M. Joshi : With reference to the reply given to my starred question No. 312 on the 13th February, 1939, by the Honourable the Commerce Member, will the Honourable the Commerce Member be pleased to state whether Government have completed the consideration of the question of the establishment of a scheme for Sickness Insurance ; and if so, what is the result ?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar : Government have consulted the interests concerned whose views are now under examination.

**DISCRIMINATION IN THE PAYMENT OF COMPENSATIONS TO INDIAN *LASCARS*
AND EUROPEAN SEAMEN.**

6. Mr. N. M. Joshi : With reference to the reply given to my starred question No. 315 on the 13th February, 1939, by the Honourable the Commerce Member, will the Honourable the Commerce Member be pleased to state whether Government have completed the consideration of the question of removing the racial discrimination contained in section 8 (D-1) of the Indian Merchant Shipping Act of 1923 ?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar : The interests concerned have been consulted in the matter and the views of some of them are still awaited.

MOTION FOR ADJOURNMENT.

GOVERNMENT OF INDIA'S DECISION ON QUESTIONS OF INDIAN DEFENCE.

Mr. President (The Honourable Sir Abdur Rahim) : The Chair has received notice of a motion for adjournment from the Honourable Member, Sir Syed Raza Ali. He wishes to move for the adjournment of the business of the Assembly in order to discuss the failure of the Government of India to consult this House or at least the Leaders of Political Parties in this House with reference to the decision taken by the Government of India on questions of Indian defence contained in the Press *communiqué* published this morning.

Is there any objection to this motion being allowed ?

(No Honourable Member raised any objection.)

The motion will be taken up at four o'clock this afternoon.

The Honourable Sir Muhammad Zafrullah Khan (Leader of the House) : This may be taken up at the end of the business today. If the business on the agenda is finished before four o'clock, this motion may be taken up immediately thereafter.

Mr. President (The Honourable Sir Abdur Rahim) : Quite so ; if the business is finished before four o'clock, in that case the motion will be taken up earlier.

THE INDIAN TARIFF (FOURTH AMENDMENT) BILL.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar (Member for Commerce and Labour) : Sir, I beg to move for leave to introduce a Bill further to amend the Indian Tariff Act, 1934, for a certain purpose and to validate the levy and collection of certain duty under that Act.

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

“ That leave be granted to introduce a Bill further to amend the Indian Tariff Act, 1934, for a certain purpose and to validate the levy and collection of certain duty under that Act.”

The motion was adopted.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar : Sir, I introduce the Bill.

THE DEFENCE OF INDIA BILL.

The Honourable Sir Muhammad Zafrullah Khan (Law Member) : Sir, I beg to move for leave to introduce a Bill to provide for special measures to ensure the public safety and interest and the defence of British India and for the trial of certain offences.

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

“ That leave be granted to introduce a Bill to provide for special measures to ensure the public safety and interest and the defence of British India and for the trial of certain offences.”

The motion was adopted.

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

THE MEDICAL DIPLOMAS BILL.

Mr. S. H. Y. Oulsnam (Government of India : Nominated Official) : Sir, I beg to move :

“ That the Bill to make the provision referred to in sub-section (1) of section 120 of the Government of India Act, 1935, be taken into consideration.”

Sir, the language of this Bill, which follows that of section 120 of the Government of India Act, 1935, may appear somewhat complicated, but I think that a brief explanation will show that actually it is a simple and non-controversial measure. The burden of section 120 of the Government of India Act, 1935, which is referred to in the Statement of Objects and Reasons, is that the conditions which apply to the recognition of Indian medical diplomas in the United Kingdom should also apply to the recognition in India of diplomas granted in the United Kingdom.

Now, under the law of the United Kingdom, the General Medical Council has power to refuse to recognise an Indian diploma on the ground that it does not furnish a sufficient guarantee of the requisite skill and knowledge for the exercise of the medical profession. If, however, recognition of an Indian diploma is refused, application can, under the law of the United Kingdom, be made to the Privy Council and the Privy Council may direct that the diploma shall be recognised. Now, Indian law does not at present make any provision for an application to the Privy Council in the event of recognition being refused to a diploma granted in the United Kingdom.....

Mr. President (The Honourable Sir Abdur Rahim) : Will the Honourable Member speak up a little.

Mr. S. H. Y. Oulsnam :and the effect of section 120 of the Government of India Act is that until such provision is made,—that is, a provision for an application to the Privy Council—a person holding a United Kingdom diploma cannot be prevented from practising, and cannot be refused registration in India, even though the diploma which he possesses may not be considered to give a sufficient guarantee of skill. By this Bill, therefore, it is proposed to make this provision for an application to the Privy Council against any refusal to recognise a diploma granted in the United Kingdom. A similar provision has been made in

the Bill in regard to medical diplomas granted in Burma. Under section 120 of the Government of India Act, a British subject domiciled in Burma holding a diploma granted in Burma cannot be refused registration in British India unless there is a provision in the Indian law for an application against such refusal to the Privy Council. This provision is made by the Bill. I may add that in the Government of Burma Act there is a section similar to section 120 of the Government of India Act and an Indian medical diploma cannot be refused recognition in Burma unless the law of Burma provides for an application to the Privy Council against such refusal.

Briefly, then, the scope of this Bill is limited to the making of a legal provision the terms of which are set out in section 120 of the Government of India Act. In accordance with the requirements of section 120, it gives the right of application to the Privy Council. This right of application to the Privy Council is a right which is already enjoyed by persons who may be aggrieved at a refusal to recognise, in the United Kingdom, an Indian medical diploma. Similarly in Burma, an Indian diploma must be recognised unless there is a provision in the law of Burma for similar applications to the Privy Council. On the main object of the Bill, which is to make it possible to refuse to recognise medical diplomas which are not a sufficient guarantee of skill, I think there is hardly room for disagreement, and finally I would draw the attention of the House to the fact that this legislation has been undertaken at the instance of the Indian Medical Council, whose resolution is reproduced in the Statement of Objects and Reasons. With this explanation, I hope the House will have no difficulty in accepting the motion. Sir, I move.

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

“ That the Bill to make the provision referred to in sub-section (1) of section 120 of the Government of India Act, 1935, be taken into consideration.”

The motion was adopted.

Clause 2 was added to the Bill.

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

“ That clause 3 stand part of the Bill.”

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions : Muhammadan Rural) : Sir, I have got an amendemnt to clause 3.

The Honourable Sir Muhammad Zafrullah Khan (Leader of the House) : Sir, the amendment is out of order, because sufficient notice was not given.

Mr. President (The Honourable Sir Abdur Rahim) : Why did not the Honourable Member give notice in time ?

Mr. Muhammad Azhar Ali : There were two days' holidays, that was the reason.

Mr. President (The Honourable Sir Abdur Rahim) : But the office receives notices of amendments during holidays too ?

Sir Muhammad Yamin Khan (Agra Division : Muhammadan Rural) : Sir, I think the Government should not stick to these technicalities and they should not simply ask the Opposition Members, although they may be few in number, to proceed with these clauses of the Bill and they should not refuse to accept amendments simply for these technical grounds. If they do so, then I shall move that this Bill be thrown out on the third reading ; if they raise these technical objections, then that will be the net result.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member is not speaking on clause 3 of the Bill. Unless there is a good excuse, the Chair cannot allow the amendment to be moved. The question is :

“ That clause 3 stand part of the Bill.”

Mr. Muhammad Azhar Ali : Sir, my amendment is on the agenda ?

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member did not give notice of two days, as the Standing Order requires.

Mr. Muhammad Azhar Ali : How could I give notice during the holidays ?

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

“ That clause 3 stand part of the Bill.”

(Division was asked for by the Members of the Muslim League Party.)

Those Honourable Members who are against the clause standing part of the Bill will rise in their places.

(Count was taken.)

Those Honourable Members who are in favour of the clause will rise in their places.

(Count was taken.)

The motion was adopted.

Clause 3 was added to the Bill.

Sir Muhammad Yamin Khan : Sir, in view of the fact that we showed all consideration and said that we would carry on the business and give help to the Government and we shall carry on the business of the House in the spirit.....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member is not in order in making that speech now.

Sir Muhammad Yamin Khan : Sir, I must make a statement on behalf of my Party.....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member cannot make it at this stage. Let the Chair first put the next clause of the Bill and then the Honourable Member can speak on that clause if he likes.

