

30th March 1939

**THE  
LEGISLATIVE ASSEMBLY DEBATES**

**(Official Report)**

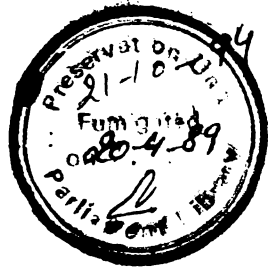
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**Volume IV, 1939**

*(30th March to 15th April, 1939)*

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**NINTH SESSION  
OF THE  
FIFTH LEGISLATIVE ASSEMBLY,  
1939**



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# LEGISLATIVE ASSEMBLY.

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

*Deputy President :*

25 AUG. 1965

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*Assistants of the Secretary :*

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

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KHAN SAHIB S. G. HASNAIN, B.A. (*From 10th April, 1939*).

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

*Committee on Petitions :*

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

SYED GHULAM BHIK NAIRANG, M.L.A.

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

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# LEGISLATIVE ASSEMBLY.

Thursday, 30th March, 1939.

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

## MEMBERS SWORN.

Mr. Gurunath Venkatesh Bewoor, M.L.A. (Director General, Posts and Telegraphs); and

Mr. Henry James Frampton, M.L.A. (Government of India: Nominated Official).

## STARRED QUESTIONS AND ANSWERS.

### (a) ORAL ANSWERS.

†1363\* —1397\*.

#### IMPRESSIONS OF HIS TOUR IN INDIA GIVEN BY COLONEL MUIRHEAD, UNDER SECRETARY OF STATE FOR INDIA.

1898. \*Mr. S. Satyamurti: Will the Honourable the Home Member please state:

(a) whether his attention has been drawn to the speech of Colonel Muirhead, Under Secretary of State for India, giving his impressions of his recent tour in India and Burma at the East Indian Association meeting on 16th February, 1939;

(b) whether his attention has been drawn to the following statement in particular:

“.....that the antagonism between Muslims and Hindus was an antagonism which he was led to believe was much on the increase. This antagonism seemed to go far beyond the bounds of mere religious feeling”;

(c) whether the Government of India took any part in arranging his tours or his interviews;

(d) whether his attention has been drawn to the following statement:

“Colonel Muirhead said that he discussed with an official the possibility of trouble arising in a certain part of India and asked him on which of several lines of cleavage the trouble might arise. The official replied: ‘On whatever lines the trouble may start, it will be on a communal basis in 48 hours’”; and

(e) whether Government are prepared to find out who this official was and why he gave this opinion to Colonel Muirhead?

**The Honourable Sir Reginald Maxwell:** (a), (b) and (d). I have seen a report of the speech in question.

†For these questions and answers, see pages 3021—3043 of these debates.

(c) The Government of India only made routine arrangements for the journeys that Colonel Muirhead wished to make, but did not draw up his itinerary, nor arrange for his interviews.

(e) I gather from the speech that the official concerned was speaking of a purely local situation. I do not consider that the enquiry suggested will be useful in relation to the general situation.

**Mr. S. Satyamurti:** With respect to the answer to clause (e) of the question, may I know whether Government will consider the importance of the statement made by a person of the position of Under Secretary of State for India in England and the possible repercussions on his audience and those who read his speech? Will Government consider the necessity of issuing a contradiction, saying that the official spoke only on behalf of a particular local area and on his own personal knowledge and that it was not intended to represent the general state of affairs in India to any extent?

**The Honourable Sir Reginald Maxwell:** Colonel Muirhead was only quoting the opinion of the official in question and that opinion cannot alter the facts. If the opinion expressed by an official makes the situation different, well, then, the Honourable Member's repudiation of it supplies the cure.

**Mr. S. Satyamurti:** I did not address the audience that Colonel Muirhead addressed. May I know whether Government will get into touch with Colonel Muirhead and tell him that he ought to correct the impression likely to have been created on his audience?

**The Honourable Sir Reginald Maxwell:** I do not think the speech will have conveyed any wrong impression. He was simply quoting it as an illustration of the opinions he got during his tour.

**Mr. S. Satyamurti:** May I know who the British official was?

**The Honourable Sir Reginald Maxwell:** I have no information.

**Mr. S. Satyamurti:** Will Government find out who the British official was, and let the House know as to where he is serving?

**The Honourable Sir Reginald Maxwell:** That lies entirely between Colonel Muirhead and the official.

**Mr. S. Satyamurti:** Will Government take steps to bring to the notice of Colonel Muirhead and those who shared his impressions that the creation and perpetuation of separate communal electorates is the real cause of these communal troubles and nothing else and not of any peculiar nature of communalism in this country?

**The Honourable Sir Reginald Maxwell:** That goes beyond the scope of the question.

## REVISION OF THE PENSION RULES.

1399. \*Mr. Lalchand Navalrai: (a) Will the Honourable the Finance Member be pleased to state whether Government have under consideration the revision of the pension rules for employees of the Central Government?

(b) If the reply to part (a) above be in the affirmative, how long have these proposals been under consideration and when is a decision likely to be reached?

**The Honourable Sir James Grigg:** (a) and (b). The question is still under consideration, but as the Honourable Member is no doubt aware a warning has already been issued that persons recruited after 1st October, 1938, will be governed by the revised pension rules.

**Mr. Lalchand Navalrai:** May I know if the Honourable Member will try to leave a good impression for himself on this question before he leaves?

**The Honourable Sir James Grigg:** There are lots of things on which I have been asked to leave good impressions.

**Mr. Lalchand Navalrai:** May I know whether on this point it will be possible for the Honourable Member to decide it before he leaves?

**The Honourable Sir James Grigg:** If the Honourable Member means "finally" I am doubtful.

**Mr. S. Satyamurti:** May I know whether Government are reducing the pensions, apart from making pensioners liable for fraud or negligence during their terms of office?

**The Honourable Sir James Grigg:** I am not sure.

**Mr. K. Santhanam:** The Honourable Member is not speaking loud enough. We cannot hear him properly.

## EXEMPTIONS GIVEN UNDER SECTION 262 OF THE GOVERNMENT OF INDIA ACT.

1400. \*Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Home Member state:

- (a) whether any persons other than British subjects have been given exemption under section 262 of the Government of India Act to hold any office in the Government of India;
- (b) if so, how many such exemptions have been given; and
- (c) for what appointments?

**The Honourable Sir Reginald Maxwell:** (a), (b) and (c). Yes. Declarations under section 262 (1) of the Government of India Act have been made by the Government of India in respect of the subjects of a number of Indian States, tribal areas, and foreign territories adjacent to India. The Secretary of State has also issued some individual declarations under section 262 (3) of the Government of India Act. All declarations issued by the Government of India are published in the *Gazette of India*, but it is

not possible without an elaborate enquiry to state the precise number of persons who hold office under the Crown in India under these declarations, nor to specify the appointments they hold. Broadly, however, the intention of these declarations is to regularise the position of persons already in the service of the Crown who would, otherwise, be ineligible to continue in that service.

**Mr. T. S. Avinashilingam Chettiar:** May I know whether any new appointments have been made with this exemption?

**The Honourable Sir Reginald Maxwell:** I cannot find that out at the present moment.

**Mr. T. S. Avinashilingam Chettiar:** May I know whether Government do not have a list of the number of people getting exemptions under this section?

**The Honourable Sir Reginald Maxwell:** No, because, the exemptions are not by name under section 262 (1). You cannot exempt a name but only a certain category.

**Mr. Abdul Qayyum:** With reference to part (a) of the question, may I know whether the people in the tribal areas do need exemption before they can take up service under the Crown in India?

**The Honourable Sir Reginald Maxwell:** Yes.

**Mr. T. S. Avinashilingam Chettiar:** May I know whether, with regard to new appointments, Government consider each application for exemption on its merits?

**The Honourable Sir Reginald Maxwell:** I do not know if the Honourable Member refers to cases under 262 (1) or 262 (3)?

**Mr. T. S. Avinashilingam Chettiar:** I refer to 262 (3).

**The Honourable Sir Reginald Maxwell:** It is only under 262 (3) that a named subject of an Indian State can be declared eligible for appointments under the Crown. In the other case, the declaration is a general one.

**Mr. S. Satyamurti:** With regard to these general declarations in so far as the subjects of an Indian State are concerned, may I know whether it is on a basis of reciprocity, that is to say, the British Indian gets the same treatment in these States?

**The Honourable Sir Reginald Maxwell:** Reciprocity has not entered into the matter so far.

**Mr. T. S. Avinashilingam Chettiar:** Section 262 (4) reads: "No person who is not a British subject shall be eligible to hold any office under the Crown in India, provided the Governor General may authorise," etc., etc. May I know whether any exemptions have been given by the Governor General under section 262 (4)?

**The Honourable Sir Reginald Maxwell:** I am not aware of any such cases.



**Mr. T. S. Avinashilingam Chettiar:** May I know whether Government will collect the information and place it on the table of the House as to how many exemptions have been given under this section and the nationality of the people to whom it has been given.

**The Honourable Sir Reginald Maxwell:** If the Honourable Member will put down a question, I will try to find out, but I do not think it will be possible as it would need a very elaborate inquiry.

#### MAJORS IN THE INDIAN ARMY.

**1401. \*Mr. T. S. Avinashilingam Chettiar:** Will the Defence Secretary state:

- (a) what is the total number of Majors in the Indian Army (fighting section);
- (b) what percentage of them is Indian;
- (c) what percentage of the command of the Indianised section of the Army is still in British personnel; and
- (d) in how many years that portion will be completely officered by Indian officers?

**Mr. C. M. G. Ogilvie:** (a), (b) and (c). I refer the Honourable Member to the current Indian Army List, a copy of which is in the Library.

(d) It is not possible at present to answer this question with any degree of accuracy.

**Mr. T. S. Avinashilingam Chettiar:** May I know what is the proportion of Indian majors to English majors?

**Mr. C. M. G. Ogilvie:** If the Honourable Member will refer to the Indian Army List, he will find it there.

**Mr. T. S. Avinashilingam Chettiar:** The Army List contains the whole list of persons. The Honourable Member can work out the proportions and let us know.

**Mr. President** (The Honourable Sir Abdur Rahim): Why does not the Honourable Member put down a question to that effect?

**Mr. T. S. Avinashilingam Chettiar:** My specific question is—what percentage of it is Indian?

**Mr. C. M. G. Ogilvie:** I think the Honourable Member might do his arithmetic himself; the material is there for him.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member, if he has the information, might give it.

**Mr. C. M. G. Ogilvie:** The information is—7 per cent.

**Mr. T. S. Avinashilingam Chettiar:** So is that the reason why the Honourable Member wanted me to do it myself. . . .

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member may draw any inference he likes.

**Mr. T. S. Avinashilingam Chettiar:** With reference to the answer to clause (c), in regard to the regiments which have been promised to be Indianised, what is the proportion of European majors in the Indianised regiments?

**Mr. C. M. G. Ogilvie:** I must again tell the Honourable Member that he can find all that out from the Army List; and I fail to see why I and my office should engage themselves in working out the number of officers which the Honourable Member can easily work out for himself. I have pointed out the place where the information exists.

**Mr. K. Santhanam:** Sir, the question was, "has he the information"—he has not said that he has not got the information, but refers us to the Army List . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): He said he has not worked it out.

**Mr. K. Santhanam:** Cannot the Honourable Member work it out?

**Mr. C. M. G. Ogilvie:** I could work it out extremely easily, probably just as easily as the Honourable Member, but I have not done so.

**Mr. S. Satyamurti:** With reference to the answer to part (c) of the question, may I have some idea of the approximate time or number of years when these posts will be filled completely by Indians?

**Mr. C. M. G. Ogilvie:** As an approximate guess, by about 1950.

#### WAR PREPARATIONS FOR DEFENCE IN INDIA.

1402. **\*Mr. S. Satyamurti:** Will the Defence Secretary please state:

- (a) whether any special preparations for defence are being made by the Defence Department in India today which are not confidential;
- (b) if so, what they are and what their cost is; and
- (c) whether these special war preparations are made by the Defence Department of the Government of India in co-operation with or at the instance of the War Office in Great Britain?

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

(b) Dose not arise.

(c) To some extent independently and to some extent in co-operation with His Majesty's Government.

**Mr. S. Satyamurti:** With reference to the answer to part (a) of the question, may I know if there are any preparations which are being made which are not confidential, or no preparations at all are being made?

**Mr. C. M. G. Ogilvie:** The question itself is very clear and the answer was equally clear. The question was "whether any special preparations, which are not confidential", and the answer was "no".

**Mr. S. Satyamurti:** With reference to the answer to part (c) of the question, in which the Honourable Member says "partly by the Defence Department and partly in co-operation with the British War Office", may I know, with regard to the latter part, whether these preparations are made by the Defence Department of the Government of India on their own responsibility, that is to say, they consider them to be necessary and essential in their judgment, or are they being made at the instance of the War Office in Great Britain?

**Mr. C. M. G. Ogilvie:** The matter is one for mutual co-operation; and information which is in the possession of the War Office is interchanged with the Government of India and *vice versa*. It is hard to say whether it is made at the instance of one or the other.

**Mr. S. Satyamurti:** With regard to the exchange of information between His Majesty's War Office and the Defence Department here, may I know whether the Defence Department here has any discretion in the matter, or they get and carry out the directions of the War Office?

**Mr. C. M. G. Ogilvie:** The Defence Department have certainly discretion in the matter.

**Mr. S. Satyamurti:** May I know whether these preparations are undertaken by the Government of India on their own responsibility or are they preparations carried out merely on the information supplied by the War Office in England?

**Mr. C. M. G. Ogilvie:** I very much doubt whether that arises from the question, but in any case I cannot answer him.

#### REPORT ON THE POSSIBILITIES OF THE LEVY OF DEATH DUTIES.

1403. \***Mr. S. Satyamurti:** Will the Honourable the Finance Member be pleased to state:

- (a) whether the Government of India have received the opinions of the Provincial Governments regarding their proposal for the levy of death duties;
- (b) whether Sir Alan Lloyd has submitted his report on this question;
- (c) whether Government have come to any conclusion in the matter, and if so, what it is; and
- (d) whether Government will lay on the table of the House copies of the opinions of the Provincial Governments, of Sir Alan Lloyd's report and of their own conclusion?

**The Honourable Sir James Grigg:** (a) The Provincial Governments have not been formally consulted but Sir Alan Lloyd has had informal discussions with Ministers of all the Provincial Governments except those of Assam, Sind and Orissa. These discussions were confidential in character but the Government of India have obtained the authority of the Governments consulted to give publicity to the opinions which they have expressed on

the question whether the introduction of death duties in India is generally desirable. I lay on the table a statement containing a summary of these opinions.

(b) He has practically completed a detailed report of the results of his enquiries, and this document has been seen by the Government of India.

(c) In view of the generally unfavourable reception which the proposal for legislation has met with, as exhibited in the statement laid on the table, the Government of India have decided not to proceed with it.

(d) The Government of India are unable to publish the records of Sir Alan Lloyd's confidential conversations with Ministers. As regards his report the Government of India have decided not to publish it for the following reason. The adaptation of any system of death duties to Indian conditions involves serious difficulties of such a nature that any attempt to surmount them must raise issues which would be certain to provoke considerable controversy as between different interests and different sections of the community; and there is nothing to be gained by precipitating such controversy at a time when, owing to the opposition of the Provincial Governments, all discussion of the subject has become academic. Copies of the report will, however, be supplied to Provincial Governments for their official use, so that they may have the results of the present enquiry at their disposal if, at any time in the future, they should contemplate either a revival of the project for Central legislation in respect of succession to property other than agricultural land or the introduction of Provincial legislation in respect of succession to agricultural land.

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*Summarised replies to the question whether the introduction of death duties in India is generally desirable if special local difficulties can be surmounted.*

(1) *Madras*.—The Government are not at present in a position to commit themselves to a definite opinion.

(2) *Bombay*.—The Government do not think that the matter is one which should be taken up pending the establishment of a popular Government at the Centre.

(3) *Bengal*.—The Government are opposed to the proposal on the ground that special difficulties exist in this country which make the imposition of death duties a form of taxation which is not suited to Indian conditions.

(4) *United Provinces*.—The Government, while in sympathy with the proposal generally, are not prepared to commit themselves to a definite opinion for want of full information regarding certain relevant points and also owing to the desirability of conferring with other Provincial Governments before taking a final decision.

(5) *Punjab*.—The Government are opposed to the proposal. They consider :

(i) that the yield would not be commensurate with the serious difficulties in the way of introducing such a measure and the great unpopularity attaching to such a form of taxation;

(ii) that it is far from certain that the Punjab would be able to secure its fair share in any scheme of distribution; and

(iii) that such a tax would trench upon potential taxable capacity which would otherwise be available for provincial taxation.

(6) *Bihar*.—The Government do not think that the matter is one which should be taken up pending the establishment of a popular Government at the Centre.

(7) *Central Provinces*.—The Government are of the opinion that the matter may be dropped for the present.

(8) *North-West Frontier Province*.—The Government, though approving of death duties in principle, is opposed to legislation for their introduction in India because of the relative smallness of the yield, having regard to the serious practical difficulties involved and to the unpopularity which such a measure would arouse.

**Mr. S. Satyamurti:** With reference to the reasons which my Honourable friend gave for the non-publication of Sir Alan Lloyd's report, may I take it that the Government of India themselves have come to the conclusion on the merits of the case, apart from the opinions received from Provincial Governments, that they need not proceed even with the process of initiating a public discussion, so as to educate public opinion in this behalf?

**The Honourable Sir James Grigg:** I consider that the Government of India have done as much as they were called upon to do, by initiating a semi-official discussion with the Provincial Governments and, as the Honourable Member knows, Sir Alan Lloyd was put on special duty for this purpose for six months.

**Mr. S. Satyamurti:** May I know whether, when the report of Sir Alan Lloyd is sent to the Provincial Governments, it will be permissible for those Provincial Governments to convey that report to their Legislatures?

**The Honourable Sir James Grigg:** I should think not without the permission of the Government of India.

**Mr. S. Satyamurti:** May I know if the Government of India have considered the reasons that have been given by the various Provincial Governments expressing their opposition to a Central legislation in this matter, and whether they have come to the conclusion that those opinions of the Provincial Governments are so convincing that they must drop it forthwith?

**The Honourable Sir James Grigg:** The Honourable Member knows that legislation under this particular section 137 has to be undertaken by the Central Government, but the whole of the proceeds are to be handed over to the Provinces. Quite naturally, in the crowded state of business of this House, no Central Government is going to undertake legislation on behalf of the Provinces unless it is assured of a general measure of support in this House. Quite clearly there is no such assurance before them at present and therefore the Government of India are not going, merely for the sake of having an academic discussion, to waste the time of this House when it is quite certain what the result of the introduction of such a legislation will be.

**Mr. S. Satyamurti:** In view of this anomalous state of things, will the Government of India consider the amendment of the Act, leaving this matter entirely to Provincial Governments?

**The Honourable Sir James Grigg:** The last time when I suggested to the Provinces the amendment of the financial provisions of the Act, I was told that the Provincial Governments would have no part or lot in the amendment of the Act for this purpose.

**Mr. K. Santhanam:** With reference to the answer to part (b) of the question, may I know whether Sir Alan Lloyd's term on special duty has terminated?

**The Honourable Sir James Grigg:** He has not quite finished his report.

**FINANCIAL IMPLICATIONS OF THE FEDERATION.**

**1404. \*Mr. S. Satyamurti:** Will the Honourable the Finance Member be pleased to state:

- (a) whether the attention of Government has been drawn to the speech of the Chancellor of the Chamber of Princes, wherein reference is made to the financial implication of the Federation;
- (b) whether any questions concerning federal finance in relation to the States are now under active consideration by the Government of India;
- (c) if so, what they are;
- (d) whether, in respect of these questions, in so far as they affect the other units of the Federation, i.e., the Provincial Governments, they will be consulted before final decisions are taken;
- (e) if not, why not; and
- (f) whether Government intend to move His Majesty's Government for an amendment of the Government of India Act, 1935, in respect of its financial provisions, and, if so, in which direction?

**The Honourable Sir James Grigg:** The question should have been addressed to the Honourable the Leader of the House.

**Mr. S. Satyamurti:** May I ask for a little elucidation? May I know if the Honourable the Finance Member has anything to do with the problems of federal finance *vis-a-vis* the different units of the Federation, particularly the Indian States?

**The Honourable Sir James Grigg:** Yes, Sir, in various capacities, but I understand the practice in this House has been that on all questions connected with Federation, whether financial, political or of any other category, they are canalized into the capable hands of the Leader of the House.

**Mr. S. Satyamurti:** I should be glad of your ruling, Sir. I am asking questions especially about finance with which my Honourable friend is connected. I should like to know whether I am bound to ask a question of this kind, which deals only with finance and no other subject concerning the Federation, of the Honourable the Law Member.

**Mr. President** (The Honourable Sir Abdur Rahim): The Chair takes it that the question of finance is connected with the other question also. Undoubtedly it has an intimate bearing on the question of the Federation generally, but the practice of the House being that all questions relating to Federation have to be answered by the Leader of the House, the Chair does not think any inconvenience is caused to the Honourable Members. They have only to ask the question from the Leader of the House.

**Mr. S. Satyamurti:** Will the Honourable the Leader of the House answer this question?

**The Honourable Sir Nripendra Sircar:** On the usual day.

†1405\*.

**PREPARATIONS FOR INDIA'S DEFENCE AGAINST EXTERNAL AGGRESSION.**

**1406. \*Mr. S. Satyamurti:** Will the Defence Secretary be pleased to state :

- (a) whether the Government of India have recently received any orders to prepare for any imminent war near the borders of India, or sea or land, from His Majesty's Government;
- (b) whether the Government of India are being consulted at all in respect of the preparation of this country to defend herself against external aggression; and
- (c) if so, what are the matters on which they are so consulted?

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

(b) Yes.

(c) None can at present be divulged.

**Mr. S. Satyamurti:** With reference to part (b) of the question, may I know whether my Honourable friend can share with this House the information as regards the country or countries against which we have to defend ourselves, that is, against their external aggression?

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

**Mr. S. Satyamurti:** May I know whether those countries are enemies of the British Government now, or whether they are supposed to be potential enemies?

**Mr. C. M. G. Ogilvie:** I cannot answer any question of that kind at all. The matter is entirely hypothetical inasmuch as it is concerned with the general state of preparation for war against any power against which we may find ourselves at war at any time.

**Mr. S. Satyamurti:** With reference to clause (b) of the question, may I know whether the Government of India have addressed His Majesty's Government and have expressed their own views as regards any possible external aggression against this country, or have they merely taken the conclusions of His Majesty's Government as binding upon them in this matter?

**Mr. C. M. G. Ogilvie:** I cannot understand the trend of the Honourable Member's question as to who should be consulted about what danger and whether we consult them or they consult us. The question is one simply of general preparations for war in which naturally consultations are mutual.

**Mr. S. Satyamurti:** I am asking whether India, as a Government and as a unit, has any voice in deciding the nature and the extent of an external aggression against which we will have to prepare ourselves, or are they merely to carry out the orders of His Majesty's Government?

**Mr. C. M. G. Ogilvie:** Neither India nor any unit of the Empire has the power to determine the nature or extent of an external aggression.

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†This question was withdrawn by the questioner.

**Mr. S. Satyamurti:** Is that true of all self-governing Dominions? Has the Honourable Member seen the speeches of so many Premiers of the self-governing Dominions who have said that they do not accept this position.

**Mr. C. M. G. Ogilvie:** There are two parties to this question, and the enemy will probably have the deciding voice.

**Maulana Zafar Ali Khan:** May I know whether in order to meet the totalitarian danger, Government contemplates the possibility in case a war breaks out of introducing conscription?

**Mr. C. M. G. Ogilvie:** The matter has not arisen.

**Mr. Lalchand Navalrai:** Are any preparations being made at Karachi?

**Mr. C. M. G. Ogilvie:** I cannot disclose what particular preparations are being made.

#### APPOINTMENT OF REGISTRAR OF THE FEDERAL COURT AND HIS STAFF.

1407. **\*Mr. Kuladhar Chaliha:** Will the Honourable the Home Member be pleased to state:

- (a) whether the Registrar of the Federal Court and his staff are going to be appointed; if so, when;
- (b) what the necessary qualifications for the Registrar will be, and whether the appointment will be made from the legal or judicial profession; and
- (c) whether consideration will be given to Provincial representation in the appointment of the Registrar's staff of the Federal Court?

**The Honourable Sir Reginald Maxwell:** The question should have been addressed to the Honourable the Leader of the House.

#### DISBANDMENT OF THE MADRAS REGIMENT.

1408. **\*Mr. T. S. Avinashilingam Chettiar:** Will the Defence Secretary state:

- (a) whether the Madras Regiment has recently been disbanded;
- (b) what were the reasons for the disbandment; and
- (c) whether the Government of Madras had opposed the disbandment, and whether the matter was reconsidered in view of their opposition?

**Mr. C. M. G. Ogilvie:** (a) No. The 3rd Madras Regiment was disbanded between 1923 and 1928.

- (b) A reduction in the number of units as a measure of economy.
- (c) Yes.

**Mr. T. S. Avinashilingam Chettiar:** May I ask how many Madras regiments are there still in existence?

**Mr. C. M. G. Ogilvie:** The Honourable Member can again refer to the Army List.



**WIDE FRANCHISE FOR THE CENTRAL LEGISLATURE.**

**1409. \*Mr. Brojendra Narayan Chaudhury:** Will the Honourable the Home Member please state:

- (a) whether his attention has been drawn to the following passage of the speech of the Honourable the Home Secretary in the Council of State, reported at page 363 on the 20th February, 1939, suggesting that the Provincial Governments should be considered as more representative of public opinion even with regard to matters of legislation before the Central Legislature than the members thereof:

“Provincial Governments are now drawn from the Provincial Legislatures and they are men who have been elected on a much wider franchise than at present is the case with members of the Central Legislature”; and

- (b) if so, whether Government intend to take steps to ensure in future for the Central Legislature as wide a franchise as that of the Provincial Legislature?

**The Honourable Sir Reginald Maxwell:** (a) I have seen a report of the Honourable Mr. Puckle's speech to which the Honourable Member refers and the passage in it which he quotes. I do not, however, draw from it any such inference as has been suggested by the Honourable Member.

- (b) Does not arise.

**TRANSFER OF THE HEADQUARTERS OF THE EASTERN COMMAND FROM NAINI-TAL TO DEHRA DUN.**

**1410. \*Mr. Badri Dutt Pande:** (a) Will the Defence Secretary be pleased to state whether it is a fact that the headquarters of the Eastern Command are to be transferred from Naini Tal to Dehra Dun? If so, when and under what circumstances?

(b) What will be the cost of building new headquarters at Dehra Dun, and how will this be met?

(c) In case abandonment is decided and approved of by the Army Headquarters, what will happen to the many and spacious buildings that exist in Naini Tal and how will they be utilised?

(d) Will the General Officer Commanding-in-Chief of the Command also move to Dehra Dun and remain there throughout the year, and will the winter seat of the General Officer Commanding which is at Bareilly at present, be also abandoned?

(e) What are the reasons for this change and extra expenditure to the exchequer?

**Mr. C. M. G. Ogilvie:** (a)—(e). No decision to move the headquarters of the Eastern Command has been taken. The matter is merely being tentatively considered as a possibility.

**Mr. Badri Dutt Pande:** May I inquire when the decision on this question is likely to be arrived at?

**Mr. C. M. G. Ogilvie:** The matter is only a very tentative possibility and I cannot say when it will be either accepted or dismissed.

**Mr. Badri Dutt Pande:** What are the reasons for this proposed transfer during this financial stringency?

**Mr. C. M. G. Ogilvie:** There has been no transfer.

#### ISSUE OF SALT FROM SAMBHAR.

1411. \***Mr. K. Santhanam** (on behalf of Mr. Manu Subedar): (a) Will the Honourable the Finance Member please state what was the manner in which salt was issued from Sambhar under the agency system? When was the agency system modified or abolished? Why was this done?

(b) Is it true that salt is now sold departmentally?