Sir Muhammad Yamin Khan : I want to show what attitude we are going to take.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member is not in order to do that now.

Sir Muhammad Yamin Khan : Then, we are walking out because we do not want to take part in the debate on this Bill.

(The Members of the Muslim League Party then walked out of the Chamber.)

Clause 4 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. S. H. Y. Oulsnam : Sir, I beg to move :

“ That the Bill be passed.”

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

“ That the Bill be passed.”

Mr. N. M. Joshi (Nominated Non-Official) : Sir, I would like to oppose this Bill, because it does not establish perfect equality between India and Great Britain. So far as India is concerned, we have to recognise the British degrees and diplomas. We have no choice. But so far as Great Britain is concerned, the British Medical Council can refuse to recognise Indian diplomas and degrees. What this Bill provides is that India can send an application to the Privy Council. You will easily see that there is no perfect equality between the position of India and that of Great Britain. We are helpless. We have recognised the British diploma and the British degree. We do not know whether the British diploma and the British degree are bogus or not.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official) : There are no bogus degrees in England.

Mr. N. M. Joshi : Whether they are bogus degrees or not is not my consideration. I am interested in the establishment of perfect equality between Great Britain and India and my complaint is that this Bill does not do that. I, therefore, feel that the Government of India should bring in some Bill by which perfect equality will be established. I am not suggesting that this Bill is of no advantage at all, but I do not want a Bill which does not establish perfect equality. I, therefore, suggest to the Government of India that this Bill be dropped and they should either persuade the British Parliament to change the Government of India Act or their own Act and establish perfect equality between the two countries. I, therefore, oppose this Bill.

Lieut.-Colonel Sir Henry Gidney : Sir, I support what Mr. Joshi has said in substance. If it be true that there is this inequality of recognition, I think the time is long past when we should establish equality. Personally, I know that there are no bogus degrees given in England. It is impossible to obtain a bogus degree there. You may be able to get a bogus degree in other parts of the world, but you cannot get one in England. I know that anyone possessing a British qualification is recognised and can practice as a surgeon or a physician in any part of the British Empire and in India according to the Bill such recognition is com-

[Sir Henry Gidney.]

pulsory. I also know that the General Medical Council recognises certain degrees and qualifications obtained in India. I do not know that it can refuse to recognise any degree or diploma which it considers is not up to its required standard and training. But if an Indian qualified man with a degree is subject to a refusal of recognition by the General Medical Council in England, India is certainly placed in a state of inequality, and I think it is the obvious duty of the Government to rectify this one-sided power of assessment. I, therefore, support what Mr. Joshi has said but this does not mean that I do not support the Bill as it is presented to the House. The objection raised by Mr. Joshi is a very substantial one and I think it needs an immediate rectification if the facts are as he has stated them to be.

Mr. S. H. Y. Oulsnam : Sir, I am afraid that the objections which have been taken are based on a complete misapprehension both of the provisions of the Government of India Act and of the provisions of this Bill. It has been stated that there is inequality in the position of the Government of India and the position of the Government of the United Kingdom. It has been alleged that the British diplomas must be recognised and that the Bill only provides that an application may be made to the Privy Council for the recognition of a diploma by the Government of India. That is not at all the position. The position is that at present under section 120 of the Government of India Act British diplomas must be recognised because there is no provision in the Indian law which allows an appeal against a refusal to recognise.

Mr. N. M. Joshi : Make that provision.

Mr. S. H. Y. Oulsnam : That provision is being made by this Bill. After this Bill has been passed, it will be possible to refuse to recognise in India a British medical diploma on the ground that it does not furnish a sufficient guarantee of skill. Any person aggrieved will then under the provisions of this Bill will be able to appeal to the Privy Council and the Privy Council will decide whether the diploma is, in fact, a sufficient guarantee of skill.

Mr. N. M. Joshi : May I ask one question, Sir ? Why is an appeal, then, provided to the Privy Council instead of to the Federal Court in India ?

Mr. S. H. Y. Oulsnam : Provision for an appeal to the Privy Council is made in this Bill because section 120 of the Government of India Act requires that such a provision of law shall be made by a Federal or Provincial law.

Lieut.-Colonel Sir Henry Gidney : May I ask a question of the Honourable Member as it has an important bearing on this Bill ? If the Honourable Member says that this Bill provides equal rights and gives the opportunity for India to object to accepting British diplomas in India. I ask, has India got any power to appoint a committee of examiners to visit England and examine the standard of medical education in the same way as the British Medical Council exercises such rights over our medical institutions in India, rights which it has exercised for years ? If it has, then an equilibrium exists and is established. If not, what is the actual position ?

Mr. S. H. Y. Oulsnam : I would point out to the Honourable Member that the Indian Medical Council has examiners and it can negotiate with the General Medical Council in England if it so desires and, if the General Medical Council agrees, it can send examiners to the United Kingdom order to make such examination as it may think necessary. I have nothing further to say.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :
" That the Bill be passed ".

The motion was adopted.

THE INDIAN ARBITRATION BILL.

The Honourable Sir Muhammad Zafrullah Khan (Law Member) : Sir,
I move :

" That the Bill to consolidate and amend the law relating to Arbitration be referred to a Select Committee consisting of the Honourable Sir Ramaswami Mudaliar, Sir George Spence, Rai Bahadur Seth Bhagchand Soni, Sir Muhammad Yamin Khan, Mr. Muhammad Nauman, Mr. C. C. Miller, Sardar Sant Singh and the Mover and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, Honourable Members are aware that the present state of the law of Arbitration in India is that it is contained in two enactments—the Indian Arbitration Act of 1889 and the Second Schedule to the Civil Procedure Code. The Arbitration Act applies only to the Presidency-towns and to certain other big commercial towns to which it has been extended, and it deals with arbitrations by agreement without the intervention of the Court. The Second Schedule to the Civil Procedure Code applies to the rest of India and deals with three kinds of arbitrations : (1) a reference to arbitration during the pendency of a suit by order of the court before which the suit is pending ; (2) a private arbitration which has taken place out of court and in respect of which an application is made to the court to file the award of the arbitrator or arbitrators ; and (3) a procedure by which an agreement to refer to arbitration can be filed and thereupon the court makes an order to refer the matter to arbitration. It is proposed by this Bill to consolidate the law of arbitration in India so as to have one enactment and one procedure applying to different kinds of arbitration. Advantage has also been taken of this opportunity to make several improvements in the law of arbitration which the working of the Arbitration Act and the Second Schedule to the Civil Procedure Code have shown to be necessary. The Statement of Objects and Reasons fully explains the scope of the Bill and there is a wealth of information given in the notes on clauses which will delight the heart of Mr. Lalchand Navalrai. The Bill was circulated for eliciting public opinion by executive order on the 22nd July last. Opinions have been asked for by the 23rd October and it is proposed that the Select Committee should not meet earlier than the middle of November, so that by that time the opinions will have been received and classified and the members of the Select Committee will have the whole of that material before them when they begin to consider the Bill. This, as Honourable Members will appreciate, has been done in order to save time. This is a technical kind of Bill and it was absolutely essential to obtain opinions upon it from the commercial community as well as from legal circles. It would have been possible to move for circulation here to begin with but that, I am afraid, would have meant

[Sir Muhammad Zafrullah Khan.]

that the Bill would have remained pending for over a year and the law of arbitration has been in need of consolidation and amendment for many years now. The Civil Justice Committee recommended such an amendment several years ago and it was considered that it would save time if, as soon as the Bill was ready, it was circulated for eliciting public opinion, so that we could proceed direct to a reference to Select Committee. Sir, I move.

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

“ That the Bill to consolidate and amend the law relating to Arbitration be referred to a Select Committee consisting of the Honourable Sir Ramaswami Mudaliar, Sir George Spence, Rai Bahadur Seth Bhagchand Soni, Sir Muhammad Yamin Khan, Mr. Muhammad Nauman, Mr. C. C. Miller, Sardar Sant Singh and the Mover and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

Sardar Sant Singh (West Punjab : Sikh) : May I make one suggestion. The Select Committee is too small for such a big subject. Will the Honourable Member consider the desirability, in the absence of the Congress Party, of including some more names from other Parties in order to make it sufficiently representative.

The Honourable Sir Muhammad Zafrullah Khan : I realise that the Committee, as proposed, is rather small for a Bill of this kind. Why Government have proposed to keep the numbers as they are is that in case the Party that is absent chooses to attend before the end of the Session it will be possible to include their representatives in the Select Committee but if that contingency does not arise, it may be possible later on in the Session to make a motion to add to the Select Committee.

Mr. Lalchand Navalrai (Sind : Non-Muhammadian Rural) : My thanks are due to the Honourable the Leader of the House for giving full notes on clauses in this Bill and I hope that other Members of the Government would also take a clue and always give us full notes on clauses and not as it was done yesterday.

Now, Sir, there can be no voice raised against this Bill. I should think this Bill was overdue. In 1927, a demand was made that the arbitration law should be consolidated. My predecessor, Mr. Harchandrai Vishindas, actually brought forward a Bill suggesting certain amendments in the law. When I came to the House in 1928, I put in my own Bill in the terms in which it was introduced by my predecessor. I continued it till 1930 and as you know and the House knows, there was very little chance for private Bills being passed in this House. But Government at last promised to bring forward a consolidated Bill and so I had to slacken my efforts. I am glad, Sir, that such a Bill is now brought forward. It cannot be denied that it is a very important Bill not only from the point of view of practising lawyers who find difficulties in the arbitration law but also from the point of view of commercial people who also meet these difficulties. A great case law has been made and on several points divergent views have been taken by different High Courts. It is, therefore, necessary that all these should be considered and the law consolidated once for all in such a manner as to be self-sufficient and self-contained and the difficulties encountered so far should be put an end to. I would have liked that a Bill of this nature where the courts have differed on several points and the decision of the Privy Council invoked in many cases should have been circulated for public opinion in the usual manner so that working lawyers who

have dealt with this law might give the proper help. The Honourable the Leader of the House said that it had been circulated and opinions called for departmentally, but that is not enough. The circulation should have been ordered by the House and the opinions placed before us for our consideration now, so that we could give greater help than we can do at present and our views could have been considered by the Select Committee. As it is these opinions will not see the light of day until after the Select Committee has considered them. In a Bill of this character I do not think it is the right course to adopt. I would myself have moved a motion for circulation but I did not like to do it because that would have been taken to be a dilatory motion and secondly, in the case of such a Bill which has been so long overdue we should take the earliest opportunity to get it enacted. I would, therefore, like to make certain observations and I hope there will be some lawyers on the Select Committee who will consider the points that I will make. I will also draw the attention particularly of the Leader of the House who is himself a Barrister and will appreciate my points.

My first point is with regard to clause 6 which says that in the case of the death of any party an arbitration agreement shall be "enforceable by or against the personal representative of the deceased". The Select Committee should consider whether the phrase "personal representative" is proper. The proper phrase used in such cases is "legal representative" and the words "personal representative" might create difficulties. I should, therefore, like this to be considered.

The same difficulty will arise with regard to clause 9 and even justice requires the provision to be changed. The purport of clause 9 (b) is that if two arbitrators are to be appointed by two parties and one of the arbitrators appointed by one party refuses or neglects to arbitrate, the other party will ask this party to substitute another arbitrator. It is right that he should substitute, but if not, what is provided here is mysterious: power is given to one party to have a decision made by one of the arbitrators, that is, the person selected by him. That means that there will be a decision practically by one party's arbitrator. This is not justice. Therefore, I would suggest to the Select Committee to see that this is amended in such a way that in case of default of one of the parties a second arbitrator is appointed by the court. I do not see why the same power should not be given to the court as is given under other clauses. This is a serious point for consideration.

Coming to clause 11, it says that the court may, on the application of any party to a reference, remove an arbitrator or umpire who fails to use all reasonable despatch in entering on and proceeding with the reference and making an award. I would draw attention to this matter as I find that a clause must be added to this clause and that is, that the court may come to the relief of the parties if any of the arbitrators is subsequently found to be an interested person, because such things do happen. We find that after a reference has been made to arbitrators, one of the arbitrators has been appointed to no knowledge of the other party who is an interested person: and when we go to the court, the court says: "I have got no power to interfere at this stage". Therefore, I say, that if any arbitrator is subsequently found to be interested, the court should have power during the pendency of the arbitration to remove him and appoint another.

[Mr. Lalchand Navalrai.]

Coming to clause 14, I find there is a gap here. This clause relates to the manner in which the award is to be signed and filed. It is said that at the request of any of the parties the arbitrators have to send the award along with the documents to the court ; but no provision is made for any remedy if they do not send it or refuse to do it. A remedy should be provided for this, that the court should call for it, and enforce that the award be sent to the court. This clause requires amendment in this direction.

As for clause 15, there are practical difficulties. When it is asked that an award should be sent for modification or correction, then we are always given to understand that it can be done under a clause like this in the Civil Procedure Code or the Arbitration Act. Now we find that it has been provided here that where a part can be separated from the rest and does not affect the decision on the matter referred it can be so modified : but if it is not separable then the award can be thrown out. The question of what is beyond the reference has always troubled parties and we have different kinds of decisions from different courts. Therefore, this point should be considered by the Select Committee. I shall give an illustration. Suppose a question has been referred to arbitration—whether a certain person is entitled to certain property, and the arbitrators hold that he is entitled only to a life interest and make an award accordingly : take the case *vice versa* where a question of life interest is referred to arbitration and the arbitrators decide that he is entitled to absolute interest : in the case of divergence of opinion some courts have given an opinion one way and some in another. This difficulty should be removed.

Clause 20 says that subject to the provisions of this Act an award may be filed in any court having jurisdiction in the matter to which the reference relates. Other clauses supplement this, but there is one difficulty. There may be references concerning both immovable and movable property. Small cause courts have no jurisdiction in cases of immovable property but only over movable property

The Honourable Sir Muhammad Zafrullah Khan : Small cause courts are specially provided for.

Mr. Lalchand Navalrai : I have seen that—clause 40. That is why I am saying that if there is a joint award, will they separate it ? Supposing an arbitrator decides a matter within the jurisdiction of a small cause court then that comes under clause 40. My difficulty is in respects to joint reliefs of immovable and movable property given by an award. This point must be considered.

Then, I come to clause 38. This is also a matter which has been very much criticised in the courts as well as by the public.
12 NOON. It relates to the fees given to arbitrators. Though I am a lawyer myself, I have to say this, that there is usually a tug of war when the question of fees of the arbitrators comes to be decided by the Court. Generally parties select lawyers on either side to act as arbitrators, and when the matter comes before the Judge for deciding what fees should be given to these arbitrators, we all know there is not always impartiality in the award of costs. If a lawyer puts say a thousand rupees as his arbitration fees, I think he will get about Rs. 500 or Rs. 700. In this manner

people are suffering, because the question of deciding the fees to arbitrators is left to the decision of the Judge, and if there is any favoritism, the Judge can award any amount of fees he likes, and such cases do occur, and there is often bitterness and bickering over the question of fees. Therefore, I submit that this question of fees to arbitrators should also be carefully considered by the Select Committee, and it is very necessary that a limit or restriction should be imposed on the amount of costs or fees to arbitrators. I am sure my friends of the mercantile community may have some other suggestions to make in regard to this enactment, and I trust the opinions received on this measure on circulation and placed before the Select Committee will throw some more light on the subject.

Then, Sir, there is clause 43, which creates a new provision. It refers to proceedings before the arbitrator. The object of this clause is that when the arbitrator is deciding a case, he should have certain powers to carry on the proceedings legally and in a decent manner. For instance, if the parties or witnesses do not allow any evidence to join or refuse to answer questions, he must have sufficient power to deal with such people. But here I should like to say one word. Here power is also given to the arbitrator to deal with any person if he is guilty of the contempt of the arbitrator. If a person commits a contempt when the arbitrator is deciding a case, then the matter can be referred to a court,—I have no objection to it, but I think that the word 'contempt' should be defined in some manner. If you do not define this word 'contempt', then there is likely that trouble will always arise. Some arbitrators may be cool headed or wise men, but others lacking in coolness and consideration may accuse the parties without justification 'and say they have committed the contempt of the court'. Sir, I have seen some third class young magistrates hauling up unjustly some parties or persons on the slightest pretext. Therefore, I say that if you don't define this word 'contempt' while giving power to the arbitrators, there will be many such complaints for the courts to decide. Therefore, what I say is that as you are consolidating the whole law of arbitration, you should make the law such as to leave no loopholes for any wrong interpretation and doings.