(c) Is it true that it is sold on condition that if a certain number of wagons is purchased for local consumption one wagon is issued for Bengal?

(d) How many of these additional sales for Bengal have taken place during the months of November, December and January last, and how many took place under the old system during the same months of the previous four years?

(e) What is the total quantity of Sambhar salt issued during eleven months of this year and eleven months of the previous four years?

**The Honourable Sir James Grigg:** (a) The agency system adopted in 1935 for the sale of reshta salt and extended to pan salt in 1936 was that local agents were appointed in the consuming districts and they were given the monopoly of sale in the districts allotted to them on the condition that they would endeavour as far as possible to develop the trade in the particular kind of salt for which the agency was granted. This system was introduced as an experimental measure to try whether these salts could find a market. The grant of sole agencies, which carried big profits, to a few selected dealers exposed the Salt Department to charges of favouritism and the agency system was, therefore, abolished with effect from 1938-39 and the right to indent for reshta and pan salts was thrown open to all traders in ordinary Sambhar salt.

(b) and (c). A trader can now obtain one wagon of reshta or pan salt to every ten wagons of ordinary salt on the conditions that these salts are consigned only to railway stations in Bengal, Bihar and the Ballia District of the United Provinces.

(d) and (e). A statement is laid on the table.

#### *Despatches of reshta and pan salts from Sambhar to Bengal.*

	Maunds.
1934-35 (November to January)	78,204
1935-36 (November to January)	1,93,751
1936-37 (November to January)	1,49,596
1937-38 (November to January)	87,318
1938-39 (November to January)	87,318

#### *Total issues of Sambhar Salt.*

	Maunds.
1934-35 (April to February)	61,81,680
1935-36 (April to February)	52,65,684
1936-37 (April to February)	56,65,216
1937-38 (April to February)	55,89,219
1938-39 (April to February)	63,02,794

**CONDUCT OF A EUROPEAN MILITARY OFFICER AND HIS WIFE TOWARDS THAKUR KALYAN SINGH, AIDE-DE-CAMP TO HIS HIGHNESS THE MAHARAJA OF JODHPUR, WEARING A DHOTI, WHILE TRAVELLING IN THE FRONTIER MAIL,**

1412. \*Mr. Brojendra Narayan Chaudhury: Will the Defence Secretary please state:

- (a) whether a European military officer and his wife objected to Thakur Kalyan Singh, Aide-de-camp to His Highness the Maharaja of Jodhpur, wearing a *dhoti* while travelling together in the Frontier Mail and reported him to the station officials at Lahore;
- (b) whether, as a consequence of the complaint, the said Thakur Saheb was prosecuted for doing an indecent act under section 120 of the Railway Act;
- (c) whether European military officers and soldiers are taught by circular or otherwise that they should respect the culture, civilisation and habits of the people of this country; if so, whether he will place a copy of the circular on behaviour with Indians on the table;
- (d) the position of the military officer;
- (e) the steps taken to admonish him for his own conduct; and
- (f) whether since the event any special warning has been circulated to Europeans in the Army as to how to behave towards people wearing a *dhoti*?

**Mr. C. M. G. Ogilvie:** (a)—(f). I am collecting the information and will lay it on the table in due course.

**Mr. S. Satyamurti:** May I ask what is the reason for this delay? This incident happened some time ago and this question was given notice of ten days, and it raises some fundamental issues. Why could not the Honourable the Defence Secretary get the information in time and place it on the table of the House?

**Mr. C. M. G. Ogilvie:** The reason is that the matter came before the court and was the subject of a judgment and I am not prepared to answer this question until I have seen the judgment. I have sent for a copy but it has not yet been supplied to me.

**Mr. S. Satyamurti:** That is a different matter, Sir. If the matter is *sub judice*, nothing further can be said about it. What I am asking is why the actual facts could not be given, apart from the result of the judgment.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member is thoroughly justified in sending for a copy of the judgment and to see what its findings are.

**Mr. Brojendra Narayan Chaudhury:** After all, the question relates to an incident and we want to know what the facts are?

**Mr. C. M. G. Ogilvie:** I imagine that the whole of that is dependent upon this alleged occurrence. At present I am not in a position to say whether it took place or not and whether any facts stated are correct or not.

**Mr. Brojendra Narayan Chaudhury:** May I ask whether the Honourable Member himself has known that there has been any circular issued on the subject?

**Mr. President** (The Honourable Sir Abdur Rahim): Honourable Member's personal information cannot be asked for.

**STATEMENT CONTAINING THE MEMORANDUM OF "NEW EXPENDITURE".**

**1413. \*Mr. Brojendra Narayan Chaudhury:** Will the Honourable the Finance Member please state:

- (a) whether there is any report or statement containing the memorandum of "New Expenditure" for the coming year, department by department, available to Members of the House which they may utilise for the discussion of the Budget; and
- (b) if not, whether he is prepared to consider the advantage of printed statements as above circulated to Members just after presentation of the Budget, or oral statements from the Honourable Members in charge of Departments after the Honourable the Finance Member has presented the Budget?

**The Honourable Sir James Grigg:** (a) and (b). No separate statement is prepared but all new items of expenditure are shown in thick type in the Book of Demands which would appear to be sufficient for the object in view.

**ANTI-AIRCRAFT STATION IN THE UPPER DISTRICTS OF ASSAM.**

**1413A. \*Mr. Kuladhar Chaliha:** Will the Defence Secretary please state:

- (a) the nearest anti-aircraft station from the upper districts of Assam;
- (b) whether the station is within reasonable distance of access from the factories of Assam and whether effective help can be rendered in case of emergency;
- (c) if not, whether Government propose to establish an anti-aircraft station in upper Assam or in the North Eastern Frontier for effective help;
- (d) whether the factories in the districts of Sibsagar and Lakhimpur in Assam are within bombing distance from the Chinese Frontier; and
- (e) if so, what steps have been taken to protect the factories and the civil population?

**Mr. C. M. G. Ogilvie:** (a), (b) and (c). The nearest anti-aircraft station in peace is Peshawar. Government are unable to disclose their war plans in respect of anti-aircraft defence.

(d) This would entirely depend on the development of aerodromes and landing grounds on the Chinese frontier and the types of aircraft which might operate from them.

(e) I refer the Honourable Member to the reply given by the Honourable the Home Member to his starred question No. 1144 on March, the 16th and the supplementary questions arising therefrom.

**Mr. Kuladhar Chaliha:** May I ask what is the distance from Peshawar to Assam?

**Mr. C. M. G. Ogilvie:** The Honourable Member can look that up in the map.

**Mr. Brojendra Narayan Chaudhury:** What is the latest information regarding the development of aircraft in China?

**Mr. C. M. G. Ogilvie:** That, I am afraid, I cannot possibly give. I can only say about the landing grounds, but more than that I cannot tell.

**Mr. Kuladhar Chaliha:** Is there any air station at Rima on the Chinese frontier?

**Mr. C. M. G. Ogilvie:** The nearest Chinese aerodrome to Assam is at Yunnanfu.

#### TRANSFERRED QUESTIONS AND ANSWERS.†

##### APPOINTMENT OF INDIAN AGENTS IN BRITISH COLONIES.

1363. **\*Mr. T. S. Avinashilingam Chettiar:** Will the Secretary for Education, Health and Lands state:

- (a) whether Government have come to a conclusion in their negotiation with His Majesty's Government with regard to the proposal of appointing Indian Agents in some of the British colonies; and
- (b) if so, to which colonies Agents will be appointed and when?

**Sir Girja Shankar Bajpai:** (a)—(b). There have been no developments since I replied to the Honourable Member's starred question No. 189 and the supplementaries arising therefrom, earlier in this Session.

##### CONSUMPTION OF SUGAR IN INDIA.

1364. **\*Mr. S. Satyamurti:** Will the Honourable Member for Commerce please state:

- (a) whether Government have in their possession any reliable figures of the *per capita* consumption of sugar in India; if so, whether the consumption has been increasing or decreasing since 1932-33, and at what rate; and
- (b) what is the total carry over of stocks of sugar in the country at the beginning of each sugar-cane season for the last three years?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) and (b). The Honourable Member's attention is invited to

- (i) the reply given by me to starred question No. 581 and

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†The meeting of the Assembly that was to be held on the 29th March, 1939, having been cancelled, the answers to starred questions for that day were, in pursuance of convention, laid on the table of the House today.—E. of D.

- (ii) the statement laid on the table of the House by Sir Girja Shankar Bajpai in reply to part (b) of starred question No. 582 asked by Seth Haji Sir Abdoola Haroon on the 21st February, 1939.

**NOTICE TO BURMA FOR THE TERMINATION OF THE INDO-BURMA TRADE ORDER.**

**1365. \*Mr. S. Satyamurti:** Will the Honourable the Commerce Member be pleased to state:

- (a) whether Government have concluded their consideration of the question of giving notice to Burma of the termination of the Indo-Burma trade order before 1st April, 1939; and
- (b) if so, whether they have decided to give notice; if so, when; if not, when they hope to come to a conclusion on this matter so that the trade relations between the two countries may be placed on a basis of mutual advantage and the interests of the Indian nationals in Burma may also be protected?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) and (b). I would refer the Honourable Member to the questions and answers arising from the statement made by me in this House on the 21st instant after replying to his question No. 1203.

**GRIEVANCES OF BINDERS IN THE GOVERNMENT OF INDIA PRESS, CALCUTTA.**

**1366. \*Dr. P. N. Banerjea:** Will the Honourable Member for Labour be pleased to state:

- (a) whether it is a fact that after the piece-system was introduced in the Government of India Presses in 1875 all profitable and non-profitable work was done by the binders in the employment of those Presses;
- (b) whether it is a fact that up to the year 1924 all the profitable work, such as, the preparing of maps, diagrams and plans, was paid according to the hour rates, in consequence of which the binders were profited much;
- (c) whether it is a fact that since 1924 the binders of those Presses have been losers in the preparing of maps, plans, and diagrams under the piece system;
- (d) whether it is a fact that in reply to question No. 8, asked by the Honourable Mr. G. S. Khaparde on the 18th August, 1926 in the Council of State, the Honourable Mr. A. H. Ley replied that a certain portion of the printing work required by the Government of India was given out on contract, because the Government Presses had not sufficient staff, accommodation or machinery to undertake all the Government printing work;
- (e) whether it is a fact that the authorities of the Government of India Press, Calcutta, are at present having the unprofitable work, which was done before by contractors with the help of machinery, done by binders by hand, as a result of which binders' earnings are decreasing day by day;

- (f) whether it is a fact that profitable work, such as, the preparing of standard file boards, file cover cases, etc., which was done before by the binders of the Government of India Press, Calcutta, are now being given out on contract and consequently the binders are having less income;
- (g) if the reply to parts (a) to (f) be in the affirmative, whether any steps have been taken in this matter; if not, why not; and
- (h) the number of binders in the service of the Government of India Press, Calcutta, and also the earning of each of them in the month of January 1938 and January 1939?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) No. There is no such classification of work in the Presses as profitable or unprofitable.

(b) Piece rates were introduced, with effect from the 5th June, 1925, for certain bindery operations in respect of charts, maps, tables, etc., previously paid for by the hour. These rates were introduced as the hour rates were excessive for the work involved.

(c) The piece rates are considered adequate for the work performed.

(d) Yes.

(e) Government are not aware of any such instances. If the Honourable Member can refer me to any specific cases, I shall look into them.

(f) A contract for such items of work, which will take effect from the 1st April, 1939, has been arranged. There has been a reduction in the earnings of some of the binders but it cannot be said at this stage that this is due to the withdrawal of the work in question.

(g) Government do not propose to interfere in the matter as they are assured that the arrangement is not unfair to the binders and will at the same time result in a substantial saving to Government.

(h) A statement is laid on the table.

*Statement showing the binders in service in the Government of India Press, Calcutta, in January, 1938, and January, 1939, and their earnings.*

Serial No.	Name.	Earnings.	
		January 1938.	January 1939.
		Rs. A.	Rs. A.
1	Totakhan	85 10	114 2
2	Mohiuddin Ahmed	101 10	119 6
3	Saiduddin	101 5	100 10
4	Mosser Khan	107 12	99 0
5	Amiat Khan.	133 5	134 6
6	Abdul Hassein, 2nd	103 9	104 3
7	Saifuddin	84 15	77 6
8	Abdul Sahed	144 15	109 11
9	Amjed Meah	120 3	107 3
10	Golam Sarwar	112 9	87 13
11	Golam Mowla, 3rd	83 10	96 4
12	Abdul Khaleq, 2nd	116 7	97 6
13	Azaharuddin	111 0	93 2
14	Hummat Khan	125 13	106 7
15	Abdul Monaf, 2nd	112 4	104 3

Serial No.	Name.	Earnings.	
		January 1938.	January 1939.
		Rs. A.	Rs. A.
16	Golam Goffur Khan	119 1	102 6
17	Ali Ahmad	113 3	92 5
18	Inseruddin	125 7	95 7
19	Adalat Khan, 1st	67 3	94 3
20	Fazla Haq, 2nd	117 10	99 0
21	Azahar	119 1	92 4
22	Aliar Khan	125 7	115 3
23	Abdul Rashid Kazi	54 11	111 12
24	Haroon Rashid	122 8	109 6
25	Ismail Khan	137 3	143 3
26	Torfun Ali	67 3	99 4
27	Ramjan Khan	148 6	110 0
28	Arfauddin	104 13	91 5
29	Gagon Kazi	114 3	100 14
30	Zendad Bux	117 14	99 3
31	Narendra Sircar	127 7	45 0
32	Shaik Restamali	115 4	95 8
33	Wazuddin, I	117 11	91 4
34	Barhan	100 9	76 12
35	Maulali	119 3	72 10
36	Esrafil Khan	101 4	79 13
37	Abdul Rezak, II	102 12	93 11
38	Abdul Rehim, II	69 12	61 12
39	Noor Bux	119 5	100 13
40	Esaq Bhuia, 2nd	62 0	101 7
41	Tofeluddin	101 6	84 7
42	Abdul Motaleb Chowdhury	87 13	92 11
43	Sameeruddin	116 1	104 12
44	Kaim	139 4	134 12
45	Abdul Rohim, I	138 13	138 2
46	Abdul Rezak, I	122 4	101 7
47	Mir Yasuf Ali	89 13	100 13
48	Abdur Rahman Khan	115 9	91 1
49	Raisuddin	62 0	73 10
50	Mojibar Rahman, I	115 0	97 10
51	Mohiuddin, III	75 9	89 12
52	Titoo Khan	122 10	93 14
53	Amjed Ali	110 15	97 9
54	Safuddin	105 1	95 13
55	Abdul Monaf Khan	98 14	79 8
56	Moniruddin Gazi	85 10	86 6
57	Tobarak Ali	129 1	154 0
58	Mir Esanally	120 2	94 5
59	Abdul Rahman	127 6	62 0
60	Abdul Ali, 3rd	66 3	119 3
61	Faizdar Khan	88 9	32 0
62	Abdul Mobarak Khan	84 14	89 2
63	Montazuddin, 2nd	98 9	56 15
64	Sona Mea, 1st	97 3	86 10
65	Ehear Rahman	66 15	93 11
66	Abdul Wahid	103 5	101 9
67	Wazuddin, 2nd	118 0	96 12
68	Protap Khan	140 12	151 9
69	Sona Mea, 2nd	114 4	95 9
70	Fazla Karim Kazi	115 14	96 12
71	Kobir Mea	107 8	62 0
72	Moslem Khan, 2nd	115 9	103 5
73	Mir Sajed Ali	98 4	100 11
74	Borhanuddin	115 0	93 2
75	Kobbad Khan	62 0	98 14
76	Ab. Rohoman, II	104 13	99 1
77	Pabanuddin Kazi	71 8	107 12



## Earnings.

Serial No.	Name.	Earnings.	
		January 1938.	January 1939.
		Rs. A.	Rs. A.
78	Borhan Kazi	120 13	101 4
79	Bechu Mea	118 11	82 13
80	Md. Kaloo, II	73 9	83 0
81	Sk. Methu	117 15	104 9
82	Sulaiman	98 8	86 8
83	Abdul Mazid Khan, I	62 13	91 12
84	Khandaker Ab. Monaf	97 1	96 2
85	Choono Kazi	112 5	84 8
86	Ibrahim Khan	124 7	93 2
87	Golam Mowla, IV	62 0	88 3
88	Shaik Jamir	53 12	50 6
89	Abdul Monaf	110 15	76 9
90	Azizar Rahman, II	99 13	102 10
91	Manoo Khan	59 6	97 7
92	Sorhabuddin	109 0	75 14
93	Abdul Rashid 2nd	95 1	87 8
94	Motzel Hossain	85 1	76 14
95	Sk. Rajab	76 4	70 5
96	Monaf Haque	105 9	95 2
97	Subjar Ali	84 4	60 15
98	Abdul Shukur Khan	47 4	89 4
99	Abdul Sattar Khan	106 14	93 12
100	Nasiruddin Khan	110 5	84 13
101	Abdul Hakim Khan	66 2	57 11
102	Mir Alauddin	90 11	88 1
103	Ansaruddin	100 0	93 4
104	Subjar Khan	111 4	77 13
105	Jalaluddin Ahmad	99 4	80 14
106	Mir Amjad Ali	60 11	102 15
107	Mir Abdul Karim	108 8	80 1
108	Afezeluddin	117 4	77 10
109	Mohiar Khan	96 2	79 6
110	Abdul Karim	123 5	105 1
111	Abdul Sattar Gazi	83 11	76 15
112	Muktajul Khan	112 0	80 11
113	Sujat	84 0	68 7
114	Samsuddin	73 15	81 7
115	Ab. Khaliq	62 13	82 4
116	Adalat Khan, II	108 10	63 7
117	Hari Charan Mandal	43 12	65 3
118	Motihar Rahman Khan	100 15	81 15
119	Gagon Lasker	101 15	87 10
120	Golam Nobil	84 11	103 14
121	Aolad Hossein	70 14	70 10
122	Ab. Motaleb	72 14	62 0
123	Abdul Majid Khan Khan, II	27 2	43 0
124	Sudhir Ch. Naug	71 9	36 8
125	Ful Khan	86 8	79 9
126	Sivapada Dey	68 0	101 1
127	Mofizar Rahman Khan	96 0	70 12
128	Mahendra Nath Sircar	90 2	66 3
129	Subodh Chandra Roy	21 7	74 12
130	Tara Nath Mitra	29 6	32 2
131	Promode Kumar Sircar	17 3	30 5
132	Mohiruddin	88 10	68 0
133	Golam Rouff	95 9	57 4
134	Golam Goffar Choudhry	86 5	56 5
135	Arhamuddin Khan	56 15	47 10
136	Shahazuddin Ahmad	45 10	38 8
137	P. R. Silas Sham	105 6	67 3
138	Md. Yasin	50 3	83 9
139	Surendra Nath Pipali	30 1	47 6
140	Sunil Kumar Bose	47 15	40 8

**GRIEVANCES OF BINDERS IN THE GOVERNMENT OF INDIA PRESS, CALCUTTA.**

1367. \*Dr. P. N. Banerjea: (a) Will the Honourable the Labour Member please state whether it is a fact that the binders of the Government of India Press, Calcutta, sent a petition to the Controller of Printing and Stationery on the 18th January, 1939?

(b) If so, has any action been taken in this matter? If not, why not?

(c) Is it a practice that a contractor, who has been given contract for some Government work, cannot have the work done by a sub-contractor?

(d) Is it a fact that if a contractor acts against the practice, his contract is at once cancelled?

(e) Is it a fact that the contractors, who were given a contract by the authority of the Government of India Press, Calcutta, for preparing standard files, boards bands, case covers and slip blocks had the work done by sub-contractors?

(f) If so, has any action been taken by Government in this matter? If not, why not?

**The Honourable Sir Muhammad Zafrullah Khan:** (a), (b) and (e). Yes.

(c) and (d). The contracts usually prohibit sub-letting without the prior consent of the Controller of Printing and Stationery. No instance of sub-letting, other than that referred to in part (e) of the question, has come to notice so far.

(f) The Controller of Printing and Stationery is looking into the matter.

**GRIEVANCES OF BINDERS IN THE GOVERNMENT OF INDIA PRESS, CALCUTTA.**

1368. \*Dr. P. N. Banerjea: (a) Will the Honourable the Labour Member please state whether it is a fact that the authorities of the Government of India Press, Calcutta, are decreasing the number of binders and increasing the number of supervising staff, clerks and report writers?

(b) If so, what is the reason for it?

(c) Will Government be pleased to state the number of binders and other classes of officials (in the binding department) of the Government of India Press, Calcutta, in 1921 and also in 1939?

(d) Is it a fact that Government become a loser due to the fact that much material is given by Government to contractors (for binding works) without any calculation?

(e) If so, has any step been taken, or is intended to be taken, in this matter? If not, why not?

(f) Will Government state the amount of material supplied by the authorities of the Government of India Press, Calcutta, to contractors for the preparation of standard files, boards bands, case covers and slip blocks?

(g) What is the amount of work for which the material was given, and according to what calculations was it given?

(h) Was there any excess of material after the finishing of the said work?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) and (b). Two appointments of binders have been kept temporarily vacant as an economy measure. Six additional appointments, chiefly clerical, were created in 1937 to cope with the extra work due to the coming into force of the Payment of Wages Act, 1936.

(c) 440 on the 1st March, 1921, and 172 on the 1st March, 1939.

(d) No.

(e) Does not arise.

(f) and (g). The material has been supplied by the Central Stationery Office, and not by the Government of India Press, Calcutta. Two statements showing the particulars required are placed on the table.

(h) No. The exact quantity of the material required after allowing for wastage has been calculated and supplied.

*Statement I.*

Statement of supplies of materials made to the Contractors for the manufacture of File Boards, File Covers Blank, File Bands with tape, Slip Pads and Cloth-lined File Bands without tape in the quantities specified.

Description of form and quantity.	Materials to be used.	Quantity supplied.
	{ Straw Boards 14" x 9" 8dxx . . . . .	1,37,800 pieces.
File Boards 2,00,000.	{ 40 lbs. Brown Wrapping Double Foolscap . . . . .	205 reams.
	{ 30 lbs. Brown Wrapping Super Royal . . . . .	134
	{ 24 lbs. Brown Wrapping, Double Foolscap . . . . .	100 reams, 250 sheets.
	{ Cloth Grey Domestic, 30" wide. . . . .	19,774 yds. 11-ins.
	{ Tape, White, 5/8" wide . . . . .	2,51,250 yds..
File Cover Blank 2,00,000	{ 100 lbs. Kraft Super Royal . . . . .	201 reams.
	{ Long cloth 36" wide . . . . .	4,497 yds., 25-ins.
File Bands with tape 2,00,000.	{ 24 lbs. Brown Wrapping, Double Foolscap . . . . .	201 Reams.
	{ 97 lbs. Manilla Double Super Royal . . . . .	9 reams, 403 sheets.
	{ Tape red Broad 1/2" . . . . .	28,715 skeins.
	{ Cloth Grey Jaconet 30" wide . . . . .	17,774 yds., 11-ins.
Slip Pads 70,000.	{ 16 lbs. Semi-bleached Double foolscap . . . . .	1,172 reams, 250 sheets.
	{ 72 lbs. Brown Wrapping Double foolscap . . . . .	11 reams, 363 sheets.
	{ Long Cloth, 36" wide . . . . .	366 yds., 15 Ins.
Cloth-lined File Bands without tape 10,000.	{ 30 lbs. Brown Wrapping Super Royal . . . . .	1 ream, 218 sheets.
	{ Cloth Grey Jaconet 30" wide . . . . .	409 yds. 16 Ins.

\* Out of the demand for 2,00,000 Straw Boards, only 1,37,800 pieces, as available have been supplied, leaving a balance of 62,200 pieces to be supplied later.

*Statement II.*

Statement showing the calculations according to which material was supplied to the Contractors for preparing file boards, file bands, etc.

*File Boards with flap and tape.*

*Nature of work*

File Boards to be made of straw board 14" x 9" pasted over front with Brown Paper, making flap 4" x 24" of Brown Paper centre lined with pasted Grey Domestic Cloth, gluing flaps to back of board, fixing tape 45" long through 2 slits 5" apart in centre of board, leaving ends of equal length, pasting back of board with Brown paper sheet 13" x 9" and covering tape at front of board with pasted slips of Brown paper.

*Materials required showing scale per single copy*

One Straw Board, 14" x 9", 8dxx.  
 1/4 sheet of 40 lbs. Brown Wrapping Double Foolscap.  
 1/3 sheet of 30 lbs. Brown Wrapping Super Royal including paper for the strip pasted over tape at front.  
 1/4 sheet of 24 lbs. Brown Wrapping Double Foolscap for pasting of the outer sheet.  
 4 1/2 x 25" of Grey Domestic Cloth.  
 45" long of White Unbleached Tape 5/8" wide.

*Packing of supplies under the contract*

The manufactured file boards with tapes shall be supplied in bundles containing 25 boards in each.

*File band with tape.*

*Nature of work*

File Bands with tape to be made by pasting Cloth Grey Jaconet between two sheets of Brown Wrapping Paper, fixing red tape of 36" length through 2 slits 6 1/4" apart across centre covering tape at front with pasted strip of manilla paper. The size of the band should be 24" long but when folded should be 9" long.

*Materials required showing scale per single copy*

1/4 sheet of 24 lbs. Brown Wrapping Double Foolscap.  
 4 1/2 x 25" of Cloth. Grey Jaconet.  
 1/41 sheet of 97 lbs. Manilla Double Super Royal Red Tape 36" long.

*Packing of supplies under the contract*

The manufactured file bands with tapes shall be supplied in bundles containing 100 file bands in each.

*Cloth-lined file bands without tap —*

*Nature of work*

File Bands to be made of Brown Wrapping Paper with cloth, Grey Jaconet mounted inside. The size should be exactly 10" x 2" when folded and joined by pasting ends.

*Materials required showing scale per single copy*

1/14 sheet of 30 lbs. Brown Wrapping Super Royal  
 22" x 2" of cloth, Grey Jaconet.

*Packing of supplies under the contract*

50 copies of manufactured cloth-lined file bands shall be banded with paper and 500 such banded cloth-lined file bands shall be banded in a packet.

*File Cover, Blank.*

*Nature of work*

Blank file cover to be made with Kraft Paper and a strip of long cloth (full length) i.e., 14 1/2" x 2" to be pasted along inside fold. The size of the cover folded should be 14 1/2" x 9 1/2".

*Material required showing scale per single copy*

1/4 sheet of Kraft Paper, Super Royal, 100 lbs.  
 14 1/2" x 2" of Long Cloth.

*Packing of supplies under the contract*

50 copies of manufactured file covers, shall be banded with paper and 200 such banded file covers shall be banded in a packet.

## Statement II—contd.

Statement showing the calculations according to which material was supplied to the contractors for preparing file boards, file bands, etc.—contd.

## Slip Pads.

Nature of work . Foolscap 6mo. Pad to be made with 100 blank sheets wire-stitched at the top, cloth back and perforated and Brown Wrapping Paper at the back.

## Materials required showing scale per single copy .

8 1/3 sheets of 16 lbs. Unbleached Double Foolscap paper.  
1/12 sheet of 72 lbs. Brown Wrapping Double Foolscap.  
1 1/2" x 4 1/2" of long cloth 36".

## Packing of supplies

under the contract . The manufactured slip pads shall be supplied in bundles containing 50 pads in each.

N.B.—All materials shall be issued by the Central Stationery Office on the scale shown in full sheets or standard lengths of material to be cut as required by the contractors. Spoilage to be allowed 1/4 P.C.

## PAY OF MONO-CASTERS IN CERTAIN GOVERNMENT OF INDIA PRESSES.

1369. \*Mr. Suryya Kumar Som: (a) Will the Honourable the Labour Member please state whether it is a fact that all the salary hands of the Government of India Presses in Delhi and Calcutta have the same scale of pay?

(b) If so, will the Honourable Member be pleased to state why a differentiation in the scale of pay is made in the case of mono-casters in the employment of the said Presses?