Sir, I do not think I need detain the House much longer, though if the opinions received had been before me, I would have said something more. After all, we were given to understand only yesterday that this Bill would come up for discussion today, and, therefore, within the short time at my disposal I have studied it as much as I could and have made some suggestions. I hope the Select Committee will consider all these suggestions carefully. I may say here that the Honourable the Leader of the House has gained a name by introducing this important legislation, because none of his predecessors attended to this matter from 1927 onwards, I understand. Therefore, if my Honourable friend, Sir Muhammad Zafrullah Khan, makes this Bill a useful measure, it will avoid so many difficulties which are experienced almost every day in courts and he will thereby earn great credit for his work.

Mr. C. C. Miller (Bengal : European) : Sir, I rise to support the motion to refer this Bill to a Select Committee, because we believe that it represents excellent and helpful legislation. Like my Honourable friend, Mr. Lalchand Navalrai, we also think that there are in it a number of clauses which are susceptible to alteration and improvement, but I do not

[Mr. C. C. Miller.]

think it is necessary at this very early stage to discuss detail and to take up the time of the House. I will, therefore, confine myself to supporting the motion that the Bill be referred to a Select Committee.

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Mr. President, I must congratulate the Honourable the Leader of the House for having brought in a measure which was long overdue and was anxiously awaited in this country. Sir, among the commercial community most of commercial disputes generally in India are settled by means of arbitration. It was very popular in olden days, and probably with the advent of small causes courts, arbitrations began to lose their popularity which they had enjoyed in times past. All the same, we have often noticed that sometimes the decisions of arbitrators have been violated by the parties, because there were no adequate laws to regulate and enforce the decisions of arbitrators, in the manner in which the Bill now proposes. Sir, arbitration in the commercial world is still very popular, and most disputes in regard to commercial matters of contracts are settled by arbitration. There are certain commercial associations or Chambers who have framed their own laws to regulate disputes relating to certain kinds of transactions, and it is very necessary that those laws should be regulated on an all-India basis and on the basis of equity and justice. When I say this, I wish to refer particularly to the peculiar practice of arbitration which is existing in the Bengal Chamber of Commerce, Calcutta. My friends of the European Group will be able to testify how unsatisfactorily the arbitration laws are operating there. The Members of Bengal Chamber of Commerce have peculiar regulations of their own make, by which they can deal with a case in any manner they like. They do not sometimes allow any party to choose their arbitrators and in many cases the arbitrators appointed are competitors or even parties' friends, enemies or rivals. Then they do not allow the parties to be represented by lawyers, which amounts to this that only the director or proprietor or any authorised manager of the firm can represent the case, and in the case of Indian firms where it is not very unusual that the proprietor or director is not conversant with the English language, you can realise what position it makes. This happened with me as my own firm happened to be a member of the Jute Fabric Shippers Association of Calcutta and in that capacity we had some differences with a Jute fabric importing firm in Australia and we were compelled to go to arbitration on a certain matter. I wanted to be represented by a lawyer which was refused by the Bengal Chamber of Commerce. I wanted their permission to choose one of the arbitrators from amongst their members and also that the same facility might be given to the Australian Company. That also was refused and the award was practically made at our back and without any adherence to those legal and equitable principles of law and justice which should have been the chief consideration. I do not want to dilate on the different clauses of this Bill at the moment but I hope that the Select Committee will take note of these facts and try to regulate the arbitration laws in a manner which would be equitable and just and based on principles which would give them the sanction of conscience based on principles of equity and justice. I only referred to this particular case of Bengal Chambers of Calcutta in order to impress upon the House that in spite of the fact that there were no adequate arbitration laws to that effect, yet arbitrations have been going on

and on very important matters, and in some cases the parties have been put to great losses by this European Chamber. I will not try to criticise or comment on the different clauses of the Bill as my Honourable friend, Mr. Lalchand Navalrai, has done, because I do not like to waste the time of the House at this stage and with these few remarks, I support the motion for Select Committee.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions : Muhammadan Rural) : Sir, I do not want to go at length into the law of arbitration at present, but I would like to make one or two remarks. I find that in clause 5 the words used are :

“ The authority of an appointed arbitrator or umpire shall not be revocable except with the leave of the Court, unless a contrary intention is expressed in the arbitration agreement.”

I do not see the necessity for putting in this proviso. If you say, “ unless a contrary intention is expressed in the arbitration agreement ”, then in every arbitration agreement this condition will be put in. On the other hand, if the parties have no confidence in any arbitrator, why should the Court insist on having a man in whom the parties have no confidence ? So, I hope that, when the Bill goes before the Select Committee, this point will be remembered. Whenever parties nominate an arbitrator to settle their differences, it is always a matter for the parties to consider whether they have confidence in the man or not. Why should the Court have any power of any kind to say that so and so should not be appointed as an arbitrator ?

The next thing is as regards clause 15. That clause says : “ The Court may by order modify or correct an award. . . . ” I would submit that in such cases the Court shall by order modify or correct an award. Why ? Because it should be imperative on the Court to modify or correct an award, because it is said in sub-clause (b) of the clause ; “ when the award is imperfect in form, . . . ”. If there is any mistake or a small error, or the form is not complete,—I submit that there should be no special form, because, in arbitration cases, we find that even illiterate people are appointed as arbitrators. If they are asked to conform to some form, I submit that that cannot be worked. I submit that there should be no form at all. Arbitrations are not meant to be on any specified form or on any specified rules. Sometimes, people give their arbitration in two lines, in three lines, and why should there be any question of form ? And if there is to be a form, then the Court should modify or correct the award, and not merely *may*. Same is the case when there is a clerical mistake. We should not make the proceedings of the arbitration arbitrary or complicated ; they should be very simple and people should not be made to spend too much upon them. With these words, I support the motion.

The Honourable Sir Muhammad Zafrullah Khan : Sir, it is not necessary to make a lengthy reply to the observations that have been made by Honourable Members on this motion. I will assure Mr. Lalchand Navalrai that the opinions that are received on circulation will be available not only to the Select Committee but also to the House when the matter comes on again after the Bill has emerged from Select Committee, and I have no doubt that the Select Committee will pay full attention to all the observations that have fallen from him and other Honour-

[Sir Muhammad Zafrullah Khan.]

able Members with regard to certain matters in the clauses. I will not say that there may not be something in some of the suggestions that have been made.

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

“ That the Bill to consolidate and amend the law relating to Arbitration be referred to a Select Committee consisting of the Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar, Sir George Spence, Rai Bahadur Seth Bhagchand Soni, Sir Muhammad Yamin Khan, Mr. Muhammad Nauman, Mr. C. C. Miller, Sardar Sant Singh and the Mover and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim) : That finishes the agenda. As regards the motion for adjournment, the Chair finds that if the House takes it up now, according to a ruling the debate will not terminate automatically until 6 P.M. The Chair does not know whether that is the desire of the House.

Some Honourable Members : No.

Mr. President (The Honourable Sir Abdur Rahim) : Then the House must agree to terminate the debate at a particular hour. Otherwise the proper course will be to take it up at 4 o'clock.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : It may be terminated at half past one. It will give us more than one hour.

Mr. President (The Honourable Sir Abdur Rahim) : If the House wants to discuss it till 6 o'clock, the Chair has no objection. The Chair would like to know whether the House wishes to proceed with the debate now, or wait till 4 o'clock.

Sir Muhammad Yamin Khan (Agra Division : Muhammadan Rural) : We shall go on from now to half past one.

Mr. President (The Honourable Sir Abdur Rahim) : If that is the desire of the House, the debate can begin now.

MOTION FOR ADJOURNMENT.

GOVERNMENT OF INDIA'S DECISION ON QUESTIONS OF INDIA'S DEFENCE.

Sir Syed Raza Ali (Cities of the United Provinces : Muhammadan Urban) : Sir, I move :

“ That the House do now adjourn.”

My object in moving this motion is to discuss the failure of the Government of India to consult this House or at least Leaders of political parties in this House with reference to important decisions taken by the Government of India on questions of Indian defence contained in the Press communiqué published this morning.