(c) Will he be pleased to lay on the table a chart giving a detailed description of the scale of the above mentioned mono-casters and also the nature of their work, both in the Calcutta and Delhi Presses?

The Honourable Sir Muhammad Zafrullah Khan: (a) No.

(b) Does not arise.

(c) A statement is laid on the table.

## Scales of pay of Mono-Caster Attendants.

	Old rate.	New rate.
	Rs.	Rs.
Government of India Press, Calcutta . . .	30-1-35.	30-1-35.
Government of India Press, New Delhi . . .	30-1-35.	28-1-33.

Two Mono Caster Attendants in the New Delhi Press are on a scale of pay of Rs. 50-2-70 which is personal to them.

## Duties of Mono Caster Attendants.

Mono Caster Attendants in the main press at Calcutta and in the press in New Delhi either cast type from spools perforated by Mono Keyboard Operators or separate "sorts" direct from matrices. Mono Caster Attendants are also responsible for the general maintenance of their machines, e.g., cleaning oiling, the casting of good, clear type, etc.

## EXTENSIONS GIVEN IN THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

1370. \*Mr. Suryya Kumar Som: (a) Will the Honourable the Labour Member please state why the salary hands are given extension after the period of their service is over, and why differentiation is made in the case of the piece hands of the Government of India Press in Calcutta?

(b) Will Government be pleased to lay on the table a list of cases of extension given both to the salary hands and the piece hands of the Government of India Press in Calcutta, in 1938?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) Under the Fundamental Rules extensions of service beyond the prescribed age of retirement may be given in special cases, if found necessary on public grounds. No differentiation is made between pieceworkers and salaried hands in this matter.

(b) A list is laid on the table.

*List.*

Name.	Designation.	Date of attaining the age of 55 years.	Date up to which retention was allowed.	
<i>Clerical Staff.</i>				
Salaried Em- ployees.	Mr. N. K. Roy Choudhury	General Store Keeper	30-8-1938	29-8-1939
	Mr. M. N. Ghose	Assistant	19-2-1938	18-2-1939
<i>Industrial Staff</i>				
	Mr. S. K. Bhattacharjee	Assistant Case Fore- man.	1-7-1938	31-7-1938
Piece-workers	..	..	..	..

**PRESERVATION OF THE TAJ MAHAL AT AGRA.**

1371. \***Dr. Sir Ziauddin Ahmad:** (a) Will the Education Secretary please state whether Government are aware that an announcement was made in the *Hindustan Times*, dated the 7th and the 11th November, 1937, that (i) small cracks appeared in the Taj Mahal, Agra, (ii) that the roof of the Taj Mahal was decaying on account of dampness, and (iii) that Rs. 50,000 was expected to cost the Archaeological Department for the necessary repairs?

(b) What action have Government taken to preserve the Taj Mahal in the light of the defects pointed out in the article?

(c) Is it a fact that an extraordinary special grant of rupees one lakh was sanctioned by Government for conserving monuments with special reference to the Taj Mahal in the Archaeological budgets for 1936-37 and 1937-38? If not, what was the grant sanctioned?

(d) What is the actual amount spent on extraordinary special repairs to the Taj, besides the normal amount usually spent, and do Government consider these amounts of expenditure and allotment as adequate in view of the importance of the Taj and of the amounts sanctioned in the Budget with special reference to the Taj?

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

(b) The statement which appeared in the Press was misleading. There is no reason to believe that the roof of the Taj Mahal is decaying. A number of marble slabs require resetting and slabs which have cracked are to be replaced. The work will be taken up as soon as possible.

(c) No. The special grants of rupees two lakhs and one lakh sanctioned in 1936-37 and 1937-38 for conservation were not made with special reference to the Taj Mahal but to a number of monuments of which the Gol Gumbas at Bijapur was most in need of immediate attention and actually absorbed Rs. 76,000.

(d) The amounts spent on the special repairs to the Taj Mahal during the years 1936-37 and 1937-38 were Rs. 10,285 and Rs. 10,487 respectively. The amounts were sufficient for the work requiring immediate execution. Honourable Member may rest assured that Government recognise the importance of the Taj as a national monument which should receive careful attention.

#### REPAIRS TO SERVICE ROADS NEAR GOVERNMENT QUARTERS IN NEW DELHI.

**1372. \*Mr. Sham Lal:** (a) Will the Honourable the Labour Member please state whether Government are aware that the service roads running near the Government quarters in New Delhi are not properly metalled and their surface is altogether cut up during the rains every year?

(b) Will Government please state whether such roads are repaired and levelled up every year, and if so, how long after the rainy season?

(c) Is this levelling up done by spreading red *bajri* or *mooram* on the roads? If so, what quantity of *bajri* is required to level up, say, one hundred square feet of these service roads?

(d) Are Government aware that the service roads running about the Market Road orthodox quarters were not levelled up till about the middle of February last?

(e) Are Government aware that the quantity of *bajri* used for levelling up these roads is very small and has not been at all effective and the surface of the roads is still nearly as bad as it was before the laying on of the *bajri*? If not, are Government prepared to institute a public enquiry to examine these and other service roads and report on their condition?

(f) Are Government prepared to institute a public enquiry into the working of the Department as a whole?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) No.

(b) Not necessarily. Repairs are carried out whenever necessary.

(c) Levelling is not done by spreading red *bajri* or *mooram* but with stone metal. The latter part of the question does not arise.

(d) Yes; it was only then found necessary to repair the roads.

(e) No. Red *bajri* is only used for surfacing and the roads are of water bound stone *macadam*. They are quite serviceable for the light traffic for which they are meant. The latter part of the question does not arise.

(f) I am not clear as to what Department the Honourable Member is referring. I might explain that these roads are under the control of the New Delhi Municipal Committee although the work connected with these roads including repairs is carried out through the agency of the Central Public Works Department.

### APPOINTMENT OF A BAZAR CHOWDHRI IN NEW DELHI.

**1373. \*Mr. Sham Lal:** With reference to the reply given to my starred question No. 1304 on the 11th April, 1933, regarding the appointment of a Bazar Chowdhri at New Delhi, will the Education Secretary please state whether my suggestion on this point was brought to the notice of the Municipal Committee, New Delhi, and if so, what action was taken by the Committee in the matter? If no action was taken, why not?

**Sir Girja Shankar Bajpai:** Yes. The New Delhi Municipal Committee has permitted the appointment of a Bazar Chowdhri, and one has been nominated by the Merchants' Association.

### ADULTERATION OF GHEE AND GRIEVANCES OF SHOPKEEPERS IN NEW DELHI.

**1374. \*Mr. Sham Lal:** (a) Will the Education Secretary please state whether Government are aware that the general provision merchants in New Delhi are being harassed by the Municipal Committee, New Delhi, by frequent prosecutions for adulteration of food, particularly *ghee*?

(b) Will Government please state whether there have been any cases where the analysis of *ghee* samples taken by the Municipal employees has been favourable to the shop-keepers?

(c) Will Government please state whether there have been any cases where, after receipt of unfavourable reports about their *ghee*, the shop-keepers were prosecuted, and they requested for analysis of the samples by a laboratory other than the Municipal Committee laboratory? If so, what was the result of the analysis by the other laboratories? Did they tally with the New Delhi Municipal Committee analysis? If not, was any compensation paid to the shop-keepers concerned for the loss incurred by them in having the samples analysed by another laboratory at their cost and for prosecution on a false charge? If not, why not?

(d) Have Government considered the question of amending the relevant municipal rules with a view to safeguarding the interests of shop-keepers by paying compensation to them in case the prosecution charge fails?

(e) Are Government prepared to institute a public inquiry into the grievances of the shop-keepers of New Delhi? If not, why not?

**Sir Girja Shankar Bajpai:** (a)—(e). The information asked for by the Honourable Member has been called for and will be laid on the table of the House as soon as possible.

### AUCTION AND ALLOTMENT OF SHOPS IN NEW DELHI.

**1375. \*Mr. Sham Lal:** (a) With reference to his reply to my starred question No. 1303 on the 11th April, 1933, to the effect that Municipal Committee shops in New Delhi are auctioned and allotted to the highest bidder, will the Education Secretary please state whether he is aware that the said shops were auctioned and allotted to the highest bidders last year, but after a very short time were auctioned again, and again allotted to the highest bidders?

(b) Will the Education Secretary please state what was the object of the second auction of the shops?



(c) Were any leases executed by the allottees before or after the second auction?

(d) Is it a fact that later on the Municipal Committee fixed the rates of rents of the shops and that these fixed rates were much higher than the rates agreed upon as a result of the auctions?

(e) Is it a fact that the allottees who had already executed their leases were made to execute fresh leases at the revised higher rates of rents under threat of ejection? If so, why?

(f) What was the basis on which the rents of the shops were fixed by the Municipal Committee?

(g) Has the Education Secretary figures showing how the rents charged for Municipal shops and their area compare with the rents and area of the private owned shops near Gol Market, or in Connaught Place? If so, will he please place the statement showing the figures on the table of the House?

(h) Are Government prepared to appoint a committee with a few representatives of the shop-keepers to examine the question of the rents of the Municipal shops with a view to reducing them where necessary?

**Sir Girja Shankar Bajpai:** (a) and (b). In accordance with the usual practice the shops were auctioned for the year ending September 30, 1939, but as the Municipal Committee did not consider the bids reasonable, they were not accepted. A second auction was, therefore, necessary. This auction also resulted in low bids owing to combination amongst the shop-keepers. The Committee, therefore, proceeded to fix rents.

(c) No.

(d) The reply to the first part is in the affirmative. As regards the second part, no rent was agreed upon as a result of the auctions; the rates fixed by the Committee were higher than the highest bids offered, which were very low.

(e) No. No leases have been executed.

(f) The rents for 1938-39 were fixed on the basis of rents received in 1937-38; actually the total amount was Rs. 3,000 less than the amount of the previous year.

(g) The answer to the first part is in the negative. The second part does not arise.

(h) Government do not consider the appointment of a committee necessary.

#### ALLOTMENT OF QUARTERS TO THE EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

**1376. \*Mr. Abdul Qaiyum:** (a) Will the Honourable the Labour Member be pleased to state whether he is aware of the fact that great discontentment is prevailing amongst the employees of the Government of India Press, New Delhi, on account of the allotment of quarters made recently by the Estate Officer, Central Public Works Department, New Delhi?

(b) Is it a fact that according to Rule 6 of the Rules for allotment of quarters to the employees of the Government of India Press, New Delhi, seniority for the purpose of allotment of quarters is to be taken on the

basis of emoluments drawn by an individual on a certain fixed date and, where the pay of a number of employees is the same, their length of service and the period for which those emoluments were drawn are taken into account for fixing seniority?

(c) If the reply to part (b) above be in the affirmative, will Government please state why certain men who are drawing higher salaries and are living in Government quarters for the past many years have not now been allotted the proper types of quarters to which they are entitled, while those who are drawing less pay and had no previous lien have been given preference and are allotted better type of quarters?

(d) Will Government state the number of employees of the Government of India Press, New Delhi, living in 'F' and Duffry type quarters and are actually entitled to 'E' type quarters and also the number of those men who have been allotted 'E' type quarters, although they are in receipt of less pay than those mentioned above?

(e) Is it a fact that the recent allotment of Press quarters made by the Estate Officer is provisional and a final allotment of Press quarters will be made when the Rules for the allotment of Press quarters, which are still under the consideration of the Government of India (Labour Department) are finally approved? If so, will Government please state the reasons for such allotment?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) No.

(b) Yes.

(c) I am not aware of any such cases.

(d) Three employees entitled to E class quarters are occupying F and duffry type quarters. They were first year applicants. Ten employees, also entitled to E class quarters but getting smaller salaries than the three men mentioned, were allotted E class quarters in preference to the three men because they were second year applicants and were entitled to preference under the rules.

(e) Yes; the recent allotments were made provisionally as the rules had not yet been finally approved but the provisions of the new rules were followed by the Estate Officer with the approval of the Government of India.

#### SUB-LETTING OF QUARTERS BY THE EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

1377. \*Mr. Abdul Qaiyum: (a) Will the Honourable the Labour Member be pleased to state whether Government are aware of the fact that a number of employees of the Government of India Press, New Delhi, who have been allotted Government quarters have sublet their quarters to outsiders on highers rents without the approval of the Estate Officer?

(b) Is it a fact that an enquiry to this effect was made by the Public Works Department officials about two weeks ago? If so, will Government please state the result of this enquiry and also state what steps they propose to take in the matter?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) No.

(b) An enquiry was made by the Public Works Department authorities in February last but no cases of sub-letting were discovered. The latter part of the question does not arise.

†1378\*—1379\*.

**RESTORATION OF DARGAH MAKHDUM SHAH NEAR SHAHPUR IN DELHI TO ITS OWNERS.**

**1380. \*Haji Chaudhury Muhammad Ismail Khan:** (a) Will the Secretary for Education, Health and Lands please state whether Government have received any representation for the restoration of Dargah Makhdum Shah near Shahpur, Qutab Road, Delhi, to its owners, during the last three years?

(b) What was the action taken by Government?

(c) Do Government propose to consider the advisability of restoring the said Dargah to its real owners?

(d) If the answer to part (c) above be in the negative, what are the reasons therefor?

**Sir Girja Shankar Bajpai:** (a) No.

(b) Does not arise.

(c) and (d). The monument is the property of Government and as it is a protected monument, it is not proposed to hand it over to any person.

**REPAIRS TO DARGAH MAKHDUM SHAH NEAR SHAHPUR IN DELHI.**

**1381. \*Haji Chaudhury Muhammad Ismail Khan:** (a) Will the Secretary for Education, Health and Lands please state whether it is a fact that Dargah Makhdum Shah is in a very bad condition on account of no repairs being carried out?

(b) When were the last repairs done, if any?

(c) Do Government propose to carry out the necessary repairs at an early date, and, if not, why not?

**Sir Girja Shankar Bajpai:** (a) to (c). No regular repairs have been executed but the site is kept clean and tidy. It has been decided that special repairs should be carried out when funds are available.

‡1382\*.

**ARCHAEOLOGICAL EXCAVATIONS CARRIED ON BY DR. C. L. FABRI IN THE PUNJAB.**

**1383. \*Mr. C. N. Muthuranga Mudaliar:** Will the Secretary for Education, Health and Lands please state:

(a) whether Dr. C. L. Fabri is carrying on excavations in the Punjab Province;

(b) whether he has been carrying on this work on behalf of the Archaeological Department of the Government of India; if so, since when he has been in the service of that Department;

(c) what his salary and allowances are;

†These questions were withdrawn by the questioner.

‡This question was postponed to be answered on the 6th April, 1939.

- (d) if the reply to part (c) be in the negative, whether he has been carrying on this work on his own behalf or on behalf of any private body; and
- (e) if so, what arrangement has been made by the Government of India with regard to the funds he may come by in the course of his excavations?

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

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

(c) Does not arise.

(d) Dr. Fabri has been conducting excavations on behalf of the Punjab Exploration Fund.

(e) The antiquities found will be distributed in accordance with the rules issued by the Central Government under section 20B of the Ancient Monuments Preservation Act, 1904.

**FILLING UP OF THE POST OF JOINT DIRECTOR AND IMPERIAL AGRICULTURIST OF THE INDIAN AGRICULTURAL SERVICE.**

**1384. \*Mr. C. N. Muthuranga Mudaliar:** Will the Secretary for Education, Health and Lands be pleased to state:

- (a) whether the period of office of Mr. Michael Wynne Sayer, Joint Director and Imperial Agriculturist of the Indian Agricultural Service, is coming to an end in the course of the official year;
- (b) whether it is proposed to give him an extension of service; if so, for how many years;
- (c) whether a suitable Indian is not available to be appointed in his place and his service terminated in the usual course; and
- (d) if not, whether Government are prepared to advertise for the post in India?

**Sir Girja Shankar Bajpai:** (a) No.

(b) No such proposal is under consideration.

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

**SAFEGUARDING OF THE INTERESTS OF INDIAN SHIPPING.**

**1385. \*Mr. Manu Subedar:** (a) Will the Honourable the Commerce Member please state whether Government have noticed the 38th Report of the Imperial Shipping Committee and the complaint therein that the common interests of British and Indian shipping in the matter of the coasting trade need greater safeguard against the competition from Japan?

(b) Have Government received any representation on the subject of the need for increasing the percentage of Indian-owned shipping in the coasting trade?

(c) Have Government ever made any statement of policy in regard to their attitude towards Indian-owned shipping in Indian waters? If so, where and when, and what is that statement?

(d) Is there an agreement for the sharing out of the coasting trade and is it a fact that such an agreement was made with the knowledge and encouragement of Government? If so, have Government considered the desirability of revising such an agreement and increasing the percentage available to Indian shipping?

(e) What steps are Government taking to encourage Indian-owned shipping on eastern routes, *i.e.*, between India and Singapore, Hongkong and Japan?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) Government have received the Report and are aware that it deals with the question of Japanese competition in the Indian coastal and other trades.

(b) Yes.

(c) Government's policy towards Indian shipping has been stated on various occasions on the floor of this House and of the Council of State, and elsewhere. I would in particular refer the Honourable Member to the Honourable Sir Thomas Stewart's speech in the Council of State on the 7th March, 1935, in connection with the Honourable Rai Bahadur Lala Jagdish Prasad's Resolution regarding the development of the Indian Mercantile Marine. Another Resolution on the same subject was adopted by the Council of State on the 23rd March, 1939, when the Commerce Secretary again explained Government's attitude.

(d) The Honourable Member is presumably referring to the Tripartite Agreement between the British India, the Asiatic and the Scindia Steam Navigation Companies. The good offices of Government were utilised in negotiating the Agreement at present in force. As regards the second part of the question, Government understand that the companies concerned are discussing the matter among themselves and if they are unable to come to an amicable settlement Government would be prepared to use their good offices, if sought by the parties concerned, with a view to bringing about a settlement.

(e) The question of securing a share for Indian shipping in the trades mentioned must await the occurrence of a favourable opportunity.

#### EXCLUSION OF INDIANS FROM FLYING CLUBS IN ENGLAND.

**1386. \*Mr. S. Satyamurti:** Will the Secretary for Education, Health and Lands please state:

- (a) whether his attention has been drawn to the question and answer in the House of Commons on 22nd February, 1939, regarding Indians being victimised on account of colour bar in a number of flying clubs;
- (b) how many flying clubs in England exclude Indians on the basis of colour bar;
- (c) whether it is a fact that Indians are excluded; if so, on what grounds; and
- (d) whether Government propose to ascertain the attitude of the British Government in the matter as regards the exclusion of Indians from flying clubs and communicate the information to the House?

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

(b) to (d). The attention of the Honourable Member is invited to the reply given by me on the 24th March, 1939, to Mr. Kuladhar Chaliba's starred question No. 1301.

#### INSTRUMENT OF ACCESSION.

**1337. \*Mr. S. Satyamurti:** Will the Honourable the Leader of the House be pleased to state:

- (a) whether the attention of Government has been drawn to the statement of the Chancellor of the Chamber of Princes to the effect that the Princes have been given six months' time within which they should send their answers to the Draft Instrument of Accession;
- (b) whether that is a fact, and if so, when the six months expire;
- (c) whether Government propose to publish the Draft Instrument of Accession for public criticism;
- (d) whether the Provincial Governments have been, or will be, consulted in this matter; and
- (e) if not, why not?

**The Honourable Sir Nripendra Sircar:** (a) Government have seen the statement referred to.

(b) Yes, by the end of July, 1939.

(c) No, Sir.

(d) and (e). The attention of the Honourable Member is invited to the replies which I gave to part (c) of Mr. T. S. Avinashilingam Chettiar's starred question No. 40 on 1st February, 1938, and connected supplementary questions.

#### RATE WAR BETWEEN SHIPPING COMPANIES ON THE KONKAN COAST.

**1338. \*Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Commerce Member state:

- (a) whether he is aware of an uneconomic rate war between two shipping companies on the Konkan Coast;
- (b) whether any of the parties to the rate war have applied to Government for arriving at a settlement; and
- (c) if so, whether Government have taken any steps in the matter.

**The Honourable Sir Muhammad Zafrullah Khan:** (a) Yes, between three (and not two) steamship companies.

(b) Yes.

(c) The Commerce Member has offered to arbitrate between the parties.

#### SAFEGUARDING OF THE INTERESTS OF INDIAN SHIPPING.

**1339. \*Mr. C. N. Muthuranga Mudaliar:** (a) Will the Honourable Member for Commerce state whether he is aware that in the trade agreements concluded between the United Kingdom and other countries, such as for instance, the Anglo-Lithuanian Treaty and the Anglo-Soviet Trade Agreement, the interests of British shipping are adequately safeguarded?

(b) Is the Honourable Member aware that the Honourable Sir Sultan Ahmed, on the 16th September, 1937, admitted on the floor of this House that "Government are aware that clauses relating to shipping are sometimes included in trade agreements"?

(c) In the light of these facts, will the Honourable Member state why it has been decided that the question of Indian shipping should form no part of the discussions on the Indo-British Trade Agreement?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) I have nothing to add to the Government's reply already quoted by the Honourable Member in part (b).

(b) Yes.

(c) I would refer the Honourable Member to what I said in this connection during the course of the debate in this House on the 27th and 28th March, on the Indo-British Trade Agreement.

#### RATE WAR BETWEEN CERTAIN SHIPPING COMPANIES.

1390. **\*Mr. C. N. Muthuranga Mudaliar:** (a) Will the Honourable Member for Commerce state whether Government are aware of the unhealthy competition and the rate war between the Scindia Steam Navigation Company and the Bombay Steam Navigation Company?

(b) Is the Honourable Member aware that the Bombay Steam Navigation Company is also one of the oldest shipping companies and second only to the Scindia Steam Navigation Company in India?

(c) Is the Honourable Member aware that the Bombay Steam Navigation Company is prepared to abide by the verdict of an agreed arbitrator?

(d) Are Government prepared, in order to ensure a satisfactory working of the Indian steam transport and for its better progress, to address the warring steam companies and appoint an arbitrator agreeable to both of them?

(e) Or, are Government prepared to consider the advisability of taking up legislation to fix maximum and minimum rates to put an end to rate war?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) Government are aware of the existence of a rate war on the Konkan coast.

(b) Yes.

(c) and (d). The Commerce Member has offered to arbitrate between the parties.

#### NON-INDIAN GOODS PURCHASED BY THE GOVERNMENT OF INDIA. •

1391. **\*Mr. Akhil Chandra Datta:** (a) Will the Honourable the Commerce Member please state what are the different non-Indian goods which have been purchased by the Government of India in 1938-39?

(b) What is the total value of those goods?

(c) Did they purchase those goods because they were not produced in India, or because their price was higher?

(d) What Indian industries, if any, have sprung up in recent years as the result of the stores purchase policy of the Central Government?

(e) Are Government prepared to accept the policy of purchasing Swadeshi goods even at a higher price, or, at all events, if the difference is not very considerable?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) and (b). The information for 1938-39 is not yet available and will be published, in due course, in the annual administration report of the Indian Stores Department for that year, copies of which are placed in the Library.

(c) and (d). Honourable Member is referred to the replies given to Mr. Manu Subedar's starred question No. 339 on 17th February, 1939.

(e) If the Honourable Member refers to the preamble to the "Rules for the supply of articles required to be purchased for the Public Service", a copy of which is in the Library of the House, he will find that this is already the policy of the Government of India.

#### STATES WITHOUT TREATY OBLIGATIONS FOR RECEIVING ARMED ASSISTANCE.

**1392. \*Mr. Abdul Qaiyum:** Will the Honourable the Leader of the House please state:

- (a) the names of States with which the Crown or the Government of India are not under treaty obligations to render armed assistance; and
- (b) the instances from 1930 to 1st April, 1939, in which such help was rendered to States with which the Crown has no treaty obligations?

**The Honourable Sir Nripendra Sircar:** (a) and (b). The Government of India are not in treaty relations with the States and the relations between the Crown and the States are not the concern of the Governor General in Council. For the conditions under which armed assistance is given to States the Honourable Member is referred to the reply given on the 17th March, 1939, to question No. 816 put by Mr. T. S. Avinashilingam Chettiar.

#### TROOPS SENT TO INDIAN STATES WITHOUT TREATY OBLIGATIONS FOR SUCH ASSISTANCE.

**1393. \*Mr. Kuladhar Chaliha:** (a) Will the Honourable the Leader of the House please state to how many Indian States troops have been sent from British India, with which the British Government had no treaty obligations to do so, during the last three years up to 15th March, 1939?

(b) What is the cost incurred on such purposes?

(c) Has the expenditure incurred been recovered from the States concerned?

**The Honourable Sir Nripendra Sircar:** (a) The Honourable Member's attention is invited to the reply given to the previous question by Mr. Abdul Qaiyum.

(b) and (c). As stated in reply to Mr. Mohan Lal Saxena's question No. 974 on the 10th March, 1939, this is entirely a question for the Crown Representative.



## DEFICIENCY IN FOOD VALUE OF THE FODDER IN ASSAM.

1394. \*Mr. Kuladhar Chaliha: (a) Will the Education Secretary please state if any research is being made to find out the deficiency in food value of the fodder in Assam?

(b) Are Government aware that in spite of Assam being rich in fodder the cows are stunted in growth and give little milk?

(c) Is the Honourable Member prepared to ask the Imperial Veterinary Institute to conduct any research to find out the reason and suggest remedies?

Sir Girja Shankar Bajpai: (a) and (c). A scheme for research into cattle nutrition in Assam, spread over a period of three years, has been administratively approved by the Governing Body of the Imperial Council of Agricultural Research. It is expected that funds will be provided for the scheme with effect from 1939-40.

(b) Ycs.

## IMPORT OF SHUTTLES FOR HANDLOOMS, ETC., AND SHUTTLE BLOCKS.

1395. \*Prof. N. G. Ranga: Will the Honourable Member for Commerce be pleased to state:

- (a) whether for the production of shuttles for handlooms and power-looms, the shuttle blocks needed have to be imported;
- (b) whether on all such imports, an import duty of 25 per cent. is being charged;
- (c) whether the imports of Japanese shuttles have gone up in value between 1930 and 1938;
- (d) whether he is aware that the Forest Research Institute has replied to Messrs. H. M. Patel about its inability to supply the requisite wood produced in India;
- (e) whether the receipts from the import duty amount to not more than Rs. 25,000 per annum;
- (f) whether Government are aware that this import duty on shuttle blocks is seriously militating against the progress of the manufacture of shuttles in India; and
- (g) whether Government are prepared to reconsider the position and abolish this import duty and thus implement the recommendation of the Fiscal Commission that raw materials needed for Indian industries should be free from import duties?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). Yes, Sir.

(c) I would refer the Honourable Member to the Annual Sea-borne Trade Returns, copies of which are in the Library.

(d) A company manufacturing shuttles in India has so stated in a representation to Government.

(e) Government have no information on this point as the amount of duty levied on wooden blocks imported for the manufacture of shuttles is not separately recorded in the Revenue Returns.

(f) and (g). The complaint of Messrs. H. M. Patel and Company, alleging tariff inequality between assessment of shuttle blocks and fully manufactured shuttles was examined by the Tariff Board in 1935 and the claim was not found to be substantiated except in the case of Japanese shuttles. Imports of the latter were reported to be inferior in quality and largely non-competitive, being for handloom weaving. The Company has since asked that wooden blocks for shuttles should be exempted from import duty. The request will receive consideration along with similar requests from other industries when financial conditions permit.

#### PROPOSAL TO ACQUIRE LAND NEAR OKHLA IN DELHI.

**1396. \*Mr. Brojendra Narayan Chaudhury:** Will the Honourable the Commerce Member please state with reference to his reply to supplementary questions to starred question No. 1138 of the 17th March, 1939 that "there has been no decision":

- (a) whether there is any proposal for the acquisition of land in the vicinity of Delhi on a large scale;
- (b) if so, the object thereof and the area of land;
- (c) whether in the past Government have acquired land for any public purpose years in advance of requirement solely with a view that land may be required some day for the expansion of a town; and
- (d) when the "decision" may be expected?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) and (b). Government have no information.

- (c) I am not aware of any such instances.
- (d) Does not arise as no such proposal has been received so far.

#### EMPLOYMENT OF INDIANS BY THE TEA MARKET EXPANSION BOARD.

**1397. \*Mr. Brojendra Narayan Chaudhury:** With reference to his reply to starred question No. 825 of the 7th March, 1939 will the Honourable the Commerce Member please state:

- (a) whether the up to date information called for regarding employment of Indians by the Tea Market Expansion Board has been received;
- (b) the number of (i) Indians, (ii) Anglo-Indians, and (iii) Europeans, employed in India, together with their salaries and allowances;
- (c) the number of Indians employed in Tea Market Expansion work abroad, as also the number of non-Indians; and
- (d) the percentage of last year's contribution by the Indian Tea Market Expansion Board to the total expenditure abroad by the combine?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) Yes.

- (b) I lay on the table a statement giving the information required.
- (c) Government have no information.
- (d) 41.8 per cent.

*Statement showing the nationality, salaries and allowances of persons employed under the Indian Tea Market Expansion Board.*

Designation of post.	Nationality of person holding the post.	Salary (p.m.)	Allowances.
Commissioner	European	Rs. 2,500-3,000	The Commissioner, Indian Tea Market Expansion Board draws a motor car allowance of Rs. 150 p. m. Otherwise the only allowance granted to staff in addition to salary is travelling allowance at the following rates while they are on tour on Board's business :— Actual rail fares plus outstation allowance varying from Rs. 15 to 8 annas daily for each complete nights absence from headquarters.
Personal Assistant to Commissioner.	European	1,200-1,300	
Inspecting Superintendents	1 Indian	} 1,000-1,250	
	2 Europeans		
Superintendents	1 Indian	} 500-950	
	9 Europeans		
Assistant Superintendents	3 Indians	} 350-450	
	2 Anglo-Indians		
Circle Inspectors	11 Indians	} 200-300	
	9 Anglo-Indians		
Sub-Inspectors	115 Indians	} 75-10	
	5 Anglo-Indians		
Extra Sub-Inspectors	33 Indians	} 60-70	
	1 Anglo-Indian		
Demonstrators	474 Indians	} 30-50	
Attenders	524 Indians		
Clerks Divisional Offices	19 Indians	} 30-90	
Motor Car Drivers	26 Indians		
	1 Anglo-Indian	} 30-60	
	2 Indians		
Cinema operators	1 Anglo-Indian	} 55-80	
	15 Indians		
Menials	15 Indians	} 15-20	
Head Office Clerical staff	25 Indians		
	3 Anglo-Indians	} 30-300	
	1 Anglo-Indian		
Female staff Sub-Inspector	1 Anglo-Indian	} 75-100	
Demonstrators	9 Indians		
		30	

SHORT NOTICE QUESTION AND ANSWER.

DISMISSAL AND REPATRIATION OF DAILY PAID INDIAN WORKERS UNDER THE MINISTER OF COMMUNICATIONS, CEYLON.

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

- whether it is a fact that the Minister of Communications, Ceylon, is preparing to dismiss summarily and repatriate 8,000 daily paid Indian workers in the Departments under him;
- whether the other Ministers are proposing to take similar action against Indians working in the Departments under them;
- whether this action will adversely affect nearly 10,000 families of Indians in Ceylon, who have resided there from 10 to 20 years continuously;
- whether the Government of India have received full and accurate information in this behalf from their Agent;
- if not, whether Government will take immediate steps to ascertain and place on the table of the House such information;
- whether Government are prepared immediately to address the Government of Ceylon and request them to stay their hands in this matter, till the Government of India have considered the matter and made suitable representations thereon?

**Sir Girja Shankar Bajpai:** (a) and (b). The Agent of the Government of India in Ceylon has reported that the Board of Ministers have under consideration a tentative proposal made by the Minister of Communications for the discontinuance from service of all non-Ceylonese employed on daily pay in Ceylon Government Departments with a view to their place being filled by unemployed Ceylonese.

(c) The Honourable Member's estimate of the number of Indians, who are likely to be affected if the proposal be adopted, is correct. The exact duration of the residence of these Indian employees in Ceylon is not known, but probably extends over many years.

(d) to (f). The Agent of the Government of India is fully seized of the situation and is in touch with the authorities concerned. He has already made representations in the appropriate quarters. The Government of India are closely watching developments.

**Mr. S. Satyamurti:** With reference to the answers to parts (d) and (f) may I know if the Government of India will get into touch with the Government of Ceylon immediately and ask them to stay their hands till the Indo-Ceylon trade negotiations which *inter alia* will deal with also the position and status of Indians in Ceylon are complete?

**Sir Girja Shankar Bajpai:** That question would arise only if the intervention of the Agent which has already taken place does not succeed in staving off this measure.

**Mr. S. Satyamurti:** With reference to parts (a) and (b), I want some elucidation of the phrase 'tentative proposal'. May I know whether Government have any information as to the exact stage at which these proposals stand?

**Sir Girja Shankar Bajpai:** As far as I know the proposals are merely being examined departmentally and provisionally.

**Mr. S. Satyamurti:** With reference to part (c), may I know whether Government will ascertain and place on the table of the House as early as they can some information as to the period of continued residence of these Indians in Ceylon?

**Sir Girja Shankar Bajpai:** We made enquiry on the point from the Agent and he says that all the available information with regard to the character of employment and the general duration of employment of these people is contained in Sir Edward Jackson's report on Emigration.

**Mr. S. Satyamurti:** May I know whether Government have satisfied themselves, or will satisfy themselves that the Ceylon Ministers before taking any such action have got to get any legislation passed by the House or whether they can do it by an executive order?

**Sir Girja Shankar Bajpai:** I will make enquiry.

**Mr. S. Satyamurti:** May I know whether Government will include in the scope of the enquiry all such matters as to satisfy themselves that no irrevocable action will be taken by Ceylon Ministers before the Government of India have had a reasonable opportunity of putting forward their points of view and press them on the Government of Ceylon?

**Sir Girja Shankar Bajpai:** We have already satisfied ourselves so far as possible, on this point. Our Agent in Ceylon has made representations to the Ceylon Government that no action ought to be taken before the Government of India have had an opportunity to consider any proposal that may eventuate.

**Mr. S. Satyamurti:** Will the Honourable Member get into active touch, at least/week by week, with the development of this matter, in view of the fact that Ceylon Ministers seem to be very anxious to carry out their plans as early as they can?

**Sir Girja Shankar Bajpai:** I can assure my Honourable friend that the Government of India are almost in daily touch with their Agents whenever a matter of this importance is under examination.

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#### DECLARATION BY H. E. THE GOVERNOR GENERAL IN COUNCIL.

**The Honourable Sir James Grigg** (Finance Member): Sir, I lay on the table a declaration by the Governor General in Council regarding Supplementary Demands on account of Railways and in respect of Interest on Debt, Legislative Assembly and Legislative Assembly Department and Department of Communications as being essential to the discharge of his responsibilities.

*Declaration by the Governor General in Council regarding supplementary Demands refused by the Legislative Assembly.*

In pursuance of sub-section (7) of section 67-A of the Government of India Act, as set out in the Ninth Schedule of the Government of India Act, 1935, the Governor General in Council is pleased to declare that the following Supplementary Demands which have been refused by the Legislative Assembly are essential to the discharge of his responsibilities :

##### *Railway Demands :*

Demand No. 6-A. Working Expenses—Maintenance of Structural Works—Rs. 22,30,000.

Demand No. 6-B. Working Expenses—Maintenance and Supply of Locomotive Power—Rs. 77,35,000.

Demand No. 6-H. Working Expenses—Expenses of Electrical Department—Rs. 22,90,000.

##### *General Demands :*

Demand No. 11. Interest on Debt and other Obligations and Reduction or Avoidance of Debt—Rs. 1,00,000.

Demand No. 14. Legislative Assembly and Legislative Assembly Department—Rs. 1,05,000.

Demand No. 21. Department of Communications—Rs. 10,000."

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#### ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR THE DEPARTMENT OF COMMUNICATIONS.

**The Honourable Sir Thomas Stewart** (Member for Railways and Communications): Sir, I beg to move:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, four non-official Members to serve on a Standing Committee to advise on subjects, other than 'Roads', dealt with in the Department of Communications, viz., Broadcasting, Civil Aviation, Meteorology, Major Ports and Posts and Telegraphs, during the financial year 1939-40."

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

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, four non-official Members to serve on a Standing Committee to advise on subjects, other than 'Roads', dealt with in the Department of Communications, viz., Broadcasting, Civil Aviation, Meteorology, Major Ports and Posts and Telegraphs, during the financial year 1939-40."

**Mr. S. Satyamurti** (Madras City: Non-Muhammadan Urban): Sir, I should like to have some information from my Honourable friend. I suggest first of all that to have a non-official Committee for dealing with all these subjects, Broadcasting, Civil Aviation, Meteorology, Major ports, and Posts and Telegraphs, is really asking this House to appoint a Committee, which cannot do any effective or useful work. Although all these Departments are being dealt with in my Honourable friend's Department—they are supermen, they can deal with Broadcasting in the morning, Civil Aviation in the afternoon, Major ports the next morning, Posts and Telegraphs the next evening . . . .

**Mr. F. E. James** (Madras: European): And so can you.

**Mr. S. Satyamurti**: I do not know when my Honourable friend, Mr. James, was transferred to the Treasury Bench. I suggest to my Honourable friends on the Treasury Bench to adopt Mr. James as their Deputy. He is a good Deputy who always interrupts Honourable Members for their sake. I want my Honourable friend, Mr. James, to be a non-official occasionally.

**An Honourable Member**: You have him on your side.

**Mr. S. Satyamurti**: We have no use for such a good Deputy.

I want to know whether it is right that you should have a Committee of four non-official Members from this House to deal with all these problems. There is nothing in the Act or the Rules and Standing Orders to prevent Government from having separate Advisory Committees for Broadcasting, Civil Aviation and Posts and Telegraphs. As a matter of fact the Posts and Telegraphs Department is a very important Department of the Government of India. It raises many problems which were referred to the other day in the House by Honourable Members who took part in the discussions on the Finance Bill. I do suggest that Government ought to be asked to constitute different committees for these different major Departments.

My second point is, that this is the first time in which these committees are sought to be composed of non-officials both from this House and from the other House.

**The Honourable Sir Thomas Stewart**: No, no.

**Mr. S. Satyamurti**: Then this Committee will be composed entirely of Members of this House.

**The Honourable Sir Thomas Stewart**: Partly from this House and partly from the other House.

**Mr. S. Satyamurti**: When did it start?

**The Honourable Sir Thomas Stewart:** Years and years and years ago.

**Mr. S. Satyamurti:** If that is so, I do not raise that point. But I do want to suggest to the House that the Legislative Assembly is the only House which votes for Demands for Grants, and, therefore, these Committees should be comprised solely of Members of this House. Against the other place, I want to say nothing. It is not parliamentary. I suggest that they have no control whatever over the purse, and even the limited control they are supposed to have over the Finance Bill is not effective. I, therefore, feel that on both these points this House ought to get some explanation as to why there are not different committees for these major departments and why these committees may not consist of Members entirely from this House.

**Mr. M. S. Aney** (Berar: Non-Muhammadan): Sir, before the Honourable Member gives a reply to these points, I also want to know how many meetings of this Committee have been held during the last year and for how long did the Committee work at all?

**The Honourable Sir Thomas Stewart:** I think my Honourable friend, Mr. Satyamurti, has rather over-estimated the calls that such a Committee would make on the elected representatives. Turning to the query of my Honourable friend, Mr. Aney, our usual plan is that once in each Session, or perhaps twice, if need be, there is a meeting of the Committee and Honourable Members now here, who were Members of the old Posts and Telegraphs Committee, will, I think, confirm that the calls upon their time were very small. Actually what I am proposing on this occasion is an extension of the duties of the old Posts and Telegraphs Committee which has been in existence for some considerable time. It has been our experience that the considerations of problems arising out of Posts and Telegraphs did not in fact involve any very great expenditure of time on the part of Members who were elected to serve on that committee. I would point out to the Honourable Member too that there are in other departments corresponding committees. For example, there is one for Commerce Department; and I suggest to the Honourable Member that the volume of work likely to originate from the Commerce Department might be considerably more than what originates from the Communications Department. From my own experience I can say that in regard to the advisory committee on the Commerce Department matters there has been no undue call on the time of the Honourable Members.

**An Honourable Member:** No call at all.

**The Honourable Sir Thomas Stewart:** At times we have experienced that. As regards Mr. Satyamurti's criticism that this House and this House alone should deal with matters on which they vote supply I may point out, Sir, that the matters that come before the committee are not matters of finance; they are more matters of general policy. For that reason I think Mr. Satyamurti should be reassured.

**Lieut.-Colonel Sir Henry Gidney** (Nominated Non-Official): Sir, I rise to support the remarks made by my Honourable friend, Mr. Satyamurti, to a certain extent. I think these committees are very useful and that more use is not made of them is a matter of regret to me and I am sure to

[Lieut.-Colonel Sir Henry Gidney.]

others. At times there have been no calls on this committee during the year and at the most they meet once a year and then for an hour or two-hours only. I do think . . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): The Chair regrets that it overlooked the fact that after the Honourable Sir Thomas Stewart's reply on this motion, the Honourable Member is not entitled to make any speech.

The question is:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, four non-official Members to serve on a Standing Committee to advise on subjects, other than 'Roads', dealt with in the Department of Communications, viz., Broadcasting, Civil Aviation, Meteorology, Major Ports and Posts and Telegraphs, during the financial year 1939-40."

The motion was adopted.

**Mr. President** (The Honourable Sir Abdur Rahim): I may inform Honourable Members that for the purpose of election of four non-official Members to the Standing Committee for the Department of Communications the Notice Office will be open to receive nominations up to 12 Noon on Monday, the 3rd April, and that the election, if necessary, will be held on Wednesday the 5th April, 1939. The election which will be conducted in accordance with the principle of proportionate representation by means of the single transferable vote will, as usual, be held in the Assistant Secretary's Room in the Council House, New Delhi, between the hours of 10-30 A.M. and 1 P.M.

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### THE REPEALING AND AMENDING BILL.

#### EXTENSION OF THE TIME FOR THE PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

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

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to amend certain enactments and to repeal certain other enactments be extended upto the end of the second week of the next Simla Session of the Assembly.

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

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to amend certain enactments and to repeal certain other enactments be extended upto the end of the second week of the next Simla Session of the Assembly.

The motion was adopted.

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### THE REGISTRATION OF FOREIGNERS BILL.

**The Honourable Sir Reginald Maxwell** (Home Member): Sir, I beg to move:

"That the Bill to provide for the registration of foreigners in British India, as reported by the Select Committee, be taken into consideration."

I do not propose to take the time of the House at this stage by referring again in detail to the provisions of the Bill. In the debate on the original



motion for the Select Committee, the whole measure was discussed at considerable length in this House. I feel myself at some disadvantage in the fact that a good many Honourable Members were absent on that occasion. But I think I may take it that those who are interested in the subject of the Bill have already studied the previous debate which has been printed, and, therefore, all I need do at this stage is to draw the attention of the House, quite briefly, to the changes which have been made in the Bill as it emerged from the Select Committee.

There are only two changes and neither of them of a very substantial character. In clause 3 (e) it was originally proposed that the obligation to co-operate with the prescribed authority in giving information about foreigners lodging in various places should be imposed on both private householders and on managers of hotels and premises of that description. There was, however, some feeling that to place such an obligation on private householders, who are not receiving foreigners for profit, would be found unduly onerous; and, therefore, the Select Committee have now so modified clause 3 (e) that the obligation is imposed only on persons having the management of a hotel, boarding house, *serai* or other premises of a like nature. And in view of that modification the separate definition of "householder" which originally appeared in the definition clause has become unnecessary.

The only other alteration of substance, made in the Bill by the Select Committee, is to modify the imprisonment provided in clause 5 for a person who is not a foreigner and who has, in any way, contravened or failed to comply with the provisions of the Bill. It was originally proposed that a person not a foreigner who rendered himself liable to any penalty might be imprisoned for a term which might extend to six months or a fine which might extend to Rs. 500 or both. Now, the penalty in that clause has been modified so as to make him liable only to a fine which may extend to five hundred rupees.

The only other alteration made in the Select Committee is purely a drafting matter. Sir, I move:

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

"That the Bill to provide for the registration of foreigners in British India, as reported by the Select Committee, be taken into consideration."

**Mr. M. Ananthasayanam Ayyangar** (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, this is a very important Bill and it has been long overdue. After the Foreigners' Act of 1864 (III of 1864) imposing restrictions on immigration of foreigners into India and in regard to their freedom to travel from place to place except on license, no other steps have been taken as are sought to be taken by virtue of the provisions of this Bill regarding the registration of foreigners and their movements in this country. A number of questions has been asked on the floor of this House as to how many Jews, after they have been turned out of Germany, have come to this country and settled in various parts of this country, how many aliens there are who do not give us the privilege of immigration into their country and freedom to travel from one place to another in their country without a license or a special passport. Government have been at a loss to find out the number of such persons and their occupation in this country. Therefore, this Bill is absolutely necessary.

[Mr. M. Ananthasayanam Ayyangar.]

Sir, after the Bill was referred to the Select Committee we tried to modify the definition of the word "foreigner". Formerly, only the residents of those countries which are not within the Empire have been treated as foreigners.

In America an Indian of the eminence of Rabindra Nath Tagore found it very difficult to get into the country or go from one place to another there except under a license and after giving a thumb impression as if he were a k. d. Such restrictions have been placed on Indians in America and other enlightened countries. When the Bill was introduced the definition covered all countries which are not included in the British Empire. After it went to the Select Committee I wanted to move an amendment so as to include Dominions in the Empire within this definition. The reason is not far to seek. The Dominions have been fast copying the foreign countries in the matter of imposing restrictions on Asiatics, particularly Indians. Canada has got these restrictions; and the Union of South Africa is the worst sinner in this respect. My Honourable friend, Sir Girja Shankar Bajpai, to whose Department this relates, has not even got any information as to the segregation law which is being pushed through in the Union of South Africa. When we put a question about this the other day he said he had no information except what appeared in a newspaper. I would refer to the interpellations on the 24th February last when the Honourable Member said that the scheme had so far not taken any definite shape and the Government of India were not aware of any decision of the Union Government to introduce legislation of the type referred to in the newspaper report. I say this is absolute callousness and indifference to say the least of it, in the matter of the Government taking care of the position of Indians overseas. South Africa owes its present prosperity and position to the hard labour and toil of lakhs of Indians who have settled there and who went there, not of their own choice, but on the invitation of that Government, and made South Africa their home. Our position there is anything but satisfactory. The same restrictions and rules are sought to be copied in Ceylon also. Therefore, it is absolutely necessary now to include in the definition of 'foreigner' all persons who belong to the Dominions who are treating us little better than countries which are really foreign. That is why I believe deliberately and advisedly section 111 of the Government of India Act which relates to discrimination against British subjects, domiciled in the United Kingdom, makes no mention of British subjects who are residents of other Dominions. The discriminatory clause applies only to those British subjects who are domiciled in the United Kingdom. Therefore, so far as that section is concerned, it is open to the Government of India to impose restrictions on Dominion subjects and class them as foreigners in case the Dominions do not reciprocate goodwill that India has been extending to them all along. Clause (1) of this section 111 says:

"Subject to the provisions of this chapter, a British subject domiciled in the United Kingdom shall be exempt from the operation of so much of any Federal or Provincial law as:

- (a) imposes any restriction on the right of entry into British India; or
- (b) imposes by reference to place of birth, race, descent, language, religion, domicile, residence or duration of residence, any disability, liability, restriction or condition in regard to travel, residence, the acquisition, holding or disposal of property, etc., etc."

Therefore, this section is confined only to those British subjects who are domiciled in the United Kingdom. I want the definition of foreigner in this

Bill to exclude British subjects domiciled in the United Kingdom but to include all British subjects wherever they may be outside the United Kingdom except British India. That is my object and I moved this amendment in the Select Committee. Unfortunately, we were in a minority and the amendment was voted down. I request the Honourable Members of this House to pay particular attention to this. Unless the word 'foreigner' is defined so as to include residents of Dominions also, our purpose would be lost. We would be tightening the noose round our own necks if we do not do so. Foreigners properly so-called, like Americans and Germans and French might like to treat us as friends and shake hands with us; but there is a section of foreigners coming into being—those who want to take advantage of our relationship and then throw us overboard. Our plight is really hard in the various Colonies and Dominions. Therefore, the Dominion subjects are the real foreigners; and unless this definition is extended so as to include them the very object of the Bill will be frustrated and we will be put to very great hardship.

There is an exemption clause in this Bill which gives power to the Central Government to exclude any individual or class of foreigners from the operation of this Act. It is open to the Central Government to say that the subjects of the Union of South Africa are not foreigners for the purposes of this Act. That power may be exercised in case the Union of South Africa refuses to pass such restrictive legislation as they have undertaken and Ceylon gives up the idea of forcing such hard measures at the point of the bayonet against Indian settlers there. If those Colonies or Dominions come round there is ample provision in the Act itself to restrict this definition and to extend the hand of fellowship and brotherhood to all in the Empire. Therefore, when clause 6 of the Bill is there to remove cases of hardship, it is essential that we should define foreigner properly. It is a very important matter and I plead with the House to modify the recommendation of the Select Committee.

Most of the other matters have been relegated to the domain of rules. There is no single substantive provision in the Act which says "These are the restrictions that shall be imposed on foreigners coming into this country." Everything has been left to these rules. Personally, I am not in favour of confiding away all legislative powers in the executive. But the argument was advanced in the Select Committee that the Government in this country has not yet got accustomed to enforce such legislation as this. They do not know what particular rules have to be framed so as to make this Act really effective and that is why they want power to make rules so that from time to time those rules could be modified or varied as the exigencies of the case may require. Therefore, we have allowed this provision, relegating all these powers to the rule-making power, to stand as it is.

There is another matter to which my Honourable friend, the Member, has referred. If a foreigner arrives at a hotel or boarding house, the keeper of any such place is bound to give the information. There are certain errors of omission here which have to be filled up. It is made obligatory on the hotelkeeper to give information about the foreigners to the prescribed authority, but there is no provision making it obligatory on the foreigner to give information to the hotelkeeper. The hotelkeeper has got to find that out for himself and it is obligatory upon him to give information to the police or prescribed authority, whereas the foreigner is under no such obligation. I have tabled an amendment in regard to this to fill up the lacuna and

[Mr. M. Ananthasayanam Ayyangar.]

to cast an obligation on the foreigner to give the information to the hotel-keeper so that he, in his turn, can pass it on to the prescribed authority. Sir, I support the motion for consideration and I hope that the several amendments that I have tabled will be favourably considered.

**Sardar Sant Singh** (West Punjab: Sikh): Sir, this Bill is not a contentious measure at all, and this is one of those measures which requires to be passed by this House on account of the present international situation and the possibilities of development in a direction which may not be to the liking of humanity at large. However, the only point of major importance, where the difference of opinion has arisen, is as to the definition of the word "foreigner". In regard to that, I want to point out that the scope of this Bill has been misunderstood by most people. It is not a measure which gives power to retaliate or to take any retaliatory measures against any of the Dominions or the foreigners. It is only intended to register the foreigners in this country who, in the words of the Honourable the Home Member, are to be the potential enemies in case of a disturbance. Herein, the limited view is taken by the Government. The Government think that the potential enemies are only those who at this time are creating disturbance in western countries or in Europe. But, in my view,—I cannot say whether I am right or wrong,—at this moment the term "potential enemies" cannot be restricted to European nations alone. There may be times when, considering the attitude of the countries on the border line of India, there may be danger, and then the information which is expected to be obtained by the passage of this Bill will become handy. In that case, it will be necessary to enlarge the definition of a foreigner so as to include the persons living in the Dominions as well. The Dominions today are self-governing Dominions, and, as such, indications are not wanting in the press to show that some of the Dominions are adopting a policy or, at any rate, are giving out that they have a right to be heard before they decide to participate in any war with England. So far as we can see, these indications show that the Dominions may not go against England,—that is only as far as the present indications show. They may be neutral in a future war,—that is something different, but the possibilities are still there that, in time of any conflagration, an occasion may arise when we may need urgently the information about the subjects of Dominions living in India. Therefore, it is no good restricting the definition of a foreigner only to those who do not belong to the British Commonwealth of Nations.

Then, Sir, as regards retaliatory measures, I want to draw the attention of my Honourable friend, Mr. Ayyangar, to the provisions of section 3, Act III of 1924. The Immigration into India Act, 1924, and section 3 of that Act gives power to "The Governor General in Council for making rules for the purpose of securing that persons, not being of Indian origin, domiciled in any British possessions, shall have no greater rights and privileges, as regards entry into and residence in British India, than are accorded by the law and administration of such possessions to persons of Indian domicile."

The power which my Honourable colleague wants to get under the Foreigners' Act is already vested in the Government of India. Now, in order to exercise that power effectively, I quite agree with him that the definition of the word "foreigner" should be so worded as to include the residents of Dominions too as foreigners, and not otherwise.

Then, the other point which I want to make in this connection is about the rule making power. In my previous speech, when the Bill was being referred to Select Committee, I made my submission to the House that the rule making power is a sort of legislative power which the executive Government wants to get from the House; but, taking into consideration the explanation given in the Select Committee, I agree with my friend that the rule making power in this particular Act should not be restricted in any way, and full power should be given to the executive Government. But there is one thing that we want. We want that a convention should be established, and wherever and whenever the rules are made under the powers given by the Legislature, those rules, before they become effective, should be laid on the table of the House for a sufficient period for Honourable Members to study them and to suggest modifications. I find, Sir, there is one amendment to that effect tabled by one of the Honourable Members, and I hope the Honourable the Home Member will give full consideration to that amendment, and that this convention will develop that where a sort of quasi-legislative power is given to the Legislature, the rule making power should be restricted by placing the rules on the table of the House for Members to study them and to suggest modifications. With these remarks, Sir, I support the motion.

**Mr. N. V. Gadgil** (Bombay Central Division: Non-Muhammadan Rural): Sir, I want to make only a few observations. When this Bill was under discussion on the 9th March last, and when a motion to refer it to a Select Committee was made, the Honourable the Home Member said this:

"I observe that one private Member, Mr. Gadgil, has already brought in a Bill in this House to the effect that the Foreigners Act should not apply to Indian States subjects. That is a proposal in the opposite direction. I do not quite know what the question is on that point, but I should like to point out one thing in regard to the registration of subjects of Indian States. It is going to be extremely difficult for any one, whether a hotel-keeper or a person who is in charge of a shipping or air-craft company or any one else, to distinguish a resident of an Indian State from a resident of British India. After all, they belong to the same race and it is going to introduce very difficult distinctions if people who are to all intents and purposes the same are not liable to the same treatment as regards registration. Some of them will be liable to registration and some not. I believe some very distinguished members of the Congress Party themselves are technically residents of Indian States."

Sir, my object in introducing the Bill which seeks to supply a provision, whereby the Foreigners Act of 1867 will not apply to the subjects of Indian States, is exactly what has been stated by the Honourable the Home Member. It might interest the Honourable the Home Member to know that the Deputy Leader of our Party is technically a subject of an Indian State. The object of my Bill is precisely this, that it is an artificial distinction between British India and Indian India, and that is exactly what I wanted to do away with by the introduction of the same Bill. Sir, I may tell the House that during the days of the non-co-operation movement in 1921 and 1922 and also from the year 1930 to 1935 hundreds of people who came from Indian India to participate in the Civil Disobedience Movement were deported under the provisions of the Foreigners Act of 1867. I am glad that the subjects of Indian States are not considered foreigners for the purposes of this particular Bill. I hope, in view of what the Honourable the Home Member has said in his speech, to which I made a reference just now, he will be logical enough and practical

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enough to accept the Bill which I have already moved, so that the position will be approximately the same as is contemplated in the present Bill.