Sir, with reference to the world situation and having regard to the fact that almost all the countries within the British Commonwealth of Nations are today at War with Germany, I will take care, while moving this motion, not to say anything which is likely to cause embarrassment in Government circles. My object in moving this motion is simply to draw the attention of this House to the manner in which the defence policy

has been settled by the Government of India on a very important occasion, indeed. Sir, as I pointed out, we are in the midst of war. India, unfortunately, is an unarmed country. She is not in a position, therefore, to render that help, if she wanted to do so, which could be expected from her having regard to her vast population and resources. I believe, Sir, it was only in the year 1918 or 1919 that a few limited King's Commissions were granted to Indians. Before that, the best Indians and Indians belonging to distinguished martial families whose forefathers had been practising the art of war for 200 or 300 years had to be contented with retiring as Jemadars or Risaldars or, may be, Risaldar Majors. The new policy was started about 20 years ago but, unfortunately, having regard to the slow pace of Indianisation in the officers' ranks, India finds herself very considerably handicapped in her ability to defend herself. Sir, I invite the attention of this House to the position of this country with regard to defence matters. What is the position of India? It is within the recollection of this House what part India, in spite of her tremendous handicaps, played during the last war. I remember a large number of soldiers were sent by India.

Mr. President (The Honourable Sir Abdur Rahim) : The Chair takes it that what the Honourable Member is saying has some reference to the decisions of the Government.

Sir Syed Raza Ali : I am discussing the position of India in the matter of defence generally and then I want to show that the recommendations of the Chatfield Committee, as accepted by the Government of India, do not, in fact, meet at all the requirements of the case.

Mr. President (The Honourable Sir Abdur Rahim) : The Chair does not know, what the decisions of the Government of India are. The Chair assumes that the Honourable Member's remarks have some reference to those decisions.

Sir Syed Raza Ali : That is exactly my object. What I was submitting was to show the background.

Mr. President (The Honourable Sir Abdur Rahim) : The report is a long one, and the time at the disposal of the Honourable Member is 15 minutes.

Sir Syed Raza Ali : I know that. The position is that India is not in a position to defend herself and her need is that she should be self-contained in the matter of defence. Now, the Chatfield Committee dealt with the question of the defence of India with special reference to the Indian Army, the Indian Navy and the Air Force. Let me point out at once that no member of the Chatfield Committee was an Indian. Let me also point out that in the Defence Department which deals with these matters and which acted in close co-operation with the Chatfield Committee there is no Indian occupying such a position as to enable him to influence the defence policy of the Government of India from the point of view of the Indian people. Sir, it appears that the decisions that have been arrived at by the Chatfield Committee and which have been accepted by the Government of India were arrived at without consultation with any section of the Members of this House. The utmost that the Chatfield Committee's Report claims at page 3 is :

" At the same time the Committee took steps to ascertain the views of all sections of opinion, un-official as well as official, with which they were able to establish contact, and they included in their survey of the problems various considerations that were put before them as a result of this procedure."

[Sir Syed Raza Ali.]

Whether any Members of this House appeared as witnesses before the Chatfield Committee is more than I can say. I certainly know this that this House was not consulted in a representative capacity by the Chatfield Committee. Sir, my main objection to the recommendations of the Chatfield Committee is that they were arrived at behind the back of the Indian people and without any opportunity being given to Members of this House to press the Indian viewpoint. The Members of this House are acquainted with the criticism offered by certain critics on the name of "the holy Roman Empire": the criticism is that the Empire was neither holy, nor Roman. Such is exactly the case with the "Indian Army". The Indian Army is an army in the recruitment or the control of the policy of which Indians have no voice. That is my main criticism.

It is not necessary really to analyse in detail the character of the recommendations made by the Chatfield Committee for the simple reason that the decision of that Committee was arrived at *ex parte*. What was there to prevent the Chatfield Committee from recommending that the Indian Navy in its officers' ranks should mainly consist of Indian officers? What was there to prevent the Committee from making a similar recommendation with reference to the Indian Air Force? Now, I would very much like to know how many officers there are in the Indian Air Force, and what steps the Government have taken to increase their number. The Chatfield Committee's Report does not throw any light on that question. Take the case of the Indian Army itself. What is the pace of Indianization in the Indian Army? Sir, that pace is the pace of a snail. The time certainly has come—and I do not want to refer to the present position too often, for every Honourable Member knows the circumstances with which we are surrounded and in the midst of which we are living—the time has certainly come when something substantial should be done. When will the time come if the Chatfield Committee's report, which as I submitted is an *ex parte* report, is accepted by the Government in its main recommendations and no steps are taken by the Government to see that the Indian Army, the Indian Navy and the Indian Air Force should have at least like fifty per cent. Indian officers? Can the Government reasonably say that they are doing all that they should have done to meet the Indian demand? Sir, this report and especially its acceptance by the Government will cause, so far as I can see, very grave discontent in India from end to end. On this occasion we are asked to do all we can to help the Government on the battlefield. Sir, what is our position? Have Government enabled us to help them on the battlefield? What have they done really to prepare us to defend ourselves and, when occasion arises, to help them in other quarters of the globe in a world-war? These are the main considerations. The recommendations of the Chatfield Committee are hesitating and halting. No doubt they make a gift of Rs. 33 crores, which after all is not a very large sum, having regard to the duties which the Indian Army is called upon to perform in times of emergency. What is thirty-three crores of rupees in a world-war like the present in which the daily expenditure of the British Government will be, I believe, something like £5 million a day? Sir, I welcome that the Government have had the courage to publish this report. I must, along with it, say that in view of the character of the recommendations, it is an extremely disappointing report. I would at the same time

point out without hesitation that having regard to the world crisis in the grip of which we find ourselves, it is the clearest duty of the Government to take the earliest steps to man the officers' ranks of the Indian Army, the Indian Navy and the Indian Air Force by Indians, of whom I am sure there will be no lack. Sir, I move.

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

“ That the House do now adjourn.”

Mr. F. E. James (Madras : European) : Sir, I am opposed to this motion and I must say that I am disappointed with the speech made by my Honourable friend, Sir Raza Ali, for he does not appear to have gone into the reason for the appointment of the Chatfield Commission, the terms of reference of that Commission or the actual recommendations that have been made. In the first place, he must be aware that this Commission consisted of eminent persons who were expert in military and naval affairs and it is necessary, not with any disrespect to this country, to state what is a fact, namely, that there is at present no outstanding Indian military officers with the requisite knowledge of these matters.....

Sir Syed Raza Ali : Does it matter ?

Mr. F. E. James : If it is an expert committee, it must be confined to experts.

Sir Syed Raza Ali : Mr. Hore-Belisha is a civilian.

Mr. F. E. James : Sir, the terms of this Committee are in the following terms :

“ Having regard to the increased cost of modern armaments, to the desirability of organizing, equipping and maintaining the forces in India in accordance with modern requirements, and to the limited resources available in India for defence expenditure, to examine and report, in the light of experience gained in executing the British rearmament programme, how these resources can be used to the best advantage and to make recommendations.”

Is there any Indian military officer in this country who has had any experience of the British re-armament programme ? I must ask my Honourable friend, Sir Raza Ali, in applying his mind to these questions to use a certain amount of common sense. Then, he went on to say that this Committee produced a report behind the backs of the Indian people. I do not know exactly what he meant by that, but he is undoubtedly aware that this Committee invited all who had views to give to place those views before it. I am glad to say that that invitation was responded to by a large number of those in this country who do take a realistic view of the problems of defence of India, though I regret that there were certain parties who refused to give the Committee the benefit of their advice. Therefore, my Honourable friend cannot say that this report was produced behind the back of the Indian people. They were asked for their co-operation and those who take the realistic view gave it and they used their co-operation in the production of this report. Then, he went on to say that this Committee failed in its duty because it made no reference to Indianisation. Indianisation was not included in the terms of reference and it is usual, at least in my country, for a Committee which is appointed by His Majesty's Government to confine its activities to the terms of reference laid down for it. Therefore, there can be no particular complaint on these grounds.

[Mr. F. E. James.]

My Honourable friend suggested that this Committee's report would cause an outburst of discontent in this country from end to end. May I repeat one of the recommendations made by this particular Committee for the benefit of my Honourable friend which appears to have escaped his attention :

" His Majesty's Government have accepted in the main the recommendation of the Committee and they have taken full account of the heavy capital cost involved in the proposals made and they reckon that the total net capital cost of their proposals would come to 45 crores of rupees or £34½ million. His Majesty's Government also accepted the conclusion of the Committee that the funds required to meet this capital expenditure could not be found out of the resources available in India."