**Mr. Husenbhai Abdullabhai Laljee** (Bombay Central Division: Muhammadan Rural): Sir, I rise to oppose the Bill. My reasons are very simple and short. In the first place, I find that the Bill is not in consonance with the policy that has been always adopted by our Government to keep an open door to Europeans in India; not only in India, but so far as the Asiatic and African possessions of Great Britain are concerned there are no restrictions against an European. In fact, the policy of the British Government has been that all their Asiatic and other possessions have been held as trustees for Europeans in general, and, therefore, I do not know why they have now thought of putting a handicap like this. They have all along been using the term "European" for years, there is no word as "British", nor do the British Europeans call themselves Britishers. They call themselves Europeans. Even in this House and also in commercial matters, they call themselves the European and European Chambers of Commerce and not the Britishers or the British Chambers of Commerce. This Bill is not in keeping with the traditions the British Government have established with regard to all the Asiatic and African possessions of Great Britain being for the benefit of Europeans. If they think that some of the Europeans are not acting as good boys, it is much better that they take the responsibility upon themselves, but why drag in the name of Indian Legislature and say, we want to register and we shall take notice of what they will do. If it is with an intention of making some new bargain or arrange some exchange of colonies or some trade agreement, and, therefore, some particulars are needed for that purpose then, they have got other departments from which they can get all those particulars. So long as the policy is there that in any part of the British Empire, you can give better treatment to Jews from Germany than to Indians—that a Jew from Germany can buy land in Simla and live next to the Viceregal Lodge while an Indian cannot be allowed a decent residence in any British Asiatic or African possession and that the Asiatic possessions are held by the British as trustees for Europeans, I submit that it is no use putting in a Bill of this kind in our name unless and until you can make it clear to the British and Foreign Governments our demands.

**Maulana Zafar Ali Khan** (East Central Punjab: Muhammadan): Sir, I rise to oppose this Bill with all the emphasis at my command. It is a self-stultifying measure. The list of members of the Select Committee who are responsible now for placing it on the legislative anvil includes the names of my Honourable friends, Messrs. Satyamurti, Sardar Sant Singh, Messrs. Asaf Ali, Ayyangar, Mohan Lal Saksena, among others.

**Mr. S. Satyamurti** (Madras City: Non-Muhammadan Urban): And Sir Syed Raza Ali also!

**Maulana Zafar Ali Khan:** These gentlemen have been assuring us from morning till evening and from evening till next morning that the Britisher who is a foreigner ought to be turned out of India bag and baggage.

**Mr. S. Satyamurti:** No. Without the bag and baggage!

**Maulana Zafar Ali Khan:** My belief is that no country has a right to impose restriction upon others as foreigners so long as it has not got an army of its own, is not free, is not independent. Who are the Englishmen? Are they foreigners or not? But my Honourable friends say, those Britishers who are subjects of the King and are domiciled in the United Kingdom are not foreigners. What right has India to introduce this Bill when only the other day a gentleman, a Thakore, who was wearing a *dhoti* and was travelling in a railway compartment was turned out. When Indians are being treated in this disgraceful manner in their own home, what right have they to expect that they should be treated honourably in the Dominions? We have not so much to complain against Germany or Italy, or France, or other countries. Indians go there and are treated on equal terms. But it is the members of the British Empire, it is the people of South Africa, the people of Canada, the people of the Dominions, who treat us as if we were so many dogs. Australia also does the same thing. So, first, 'physician, heal thyself'. When these gentlemen who are on the official benches join with you in placing this measure on the legislative anvil, I think they ought to look into their own hearts, there must be a heart-searching. How are we treated in India? Are we treated as free citizens? That is proved by the manner in which that gentleman wearing a *dhoti* was treated. I am one of those who believe in the brotherhood of man, universal brotherhood. There is no bar sinister of colour with me. I do not believe in the philosophy propounded by Europeans that they are super-men, and we blackies, we darkies, are merely coolies. I am not one of such type. I believe in the universal brotherhood of man. For me, Europe, Asia, Africa, America are on the same level. We are sons of the same grandfather Adam, and this war of races, this war of nations, war of countries, which has turned this world into a hell, will go if there is a teaching of universal brotherhood, and that is Islam. When I name Islam, I introduce religion, but the only religion in the world which has a remedy against this sort of trouble is Islam, and unless Islam comes and is in the ascendant with this teaching of universal brotherhood, there will be this sort of thing going on. With these few words, I oppose this Bill.

**Mr. M. Asaf Ali (Delhi: General):** Mr. President, I would not have intervened at all if my learned friend, Maulana Zafar Ali Khan, had not made a reference to me and to certain other members of my Party. Perhaps we owe him some explanation. First of all, I should like to point out that, although I happened to be on this Select Committee, due entirely to my own fault, it was not possible for me to attend the meetings of the Select Committee. I regret it for a good reason because I had some definite views on certain provisions of this Bill which I had not an opportunity of pressing at the proper time. But in so far as my learned friend, Maulana Zafar Ali Khan's complaint is concerned, let me assure him that he is looking at the whole thing from a wrong angle of vision. If he will look at this Bill, he will find that it aims at defining certain categories. We want to know who is a British Indian and who is a foreigner. That is all. We are doing nothing more in this Bill. Clause 2 of the Bill merely enumerates the various categories of foreigners and if you look at one of the amendments which I hope the Government will accept,—if you

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just look at one amendment proposed by a Member of our Party,—it makes it perfectly clear that members of various nationalities fall into various categories and it enumerates them as follows, namely, "who is not a British subject domiciled in the United Kingdom". We know who is a British subject domiciled in the United Kingdom. We certainly differentiate between a foreigner as such and a British subject domiciled in the United Kingdom, but it does not mean that a British subject domiciled in the United Kingdom is the same thing as an Indian national. Next, who is not a British Indian subject; again, who is not a ruler or subject of any State in India, or who is not a person duly appointed by a foreign Government to exercise diplomatic functions, or who is not a consul or a vice-consul. That means that we simply want to know who is who, that is about all, nothing more. Therefore, I do not see the force of my learned friend's complaint that persons belonging to my Party have lent their names to a measure like this. We are bound to support a measure like this; even if the Treasury Benches were occupied by you, you would require this information yourself. Therefore, I do not see any objection to our participation in the framing of this particular piece of legislation or our supporting it, subject, of course, to such amendments as we propose to move.

Now, the only other point to which I should like to draw the attention of the Government is a somewhat ticklish one. The Honourable the Home Member expressed his view on that point before this measure was referred to the Select Committee. I had given notice of certain amendments. One of these amendments sought to omit sub-clause 2 (a) (iii), namely, "any ruler or subject of any State in India". My purpose was quite simple. In certain States, British Indian subjects find it difficult to be treated as the subjects of those States. There is a discrimination observed in certain respects. In certain States, you will find that lawyers who are British Indian subjects are not allowed to practise. They cannot be enrolled as practitioners at all and you will also find an outcry in certain States that British Indian subjects who are employed as Ministers or as other employees should be replaced by State subjects. If that kind of discrimination is going to be observed, I see absolutely no reason why we should not bring the subjects of those States and even the rulers of those States under the category of foreigners. If they are going to treat us as foreigners I do not see why we should not treat them in the same way. The Honourable the Home Member said that one of our colleagues, Mr. Gadgil, had given notice of a Bill which sought to abolish this distinction between State subjects and British Indian subjects. I do not for a single moment suggest that I do not subscribe to that Bill. I am prepared to support it. I do not wish to discriminate between them. In fact, I feel that all nationals of India should be treated as absolutely equal but if the rulers of certain States begin to discriminate against British Indian subjects and their own subjects, I see absolutely no reason why Indian State subjects should not be treated as foreigners exactly in the same way as they treat us. That is a point on which I should like the Government to throw some light. If they hold out a guarantee that in the case of such discrimination being observed in any particular State the Government will intervene and see that this discrimination is not observed, I shall have no hesitation in supporting the Bill. Otherwise, I should certainly like to see a suitable amendment made. I should like to make sure that we, in our own country,



are not treated as foreigners. That is the point to which I wanted to draw the attention of the House and I hope I shall have a satisfactory answer.

**Mr. T. S. Avinashilingam Chettiar** (Salem and Coimbatore *cum* North Arcot: Non-Muhammadian Rural): I would like to bring to the notice of the House only two points. I would like to draw attention to the proviso to section 111 of the Government of India Act. Even so far as the United Kingdom is concerned, if there are any matters in which Indians do not have equal treatment in England, we are entitled to pass legislation to put a similar disability upon the people of the United Kingdom in this country. It must be much more so with regard to the citizens coming from other parts of the Empire. I inquired of the Honourable Member in charge of the Bill whether he can give us information as to whether Indians are required to be registered in any parts of the Empire and he told me, quite frankly, that he is not aware of similar provisions of registration but there are emigration laws which prevent Indians from emigrating into that country, which is much more than registration and we would like that in the case of countries in which Indians are not allowed to enter we should impose similar disabilities and treat them as foreigners under this Act. I do not want to take the House into a discussion of the countries which prevent Indians from emigrating to them. They have put various tests which effectively prevent Indians from entering those countries. I should like to suggest that people from those parts of the British Empire should be regarded as foreigners under this Act and I hope that amendments which will be moved to that effect will be accepted by the Government. I should like to refer to one other point touched upon by Mr. Ayyangar and that is clause 6. The wording of clause 6 is so wide that the Government of India can nullify the whole Act. According to this clause they can put the whole law out of gear. They can grant exemptions to any foreigner or class of foreigners. I am certainly against such wide powers being given to the executive, knowing as we do how these powers have been exercised by the Government in this country. And so I would like to urge the deletion of this clause. On the whole I think this measure is one which is good and which requires the support of this House. Sir, I support the motion.

**Mr. K. Santhanam** (Tanjore *cum* Trichinopoly: Non-Muhammadian Rural): I simply want to make one point. The acceptance of this Bill as it stands will mean that we are unilaterally accepting some sort of empire citizenship without a corresponding acceptance of the empire citizenship by the other parts of the Empire. I have no objection to our acceptance of empire citizenship if the other parts of the Empire accept the same definition. I am not anxious that they should give us complete facilities for emigration but at least for going on travel, on business, for studies and other things, if they are prepared to open their countries on the same terms as we open our doors to them, then we may have some definition of empire citizenship. There, I would like to say, any Canadian, Australian or any other member of any part of the British Empire may come and go about without any kind of restriction or reporting of his movements, while no Indian can even step into their country without being put to all sorts of restrictions. Therefore, we do not want either directly or indirectly to accept any sort of Empire citizenship and that is the one reason which should enable the Government to accept the change in the definition of foreigner. Unless the change in the definition

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is accepted, I am wholly opposed to this Bill. I would rather that this Bill is defeated or dropped rather than it should be passed in this form.

**Mr. M. S. Aney** (Berar: Non-Muhammadan): Sir, the only point which I want to make is a simple one. We find we are making now a new law with regard to the registration of foreigners in British India. I do not deny that there is a necessity of a law like that. Apart from any development of the international situation, any country which aspires to be a nation by itself ought to have some provision made for the registration of those whom it considers as foreigners. So a law like that is a necessity, but my difficulty in understanding this law is this. A law like this necessarily implies that there should be a definition of "foreigner" and for that purpose we are referred by this Act to the Foreigners Act of 1864; and when we take the Foreigners Act of 1864 it refers us to the British Nationality and Status of Aliens Act of 1914. I know that Act also. My contention is this. Why is it, when we are making a new law, that the law should not be self-sufficient by itself? If you really think that it is a good definition, reproduce it here. Why make a reference to that particular section and say that a foreigner must mean such and such as defined by such and such? Now, suppose we have adopted the definition of foreigner given in the British Nationality and Status of Aliens Act of 1914 in this law, and suppose that definition is changed or modified by Parliament tomorrow and this definition does not remain as it is today under the British Nationality and Status of Aliens Act, are we to suppose that a corresponding change has been adopted by this House without any special law?

**An Honourable Member:** Automatically?

**Mr. M. S. Aney:** If you keep the definition in the form as it is, it means that whatever definition they may make plus the acceptance which we have made in the Foreigners Act of 1864 is our definition. We have given them full liberty to deal with the definition of foreigners in the way they like. The dignity of this House and the intelligence of the Members of this House require that we should not take for granted a definition of "foreigner" made by somebody from their own point of view. If you have a very good definition, never mind, put it here. It shall be open to us to make any change we like, but let us not be tied to any changes that might be introduced into that definition. This is a rather anomalous position, I find. I think the matter should have been considered from this point of view by the Select Committee. Anyhow it is not too late to allow somebody to table an amendment to reproduce that amendment to be bodily introduced into this Bill. (*An Honourable Member:* "There is one in the name of Mr. Ananthasayanam Ayyangar already"). I am very glad to see that. So anyhow that is very important and when we come to that, you will see the immense advantage of having the whole definition reproduced here rather than that we should rest content with a mere definition in the title. This is the point I want to urge.

**Mr. Badri Dutt Pande** (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, I live in the borderland of Tibet and Nepal. They are my good neighbours, but I want to know whether they are foreigners or not. We experience many difficulties over there but although they are our neighbours, they do not treat us on equal terms. Many persons from my part of the country go for trade to Tibet and to Nepal also, and while we, *i.e.*, the Hindus only, can go up to Manoswarobar and Kailash and while the foreigners have to take a passport beyond the last stage of Garbiang, which is the last British outpost, and while the Hindus are allowed to go up to Manoswarobar and up to Kailash only,—of course others are not allowed—the Tibetans on the other hand can come to our part of the country without any passport for trade and so on. When our people go there, the Bhotia traders have to give some presents such as wine, tea and *sattu* to the Zongpong there. A feast is held for this purpose over there and three questions are asked from the Bhotia traders:

- (1) Is there any sickness in your country?
- (2) Is there any war, or not?
- (3) Is there any famine or otherwise?

These three questions have to be answered before trade relationships can be established over there. This is called the Gamgia agreement. What happens? This agreement and the replies are wrapped in a cloth and put in a cover with a piece of stone about three tolas on each cover and sealed. It is given to each party. If the replies are not up to the mark, then they are not allowed to trade and they have to pay a fine of three tolas of gold in case the answers are deceptive. The Gamgia agreement is recognized under treaty by the British Government over there. But when the Tibetans come down here, there is no such treatment meted out to them. They come and dump their goods upon us as they like. Of course, India has been the dumping ground of many foreigners, and still they come. These Tibetans, the beggars, the traders and the Llamas they all come, the Llamas with their revolving prayer wheels, they come and beg and steal and there is no restriction upon them, and while there is restriction on their side, there is none from this side. They can come into my district up to a number of two or even three thousand and there are no restrictions. Then there is the question of Nepal. My Honourable friend, Sir Raza Ali, has put in a note here as some doubt occurs to him about the definition of foreigners. He says:

"I take it that the Nepalese and people living in the trans-border territory to the North-West of our frontier are foreigners. Yet such large numbers of them visit British India that a registration of them is bound to give rise to practical difficulties. But according to my reading of the Bill, as amended by the Select Committee, the rule-making power is vested in the Central Government and will be exercised as the occasion or emergency may require."

He has pointed out that whether they are to be treated as foreigners or as Indians, they are treated as Indians here. And why not? From 1790 to 1814 the Gurkhas were the masters of the whole country from Kumaon to Kashmir and also on the eastern side. In 1814 they were defeated by General Ochterloney and a treaty was signed in 1816. Since then they are treated as the allies of the British Government and there are twenty thousand Gurkhas serving as soldiers in this land. During the war there were 40 battalions who acted as patrols in India and their officers used to live in Simla and in Delhi or somewhere near these places. If they had been shrewd enough, they could have taken charge of the whole of India and would have been the master of this country. But

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they were not shrewd politicians but were only hired mercenaries. So, this thing did not enter into their heads. They wanted Raxaul for all they did for India but ten lakhs were given to them instead of Raxaul and they were satisfied. Now, they do not allow us to enter into their territory although we are their neighbours and a relation of mine is a Rajguru in Nepal. We are allowed to enter their territory only at the time of Pashupati Mela and on other days we have to take a passport, when we go over there. There is a Post Office for them and also a hospital and they are provided free at our cost by the British Government. But when they come over here there are no restrictions on them. They are not required to take any passport. Now, why should there be this inequality? Most of the Gurkhas are my friends and it is not because of ill-will or enmity that I am saying this, but what I am asking for is equal treatment. If they are allowed to come to our country without any restrictions and without any passport, we should also have the same privileges when we go to their country.

**Babu Baijnath Bajoria** (Marwari Association: Indian Commerce): Then, you will create unrest and disorder there.

**Mr. Badri Dutt Pande:** They also create unrest and disorder here. Then, Sir, there is one other point which I would like to mention. Nepal charges customs on those articles that come through their country into British India but there is no corresponding duty levied on their goods. So they are the beneficiaries, because they are the friends of the Allies and of the British and there are 20,000 Gurkhas in India. Of course, these Gurkha soldiers are very brave though a bit cruel. So, they are given a preferential treatment and we are looked down upon, although we are their close neighbours, both by the Tibetans and the Nepalese. Then, Sir, although we have a British Trade Agent there, we are treated very superficially by that Agent. I have submitted a special case, relating to one Thakor Moti Singh and about whom I have asked many questions on the floor of this House. He was turned out by the British Trade Agent there while he was doing some business there without any rhyme or reason. A false story was concocted against him that he was trying to create trouble there. But the real story was that the Trade Agent was trying to smuggle away a Bhutanese woman and he interfered with his scheme of things. So, he was handcuffed by the British Trade Agent and was turned out from that place. No inquiries were made and neither the Deputy Commissioner was consulted nor the local officials were consulted nor the United Provinces Government was consulted. I inquired from the Premier of the United Provinces whether he was consulted that this man was an undesirable fellow. He said the only information he got was that the man was undesirable and he should not be allowed to enter into Tibet. That case I especially bring to the notice of the House. We are treated there as foreigners and we are insulted in these two territories which I have mentioned. What I want is that there should be reciprocity on both sides. This should be done by the rule-making power. We should be free to enter Nepal and they should be free to come to India as they are now. If there are restrictions, they should be applicable on both sides. With these remarks, I support the motion.

**Sir Syed Raza Ali** (Cities of the United Provinces: Muhammadan Urban): Sir, if I rise to speak at this early stage, I believe the only justification is that it occurs to me, having listened carefully to the speeches made

by various speakers, that there is a certain confusion of thought on the scope of the Bill. Foreigners either going to settle in another country or visiting that country for travel purposes are generally divided into two classes, and the laws of all civilized countries make a sharp distinction between these two classes. Firstly, there are those foreigners who go from one country with a view to settle in another. Such foreigners are usually dealt with by the immigration laws of the country to which they propose to go and in which they propose to settle. Secondly, there are foreigners who visit a foreign country temporarily and these temporary visits are generally regulated by an Act which makes it incumbent on those foreigners to give the necessary information to police authorities. Now, we should remember very distinctly that the question of immigration is not before us today.

**Mr. Huseebhai Abdullahhai Laljee:** We never get an opportunity to do anything for them and, therefore, we must take this opportunity to do all that we can for them.

**Sir Syed Raza Ali:** You are doing a wrong thing. If my friend wants to do anything for them, let me tell him that the best thing to do for him or for anyone of us who is interested in the subject is to ask the Government to frame rules under the relevant section of the Immigration Act of 1924.

**Mr. S. Satyamurti:** Why have they not done it all these years?

**Sir Syed Raza Ali:** I believe Mr. Satyamurti and I are to blame—he for five years and I for three months.

**Mr. S. Satyamurti:** I am not the Government of India. I have not brought the Bill.

**Sir Syed Raza Ali:** There is no question of bringing the Bill. The power is already there. The relevant section has already been read out and I need not read it again. But the power is already vested in the Government of India to make rules with regard to the immigration of foreigners.

**Mr. M. Ananthasayanam Ayyangar:** It is very restricted.

**Sir Syed Raza Ali:** I hold no brief for the Government. Government are certainly to blame but we also cannot escape from blame. Did anyone of us table a Resolution. . . .

**Mr. S. Satyamurti:** They have not accepted one Resolution of ours all these years. Not one.

**Sir Syed Raza Ali:** Any way, I do not think I should enter into a wordy warfare on this subject. My point is this. The power is there but the Government has not exercised those powers and, unfortunately, we have never asked the Government to exercise those powers. There the matter rests.

Now, if it is proposed to change the law governing the subject of immigration, it is open to us again to bring forward an amending Bill. I, for one, do not think it is necessary to bring forward an amending Bill, at

[Sir Syed Raza Ali.]

this stage, because if the Government exercise the powers that are vested in them with regard to the control of immigration, I believe our point will mostly be met. But let us see what the scope of the present Bill is, I am afraid that is the subject which seems to have been disregarded in the course of the debate today. The object of the present Bill is to have necessary and important information with regard to those foreigners who either are at present to be found in India or may visit India for temporary purposes. That is the main point really. If that is the object of the Bill and the object is quite clear, I do not think the points that were raised in the course of the debate this morning would be relevant. To begin with one of the speakers suggested that visitors from Tibet should be stopped. Some similar hints were thrown out with respect to visitors from certain Dominions which have got anti-Indian laws. I believe these two cases are to be normally distinguished. So far as Tibetans are concerned, if the picture painted by the last speaker is correct, then, we should certainly do everything in our power to have something like reciprocity between India and Tibet. I, for one, do not know what is the actual position. But if the information given by my Honourable friend is correct, I would certainly ask the Government of India to examine whether these Tibetans cannot be brought to their senses by making rules under the relevant sections of the Immigration Act. If Government find that the Immigration Act does not give sufficient powers, I think a fresh Bill should be introduced with a view to enable Government to deal with countries like Tibet.

**Maulana Zafar Ali Khan:** What about Kenya? What about South Africa?

**Sir Syed Raza Ali:** My Honourable friend interjects, "what about Kenya and South Africa"? There is a world of difference between Kenya and South Africa. Let me tell my Honourable friend that Indian emigration to Kenya has not been stopped. If you have the necessary amount of money, anybody can go to Kenya and settle there.

**Maulana Zafar Ali Khan:** You cannot go to the Highlands.

**Sir Syed Raza Ali:** You can certainly go to the Highlands, but you cannot purchase land there.

So far as South Africa is concerned, let us be quite clear what we are talking about. There is a whole world of difference between Kenya and South Africa. So far as South Africa is concerned, Indian emigration is totally stopped. The same is the case with Canada, Australia and New Zealand. Let me draw the attention of my Honourable friend to the fact that in spite of the fact that Indian emigration to South Africa, Canada, Australia and New Zealand, Northern and Southern Rhodesia is totally stopped, none of these countries have stopped Indians from visiting those countries on temporary visits—not one of them let me repeat. You can go and visit any of these countries you like. No doubt, unfortunately, the Union of South Africa has made certain humiliating rules with reference to Indians visiting that country. For instance, if you go there it is not enough for you to have a passport. You must have a special permit given by the Minister of the Interior through the Commissioner of Asiatic Affairs authorising you to land there or go from one province to another.

**An Honourable Member:** Can you settle there?

**Sir Syed Raza Ali:** I already said that there is no emigration now in force from India to South Africa. If my Honourable friends are unable to understand the ordinary meaning of the word, then there is no use my repeating it again. This Bill does not deal with emigration.

My point is that none of these self-governing Dominions, which are only nominally within the British Commonwealth of Nations but which enjoy actual sovereign powers have made, except South Africa, laws raising difficulties in the way of Indians visiting these countries. Some of them show a contrary tendency but others do not. This Bill, it is claimed, should really regulate only the temporary visits of people from these countries to India.

**An Honourable Member:** Is mention of the word "temporary" anywhere in the Bill?

**Sir Syed Raza Ali:** We will come to that when we take up the clauses of the Bill. What is the policy of the House with regard to visitors from other countries to India? That is the main point. That is really a question of principle. Let me tell the House that countries which have got good climate or are known for their architectural monuments or are noted for any other object of interest are spending huge sums of money with a view to attract visitors from abroad to those countries and see things there and spend some part of their time and leisure there. I know more about South Africa than any other country. I know something about Germany too. Germany, South Africa and Switzerland and France have been spending huge sums of money for propaganda purposes with a view to induce people to go to those countries. They are quite right in doing so. The visit of foreigners on a large scale brings large sums of money to a country. Now, what is going to be our policy? I may say at once that so far as I know, no Government is doing so little in this direction as, unfortunately, the Government of India. Very little is done by way of advertisements and propaganda by the Government of India to induce visitors to India from other countries. That is only by the way. The question is this. Are we going to isolate ourselves from the rest of the world and discourage visitors from foreign countries to our country. Personally, I may say that I am strongly opposed to such a course. I think there are immense advantages, apart from economic gain. These visits of foreigners should not only be encouraged but also multiplied.

Now, should Government insist that if a person is a foreigner, into the definition of which word I do not propose to go at this stage, he or she should give the necessary information about his or her arrival in India and about his or her movements in India? That is the main question before the House. I think that having regard to the scope of the Bill it is very necessary, if our claim, to be a civilised, enlightened and progressive Government, is a good claim, that Government should be in a position to have the necessary information with regard to those foreigners who are here or who may, hereafter, visit India. That is the main scope of the Bill. I am not going into the main points that are incorporated in the various clauses of the Bill but I would again very earnestly ask my Honourable colleagues to make a broad distinction between immigration on the one hand and temporary visit on the other.

**Mr. S. Satyamurti:** It is not "temporary visit": The Honourable Member is wrong.

**Sir Syed Raza Ali:** I do not think I will go into that at this stage because the proper time for that would be when we take up the Bill clause by clause. Sir, one thing more about the speech of my Honourable friend, Maulana Zafar Ali, and I have done. He raised two very important points which were absolutely irreconcilable and conflicting. First, he emphasised the universal brotherhood of man, an ideal in which I have very strong faith though most of the world does not, unfortunately for Maulana Zafar Ali and myself, agree with him and me. In spite of his pious hopes and in spite of my desires Hitler and Mussolini are going ahead with consolidating their power and it seems that the brotherhood of man is no more than a pious hope which may never be fulfilled in this world. Then, Maulana Zafar Ali Khan having emphasised the brotherhood of man went on to say, "What are we to do? There are these countries which have made discriminatory laws against us and are we going to take all that lying down?" This part of his speech cancels the first part. He starts with the brotherhood of man and then appeals to this House to take action against those countries that have got discriminatory laws against us, which he does in a spirit of aggressive nationalism, to which he is certainly entitled. I certainly do believe in aggressive nationalism when the time for it comes. But anyway my point is that the whole speech does not come to much, if I may say so, because the first part cancels the second part.

Sir, I support this Bill because I think that, having regard to the scope of the Bill, this is a subject which is entitled to our most serious consideration. As to whether its clauses are adequate or not and whether they require any amendment and modification or not are matters which we are entitled to go into when the Bill is taken up clause by clause. Sir, I support the motion.

**Mr. Bhulabhai J. Desai** (Bombay Northern Division: Non-Muhammadan Rural): Sir, in view of the numerous misapprehensions on the part of Honourable Members who spoke before me as regards the Bill and its contents and as regards some ideas on which there was some uninformed criticism about what we said, it is just as well that we first understood the true scope of the Bill and the extent which we are prepared to support it. I will not detain the House with extra-legal measures for the amelioration of the world at all; and, so far as that is concerned, my Honourable friend, Maulana Zafar Ali Khan, may take it from me that I am not here to deal with extra-legal methods of improving or regenerating the world. That course must be left to the world itself. But coming to our narrower world I am neither an aggressive nationalist, nor an aggressive internationalist either,—a nationalism or internationalism which will have its own meaning according to the colour of the individuals professing that faith.

Coming to the scope of the Bill itself, it deals with the registration of foreigners entering, being present in, or departing from, British India. And my Honourable friend, Sir Raza Ali, may take it that there is nothing in this Bill or its scope which deals with what he calls merely curiosity visitors to this country. In that point of view, I think he is entirely mistaken. Not only that, but I think I owe it to the House to point out that there is already an Act, being Act 3 of 1924, which regulates the entry into, and residence in, British India, of persons domiciled in other British possessions; and that will throw light on what I am going to point out as to why we make the exceptions we do. In that Act we are not dealing with foreigners properly so called, and section 3 of that Act provides that



the Governor General in Council may make rules for the purpose of securing that persons, not being of Indian origin and domiciled in any British possession, shall have no greater rights and privileges as regards entry into, and residence in, British India than are accorded by law and administration in such possession to persons of Indian domicile. So my Honourable friend, in spite of his long sojourn in South Africa, might probably have forgotten that there is a law which already enables this Government and makes a distinction which we are seeking to make in this Bill as regards persons of non-Indian domicile, but belonging to British domicile other than the United Kingdom domicile. My Honourable friend will see the distinction between the three, and it is that distinction which we wish to bring into this Bill quite clearly. If, for instance, the Government of India under the law have already the power to see that rules are made for persons of non-Indian domicile from South Africa, for instance, which is a British possession, being still of British domicile in the larger sense of the term and not United Kingdom domicile, when they come here, the Government of India are entitled to regulate their residence and entry and according no more privileges and rights than are accorded to us in Africa, that is to say, to persons of Indian domicile.

**Sir Syed Raza Ali:** I referred to Act 3 of 1924.

**Mr. Bhulabhai J. Desai:** I am only trying to point out that what is considered now is as important, having regard to the principle already established in that Act. So far as that Act is concerned, it deals with entry into and residence and privileges accorded to him. This Bill relates to the registration of such persons, at least some of such persons; and, therefore, it is important that here also we must provide that where a British dominion or colony discriminates against us, a citizen of that dominion must be one of those persons who would be liable to be registered and required to be registered.

**Maulana Zafar Ali Khan:** Modified sort of retaliation.

**Mr. Bhulabhai J. Desai:** No; it is not a modified way. We are entitled to retaliate under that Act. I do not understand the process of logic by which my Honourable friend says "Oh, yes; you may retaliate against him, but you may not require his registration." I thought registration was primarily intended for the purpose of seeing that every person who is here is thus identified: you know where he belongs; you know where his nationality is; you know what his domicile is. Having known that, it will give you ready-made material for the purpose of applying the Act of 1924 as and when you need to do so. I do not, therefore, see at all how my Honourable friend's solicitude for people who treat us badly that they should not have to be registered here . . . .

**Sir Syed Raza Ali:** That is not my position, at all. I must protest against what my Honourable friend is saying. I never said a word against registration.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member is not giving way.

**Mr. Bhulabhai J. Desai:** If it is a personal explanation, I have heard it. My only point is this, that all the half hour was not required if he says "I accept the Bill with the amendments that we are moving." Then, I fully appreciate the speech without at all accepting that that speech ever lent support to anything we are doing . . . .

**Sir Syed Raza Ali:** It is a case of "Will you walk into my parlour?"

**Mr. Bhulabhai J. Desai:** It is one of two things. Either my friend opposes what I am saying or accepts what I am saying. If he accepts what I am saying, then his speech is contrary to it. If he is opposing, then I am merely trying to persuade him that he is not right. The point is shortly this. We fully appreciate that this Bill deals only with registration. It does not deal, as my Honourable friend imagines, only with temporary residence. The two points are clear. The third point is that registration will enable us effectively to make rules for the purpose of a law which is already a part of the Statute law of the land, namely, dealing with non-Indian empire foreigners, not being United Kingdom men. Therefore, so far as that is concerned, my Honourable friend may take it that the definition as we give it is the one that is the only suitable definition. The definition which we wish to give is not by reference to the Act of 1864 on which I shall say only one word. The Act of 1864 was enacted in view, I believe, of the fresh memories of the Mutiny, and its main purpose was to give power to the Government to extern people who were foreigners within the meaning of that Act, including persons who are the subjects of Indian States: it was an Act which, after many years, was resuscitated both in the twenties and twenty-two's and in 1930, 1932 and 1933 for the purpose of externing all persons, being subjects of Indian States, who took part in the civil resistance movement: so that, that is an Act that had its own purpose and its own objective. Whether and to what extent that definition of foreigner should remain or should be amended as including therein subjects of Indian States is a matter on which we are not concerned just now. All we want to do now is to say who are the persons whose registration will help in times of emergency or otherwise for the purpose of administration of British Indian laws. That is the narrow point for the purposes of this Bill! and, for that purpose, what we submit to the House is that it would be perfectly proper to exclude from the term foreigner—first, we cannot help "who is not a British subject domiciled in the United Kingdom"—that is the Government of India Act—or "who is not a British Indian subject"—that is what we are—or "who is not a ruler or subject of an Indian State in India"—that is the extension, and that is not really provided for by the Act of 1864—or "who is not a person duly appointed by a foreign Government to exercise diplomatic functions"—my Honourable friend would probably come within that definition, if not today, some other day or "who is not a consul or vice-consul"—and we add and emphasise what is important in our amendment "but includes any person who is a citizen of any British Dominion or Colony, whose Government discriminates against Indians by legislation, by administrative action or otherwise." I, therefore, ask the House to see that we fully appreciate the scope of the Act and then require by the preliminary interlude for the purpose of telling us who are travellers and who are not travellers; but the fact remains that the Bill does not deal merely with travellers, nor does the Act of 1924 deal merely with travellers. It is the foreigner whether he is temporarily or permanently here, and, therefore, my submission to the House is this,

that for the purposes of registration the exceptions we have made are all the exceptions that are needed in the interests of correct behaviour and in the interests of aggressive nationalism, a principle to which my friend has given most emphatic assertion and adherence in this House, differing from Maulana Zafar Ali Khan, and also in the interests of administering our laws. That is the sole scope of the Bill, and we do not want to go any further.

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

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

**The Honourable Sir Reginald Maxwell:** Sir, any one listening to the debate which has just taken place would perhaps find himself under the impression that the interest in this measure was very largely centered in the aspect of securing equal treatment for Indians and the provision for taking measures of retaliation against any species of discrimination against Indians overseas. That is the aspect which has been most prominently brought forward during this discussion, but there is one thing of which I should like to remind the House prominently before they proceed to the further discussion of this measure, and that is, that in the object which Government had in view in bringing it before this House the defence aspect was of far greater importance than any question of mere discrimination or the means of retaliation against other countries. I think I am right in supposing that Honourable Members who have spoken on this measure, although so much emphasis was laid by them on the question of securing means for taking action against discrimination, most of them did have it at the same time at the back of their minds that this measure is in any case essential or may be essential for the safety of India. I don't say that it is today or tomorrow, but at some time or other it may be a matter of really vital importance to India that we should have a complete list of the aliens within our boundaries, and I would not have the House forget that aspect in concentrating too much on the other question, namely, our relations with the Dominions. I am obliged to my Honourable friend, Sir Syed Raza Ali, for relieving me of a considerable amount of explanation in regard to the scope of the Bill. He has properly understood its scope . . .

**Mr. S. Satyamurti:** Almost one, the only one, I suppose!

**The Honourable Sir Reginald Maxwell:** I won't say that other Honourable Members have not really understood it, but they have not perhaps concentrated to the same extent in bringing it out in their speeches.

The scope of the Bill, I would remind the House, is to afford means of registration of persons who are not British subjects at all but who are aliens, that is to say, persons who own no common allegiance or status with Indians in the British Commonwealth of Nations, persons who have no claim on us at all and might, at some time or other, come within the definition of enemy aliens. Those are the persons whom we really had in view in drafting this measure, and any attempt to extend the Bill to persons resident in the Dominions or Colonies, who are at no time likely to owe a

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different allegiance or to become enemies of India, is really an extension of the scope of the Bill beyond what is really necessary in a measure of registration. I shall return to that point in a moment. But as I explained during the debate, which took place on the previous motion for consideration of the Bill, this Bill aims at registration, and not control, that is, its primary object is limited to the simple purpose of obtaining information about aliens present in our midst, how many they are, of what nationality, and what they are doing. Now, I should like to point out to the House that registration is not an end in itself, but it is a means to some other known end which can be achieved by law. Therefore, Sir Raza Ali was quite correct in remarking that the general question of immigration does not really come within the scope of a Bill providing for registration. Registration might, for the purposes of argument, be regarded as incidental to immigration, but immigration is a thing which would have to be achieved by entirely different legislation and can be considered as a thing quite apart from the mere question of obtaining a list of certain persons. Incidentally, I would remark here in regard to what Sir Raza Ali said,—I think it was questioned by one Honourable Member,—that most of the persons, either foreigners or residents of the Dominions, who are present in India at any one time, are only temporary immigrants. That is, so far as I know, a comparatively small proportion of such persons settle down in India for good. Therefore, Sir Raza Ali was quite right in saying that the question of temporary visitors was a distinct one from the question of regulation of immigration that is, immigration for the purposes of permanent residence. This House has full competence to pass legislation restricting immigration into India and might, at any time, do so if it proved to be necessary, but that is not a matter which we have to consider today. Two Bills have already been introduced in this House, one by Mr. Mohan Lal Saksena and another by Mr. Deshmukh which have connection with the regulation of persons not domiciled in India. Mr. Mohan Lal Saksena's Bill is the Overseas Indians Reciprocity Bill, and Mr. Deshmukh's Bill is the Reciprocity Bill, as he calls it. These Bills have the direct object of imposing disqualifications or restrictions of various kinds on the subjects of States or Dominions where discrimination is exercised against Indians, and if it is the object of the House to deal with a matter of that kind, legislation of that sort is, I submit, the proper way to deal with it. Apart from any such object, mere registration of any class of persons becomes merely a gesture . . . . .

**Prof. N. G. Ranga** (Guntur *cum* Nellore: Non-Muhammadan Rural):  
You make a beginning.

**The Honourable Sir Reginald Maxwell:** The real question is how far registration is necessary as a means of the particular end which we have in view. As I say, registration by itself does nothing; it is a means to an end, a known end which we must be able to define. In regard to foreigners, the reason why we wish power to register all foreigners is that at any time in war it might be necessary to take action against all foreign nationals of a particular kind without any further distinction between them. Therefore, if we are to be in a position to take any action which might, at any time, suddenly become necessary in war, we must at all times be in possession of information regarding the numbers and places of foreigners of each nationality separately, and that is the object, the primary object

which the Bill is intended to achieve. But if the object is merely restriction of privileges of a certain kind, or, we will say, control of the inflow of foreigners or other persons into certain professions in India to prevent them from competing with Indians in those professions, then we can equally well achieve it by direct legislation. Then our object would be confined to a limited category of persons. If we wish to control all persons entering, say, the medical profession, or the legal profession, we can make our measures apply only to persons in those professions and we can pass measures preventing certain persons from practising those professions in this country if we desire to do so. But there is no essential reason why we should, for that purpose, want to register all the visitors belonging to those countries who come to India for any purpose whatsoever including temporary visitors who are merely birds of passage. That is what I want to impress on the House, for in considering a Bill of this kind we have to keep in view the definite purpose for which registration will be useful; otherwise, we are giving ourselves a great deal of trouble for no definite end.

As regards the amendments which have been put down for the purpose of enlarging the definition of a foreigner, I should like to remark generally to this House that definitions which depend on any contingent qualification such as discrimination in a particular country do not afford a firm basis for action; they are not working definitions at all.

**Prof. N. G. Ranga:** This is also contingent. You do not have any war now. You have no enemy.

**The Honourable Sir Reginald Maxwell:** I am speaking at present of a person who tries to apply a definition of the kind which appears in some of the amendments designed to enlarge the scope of the Bill. Some of these amendments made the liability to registration contingent on some species of discrimination exercised in another country.....

**Mr. S. Satyamurti:** What about No. 1 amendment?

**The Honourable Sir Reginald Maxwell:** I am coming to that. I am speaking first of all with regard to this particular class of amendments. Supposing you have a Bill requiring you to impose registration against, we will say, residents of Dominions where discrimination of a particular kind is practised against India, then before you can apply your definition against any individual, you will have to hold an enquiry into the particular kinds of discrimination which are exercised in the place where he comes from and whether that discrimination is of such an extent as to make him liable to registration under this Act or not. No one that has to work this Act from day to day can possibly proceed on a definition which does not afford a clear rule of guidance for dealing with all persons of this description. (Interruption.) I am just pointing out the difficulties which would arise in the actual operation of any definition such as some of the amendments which have been put down suggest.

I was going to say before my Honourable friend, Mr. Satyamurti, suggested it to me, that the first amendment which is put down is not open to that particular class of objection. That is the amendment which Government could most easily accept if the House strongly desires it. But before it is moved, and while we are still considering the general

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principle on the motion for consideration, I should like the House to consider some of the objections which I see to any such enlargement of the definition of a foreigner. I have already mentioned that it takes us considerably beyond the original contemplated scope of the Bill, but that does not matter so much. What I want now is that the House should consider the practical implications of an enlargement of that kind of the definition. Firstly, it involves the adoption of definition of a foreigner which is different from that adopted in the Foreigners Act. This Bill is to a large extent designed to supplement the Foreigners Act, and so if we accept this new definition here, we are left with the position that, for instance, a person can be a foreigner for purposes of registration but he is not a foreigner for purposes of deportation under the Foreigners Act. That, to my mind, is an objection to what the Honourable Members want to do in pressing this amendment.

**Prof. N. G. Ranga:** Amend the other Act.

**The Honourable Sir Reginald Maxwell:** But the Foreigners Act is not before the House at the moment.

I wish now to turn to the definition of a foreigner which has been adopted in the Foreigners Act. My Honourable friend, Mr. Aney, rather protested against our adopting a definition which depends on any outside authority, and the Foreigners Act, I admit, does refer to the British Nationality and Status of Aliens Act. But at the same time, I should like the House to reflect that this British Nationality and Status of Aliens Act is of some value to Indians in their journeys about the world. It is an Act which confers a common status on Indians in the Dominions as well as on Dominions residents in India. It is not binding on India alone as any definition framed by ourselves would be. Under the British Nationality and Status of Aliens Act, an alien is a person who is not a British subject, and a British subject means a person who is a natural born British subject and certain other classes of persons with whom we are not now concerned, and a natural born British subject is a person born within His Majesty's Dominions and allegiance. Therefore, so long as this definition stands in the British Nationality and Status of Aliens Act, an Indian can proceed about his business anywhere in the world, whether in foreign countries or in the Dominions, with the status of a British subject. I should like the House to reflect that when there are so many more Indians in the Dominions than there are Dominion subjects in India,—whether it is not wiser to take our stand on a common definition which brings both British Indians and Dominions subjects under one umbrella.

**Mr. S. Satyamurti:** A very leaky umbrella. So far as we are concerned it is all holes.

**Another Honourable Member:** No umbrella.

**Another Honourable Member:** They do not want us to enter.

**The Honourable Sir Reginald Maxwell:** If you say to another person "I do not want to stand under your umbrella", he will say, "then go out into the rain", and that does not help you.

**An Honourable Member:** That is much better than your leaky umbrella.

**Another Honourable Member:** They are all holes.

**The Honourable Sir Reginald Maxwell:** There is a definition which gives a common status both to Indians and to other Dominion subjects, and the House will have to consider what the implications would be of departing from such a definition,—whether you would not give a handle to others to say, “ You treat us as foreigners. Why should we give you such privileges as you claim under the guise of a British subject?”

**An Honourable Member:** What are we getting in South Africa and Canada?

**The Honourable Sir Reginald Maxwell:** Now, I turn to a different question and that is the application of the Bill to residents of Indian States. That question was raised by Mr. Asaf Ali. As regards the residents of Indian States, he is no doubt acquainted with the provisions of section 262 of the Government of India Act which declare that no person who is not a British subject shall be eligible for service under the Crown in India and special declarations are necessary to make such subjects of States eligible for service under the Crown. Of course, that does not extend to the practice of various professions in the States or the permission of State subjects to practise professions in British India. If discrimination of those other kinds is wanted, the Government of India would certainly be competent to legislate as regards British India only but, of course, they would not be in a position to compel the Indian States to remove any barriers which they had set up against the freedom to practise of British Indians who are residents in those States. But at the same time, this is hardly the time to attempt to set up more fixed barriers than already exist between British India and the States. As every one is aware, we are now in gradual process of removing barriers between the States and British India in the hope that some day or other they will be able to work together as a united nation and I do not think that this is the time to take a retrograde step and begin treating the residents of States as foreigners for purposes such as those contemplated in this Bill. And at the same time, as has been mentioned in the course of the debate, one Honourable Member on the other side, Mr. Gadgil, has already brought in a Bill to amend the Foreigners Act in order to exclude residents of the Indian States from the definition of foreigner and at the same time I notice that Mr. Mohan Lal Saksena's Bill, to which I was referring just now, expressly excludes Indian States from its scope. So there is evidently no unanimous opinion on that side of the House that the subjects of Indian States should be regarded as foreigners for purposes of British Indian legislation.

**Mr. M. Asaf Ali:** On a point of personal explanation. I can assure the Honourable Member that there is complete unanimity so far as the discriminating States are concerned. We do not want discriminating States to enjoy any privileges in British India which we do not enjoy in their States.

**The Honourable Sir Reginald Maxwell:** That feeling is not reflected in the two Bills to which I have made reference. But anyhow I have already, in the course of the previous debate, pointed out the very serious practical objection which there would be to the application of any form of registration to the residents of Indian States. Firstly, there would be the objection which I pointed out a moment ago in regard to the discrimination clauses generally, namely, that it would be impossible for any one, dealing with a state subject, to make himself familiar with the entire system of legislation within that State in order that he might know whether he was legally empowered to register a person or not. And, secondly, there is the point that it would be extremely difficult to distinguish residents of Indian States from residents of British India; and where obligations are imposed, for instance, on shipping companies or transport companies or on hotel managers, to perform certain functions in regard to persons liable to registration, it would be imposing an extremely difficult task on them to require them to make themselves familiar with the exact State from which any particular person hailed and the state of legislation within that State.

Now, to go back to the first amendment and the proposal to include British Dominion subjects with the scope of the Bill, the possibility of accepting an amendment of that kind depends very largely on the freedom which is allowed to the executive Government by clause 6 of the Bill to exempt various classes of persons from the operation of the Bill. I must say at once that there would be no point in starting a register of residents of Dominions unless it were for the definite purpose of applying some known Act against them and that Act could not be applied without a complete register of their names. Therefore, supposing this amendment were carried, I must make it clear on behalf of Government that we should normally use our power of exemption in favour of Dominion residents in exactly the same way in which we propose to use it in the case of subjects of neighbouring friendly States. I explained before that this exemption provision was extremely necessary because otherwise we should be confronted with the necessity of preparing a register, for instance, of 300,000 Nepalese and various other large numbers of persons who ordinarily enter the boundaries of India from the surrounding States. Well, amendment No. 1, if carried, would put Dominion residents in the same category as the residents of these surrounding States, that is, they are persons who could be registered if the occasion should ever arise, and that answers the point made by one Honourable Member that they might, at some time or other, become hostile. That, I say, the Bill permits us to do. They are not by any means excluded from the scope of the Bill. The question whether they should be registered or not will depend on the circumstances in which Government might find themselves at any moment. If the surrounding countries were likely to become hostile, Government could certainly undertake their registration but we do not want to saddle ourselves with an enormous task of that kind to an extent greater than is really necessary for practical requirements. I do not think I need reply in detail to the other points raised during the debate because they mostly relate to the same subjects. I wish it to be understood that if, after hearing what I have had to say about the proposal to extend the Bill to residents of the Dominions, etc., if Honourable Members still feel that it is essential that power should be taken to register them, then Government will not oppose that amendment. But



I should ask Honourable Members to reflect seriously on what I have said in regard to the objections to such a course. I do not feel myself that it would be the right course but it does not very greatly interfere with the operation of the Bill, always provided that it is understood that Government will have to use their judgment in regard to the exemptions which are allowed.

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

"That the Bill to provide for the registration of foreigners in British India, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

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

"That clause 2 stand part of the Bill."

**Mr. M. Ananthasayanam Ayyangar:** Sir, before I move my amendment, I should like to have your permission to make a formal change. If you will see the amendment, you will find that the words "who is not" are to be found at the beginning of each of the five items mentioned there. I have been told by the draftsman that it is more proper that the amendment should read:

"shall denote a person who is not—

- (i) a British subject, etc.
- (ii) a British Indian subject; or
- (iii) any ruler or subject of any Indian State, or
- (iv) a person duly appointed by a foreign Government to exercise diplomatic functions; or
- (v) a consul or a vice-consul . . ."

**The Honourable Sir Reginald Maxwell:** May I interrupt the Honourable Member and suggest "a" for "any" before "ruler"?

**Mr. M. Ananthasayanam Ayyangar:** And I also suggest that in place of the word "any State in India" there should be substituted the words "any Indian State"—because "an Indian State" is a phrase defined in the Government of India Act, and "any State in India" is not a term used in the Government of India Act. If this also is acceptable, I move it in this form

"That for sub-clause (a) of clause 2 of the Bill, the following be substituted:

(a) the word 'foreigner' shall denote a person who is not—

- (i) a British subject domiciled in the United Kingdom; or
- (ii) a British Indian subject; or
- (iii) a ruler or subject of an Indian State; or
- (iv) a person duly appointed by a foreign Government to exercise diplomatic functions; or
- (v) a consul or a vice-consul'."

**Mr. Deputy President (Mr. Akhil Chandra Datta):** As this is merely a verbal change, the Chair thinks this can be allowed. (*Voices:* "Yes, yes.")

**Mr. M. Ananthasayanam Ayyangar:** Sir, with very great respect to the Honourable the Mover, I beg to submit that this does not enlarge the scope of the definition in the Bill. The Bill refers in the Statement of

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Objects and Reasons to the Aliens Act of 1914. The preamble there says that in case of emergency or in case of war particularly, registration shall be effected and particulars shall be collected with respect to the movements of foreigners from place to place in the country or in the case of those imported from outside. These are all emergency powers under the British Act. But unlike the English Act the present Bill contemplates to have this as a normal system coming into operation almost during normal times and made applicable not only to persons who are at war with the British Government in India but to all other friendly States also including independent States in India as Nepal. Therefore, I am not enlarging the scope of the Bill by introducing a definition of foreigner so as to include the residents of the Dominions also.

As a matter of fact, in the Statement of Objects and Reasons, the Honourable Member has set out that the object is not only to bring in aliens in case of emergency but also to collect information so that when their friends and relations in foreign countries want to send assistance to them they may know their whereabouts in this country, their trade relations, etc., their properties in case of death without any successors in this country and so on, because such information, at present, the Government is not able to provide to the friends and relations of these foreigners. They say this is purely a matter of registration, and that the registration of various persons who are not natural-born or Indian-born British subjects will be useful in various ways; for instance, such a census can be used for various purposes. They say that it is desirable that the Government of India should also be, at all times, in possession of similar information, not only because it may be required for the purposes of national defence but also because in its absence it has, from time to time, been impossible to reply satisfactorily to questions asked in the Legislature and much difficulty and inconvenience has also been experienced in replying to inquiries as to the whereabouts of foreigners in India which have been received from their relatives. Therefore, it is idle now to contend that this is only an emergency measure and that, if we would now enlarge the scope of this definition, the Dominions may think that thereby we have given notice of war operations against those Dominions. That is far from the intention of the framer of the Bill and I am sorry the Mover of the Bill is now trying to restrict the scope of the Bill. Even with respect to the Act III of 1924 under which powers have been given to the Central Government here to adopt measures of reciprocity against subjects of Dominions which are imposing restrictions and adopting discriminating laws and curtailing the privileges of Indians in the Dominions if similar measures have to be adopted in India how are the provisions of that Act to be brought into operation, unless the Government has got the information ready at its doors.

Sir, all along, since the 1924 Act was passed, that has not been put into operation at all from 1924 to date, fifteen years, and though discriminating pieces of legislation have been undertaken in the various Colonies and Dominions, we here have been sitting with folded hands, partly because the Government have no information about the whereabouts of foreigners and partly because the Central Government is not inclined to move in that direction. Therefore, there is no harm in having a register under an enabling Statute of all those who are not Indian subjects with the exception of British subjects domiciled in the United Kingdom. Of course, I do not

suggest that we should have men of the C. I. D. dogging their footsteps and making their lives intolerable or impossible. As a matter of fact I know in 1921 or 1922 when I went to Hyderabad how, when I was putting up with the Government pleader of Hyderabad, a man stepped forward and made some inquiries of me but, of course, he was satisfied as I was putting up with the Government pleader, but when the Government pleader sent me afterwards to a hotel the hotelkeeper asked my name, my father's name, my whereabouts, how long I would be there and so on and so forth. So what is the harm? If strangers come in, let us know who the strangers are, what their avocations are and so forth, for various purposes of our own. The Honourable Member referred to the Naturalization and Status of Aliens Act of 1914 of the United Kingdom for the purpose of showing to us that whereas Indian subjects, by virtue of that Act, become British subjects having large powers and privileges all over the world where the sun never sets, we should not seek to try to curtail those privileges of others which we have elsewhere by imposing restrictions.

I would ask the Mover of the Bill to refer to section 26 of the Status of Aliens Act; this does not confer any boon upon our country. We are helots within the British Empire,—slaves and untouchables. Section 26 is written in large letters and confers particular powers on Dominions and British possessions, whoever may be so inclined, to put any ban on any class of British subjects. That clause was intended against us, not against the Negroes of Africa, not against the Red Indians of America, but against us, who are the only dark people within the British Empire who are struggling and who are too numerous to be shut down. So long as section 26 is there, there is no consolation. We have been sleeping over our rights and we should long ago have passed legislation stating that the men of the Dominions are not our friends and relations but are foreigners. They must have their credentials in this country and they must not be allowed to move from place to place as they like. Sir, section 26 says :

"Nothing in this act shall take away or abridge any power vested in, or exercisable by the legislature or government of any British possession, or affect the operation of such a power, or prevent any such legislature or government from treating differently different classes of British subjects."

Is anything more necessary? The mother-country tells the daughters that the mother-country wants to be apparently hospitable to their children who may be dark, black, brown or white and bring them all under one umbrella and wants to protect them from being drenched in rain but also tries to give the Dominions ample powers to keep the dark men where they are. I ask the Honourable the Mover of the Bill, if there is a single exception of any important Dominion which has not taken advantage of section 26 and passed restrictive measures against us? Sub-clause (2) of section 26 runs thus :

"All laws, statutes and ordinances made by the legislature of a British possession for imparting to any person any of the privileges of naturalization to be enjoyed by him within the limits of that possession shall, within those limits, have the authority of law."

Thus, this law by virtue of section 26, confines itself to the corners of the British Isles, the United Kingdom. With respect to others it is only advisory and not mandatory. In the absence of any law, this law will prevail. But other Dominions have been too shrewd and have been passing laws and will continue to pass laws in spite of Sir Syed Raza Ali having been there for three years and yet telling us that they are all good people. I am sorry, that after his long experience of segregation laws in the Union

[Mr. M. Ananthasayanam Ayyangar.]

of South Africa that have been passed against the Indian nationals in that country, whose interests were entrusted to him, he is giving us an advice of moderation. After all, what is it that we want to do? We want to register the people who come from abroad. Should we not tell them, at least, this much, that we have 2½ lakhs Indians in South Africa whose details they have got and, therefore, we would also like to have the details of the South African people who are here? We do not know at present where they are; how many of them are Civilians; how many of them are District Magistrates; and whether they are in the heights of Simla or in the heights of Ooty or are also getting scorched just as we are in the dry parts of India? The Government have no information on all these points. Is it bad to have information on all these points? What are the restrictions we are trying to impose? Are we starting an agitation against them to the detriment of 2½ lakhs of Indians who are in South Africa? He must be only a blind man who will try to put such a construction upon them. That is not our object at all. We want to know in a friendly spirit as to who are our friends and who are our foes. A friend of yesterday may become a foe tomorrow and *vice versa*. Therefore, I am not trying to enlarge the scope of this Bill. My amendment is not in conflict with any known principle. I am not trying to denounce the British nationality which has been conferred upon me or my ancestors or my children. Of course, I do not want my children to be British subjects.