Therefore, what happened ? While they have accepted that conclusion, they are no less anxious about the urgent need of the modernisation of the existing forces of this country. Therefore, they proposed to seek the authority of the British Parliament, which speaks for the British tax-payers and not the Indian tax-payers, to provide the sum of £34½ million from the Home exchequer. In other words, 45 crores of rupees are being provided for the modernisation of the defence of this country at the expense, not of the Indian tax-payer, but of the British tax-payer. That is a gift the publication of which, my Honourable friend, Sir Raza Ali, indicates, will cause in this country a wave of discontent. I do not believe it and he does not believe it himself.

Sir Syed Raza Ali : I said a grave wave of discontent.

Mr. F. E. James : It is not the first time my Honourable friend has provided a "grave" for himself. I venture to say that those, to use the words of the Committee's report, who take a realistic view of the problems of defence in this country will feel immense gratitude to His Majesty's Government that at a time like this they should shoulder this cost of modernisation of India's defence.

Now, my Honourable friend also suggested that before this report had been presented to Parliament or rather to His Majesty's Government this House should have been taken into consultation or this House should have had an opportunity of discussing the matter.

Sir Syed Raza Ali : This House or the political Leaders.

Mr. F. E. James : He is doubtless aware that we are living at the present moment in a time of emergency. He is also doubtless aware that in military matters there is such a thing as need for secrecy, and it would have been the height of folly for His Majesty's Government to have agreed that the detailed recommendations of this Committee should have been made the sport of party politics in this country. Moreover, although the Committee made a recommendation involving a cost of £34½ million to the British exchequer and although the Committee's report has been accepted by His Majesty's Government, yet Parliament has not yet been consulted. Who is paying for this ? In the main, the British people and yet His Majesty's Government felt that the need for the modernisation of the Army, the Navy and the Air Force in this country was so great, in view of the present emergency, that they came to their conclusion before actually placing the matter before Parliament. I would appeal to my Honourable friends in this House to take a realistic view not only of India's immediate and urgent demands but of the times within which we are living. I

would beg of them for the sake of their own country to cease sniping at their friends. If they want to use their powers in that connection, there are others who deserve their attack more than their best friends.

The Honourable Sir Muhammad Zafrullah Khan (Leader of the House) : Sir, I rise to intervene in this debate to attempt to meet the one short point which was sought to be raised in the notice of the motion given by Sir Syed Raza Ali though there was scarcely anything in his speech referring to that particular point. The speech did raise the question of King's commissions for Indians, lack of any recommendation with regard to Indianisation and several other matters. Though the Honourable Member went on repeating that the report was an *ex parte* report and he did say once or twice that this House or Party Leaders had not been consulted, there was not one word of argument in his speech in support of the contention that this House should have been consulted. That is to say, he did not give any reason why on a matter of this kind it was obligatory upon the Government to consult either the House or Party Leaders. That in itself is the best refutation of the point sought to be taken by him in the notice given by him of his motion, that he himself was not conscious of any ground upon which in a matter of this kind the House should have been consulted. If by the mere use of expression *ex parte* report he desires to condemn the report, he is very much mistaken. I should very much like that whenever I am a party to any controversy there may be an *ex-parte* decree in my favour of the kind that has been given by His Majesty's Government in favour of India.

Coming to the main point of the motion, my Honourable friend, Mr. James, has very ably met that. I take the general point that there are many matters which arise on which the Government have to take executive decisions and on which it is absolutely out of question either to consult the Legislature or Party Leaders. Those matters are of a kind where the responsibility is and must remain with the executive government, though, of course, they would be prepared to take that responsibility before the Legislature when the matter is raised. What is the character of the matter that we are discussing this afternoon? This Committee was set up with the terms of reference which have been read out by my Honourable friend, Mr. James, and which I need not repeat. The terms of reference related to certain technical matters. The Committee was set up by His Majesty's Government having regard to the world situation which had arisen and which was rapidly deteriorating. That Committee made a report to His Majesty's Government. It found for the purpose that we are discussing this afternoon that Indian resources were not equal to the demand that must be made upon them if the Indian Army is to be placed on a footing to deal with the crisis that might arise.

Sir Syed Raza Ali : Who is responsible for that ?

The Honourable Sir Muhammad Zafrullah Khan : If I were to go into that, it would raise a much bigger question and it could not be debated within the period of time at our disposal just now. That being the position they found that in the present condition of the world, the Indian Army must be brought up to a certain level of mechanisation and modernisation, and that India was unable to put up the funds for that purpose. Consequently they recommended that His Majesty's Govern-

[Sir Muhammad Zafrullah Khan.]

ment must come to the aid of India and provide those funds, and the recommendation was that three-fourths of the amount required should be advanced as a grant by His Majesty's Government and that one-fourth should be advanced as a loan free of interest for the first five years. They have also permanently increased the grant under the Garran Award from 1½ millions to two millions £ a year.

Now, the grievance of Sir Syed Raza Ali is that before this was accepted the House should have been consulted or at least Party Leaders should have been consulted. What was the position? Surely while the negotiations were going on with His Majesty's Government, His Majesty's Government could not possibly have tolerated, even if the Government of India had been foolish enough to make the suggestion, that the matter should be brought before the House and that we should obtain the advice of the House as to what claim we should put forward against His Majesty's Government. After the matter had been settled and it was settled very recently, there was no point in consultation, as the negotiations between the two Governments had been brought to a very satisfactory issue so far as India is concerned. But look at it another way. Did His Majesty's Government consult Parliament? After all India has received something from His Majesty's Government. India may have a grievance, I do not know on what ground it could have that grievance, but the only grievance it could have would be that the gift is inadequate.

Sir Syed Raza Ali : I do not want to interrupt the Honourable Member. But do the Government of India claim to represent the people of India in the same sense in which His Majesty's Government represents the British people?

The Honourable Sir Muhammad Zafrullah Khan : If we are to go into constitutional questions, then am I to understand that Sir Syed Raza Ali claims that the Government of this country should be conducted in accordance with the wishes of the Opposition rather than in accordance with its own views?

Sir Syed Raza Ali : Is it government of the people, by the people, for the people?

The Honourable Sir Muhammad Zafrullah Khan : It is the Government as constituted by law. If that is the grievance, it is no use moving adjournment motions every day over such matters. The constitutional position is well understood and if people co-operate with the present system of government they co-operate on the understanding that there are those limitations in the constitution. However, Sir, His Majesty's Government took upon themselves this burden of nearly £35 millions capital and an extra half a million a year and they arrived at that decision on their own responsibility without reference to Parliament. After all the constitutional difference is only this: that His Majesty's Government in putting forward a proposal of that kind before the House would have been certain that they could carry it through the House, but even then they did not put it before the House, for this reason, as I have said to begin with, these are matters of a kind with regard to which the executive government must take responsibility themselves and must come to a decision upon by themselves. These are not matters

which can be placed before the Legislature before a final decision is arrived at nor could Government undertake to act upon the advice either of the Legislature or of the Leaders of Parties in such matters. I would submit to the House that in the day to day administration of the Government of the country many matters must arise in regard to which decisions must be taken and responsibility accepted by Government without making a reference either to Leaders of Parties or to the Legislature. I do not desire to go into the merits of the recommendations of the Chatfield Committee or of the decision which has been arrived at. Strictly speaking they are not relevant to this motion, but I have no doubt that my Honourable friend, Mr Ogilvie, will deal with them very adequately when his turn comes.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions : Non-Muhammadian Rural) : Sir, there seems to be some misconception as to the scope of this motion. All the previous speakers including the Honourable the Leader of the House have dealt with the merits, more or less, of the recommendations of the Committee and the decisions of the Government of India. As I understand the motion, it has a very limited scope. The subject matter of complaint in the motion is about the failure of the Government of India to consult this House or at least the Party Leaders with reference to the important decisions taken by the Government of India on questions of India's defence. There is nothing here on the merits of those recommendations and decisions.

Mr. President (The Honourable Sir Abdur Rahim) : If the Honourable Member means that it would be irrelevant altogether, the Chair has to point out that there must be some reason why the Legislature or the Leaders of Parties should be consulted, and if the decisions were not important enough to justify such consultation, then the motion will have no significance.