Then, Sir, the Honourable the Mover of the Bill said that this Bill is intended to be an amendment or an appendage to the Foreigners Act of 1864. If so, I would have expected that this Bill should have been brought as an amending Bill to the Act of 1864. Why was it not done? Evidently, the Honourable the Mover thought that the scope of this Bill is something different. A number of rules have to be framed which may be convenient for references and for various other purposes, so that they may not get a colour of emergency as was the case with the Act of 1864. I may also inform the House that no section from sections 6 to 14 of that Act has yet been brought into operation. They are all emergency measures, that is, measures dealing with the need for having licences for aliens in this country before they can move from place to place and district to district. The Honourable the Mover, as is apparent from the Statement of Objects and Reasons and also from the fact that he has not introduced this Bill as an amending Bill to Act III of 1864 but wants to have it absolutely separate from that Act, wants to use this not only during the times of war but also during the times of peace. Therefore, we have a different definition of "foreigners" in this Act, and this is not inconsistent. There is nothing in this Act which requires a reference to the Act of 1864 except a reference to the definition portion. So far as the operative portions are concerned, this has nothing to do with the other Act. Therefore, to say that this amendment is brought in for the purpose of curtailing the scope of this Act, is very far-fetched and we need not be troubled with that reason.

As regards the temporary nature of those persons who come and settle down here, I would like to say a few words regarding that objection which was raised by my Honourable friend, Sir Syed Raza Ali, and which was also appreciated to a large extent and referred to by the Honourable the Mover of the Bill. May I ask if all these missionaries who have come to our country and settled down here for centuries from America and Germany are temporary or permanent? Let me tell the House that they are not

*Sanayasis*. They are all married people and have got their children and yet they have stuck to their American nationality. Then, the Germans have been here for more than 150 years. They have been here ever since I was a boy and will continue to remain here till everyone become Christian. These people are erecting huge buildings. They have stopped constructing schools for the purpose of imparting education but they have started dispensaries and hospitals so that more Christianity may flow in the mixture. I do admire them and I have the greatest regard and respect for them, but are they the permanent or temporary residents of our country? I do want that these persons who came to our country in the garb of preachers of religion should be allowed to go as they please. Then, take the German Insurance Company, Allianz und Stuttgarter. Is it a permanent resident or a temporary resident? How much money is temporarily going away to Germany? It does not go there temporarily but permanently, as we all know. It never comes back from there. Why should not these persons be registered? I had to run up to the huge Oxford dictionary to find out the meaning of 'temporary' in order to find out if this is the significance that the word 'temporary' has for such persons who are residents here. Sir, they are permanent. There is nothing in the scope of the Bill or in the preamble or the various clauses to say that this Bill is only temporary and not permanent. Life itself is transient and we are trying to legislate for what happens or appertains at present. Let us think of the future when it comes. This is a Bill which is necessary and it is very modest in its operation. The census operations take place once in ten years and we should also have a permanent census of these aliens. Of course, as I said, our friends of today become foes tomorrow and our foes of today become friends tomorrow. The fact of the matter is that they are foreigners in this country with the exception of our English friends who are represented by our silent European Group today. They are very silent today. I believe their silence means consent and I hope they will whole-heartedly support my definition without thinking that it is restricting or enlarging the scope of the Bill. Sir, I move:

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

"That for sub-clause (a) of clause 2 of the Bill, the following be substituted:

'(a) the word 'foreigner' shall denote a person who is not—

- (i) a British subject domiciled in the United Kingdom; or
- (ii) a British Indian subject; or
- (iii) a ruler or subject of an Indian State; or
- (iv) a person duly appointed by a foreign Government to exercise diplomatic functions; or
- (v) a consul or a vice-consul'."

**Babu Baijnath Bajoria**: Sir, the amendment moved by my Honourable friend, Mr. Ayyangar, is no doubt an improvement on the provisions of the Bill. But I should like to make a few remarks. I do not like that the Nepalese should be registered.

**Mr. M. Ananthasayanam Ayyangar**: On a point of personal explanation, Sir. I have not made these Nepalese foreigners. The Mover of the Bill did it. Please do not throw the blame at my doors.

**Babu Baijnath Bajoria:** I am not blaming you. The Nepalese are not British subjects. We are proud they are not. I am proud that this is the only independent Hindu kingdom. We are all fighting for our independence and we want to be independent like the Nepalese. My point is that Nepalese are first and foremost Indians pure and simple. They are the descendants of the Rana of Udaipur. The Nepalese are preserving the Hindu culture and Hindu religion and I think it is very unfair to treat them as foreigners. Tens of thousands of them come to British India as labourers. I have got some experience about them. They come in hundreds and thousands bringing goods from the forests to the bordering British Indian villages. Are they to be registered? I am making these submissions so that the Honourable the Home Member might exempt them under clause 6. I submit it will be absolutely impossible to register all these labourers who come to work. There is another practical difficulty in registering them. Nepal border runs about several hundreds of miles alongside the Indian border. I know that in some villages one side of the road is British side and the other side Nepalese. Do you mean to say that those Nepalese who cross the roads on business should be registered every time they come and go?

**The Honourable Sir Nripendra Sircar (Leader of the House):** Yes.

**Babu Baijnath Bajoria:** Then they will have to be registered half a dozen times a day.

**The Honourable Sir Nripendra Sircar:** If they have nothing else to do but keep coming and going.

**Babu Baijnath Bajoria:** It is not for pleasure that they come. They come on business. I submit there will also be difficulty about people living in Chandranagore or Pondicherry. I know something of Chandranagore, though not of Pondicherry. Daily hundreds of people from Chandranagore go to Calcutta to earn a living. I think the Honourable the Leader of the House will bear me out. Are they all to be registered? I was very much surprised that some Honourable Members referred to Indian State subjects. We all want one United India that there should be no difference between British India and Indian India.

**An Honourable Member:** What about Rajputana?

**Babu Baijnath Bajoria:** I am glad that a major part of Rajputana is Indian India.

**An Honourable Member:** Why should you be glad?

**Babu Baijnath Bajoria:** Yes, I am glad. I am very much against all this agitation against Jaipur fomented by the Congress. (Interruption.) I know that some of my Congress friends are taking exception to my remarks. But I must say that what they are doing in Jaipur and other Indian States is not meeting with the approval of the residents of those places.

**Mr. Deputy President (Mr. Akhil Chandra Datta):** The Honourable Member will now come to the amendment.

**Babu Baijnath Bajoria:** I have to reply to all the interruptions.

**Mr. Deputy President** (Mr. Akhil Chandra Datta): The Honourable Member has already replied, and he will now come to the amendment.

**Babu Baijnath Bajoria:** I quite agree that South Africans and people in other Colonies, where Indians are treated not like human beings but like dogs, should be registered.

**Mr. Sri Prakasa** (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Does the Honourable Member know how dogs are treated in New Delhi? They sit on the laps of ladies.

**Babu Baijnath Bajoria:** I may inform my Honourable friend that an Honourable Member of this House has got a dog which is becoming more famous than the Honourable Member himself. I quite appreciate that we must register foreigners especially in view of the fact that war clouds are hanging in the horizon and we do not know when these clouds will break out and where the war, if it comes, will lead to. We must have a list of foreigners so that we may be able to take stock of them and treat them as they deserve when any war breaks out. As I was submitting, the Nepalese should not be classified as foreigners. They should not be included within the scope of the Bill. (Interruption.) I take exception to the remarks of my Honourable friend, Pandit Badri Dutt Pande, against the brave Gurkhas. I trust the Honourable the Home Member will take note of what I have said and will see that these Gurkhas and these Nepalese will not be unnecessarily harassed by the provisions of the Bill. With these words, I support the amendment.

**Mr. S. Satyamurti:** Sir, I rise to support the amendment. In the course of the speech, which my Honourable friend, the Home Member, delivered on the previous motion that the Bill as reported by the Select Committee be taken into consideration, he anticipated this amendment and told us that Government would have no objection to accept the amendment, but he added one very important condition which, in my judgment, destroys the effect of this amendment. He told the House that, if the amendment was accepted by the House, he would give a warning to the House that in the exercise of the powers proposed to be vested in them under clause 6 which says:

"The Central Government may, by order, declare that any or all of the provisions of the rules made under this Act shall not apply, or shall apply only with such modifications or subject to such conditions as may be specified in the said order, to or in relation to any individual foreigner or any class or description of foreigner", the Government would nullify the effect of the amendment. He told us that, even apart from the passing of the amendment by the House, Government would exempt all these people from the various Dominions and Colonies from the operation of this Act.

**The Honourable Sir Reginald Maxwell:** Unless it actually became necessary owing to any proposed action or measures.

**Mr. S. Satyamurti:** Now my Honourable friend says that they will introduce registration for such foreigners and treat them as foreigners from the Dominions if any subsequent action makes it necessary. Now, Sir, I do not know if my Honourable friend is ignorant or closes his eyes

[Mr. S. Satyamurti.]

to facts. Our contention which we put forward in the amendment and ask the House to accept is that today, here and now, we are treated worse than foreigners,—I repeat, not as aliens or foreigners but worse than foreigners,—in most of the Dominions and Colonies and the possessions of the British Commonwealth of Nations. Therefore, we say that there is need and there is justification here and now for the people of all these Dominions and Colonies, who discriminate against us in any manner, to be registered as foreigners. No doubt the amendment moved by my Honourable friend, Mr. Ayyangar, does not contain the defect which my Honourable friend very rightly pointed out in the later amendment in which there will be cast upon Government or whoever has got to decide the somewhat difficult and delicate task of deciding which Colonies or Dominions discriminate in the manner prescribed. But luckily for him and for this House this definition clears up that difficulty altogether; it does not include citizens of any Dominion, Colony or possession. My Honourable friend, Mr. Bajoria, speaking on this amendment practically begged of the Honourable the Home Member to exempt all Nepalis and similar foreigners from other Indian States, and he put forward the argument with great gusto that this is an independent Hindu State and, therefore, we as Hindus must vote for it. For two days, Sir, we have heard here the argument that this House must be divided between Hindus and Muslims, Hindus voting for Hindu causes and Muslims voting for Muslim causes. Sir, I refuse to accept that argument at all. We, as Members of the Indian Legislative Assembly, are Indians and must speak and vote as Indians. Whether we are Hindus or Mussalmans has absolutely no relevancy or significance. And because a Hindu has raised it, I as a Hindu have no hesitation in condemning that attitude unreservedly. Nepal may be an independent Hindu State, but it is a foreign State. India must stand for Indians first and Indians last; and if the Nepalis are willing to help the British power, on payment of 20 lakhs of rupees a year, with a number of mercenary soldiers to keep us down, there is not much love lost between me and Nepal. What is it doing? Nepal is the happy hunting ground of British Imperialism in this country to recruit mercenaries year after year, pay them 20 lakhs and keep us down. That is what Nepal is doing here. I do not want to raise any passions against them but whether it is Nepal or Afghanistan, whether the State is Muslim or Hindu, India must be our first and last thought.

**Babu Baijnath Bajoria:** Sir, on a point of personal explanation, I did not propose this because Nepal is a Hindu kingdom but because it is a part of India geographically. Politically it may not be part of British territory but it is undoubtedly part of India, whereas Afghanistan is no part of India. That is why I made that proposal, and not on the basis of Hindu or Muslim State.

**Mr. S. Satyamurti:** I am glad my Honourable friend is now resiling from the position of a Hindu independent kingdom; I hope others also will do so. But, if Nepal is a part of India, this Act cannot and will not apply to them. It may be part of geographical India, but it is not in the political map of India. I hope my Honourable friend realises that. Therefore, it is clear that the Nepalis are not Indians. If they are Indians, this Act will not apply to them.



Sir, my Honourable friend, the Home Member, in dealing with this amendment, first of all told us that the main purpose of this Bill is defence and we ought not to bring into it any question of retaliation against discrimination or the question of equal treatment for Indians in all Dominions. I wish to tell him, Sir, and tell those who agree with him that this House will be failing in its duty if, on every suitable occasion when any Bill or Finance Bill or budget demand comes up, we do not assert by our speech and by our vote the deep concern we feel for the status and the interests of our nationals abroad. In every country they are treated like helots and slaves. They are not allowed to hold property; they cannot travel with the whites. In South Africa you cannot travel in the same train or tram and go to the same cinemas and theatres; and the colour bar, the bar sinister, is there against us.

Now, what do we want in this Bill? We want to indicate the way in which we should retaliate against them in the same manner as they have been doing to us. It is a very modest measure, namely, to empower Government to keep a register of all these people from the Dominions according to the provisions of clause 3 of the Bill, requiring them to report their presence to the prescribed authority, requiring them to report their arrival and also the date of their intended departure and prove their identity. Are these very difficult clauses and are these discriminatory clauses? Then, Sir, my Honourable friend, Sir Syed Raza Ali, said that Act 3 of 1924 is there; Government have power to make rules but they have not made rules and they are to blame; but we are also to blame because we have passed no Resolution. I want to tell him this. I have now been here for four years and a half, and I do not remember any single occasion when any single Resolution of this House has been accepted and acted upon by the Government of India. Therefore, they have not done their elementary duty and we want to begin by making, as the Honourable the Home Member calls it, a gesture in which we shall empower our Government to get on the register all these citizens of the Dominions.

Then, Sir, my Honourable friend, the Home Member, was reading from his own speech or something else and used this phrase, "We want to get on this register only those people who have no common status or allegiance." Yes, and I include in those people who have no common status or allegiance with us, persons from all these Dominions and Colonies. They and we have no common status at all. I want my Honourable friends to remember the position in South Africa. My Honourable friend, Sir Raza Ali, ought to know it and ought to speak enthusiastically for this amendment and vote for it, if really he understood the feelings of Indians in South Africa where he was for three years. They are now segregating Indians,—the same treatment which we resent the Germans giving to Jews in their own country.

**Sir Syed Raza Ali:** But Government say they have no information on the subject; ask them.

**Mr. S. Satyamurti:** My Honourable friend knows more than the Government of India, and I want him to share his information with the House and take his share in the legislation which he and I are going to make. European Jews can go and settle in the Highlands of Kenya; Sir Raza Ali cannot. How is that just and fair? In Ceylon they are discriminating against our own people; in Burma, in Canada, in Australia,—in every country they are doing it. It is not a Hindu or a Muslim question;

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it is a question of Indian self-respect and Indian dignity. I, therefore, hope, Sir, that this argument of "common status" will receive no consideration.

Then, Sir, he also referred to these people having any claim on us at any time. What claims Canadians, South Africans and Australians have on us? I submit they have none. Then, he said that the foreigners are all potential enemies of India. Are the Portuguese going to be enemies of India? Are the Swiss, the Dutch and the Belgians going to be enemies of India? But what is the idea? You were including in the definition of "foreigner" all those who are outside the British Commonwealth of Nations. Are all of them potential enemies? I can understand Germany—I can understand Italy—I can even understand Russia and Japan. But is it suggested that all countries outside this so-called British Commonwealth of Nations are our potential enemies? They may be yours; they are not mine; and I suggest that my Honourable friend must clearly understand that so far as the present treatment of the Dominions and Colonies to Indians is concerned, the moment there is a free responsible Government in this country, they will be, not our potential enemies but kinetic enemies, and we will deal with them as a hostile country unless they treat our nationals there on terms of equal status and equal privileges . . . . .

**Mr. M. S. Aney:** You will have many more than that.

**Mr. S. Satyamurti:** My Honourable friend admitted that this registration is not an end in itself, but a means to an end. I take the words out of his own mouth. I want this registration, and I hope the House will vote for it as a basis of getting information for future action by legislation or by administration. Let us know how many South Africans are here, how many Ceylonese, how many Burmans, how many East Africans, how many Canadians, how many Australians are here, what they are doing, what their occupation is, what their properties are; and then the Government will decide what shall be done with them.

My Honourable friend appreciated the distinction made by Sir Syed Raza Ali between immigration and permanent residence and temporary visit. As I read this Bill—the Honourable the Home Member will correct me if I am wrong—the Bill does not make any distinction between persons coming here for temporary visits and persons coming here for permanent residence or settlement. What do the words say? "For requiring any foreigner entering or being present in British India." It does not limit the time: he may be present for years, or for generations, and yet the Bill will apply to him. Therefore, it seems to me that the object of the Bill is not aimed merely at those who come here for a temporary visit or merely at those who come here for permanent residence. It affects all foreigners entering or being present in India; and once we get this information we can deal with this position, whether it be war or whether it be immigration; and it seems to me that we should be able, once we get this full information, to restrict the privileges of foreigners here, including within that definition, the denizens of those Dominions, and also control their entry or their settlement in this country.

My Honourable friend referred to the Foreigners Act of 1864 and said that this Bill is intended to supplement that Act. It may be. But, apart from the criticism which my Honourable friend, who moved the

amendment, made that this is not an amending Bill, I suggest the scope of this Bill is entirely different from the scope of the Foreigners Act of 1864. There, it is a punitive measure to extern people and deport people and so on: they have only taken the definition of "foreigner" from it; and I think, therefore, to say that this is a supplement to that Act is not a correct description. At any rate, if at any time this House or a Government responsible to this House or its successor feels that the Government should amend the Foreigners Act of 1864, in order to give power to deport even these people, the collection of this information will be of great help.

So far as the British Act is concerned, to which we are referred by the earlier Act, I want to say that that Act itself in section 17 concedes the right to aliens which our own people do not get. Real and personal property of every description may be taken, acquired, held and disposed of by an alien in the same manner in all respects as by a natural born British subject, and the title to real and personal property, etc., may be derived from or in respect of aliens in the same manner and in all respects as they are from or in succession to a natural born British subject. Even that right is denied to our people in Kenya and in many other places. I want to say a word more about the residents of Indian States.

Mr. Bajoria waxed eloquent over a united Indian India. Our position is this. To the extent to which the inhabitants of the rest of India are treated as Indians and not as foreigners in the Indian States, we shall fully reciprocate; but if any Indian State is going to treat Indians from other parts of India as a foreigner, I want to know what is wrong, unjust or immoral in our retaliating and saying that if you treat our people as strangers we shall treat your inhabitants as strangers and as foreigners. Even section 262 of the Government of India Act, to which my Honourable friend, the Home Member, referred, does not refer to all States at all. It simply says "the Ruler or subject of a federated state shall be eligible to hold any civil office, etc., etc." The expression 'federated state' may freeze on the Statute-book. I do not know whether any State is going to federate, whether there is going to be federation or any federated state at all. Therefore, to quote section 262 now is to put the cart before the horse literally. There is no State yet which has federated. There is no Federation. Section 262 does not apply now, so far as any Indian State is concerned. Our position is, so far as the States are concerned, we shall deal with them on the full basis of mutual reciprocity. If you treat us as you do your own citizens, we shall treat you as we do our own citizens. But if you are going to treat us as strangers, we shall reciprocate the compliment. Moreover, what is wrong with registering Nepalese or Afghans in this country? They may be a large number, but the same people come again and again; and once they are registered, there is no need to register them over and over again; and the rules can make provision for registering them easily. I think I am voicing the feeling of many many Indians in my own part of the country, and other parts that they should like to see the names of these roving money-lenders, these people who go about lending money to the poorest in the land, and then standing there before the pay day carrying clubs and demanding payment of all they have earned, and committing many other atrocities that one has heard of and one has seen occasionally, registered. I think it will be a good thing if it is decided that their names should be registered and I should appreciate it. But it does seem to me that even assuming that we want to give this power even to this

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Government, it is worth-while. I warn them that we do not support the amendment in the belief that somehow the amendment will be nullified by the Government exercising this rule-making power. I ask the House to vote for the amendment in the full belief that this Government will not exercise its powers under clause 6 to exempt these people from the Dominions and Colonies who discriminate against our nationals; and I want to tell them that they will not long be there to exercise this power under this clause 6. In any case, I think every self-respecting Indian in this House must, in the name of the sufferings and the agonies of our nationals abroad, who are treated vilely and hounded from pillar to post in the various Dominions and Colonies, throw out this gesture of sympathy and kindly affection to our fellow-nationals abroad, by voting for this amendment unanimously. Sir, I support the amendment.

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

**Bhai Parma Nand** (West Punjab: Non-Muhammadan): Sir, I too was a Member of the Select Committee, and when this question of the Dominions came up, I voted with the Government. I think it is my duty to explain my position as to why I voted with the Government. Honourable Member, Mr. Satyamurti, has explained very clearly and forcibly that Indians in South Africa as well as in other Colonies are very badly treated. I have seen the conditions with my own eyes. I had been to South Africa as well as to East Africa more than 30 years ago. I stayed there for about a year. I have also been to British Guiana and Trinidad in South America. It is perfectly true that our Indian brethren are kept segregated; even at that time they were treated quite disgracefully. They could not travel in the same Railway compartment in which the white people travelled; they could not get admission into places which were meant for the white people; their shops and dwellings were kept altogether separate. Our brethren abroad had to suffer all such humiliation in South Africa and other Colonies.

But, Sir, the point for us to understand is why did they go there? The Indians in South Africa and in South America had gone there soon after the abolition of slavery in the year 1834, when it was thought necessary that some kind of labour should be provided in these British Colonies, and the indenture system was adopted. At that time of my visit, there were about a hundred thousand Indians who had gone there under an agreement to work as labourers in mines and on plantations. Naturally, as they were considered inferior by the white people they had to suffer all these indignities and ill-treatment. It was on that account that Mahatma Gandhi had to carry on a vigorous agitation against the action and policy of the white people. But the question is what is the remedy? Are we going to gain anything by prohibiting or registering those colonials who come over to India for a short stay and give them the same treatment as is being meted out to our brethren in their country? We have to keep in view that the number of white colonials who come over to India is very small, and by placing restrictions on them we shall be creating a sort of resentment and ill-feeling in their minds against our own people, and I am afraid they shall have a justification and the treatment meted out to our brethren abroad will become much worse than it is today. We must remember one fact. Our

people have gone there to earn a living, and later on some people went there as traders and became rich by means of trade with these Indian labourers who had gone there under indenture but the white people who come here from South Africa or East Africa do not come here as labourers to make a living somehow or other. So if we treat these immigrants in the same manner as our brethren are treated by them in South Africa and other Colonies, this retaliatory step is sure to adversely affect the interests of our countrymen abroad and they will have to suffer much more. I do not wish to create a spirit of resentment and further this ill-feeling here or there in the colonies,—not that I do not feel for the humiliating treatment which is meted out to our countrymen abroad, but because as we have no power to remove their sufferings, this step is not the way to remove the grievances of our brethren abroad. A time will come when we shall have the power in our hand and when we shall be free to exercise that power. Of course, this Assembly will be there, the Government will be there, and our friends also will be there to enact laws. At that time we can make any law against those Dominions so as to awaken them to their sense of duty towards Indians who have settled in those Colonies, but as long as we have no such power here, our retaliation can be of no use while we are dependent in every sense, and they are independent even of their mother-country. Supposing we create resentment by simply treating a few white immigrants as foreigners,—only a very few people come to India annually,—it will do no good to our brethren who have settled there and who are already subjected to any amount of humiliation.

Besides South Africa there is another Colony, British Guiana in which more than a hundred thousand Indians have settled down. I have never heard of any white man from British Guiana or Trinidad having come to India. Now, if we pass legislation here against those people, good or bad, it would cause grave resentment in their minds, and I do not think it will do us or to our people who have settled there any good.

Now, Sir, there is one more point which I should like to mention. My friend, Mr. Bajoria, referred to Nepal with a sense of pride as being the only Hindu Independent Kingdom. This enraged Honourable Member, Mr. Satyamurti, who tauntingly said that Rs. 10 lakhs were paid annually as a subsidy to the Nepal Government by the Government of India and so on. I do not think there was any wrong in it. The Nepal Government rendered most valuable service during the Great War to the British Government, and if my friend means to suggest that on that account they were helping this foreign Government in the year 1915 or 1916, they shall have to remember that, at that time, Mahatma Gandhi himself was helping the British Government against their enemies, he himself and his Congress followers were enlisting recruits at that time . . . . .

**Mr. M. S. Aney:** The Congress was not with Mahatma Gandhi at that time.

**Bhai Parma Nand:** Anyhow, Congress leaders were helping the Government. Now, if these patriots did not consider it wrong in any way to help the British Government in the last great War, I don't see how the services rendered by the Nepalese in those days could be deprecated. Again, Sir, hundreds and thousands of soldiers like my friend, Captain Sher Muhammad Khan and others, rendered war service and they are now getting pensions in lakhs of rupees either in cash or in some other

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form, therefore, if the Nepal Government sent thousands of their men to help the British Government and if they get in return for their services 10 lakhs of rupees as subsidy, where comes the harm or improbity?

**An Honourable Member:** What about their permanent services now?

**Bhai Parma Nand:** Again I think the question was whether they should be given some territory, as the Nepal Government wished to recover some territory which had been taken away from them by the British Government before. The British Government offered them 10 lakhs instead of the territory which they had demanded. That is a sort of contract between the British Government and the Nepal Government, and I do not see any reason why the Nepal Government should not be given this subsidy. They rendered very valuable service during the Great War, just as the Indian Army did to the British Government, and so the British Government is paying the Nepal Government an annual subsidy, and no man of sense could see any objection to it. This is not a matter on which we should express any feeling or suggest that the Nepalese are to be treated as aliens.

As regards the Gurkha soldiers they are here. There are others too, some of whom come from the States, and some come from the  
 4 P.M. the North-West Frontier Province and tribal territory. You may try to prohibit their entry if they prove dangerous or harmful to the interests of the country; it is the Government that can take action against them. But I see no reason why those who have been living here and serving in the army for generations can be treated as aliens. In case you want that they should not be taken in army service, that is a different matter; but if they are settled here, and the Gurkhas are settled in various parts of the Punjab, in the United Provinces, Bengal, Darjeeling, Dharmasala, Abbottabad, etc., and not only they are drawing regular pay, but their male children as soon as they are born in this country are given allowance by the Government, they become the residents of this country. Their fathers and grandfathers settled in this country. I do not see any reason why they should not be taken as Indians. They have been and are serving in the Indian Army. As I said, it is a different matter if you think that this Indian Army is not needed, and you want to replace it by another Indian Army which is more patriotic,—when that time comes, you may send these people away as aliens. But so long as they are serving in the Indian Army, you cannot say that simply because their appearance is a little different from ours, they should be treated as aliens in this country. Again, I think it is almost impossible to register all these Nepalese and Gurkhas as aliens because thousands of them are in our army service.

**Mr. M. Ananthasayanam Ayyangar:** Let them change their domicile.

**Bhai Parma Nand:** Domicile is a matter which they do not know or understand as yet.

**Mr. Badri Dutt Pande:** Why should they register us in Nepal?

**Bhai Parma Nand:** That is another question. The reason is that the State has got small means of livelihood, if a large number of people go from here and increase the population it may be impossible for them to maintain themselves. (Laughter.) It is not a matter of laughter. Indians are employed by the Nepal State, quite a good many in the Education Department and the Engineering Department; whenever they require the State gets them from India. Many people go there as visitors. But in case of those who go there simply to settle down, it is the duty and business of the State to see that it does not allow anybody and everybody to enter the State. If it is thought that they watch any man going from here, you can watch any man coming from the Dominions or even Nepal and see how he is living or how he is managing his affairs. But I strongly object to the statement that Nepalese are foreigners or aliens and they should get registered.

With regard to the States, Mr. Satyamurti said, "we will observe the principle of reciprocity". Yes, you can do it when you have got the power to do so, but at present you have not, and they have got more power than you have. And Nepal is quite an independent State. The States are more independent than we are in this country. When you have gained your independence, you can treat them in any way you like, but as long as you have got no political status as an independent people, I do not think there is much use in mere tall talk and in passing such laws. By doing that which amounts to pin-pricks we simply create resentment in the Colonies and Dominions against India, and even injure the interests of those hundreds of thousands of Indians in South Africa and other Colonies. I do not think that this will do any good to them or to us. I oppose the amendment.

**Sir Syed Raza Ali:** I will confine myself strictly to the subject matter of the amendment that is before the House. I take it that the Honourable the Mover, in moving this amendment, has been actuated by a desire, a very legitimate desire indeed, to vindicate India's self-respect. The effect of this amendment, as I see it, would be that all those who are not living in the United Kingdom or who are not living in Indian States or British India would become foreigners. That would be the net result of this amendment. It follows that people residing in the Dominions, Colonies and other possessions of the British Crown would be foreigners for the purposes of this Bill.

Having listened carefully to the speech of my Honourable friend, Mr. Ayyangar, it seems to me that he has been very considerably influenced by the humiliations to which our people in South Africa were treated and are being treated by the Union Government. Now, I need hardly say that I know something about that subject and it is impossible for any patriotic Indian not to feel very strongly on the subject. As I said on one occasion, it is really difficult for a man who belongs to public life in India to speak on the subject with restraint and moderation. But, after all, we have to take things as they are.

**Mr. S. Satyamurti:** Why should we? We can re-make them, at least we should try to.

**Sir Syed Raza Ali:** I wish my Honourable friend and the Party to which he belongs were powerful enough to re-make things and re-condition them,—I wish they could do that. But in the meantime, I do not

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think it would be quite right to ignore the stern facts as they exist. (Interruption.) My Honourable friends are inclined to be light-hearted. I congratulate them on that frame of mind. But if some of them visited South Africa and lived there for three years as I did . . . .

**Mr. S. Satyamurti:** If this is the result, no.

**Sir Syed Raza Ali:** . . . all this vein of light-heartedness would disappear. I do not know if they will come out wiser, but I am sure they will come out much sadder men than they are today. One or two of my learned friends who put in some interjections. . . . .

**An Honourable Member:** They are not very learned.

**Sir Syed Raza Ali:** They are extremely learned. They said that they could re-make things and fashion a new order of things. May I tell them some of the things to which they have been listening of late. On the 18th of last month, it will be within the recollection of the House, I tried to move an adjournment in connection with the proposed further imposition of disabilities on Indians in South Africa. The Honourable Member in charge—the Secretary for Education, Health and Lands—who is looked upon as an authority on the subject of Indians overseas and who, I am sorry, is not present in his place today, though I had told him distinctly that I would be speaking on the subject of South Africa this afternoon . . . . .

**The Honourable Sir Nripendra Sircar:** May I offer an explanation for that. He had every desire to be present here, but he could not help attending the Convocation which takes place at 4 o'clock today. His absence does not mean any disrespect to the House or to the learned speaker.

**Sir Syed Raza Ali:** I very readily accept the explanation by the Honourable the Law Member but, unfortunately, the Education Secretary did not take me into his confidence. That is all I can say. He never told me that he had to attend the Convocation. Anyway the point is this. The adjournment motion was disallowed on the basis of such material as was placed before this House and, Sir, before you. The point is that in the course of his remarks the Education Secretary said:

"There is only the Resolution which was placed before the Minister in December. The Government of India have no intimation official or otherwise of any proposal to legislate beyond this resolution which was placed before the Minister for the Interior in December, 1938. There is no other intimation or knowledge before the Government of India."

On the 24th February I put a short notice question and he categorically stated:

"The Minister's scheme has so far taken no definite shape; nor are the Government of India aware of any decision by the Union Government to introduce legislation of the type referred to in the newspaper report."

That was the report that was published in the *Statesman* of the 17th February saying that the Union Government were proposing to introduce further anti-Indian legislation. This is the extent of the information of our Government. Again, I cannot help saying that there is nobody



belonging to the Department of Education, Health and Lands to enlighten us on this point today. Now, Sir, I have a very large number of cuttings with me. I have received them by Air Mail. I do not propose to tire the House by reading any considerable portion of them but I will just refer to a few extracts, taking care, at the same time, to mention the date on which the information was published in South Africa. This is a cutting from the *Star* dated the 1st March, 1939. It says:

"The Government, it is learnt, has decided upon a colour segregation measure based on the local option or servitude plan upon which the Minister of the Interior, Mr. Stuttaford, has been working for some time."

Then follows the scheme that the paper has summarised. It goes on to say:

"These proposals, hitherto merely tentatively discussed, have now received the approval of the Cabinet and have been communicated to members of the United Party in Parliament."

The paper is dated the 1st March. The report was written on the 28th February. Only four days before, the Education Secretary had assured us that there was no such proposal before the Union Government. I may explain by the way that the *Star* is a very influential organ of public opinion in South Africa and it is published in Johannesburg. On the following day, the same paper said:

"The news of the Government segregation plans published yesterday has aroused the greatest interest in Parliamentary circles. The matter will be brought before a special meeting of the United Party caucus tomorrow. Full details of the proposed legislation have not yet been disclosed and, indeed, they have not yet been drawn up in final form. Although no draft Bill has yet been before the Cabinet, it is, nevertheless, true that the policy in broad outlines as described yesterday has received the Cabinet's approval and a Bill on the lines indicated is now being prepared."

So that is the position. I leave it to my Honourable friends to persuade the Government to see in its true light what is happening in South Africa today.

**Mr. S. Satyamurti:** Vote with us and support the amendment. They will see it then.

**Sir Syed Raza Ali:** My learned friend tells me what my duty is. I would like to point out to him his and his party's duty. Sir, my point is this. As a well-known Urdu poet says:

*"Meri khak bhi lahad men na rahi Ameer baqi  
Unhen marne hi ka abtak nahin itabar hota."*

'My bones have turned to dust in my grave and my sweetheart yet refuses to believe that I am dead.'

That is really how the Government of India in the Department of Education, Health and Lands are acting. The Union Government have decided as to what they are going to do and yet it is open to the Education Secretary to say that the Government of India have no information. I will not pursue the sad theme.

The point really is this. Will it be helpful to our people living in British Dominions and in the Colonies if we cast our vote in favour of the amendment that is before the House. Let me say at once that as a sad witness of the humiliating treatment that is being meted out to our people, which I have seen for three years, I have very strong sympathy

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with the Honourable the Mover of this motion. If I really thought that the adoption of this amendment would be helpful to our people resident overseas, I would be most happy to cast my vote in favour of the amendment. After all, the position is as I have described. I will ask my Honourable friends on that side to clearly bear that in mind. I entirely agree with them that if there is any effective retaliatory measure that we can adopt against South Africa or any other Dominion or possession of the British Crown that has not been acting fairly and justly by our people, I would be the first to cast my vote in favour of any motion, Bill or measure that is brought forward by them to accomplish that object. I assure them that they will not find me behind them in adopting retaliatory measures. But there is one difference. Let me point out very clearly and it is this, that retaliation is a double-edged sword. If retaliation is effective, retaliatory measures should certainly be adopted; but if retaliation is only nominal, then it is no more than elusive and illusory and, as a rule, it does you more harm than good. If you think that by placing this amendment on the Statute-book you will be helping our friends and our countrymen, though 86 per cent. of them are South-African born, if you honestly believe that by carrying it, you will be helping those unfortunate men who have got no friends to help them in this wide world, then I assure you I will vote with you. (Interruption.)

**Mr. President** (The Honourable Sir Abdur Rahim): Honourable Members must not interrupt like that. They can reply afterwards to any points that the Honourable Member makes.

**Sir Syed Raza Ali:** Sir, I assure you that I am not cross-examining my Honourable friends on those Benches. I am reminded that it is their privilege. Might I say that it is their "exclusive" privilege? Sir, in this House at times we are inclined to make speeches like advocates. I am not making my speech. I assure the House, in a spirit of advocacy: at times we do it, but I assure the House that I am not speaking as an advocate.

Let us see what the effect of this will be. No doubt it would bring to us some little consolation—that we had done something in assertion of our self-respect. If we carried this amendment, the effect would be that these South Africans would be foreigners for the purposes of this Bill in India. Well, Canada and Australia too are not treating us very satisfactorily, but, on the whole, their treatment of our people is far better than that of South Africa. In fact, there is no comparison between the treatment of our people in Canada and Australia on the one hand and in South Africa on the other. It is infinitely better in the first two countries than in South Africa. That consolation we will have but let us see what might happen—I do not say what will happen, because one never knows—let us consider what might happen to our people in South Africa. Two hundred and twenty thousand of them are settled in South Africa. They are people eighty-six per cent. of whom, as I said, were born in South Africa. They are people, let us remember, who have got no parliamentary franchise, no municipal franchise, no sort of franchise whatsoever. They are absolutely dependent on the European population with whom they are living. They are not in a position to help themselves, because the only protection that the modern age gives in the

form of the vote has been taken away from them. Now, their means of living today are trade; that is almost their exclusive business. In South Africa you cannot carry on any trade unless you have a licence and as the figures will show, there has been a regular, steady, decrease in these licences granted to Indians, mainly because they are supposed to be the rivals of the white population there. Therefore, the local authorities which consist entirely of Europeans, do not either renew their licence or do not give them licences in new cases. In similar cases they are readily granted to European merchants and traders. So, in that way, their lot is very hard indeed. Their economic position is very bad. I do not want to go into that, otherwise my speech will become so lengthy; already I have spoken at greater length than I proposed to do. But the position really is this. Their economic position is extremely uncertain. The figures have shown,—in fact I made a speech and I published all the figures—that their economic position has been going down very very considerably during the last fifteen years. It has deteriorated very considerably and alarmingly indeed. There is a strong prejudice against employing them in places where they used to be employed before, namely, as school masters, waiters or as shop assistants. There is a positive disinclination to employ them in those positions. Trade is the only thing left to them. Now, if you carry this amendment, what will be the effect? The effect will be that a big country, with huge resources, which produces half the total gold output of the world, with a small population of two millions whites, will, I think, see in this measure, even if no offence is meant, something like a threat. They cannot do anything to us; we are not within their reach. But are you quite sure that the vengeance will not fall upon those unfortunate Indians who are totally incapable of defending themselves? (Interruption.)

**An Honourable Member:** "Will they lynch them?"

**Sir Syed Raza Ali:** Well, people have lynched in this world before, and I believe they are being killed elsewhere, though the form killing takes now is not lynching but a more fashionable one. A revolver is placed by your side and you are expected to commit suicide—that is the modern way. Anyhow, these are the considerations. (Interruptions.) Well.....

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member had better address the Chair; it is no good addressing Honourable Members who interrupt.

**Sir Syed Raza Ali:** My suggestion is this, that if this House thinks that by carrying this amendment it would be affording a material protection to the domiciled Indian community in South Africa against such measures as might be adopted by the Government or by the local authorities of the country, then I think there can be no reasonable objection to voting for the amendment. But on the other hand, if this House thinks that though it will by carrying the amendment vindicate its self-respect yet, at the same time, it will not be able to afford any material protection to our people in South Africa, then I hope Honourable Members will think twice before they decide to cast their vote in favour of this amendment. There is one thing about South Africa that I might say because

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that is a very important point and that is that the present amendment might possibly have a decisive effect on that. The proposal in South Africa is to segregate Indians. I will not go into the form which this proposal to segregate Indians is likely to take, but the proposal is to segregate Indians for business and residential purposes. If Indians are segregated effectively for business purposes, it would be absolutely impossible for a large population numbering about 2½ lakhs to earn their livelihood by honest means. It would be simply impossible for them to do that. Therefore, I would simply suggest that we should not act either in haste or in anger. If anybody has reason to be angry in this House it is myself so far as South Africans are concerned, at any rate. I have had my moods of anger and I have been angry and I have been very angry, but that, unfortunately, does not avail when you have to consider serious matters. I have no objection against the amendment and, if necessary, I am prepared to go with my Honourable friends over there into the lobby. I am quite prepared to cast my vote with them. But I would again appeal to them to consider twice before they decide to insist upon this amendment. Seeing as I do, no doubt we would have the consolation of having done something which would go to vindicate our self-respect. On the other hand, there are some chances, at any rate, of these unreasonable South African Europeans, amongst whom I have left a large number of very good friends, taking steps which would go to jeopardise the interests of our own people domiciled in South Africa. That is my position on this amendment.

**Mr. Bhulabhai J. Desai:** Sir, I will only briefly indicate to the House the reasons why we wanted the definition to be altered for purposes of this Act. While, on the one hand, even the Government are prepared to accept this amendment as they themselves indicated through the Mover of this Bill, there are some men who are more royal than the King. The Government only indicated that if this amendment was passed, while appealing that it should not be passed, it may not be wise to pass it, they would be prepared to accept it. All that they said was this, that by reason of clause 6 which is not yet passed, and assuming it is passed, they would be obliged to exercise their powers under section 6, as it would then be, in order that, if necessary, action may not be taken against those who would then be included in the definition of foreigners to the extent to which they found it unnecessary. I do not know if I have understood properly the analysis of the speech of my Honourable friend, Sir Syed Raza Ali, because he meandered so much that it looked more like the hills and cabbages of that portion of South Africa with which he is so familiar. It is impossible to find out where he is leading to. It is a guerilla warfare of a type which is somewhat peculiar and novel to this House. But, at the end, he reached a stage when he said this—and that was the part of wisdom—that if we vote in favour of this amendment, there is some chance of offending some friends whom he has left behind and who might take some sort of vengeance against our country. That, I think, is the last piece of wisdom which he has given us.

**Sir Syed Raza Ali:** Not the friends that I have left behind, but my Indian people whom I have left behind.

**Mr. Bhulabhai J. Desai:** I hope my Honourable friend was not under the impression that the Indians there are not his friends according to my understanding. I was not giving him any such bad name at all. When I said the friends he has left behind, I meant both Africans and Indians. The point, however, is a very narrow one. My Honourable friends here are always anxious to please those who kick them. It is a psychology which, it is impossible, to believe. It is impossible to understand it, at all events, in the India of today, because the India of today is not the same as it was when my Honourable friend left this country for South Africa. What has not been done against the Indians? Whether you take steps against those people or not is a matter of mere history. My Honourable friend is aware that, during his three years in Africa, where he has left so many friends, not much has been done. What have been the achievements during those three years at least so far as we know, whatever may be the back of the pages that he has written? The achievement that we know has been the constantly deteriorating situation, a point of which neither he can be proud, nor the Government of India. Therefore, so far as I can see, any forbearance or kindness cannot be regarded as a virtue or as a charity or as a friendly gesture, but as a sign of utter degradation and weakness which only exercises and whets the appetite of those persons more and more. I, therefore, ask the House to understand that the manner in which my Honourable friend has put it, it is not a mere question of self-respect in what is often called the formal sense of the terms, but it is a question of understanding what you have got hitherto by pursuing a policy of servility, obedience, prayer and appeal and all the rest of it which can be found in the vocabulary and the armoury of my Honourable friend. The achievement has been the contrary, namely, we are forborn every day and, even before the Government of India knows what has happened, it has happened. If my Honourable friend's premise had any logic at any inevitable conclusion, it was this that even the Government of India, according to him, who ought to have known, do not know that our position is adverse when they ought to have known that it was adverse. If that is the state of inertia to which the Government mind has now come, and if the state of the mind of the Africans is in a state of such irritation against the Asiatics that they must go on time after time and day after day concerting measures until they practically render it impossible for them to live, then the time may come when they will have to repatriate . . . . .

**Sir Syed Raza Ali:** That is what they want.

**Mr. Bhulabhai J. Desai:** That does not mean that I am going to wait and wait until they have concerted every measure and do not show the least gesture that I am unmindful of the manner in which we are being treated. To me the psychology which my Honourable friend preaches has not value any longer in this world. It has larger reflections, and I do not wish to speak about it here. My Honourable friend who reads the history of Europe of today knows what is happening to that psychology since the Munich Pact. Well, they are bigger people, but that policy might well be understood by my Honourable friend. But even the smaller people cannot forget that the psychology of mind which hopes to get by merely a policy of hope, prayer and a supposed conciliation, when each time they are kicked, is something which, I think, it is high time to be reversed, and that is what I ask the House to do. After all is said and done, we are beginning to realise our position as we did recognise even in 1924 when we

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passed an Act of which my Honourable friend is so well aware and of which he reminded me. I did not remember the date, but I knew that there was such an Act. Even in 1924, we realised that the Dominions, that is to say, the British possessions as they are called, were discriminating so badly against the Indians there that power was given to this Government to put their nationals in this country equally to the same disabilities and enjoy no more privileges than our nationals were accorded in their own respective Dominions and Colonies. Well, 15 years have gone since the time we passed that Act. No doubt, the Government have a common Colonial Secretary because they sit in the same place and do the same work and both of them consult each other. Not a rule has been published under that Act, and not a single action has been taken under that Act. For 15 years, we, at all events, armed the Government of India with a discretionary power in order that we may take some step towards vindicating our position. We have failed to do that. We have failed to do that, not because there was no law, but because of my Honourable friends who administer the law, under the guidance of other people. Therefore, it was not done. So far as this piece of legislation is concerned, it is a mercy of Providence that it is this House which can, by passing this amendment and eliminating clause 6 of the Bill, can compel them to act at least to the extent to which it is within our power to do. Let us, therefore, remember that this is the first effective occasion on which we are asserting ourselves and reversing the policy of that psychology of fear and mendicancy which has brought us nothing except humiliation, disgrace and a lowering of our status. That is one thing. My Honourable friend was not in this House when an innocent looking Bill was brought here. We saw the germs of the distinction which the Europeans and the Americans will never forget and which constant pressure only can make them forget at least to the extent to which we are masters in our own house. They brought in a Bill called the Naturalisation Act. They attempted to make a distinction between Asia and Africa on the one hand, and America and Europe on the other. The distinction was perceived in a thing which was regarded as very innocent. I warned the House that so long as we sit in this Assembly to the extent to which limited thought our powers may be, we must see that we exercise them to the extent to which they are effective at least. On previous occasions, we have recognised, as my Honourable friend knows that the vote of the House may be disregarded in all matters of executive powers. We may assume that. The only remedy is to enact provisions which will make it impossible for such things to be repeated. I do say that where we have real effective power, we must use it, and it is for this reason that I have troubled the House to understand the issue. In our eyes, those who consider us in the manner they do are foreigners though they are under the British flag as it were or even though as my Honourable friend, Sir Reginald Maxwell, would call them common status with a common allegiance. My Honourable friend knows the meaning of the word status, as well as I do. If he thinks my status is the same as the status of other Dominions, I think he is trying to teach us a new lesson. Unfortunately we owe the same allegiance but we have not got the same common status. The common factor is different. Our allegiance, namely, the subordinate position of the Government of India to the Government of Great Britain, is of a very different type of allegiance from that which the Dominions owe, namely, the allegiance simply that while they are within the Commonwealth of Nations as

they call it, they would recognise only the descent in the House of Windsor. I suppose my Honourable friend knows the Statute of Westminster. Therefore, neither in the quality of that allegiance, nor in the quality of the status, we stand on the same footing.

The further fact remains that it is time that we begin to recognise who are potential enemies of ours. In the eyes of my Honourable friend, possibly the Germans and the Italians are today enemies of England. But how soon friendship would be made with them as against Communism, I do not know. So far as one can understand European politics, especially after the Munich Pact, nobody knows who are friends and who are enemies. It all depends upon who successfully bullies whom, and to that extent we are helpless. Therefore, so far as the policy of that psychology of fear is concerned, my Honourable friends are no better than we have been for the last 150 years. We have been governed by the psychology of fear for the last so many years. But I am also glad that they are also beginning to experience in their own persons in life, in the person of their own nation, the psychology of fear. What it is, what it can turn into? What we have been turned into, we know. We hope to rise above it very soon. What they have been turned into, we also know. Therefore, my submission to the House is that the psychology of fear, which at least is producing no result whatever since the Act of 1924 was passed, should spur us to pass this amendment, and what is more? We must pass this amendment and leave no loophole which my Honourable friend, Sir Reginald Maxwell, proposes to use or hopes to use. I want to be quite clear. If we pass this and still leave this Government of India with its professed intention not to carry out this Act, I think you are stultifying yourself. To pass an Act and leave the Government of India power to do what they like, that is at least a disgrace which we ought to survive. Let us pass an Act, let us pass an Act which, in the language of my Honourable friend, would be a fool-proof Act, so that the foe's—whatever else they may do, we are safe. We do not want to leave an instrument in their hands which they at any moment will break and be done with it. With the deep feeling that he has for his friends whom he has left—I do not mind Africans or Indians—I do appeal to my Honourable friend, Sir Syed Raza Ali, that the purpose he has in view will not be served in the least degree by not passing this amendment and at the same eliminating clause 6

Then, Sir, an unnecessary controversy was raised by my Honourable friend, Bhai Parma Nand, who was also joined by Babu Baijnath Bajoria. It was a wrong issue. It has got nothing to do with this Bill. A modern State has no religion. It ceases to be a State if it has a religion. I think the less we talk about States in terms of religion, the better. I think the less we talk about foreign sovereignties in terms of religion, the better. The point is merely this. Notwithstanding the fact that the Gurkhas may be Hindus, I do not want them for the mere fact that they are mercenaries. I do not want mercenaries of any type, whether Hindu, Muslim or Christian or Sikh or even Englishmen. My objection to mercenary is that it is mercenary. It, therefore, makes no difference to my mind whether a mercenary professes the same faith as myself or a different faith. In a vast country like India, it is possible, not only possible, but practicable, not only that, but the resources of the country are so large that if, during the last war, they increased the force from 100,000 to a million, India could have supplied. It is absurd to say that without 20 thousand odd outsiders we

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cannot do much. I submit, Sir, there is a policy behind it, and I hope my Honourable friends, Bhai Parma Nand and Babu Baijnath Bajoria, will not walk into that trap by this cry of "the same religion". The policy is to create such a unhomogeneous army as to engender the psychology of fear. Whether they like it or not, anything that is likely to turn against them, they usually prepare themselves in advance. Look at the composition of battalions in the army. Everybody knows the history of the reorganisation of the Indian army. I would not have referred to this at such length but for the fact that a great deal was sought to be made out of this by my Honourable friend, Babu Baijnath Bajoria. That policy has produced no result whatever. I dare say, even in keeping that before your eyes, there is a limit to what is called foresight. My Honourable friends have seen what that forbearance will do. It produced no results. I, therefore, appeal to my Honourable friend, Sir Syed Raza Ali, to be under no illusion that if they wish to do a thing, they would forbear from doing a retaliatory act. I do not deny that it is an act of policy and conciliation up to a certain point. But, where you expect the result of that to be paltry, there is no use of pursuing such a policy. It does not appear to me that the policy, as against the Indians in all the colonies and in all the Dominions, is only altering in the sense that we are getting worse and worse everywhere. If that is so, it may well be that you may have to repatriate your countrymen. After all, two lakhs of people in 350 million is not such a vast number. I do not wish to be deprived of what we can get, but our honour demands that we should bear this burden. But let us not go this way that, in order that they may be more and more crushed, we become more and more crushed ourselves; and it is for that reason that I do ask the House to carry this amendment and with a confident belief that no more subterfuge or power by way of discussion or otherwise will be left to the Government of India to run through this Act as if it did not exist.

**The Honourable Sir Reginald Maxwell:** Sir, not very much time remains before the House rises this evening for me to reply to the points made in this debate, and I will, therefore, confine myself to the more important ones. I should like to explain, to start with, that no Member on this side approaches the question without the fullest sympathy with what the Honourable the Mover has said about the feelings with which he regards the unfair treatment meted out to Indians in South Africa and various other Colonies. The only question is what is really useful to do in this particular case. Mr. Satyamurti has said that retaliation is necessary. If it is merely a matter of retaliation, as I have said before and other Members have pointed out, we have already Act III of 1924 on the Statute-book. It is perfectly feasible under that Act to make rules to provide that persons domiciled in the British possessions shall have no greater rights or privileges than Indians in those possessions. That seems to me to fulfil entirely the object which Honourable Members have in view. And if those rules really required registration they would enable registration. But, so far, rules have not been devised for that purpose and certainly no separate legislation is required in order to give effect to the power of retaliation, which already exists under a Statute which was passed as long ago as 1924. The Honourable the Mover poured some scorn on the British Nationality and Status of Aliens Act and the Honourable the Leader of the Opposition also asked what status it confers. I do not altogether agree with those light



opinions of it, as I have indicated in my speech on the motion for consideration. The status that it confers on Indians is that they are not aliens. No one can deny that; no one can call an Indian an alien wherever he is. And in point of fact an Indian can, as we all know, enter most of the Dominions and most of the Colonies without any restrictions or without any restrictions which are not also applicable to all other non-residents of those Colonies. Honourable Members should not exaggerate the amount of discrimination which exists against Indians. So far as I know, South Africa is the only Dominion where this amounts to a serious feature. And as regards the quotation from section 26 of the British Nationality and the Status of Aliens Act, where, the Honourable the Mover pointed out that Dominion Governments have the power of legislating differently for different classes of British subjects, I should like to know what has transpired in this debate as regards the manner in which various people wanted to treat the Nepalese, Tibetans and Afghans. There appears to have been quite a considerable volume of feeling in this House which might be translated into this general proposition that India is to be a good place for Indians only and that persons who immigrate into it, such as Afghans, Burmans, Nepalese and so forth, are to be treated with the same kind of discrimination which is so much deplored when it is met with in other British possessions. I should like Honourable Members to put that to themselves and ask themselves whether they are being really consistent in their attitude. Another thing which I would ask them to reflect on is this. Supposing an Indian goes to a Dominion or to any other foreign country, whatever it may be, when he enters it he expects the hospitality of the Government of that country. He does not go there as one who takes possession. If I pay a visit to my friend I do not immediately claim the right to put his house in order for him. I accept what fare he puts before me and what rules govern his house. And I would be entirely transgressing my ordinary liberties if I, as soon as I enter his or anybody else's house, should try to lay down the law to him as to what I should do and what he should do. I should say that there is room for a slightly greater sense of proportion in what is resented in regard to restrictions with which Indians may be faced in other places. If I myself attempted to settle down in any of the Dominions I should quite expect that I should be required to satisfy them that I was a suitable person to be a permanent immigrant. Persons intending to immigrate permanently into a Dominion usually have to conform to certain standards, and it is quite unreasonable to suppose or talk as if the Dominions had no right to impose any standards of that kind. I hope, therefore, that Honourable Members will not regard this Bill too exclusively from the point of view of what they would like to do to these Dominion subjects.

One other point which I might notice at this stage is the question which was raised by the Honourable the Mover as to whether we are intending by this Bill to deal only with temporary or with permanent foreign visitors who enter this country. He is quite right in supposing that there is no distinction in the Bill between temporary or permanent visitors. My point was that as a matter of fact a great majority of the foreigners, or for that matter visitors from Dominions, who come to this country do not come to settle here but they may carry on their trade for a time or they may merely be birds of passage or tourists; but, in fact, they are not permanent immigrants, they come here only to do business.

[Sir Reginald Maxwell.]

There is one other point which I might be allowed to make before the House rises, but I am afraid I shall not have time to finish today. That is the point that was raised as to why I said that this Bill was related to the Foreigners' Act or it was a Bill to supplement the Foreigners' Act. It is a Bill which will make the operation of the Foreigners' Act easier. It is quite true, as one Honourable Member pointed out, that sections 5 onwards of the Foreigners' Act have not been regularly enforced. They may have to be put into force at any time if any emergency requiring it arises, and then, the fact that foreigners had been registered would greatly facilitate the operation of these provisions. The reason why this was put forward, not as a Bill to amend the Foreigners Act but, as a self-contained Bill was that the subject of registration is itself a self-contained subject, which is capable of being kept entirely within the four corners of a single Act and it would make no difference to its provisions whether it was put forward as an amending Bill to the Foreigners' Act or, as has been done, as an entirely separate measure. In fact, in some ways, it is more convenient to have it as a separate and self-contained measure.

I might just perhaps deal with the point raised by my Honourable  
5 P.M. friend, Mr. Bajoria, who wished that the Nepalese should be exempted from registration. All I need explain again on that point is that it was always intended that the residents of States, such as Nepal, who at times come into India in large numbers should be exempted from registration. But I must repeat once again that should it become necessary at any time to take measures for registration of those persons the Act does not prevent it. They are not exempted under the Act. The only effect of the definition clause in the Act is that it limits the power of Government to make exemptions; and in so far as any class of persons is not included within the definition clause, Government have the option of applying registration to them at any time or declaring them to be exempt.

**Mr. President** (The Honourable Sir Abdur Rahim): Does the Honourable Member wish to continue his speech?

**The Honourable Sir Reginald Maxwell:** I would like to continue it tomorrow.

**Mr. President** (The Honourable Sir Abdur Rahim): The Assembly will then adjourn till tomorrow.

The Assembly then adjourned till Eleven of the Clock on Friday, the 31st March, 1939.