Mr. Akhil Chandra Datta : There is no doubt that the decisions are very important.

Mr. President (The Honourable Sir Abdur Rahim) : Does he mean that the decisions are not of such a nature which require consultation with Leaders of Parties ?

Mr. Akhil Chandra Datta : Admittedly the decisions are very important. But my contention is that the scope of the motion is very limited. If we want to discuss the merits of all the recommendations of the Committee or of the decision of the Government of India, it would be impossible for us to do justice in an adjournment motion within the space of 15 minutes allotted to each Member. The communiqué has been issued only this morning, and I do not know how many of us are in a position to effectively discuss those decisions.

The Honourable Sir Muhammad Zafrullah Khan : Government have
1 P.M. not raised this discussion.

Mr. Akhil Chandra Datta : The question is not, as I understand it, whether these decisions are right or wrong, but that they have been taken behind the back of this House and even behind the back of the Leaders of Parties. However, if these decisions are to be discussed, that can only be done on a more suitable occasion when we have more time

[Mr. Akhil Chandra Datta.]

to study and discuss them. The Honourable the Mover of the motion has referred to the merits, and my Honourable friend, Mr. James, dealt almost exclusively with the merits.

The Honourable Sir Muhammad Zafrullah Khan : Is it meant that the Mover rushed in where angels fear to tread ?

Mr. Akhil Chandra Datta : I would not put it like that. But I think he was treading upon more ground than is actually covered by the adjournment motion. With regard to this motion, the whole question is whether the House should have been consulted or not. The view that has been propounded by the Leader of the House comes to this that on this question of Indian defence India should not be consulted at all.

The Honourable Sir Muhammad Zafrullah Khan : I never said that.

Mr. Akhil Chandra Datta : It comes to that. The question is of Indian defence and, according to the theory propounded, India is to be no party to that decision and is not even asked to give her advice or suggestions. In fact, it will be no exaggeration to say that India has been kept religiously and scrupulously out of any knowledge of the decisions that were intended to be taken and have been taken.

The Honourable Sir Muhammad Zafrullah Khan : Only to the extent to which Great Britain has been kept out of it.

Mr. Akhil Chandra Datta : The Leader of the House says that all the recommendations are for the benefit of India and the House should gladly accept them. If that is the position and Government are so sure of their case, why not consult the House so that the seal of the House may be put upon it and their position strengthened ? My grievance is this. There is war now and it has been said in this morning's *Statesman* that India is legally at war, because Great Britain is at war. This war is admittedly to vindicate the principles of democracy and self-determination. Is it democracy not to consult India about her own defence, or is it a mockery of democracy ? I say it is Fascism and Nazism to destroy which this war is being fought. The time when these decisions are taken is very significant. There is war and all the countries of the world are giving their best and most anxious thought as to how to defend their countries, and here in India we have not been taken into confidence as to the methods that are proposed to be taken with regard to the defence of this country. So I support this motion on the simple ground that India has not been consulted.

Sardar Sant Singh (West Punjab : Sikh) : Sir, I agree with what my Honourable friend, Mr. James, said.....

Mr. President (The Honourable Sir Abdur Rahim) : The Chair would remind Honourable Members that it is the desire of the House that this debate should be concluded at 1-30 P.M.

Sardar Sant Singh : I will be very brief, Sir.

I quite agree with the observations of Mr. James that there is a critical situation in the world today, and we must keep that before us when we are discussing a subject of this importance. But, at the same

time, I must observe that the real principle underlying this motion has been entirely overlooked by those who are taking an adverse view of this motion. It has been a constant complaint against the Defence Department that it does not take the Legislature into its confidence in the matter of defence ; and this motion is a protest against the continuation of that same policy of distrust of this House. The present emergent situation should have opened the eyes of those who are responsible for the defence of this country and should have persuaded them to realise the changed circumstances and take the House into their confidence in the matter of defence. In this report, apart from the question of contribution for the modernisation of the Indian army,—and I am glad the report takes into consideration the inadequacy of the revenues of India for meeting the new equipment for modernisation of the army,—there are certain matters on which this House could have been profitably consulted. For instance, there is the question of reduction of Indian troops which is called absolute reduction, and there is a qualifying phrase that Indian troops would be employed overseas not at the cost of Indian revenues. What that expression means is yet to be made clear. We are certainly not in a position to grasp the implications of this expression in the Chatfield report, because the report as a whole has not been made available to us. However, without reading that report, we cannot come to the conclusion whether it is in the public interest or not to disclose the discussions embodied in that report. Yet it is in our primary interest to see how our troops are going to be employed beyond the borders of India.

There are two conditions laid down. One is that when Indian troops are employed outside India for the purpose of the defence of India, India would bear the ordinary cost of those troops. The second is, as I pointed out before, that when troops are employed outside India, it would not be at the cost of Indian revenues. May I ask the Honourable the Defence Secretary, when he gets up to make a reply, what he means by this expression ? Does he mean that Indian troops shall be employed as mercenaries to take away the liberties of other people or to enhance the boundaries of this already vast empire ? It is this House which has to decide whether our men will be employed as mercenaries abroad or not. Apart from these considerations, the second point which I will stress is about the employment of these 45 crores in India itself. This House would certainly like to know how this money—34 crores of absolute gift and 11 crores without interest for five years—is to be employed. Are we going to import from British factories all this equipment, or are our industries going to be subsidised and encouraged in order to manufacture modern equipment in India in order to make India self-sufficient, as said in the report ? I want to make myself very clear. I would certainly object if this apparent gift of 34 crores were to take the form of the supply of second-hand and almost obsolete material to the Indian army. It might be a mere book-transfer. The utilisation of this money should be in the hands of the Government of India as said in the report : but not of the Government of India in the irresponsible Defence Department, but of Defence Department acting with the advice of some sort of a committee of this House as to how this money should be utilised. These are the two matters which require consideration. Our thanks to His Majesty's Government do not depend

[Sardar Sant Singh.]

on whether this 34 crores goes to reduce unemployment in their own country and in their own factories. If this money comes to us, then we should have a voice how this money should be utilised. This policy of distrust should cease particularly in these emergent times. If the Government of India really desire—particularly the Defence Department—our co-operation in the real sense of the term, I would appeal to them that they should have as much regard for the critical situation through which we are passing as they want us to have. If so, they should immediately proceed to constitute some sort of a liaison committee of this House which should be advisory in character, to advise in the matter of defence and particularly in the matter of the utilisation of this 34 crores ; and so long as this assurance is not forthcoming, our sense of grievance will certainly continue and we will be forced to give expression to our grievance.

An Honourable Member : Give the money back.

Sardar Sant Singh : It is not for me : I was not consulted before it was given, and I will not be consulted when it is taken away. Neither did I take it, nor can I give it. But if it is to be taken by the irresponsible Defence Department, I will certainly plead that we should be consulted as to how this money should be utilised : there should be a definite assurance given to us that both our Government factories and our private enterprise would be encouraged to manufacture these requirements in this country. Unless this assurance is forthcoming, Government will deserve censure. I will not take up the time of this House any longer, and I will support this motion till the Defence Department gives the necessary assurances.

Mr. C. M. G. Ogilvie (Defence Secretary) : Sir, until the last speaker rose there was not really very much for me to say from my side of this case ; as the Honourable the Leader of the House and others have stated the merits of the conclusions now arrived at by the two Governments were either passed over in silence or accepted with a moderate degree of acclamation. It is indeed rather difficult to criticise a gift of this nature, and to that extent I sympathise with those who have supported this adjournment motion in the difficulties which they have obviously found. I cannot, any more than anybody else, attempt to forecast in any way what the course of affairs now will be ; but as Sir Raza Ali said, we are now at war ; and in order to assist us to play whatever part we may have to play—and nobody can yet tell what that will be—we have received this large measure of help. Sardar Sant Singh said that he was puzzled by the fact that in some cases Indian troops sent overseas would continue to be paid by the revenues of India. The explanation is very simple. In accordance with the decision on this report, India's liabilities for external defence have been limited to the smallest extent possible. As you will see from the report, the amount of troops she may be called upon to provide for the external defence of India, that is to say, to assist in the manning of those strategic positions, those bastions of India's outer defences, which if they fell into the hands of an enemy would mean that the coasts, harbours, and cities and peoples of this country would be in danger, is very small. Her commitments have been limited at present to

approximately one-tenth of the forces she maintains. If forces in excess of that number were required to be used for external defence, as at present arranged, it is considered that she should not bear even their maintenance expenses. For example, an Indian battalion is now stationed at Aden. Nobody can possibly say that Aden is not one of the outer bulwarks of India and that if it fell into enemy hands, the consequences to India might indeed be serious. But that battalion happens at the moment to be outside the number of troops allotted for India's external defence purposes and, therefore, it is being paid for by England.

The next question which Sardar Sant Singh asked us was how this money was to be expended. It is rather difficult to say exactly how it will be spent. Much of the material must of course be bought from England. Tanks and aeroplanes and certain types of artillery are not produced in India and, therefore, they will have to be obtained from the United Kingdom. I can assure him, however, that second-hand or inferior material will neither be offered by England or accepted by India. The very finest material in the world will be provided, but the maximum amount possible of that money will be expended in India. I should say that my Honourable friend, Sardar Sant Singh, and other Honourable Members in his Party, and on the other side of the House are fully aware that it would not be a sensible thing to issue tenders in India for the purchase of light tanks. On the other hand everything that can be provided in India will be made here and our existing ordnance factories will be extended to the utmost for the manufacture in India of whatever India can reasonably produce. If at some subsequent stage, possibly partly as a result of the great degree of mechanisation and modernisation now to be introduced into the army, there is a fillip to a national industry of this kind, well, so much the better, and then everything can be purchased. At present everything that can be purchased will be purchased here, and every possible encouragement will be given to enable India to produce more.

Then, the last point the Sardar Sahib made was, that even though it is a magnificent gift which has been offered to this country, he would not be satisfied, unless the spending of it were controlled in some way by a Committee of gentlemen of this House. Well, I ask him and others,—what Members, either of this House or of any other House in the world,—are there who can decide which type of light machine gun, tank or aeroplane is to be bought? Any idea of that kind must obviously be impossible, and in this class of matter, we must be content to take the advice which our professional experts give us. Neither Sardar Sant Singh, nor myself, nor any one else is competent to advise in the least in matters of this kind.....

Sardar Sant Singh : I never made such a suggestion. What I meant was an Advisory Committee of this House should be appointed to help the Defence Department and the Defence Department should take that Committee into confidence in matters which are not strictly military, but in other matters. I am prepared to give a list of matters to the Defence Department in which they can consult an Advisory Committee of the kind that I have suggested.

Mr. O. M. G. Ogilvie : That, I submit, Sir, is an entirely different matter which is not in debate at present, though the advice of my

[Mr. C. M. G. Ogilvie.]

friend, Sardar Sant Singh, and of Members of this House, has in the past been welcomed and will still be welcomed in the future, on any matter in which they are competent to give advice,—and I freely acknowledge that they are competent to advise us in many matters....

Sardar Sant Singh : But are you placing all the material before us ?

Mr. C. M. G. Ogilvie : That, I submit, is not a matter for discussion at this period. It has nothing to do with the present Resolution nor with the question how the 34 million pounds we are receiving is to be spent.

Finally, Sir, I think that if Honourable Members do study the despatch which is now before them, they will be put in a comparatively short time into a state of knowledge on these matters which has taken professional and expert deliberations a very long time to reach. I think that they will be persuaded that India has had not only the fairest but the most generous possible dealing. Sardar Sant Singh was the only Member, I think, who said that he was glad that after all the poverty of India's resources had been considered. He seems to be alone. India's financial resources are comparable with those of Australia, a country of 6½ million people and at present it is not enormous masses of men who are required or who are likely to be engaged, as far as we can see, in war without the aid of an enormous quantity of material. Man power India does possess : material she does not. It is, as Honourable Members will, I think, be aware fantastically expensive. The cost of a single pair of Anti-aircraft guns is Rs. 3.82 lakhs, of a light tank Rs. 1½ lakhs, of a bombing aeroplane 2½ lakhs. To send troops now to war against a first class enemy, unequipped with most modern weapons, will be simply sending them to their death. Man power, without the advantages if they can be called advantages, which modern science and modern technique has given it, is of little use. But what we must have is an army capable of holding its own against any army in the world. As far as personnel is concerned, we have that already. As far as material is concerned, we are in a fair way to having it, and thanks to the generosity of His Majesty's Government, we shall shortly have it in the fullest measure.

Maulana Zafar Ali Khan (East Central Punjab : Muhammadan) : Sir, confronted as we are with the most terrible conflict that has overtaken humanity with unforeseeable consequences, I should not use any expression which might be calculated to injure the "realistic" susceptibilities of my friend, Mr. James, but what I want to impress upon this House is that I and millions like myself calling themselves Mussalmans of India are not indifferent to the fate of this war. It is a fact that Turkey, which is looked upon as the head of Islam in these days by the entire Muslim peoples of the world, is in the same boat as England, Germany which is out.....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member must confine himself to the motion before the House. He cannot have a discussion on any other matter.

Maulana Zafar Ali Khan : Alright, Sir. Coming to the Chatfield Report, our old complaint is that India was never consulted in matters concerning her own defence, and we are looked upon as mere goods and

chattles, without possessing a soul ; we are not regarded even as human beings, we are regarded as irresponsibles and are looked upon as people without brains. Mr. James said that because there were so many experts from England the report could never be wrong. Sir, I must tell my friend that experts are after all human. I do not believe in the principle of these experts being infallible like the Pope of Rome. They might make mistakes, and if we had been consulted, we might have improved upon this report. We would have told Lord Chatfield, if he had consulted this House, that the defence question could be simplified by changing the present policy of forward movement on the frontier. We could have told him that we could save millions and millions of rupees by creating a barrier between Afghanistan and India in the shape of an independent buffer tribal zone from Quetta right up to Chitral. We could have shown him that there are a large number of fully independent States from Afghanistan right up to Egypt with a chain of strong nations with whom we could negotiate a settlement and make war from that side impossible. We could have shown the Chatfield Committee that this external defence, which is a new term, was altogether unnecessary. When you defend the coasts of India, you defend the frontiers of India. And so this is not a minor affair, as you call it ; it is not a minor danger. It is really a major danger. When we succeed in defending the frontiers of India and the coasts of India, and also succeed in keeping peace in the country, we can avoid the necessity of further commitments. While on this subject, I feel, Sir, that the time has come when we should consider that what was once looked upon as impossible is possible today. Who knows ? Russia might take another somersault and become involved in this great war. In that case the war would come to our very doors and we could have told the Chatfield Committee that with a paltry two lakhs.....

Mr. President (The Honourable Sir Abdur Rahim) : It is half past one now.

Maulana Zafar Ali Khan : Yes, Sir, will you give me two minutes more ?

Mr. President (The Honourable Sir Abdur Rahim) : The House has agreed to finish the debate by half past one.

Maulana Zafar Ali Khan : I support the motion of my friend, Sir Raza Ali.

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

“ That the Assembly do now adjourn.”

Sir Muhammad Yamin Khan (Agra Division : Muhammadan Rural) : It is talked out now.....

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

“ That the Assembly do now adjourn.”

Mr. N. M. Joshi (Nominated Non-Official) : There is no closure on this motion.

Sir Muhammad Yamin Khan : May I point out, Sir, that if.....

Mr. President (The Honourable Sir Abdur Rahim) : The Chair pointed out that the debate would go on till half past one. If the Honourable Member does not want the motion to be put to the House

Sir Muhammad Yamin Khan : The procedure is the same as if any motion is taken and is not closed up to the time when the time for finishing comes, that is, up to 6 o'clock. In this case as the House found that it would not be desirable to go on till 6 o'clock, we fixed it at 1-30.

Mr. President (The Honourable Sir Abdur Rahim) : The Chair understands the Honourable Member's point. The Chair understood that the desire of the House was that the debate should close at 1-30, but if it was the intention of the House that it should automatically close and there should be no division after 1-30

Some Honourable Members : Yes.

Mr. President (The Honourable Sir Abdur Rahim) :then the Chair need not take the vote of the House. What does the Honourable the Mover of the motion say ?

Sir Syed Raza Ali : I submit that was my intention and the intention of the House.

Mr. President (The Honourable Sir Abdur Rahim) : In that case the Chair will not take the vote of the House.

The Assembly then adjourned till Eleven of the Clock on Friday, the 8th September, 1939.
