

31st March 1939

THE  
**LEGISLATIVE ASSEMBLY DEBATES**

(Official Report)

Volume IV, 1939

(30th March to 15th April, 1939)

NINTH SESSION

OF THE

FIFTH LEGISLATIVE ASSEMBLY,

1939



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1939.

# LEGISLATIVE ASSEMBLY.

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*Deputy President : 25 AUG. 1939*

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

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# LEGISLATIVE ASSEMBLY.

*Friday, 31st 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.

## STARRED QUESTIONS AND ANSWERS.

### (a) ORAL ANSWERS.

#### REFUSAL TO PROVIDE AN INVALID SALOON BY THE EASTERN BENGAL RAILWAY.

**1414. \*Mr. Brojendra Narayan Chaudhury:** Will the Honourable the Railway Member please state:

- (a) whether the Eastern Bengal Railway authorities recently refused to grant an invalid saloon to a patient on the strength of a certificate issued by a registered medical practitioner who is a captain of the Army in India Reserve of Officers;
- (b) whether there is any rule requiring that in order to get the benefit of a reserve saloon, the patient has to produce a certificate from a Civil Surgeon or a Commissioned Medical Officer; if so, whether the rule is going to be revised;
- (c) whether Government are aware that in a large number of cases such patients requiring removal are treated by physicians who are not Civil Surgeons or Commissioned Medical Officers;
- (d) whether Government have considered the predicament of patients in case of sudden illness in out of the way places where a Civil Surgeon or a Commissioned Medical Officer is not readily available; and
- (e) whether Government are aware that the Punjab Government have done away with the practice of countersignature of certificates by a Civil Surgeon where it was formerly required?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) and (b). Yes, but the certificate was from an Assistant Surgeon not holding a commission.

(c) and (d). Government understand that the rule referred to is under revision and the facts mentioned by the Honourable Member will doubtless be fully considered in its revision.

(e) The Railway Department have no information.

**Mr. Brojendra Narayan Chaudhury:** Is it not a fact, Sir, that the physician who certified the patient is a Captain of the Army in India Reserve of Officers?

**The Honourable Sir Muhammad Zafrullah Khan:** I could not say, Sir.



**GRANT OF THE BENEFIT OF SUBSCRIBING TOWARDS PROVIDENT FUND TO INFERIOR SERVANTS AND LABOURERS ON RAILWAYS.**

**1415. \*Mian Ghulam Kadir Muhammad Shahban:** (a) Will the Honourable Member for Railways be pleased to lay on the table of the House a statement showing the rules in connection with the admission of the members of inferior railway service and labourers to subscribe to the Provident Fund on State-managed and Company Railways?

(b) Is there any pay limit, enabling an employee to subscribe to the Provident Fund? If so, what is this limit on various Indian railways? If not, why not?

(c) Is it a fact that inferior railway servants if they are drawing above Rs. 15 and are governed by the East Indian or Great Indian Peninsula Railway Provident Fund rules, are entitled to subscribe to the Provident Fund?

(d) If the reply to part (c) above be in the affirmative, do Government propose to extend this concession to the employees in inferior and labour services employed on other railways? If not, why not?

(e) If the reply to part (c) above be in the negative, will the Honourable Member be pleased to state the pay limit or other conditions on which the inferior servants or labourers under the East Indian and Great Indian Peninsula Railway Provident Fund Rules (to which a reference is made on page 240 of the State Railway Establishment Code) are entitled to subscribe to the Provident Fund?

(f) Do Government propose to give the inferior servants and labourers on other railways the benefit of the East Indian and Great Indian Peninsula Railway Provident Fund Rules? If not, why not?

(g) Do Government propose to revise the Provident Fund Rules to enable the inferior servants on the North Western Railway to be enabled to subscribe to the Provident Fund?

(h) Do Government in the alternative propose to revise the rules regarding the classification of staff to bring all staff drawing Rs. 30 and over in the category of the subordinate service instead of the inferior or labour services? If not, why not?

**The Honourable Sir Muhammad Zafrullah Khan:** (a), (b) and (e). I am placing in the Library a copy of the Provident Fund Rules on each of the principal railways. The Honourable Member will find therein the rules relevant to his enquiry.

(c) Yes, so far as those employees who are governed by the East Indian Railway Company's Rules are concerned. Inferior servants to whom the Great Indian Peninsula Railway Company's Rules apply are not entitled to subscribe to the provident fund if drawing less than Rs. 30 per mensem.

(d) and (f)—(h). No. I would refer the Honourable Member to the Honourable Sir Thomas Stewart's speech in reply to the debate on Mr. Joshi's cut motion on the subject of grievances of railwaymen on the 24th February, 1939.

**Mr. Lalchand Navalrai:** May I know, Sir, why is it, when these inferior servants draw equal pay, a distinction is made in some branches by allowing some of them to contribute to the provident fund, while others are not, even though they draw the same rate of pay? Why is that distinction made?

**The Honourable Sir Muhammad Zafrullah Khan:** Owing to the difference in the rules on different Railways.

**Mr. Lalchand Navalrai:** Why are the rules so made, and is the Honourable Member prepared to reconsider this matter and introduce uniformity in the matter?

**The Honourable Sir Muhammad Zafrullah Khan:** As I have said, I have nothing to add to what the Honourable Sir Thomas Stewart said on the debate in the matter.

**Mr. Lalchand Navalrai:** But my question is that there should be uniformity and there was no reply given to that.

**The Honourable Sir Muhammad Zafrullah Khan:** No, a reply was given.

**Mr. Lalchand Navalrai:** I want a reply to my question?

**The Honourable Sir Muhammad Zafrullah Khan:** The reply was that the extra cost involved would be too heavy.

#### GRANT OF THE BENEFIT OF SUBSCRIBING TOWARDS PROVIDENT FUND TO GANG MATES ON THE NORTH WESTERN RAILWAY.

**1416. \*Mian Ghulam Kadir Muhammad Shahban:** (a) Will the Honourable Member for Railways be pleased to state whether gang mates on any of the State-managed Railways are entitled to subscribe to the Provident Fund? If so, on which railway, and what is the scale of their pay—old as well as revised?

(b) Why are the gang mates employed on the North Western Railway not permitted to subscribe to the Provident Fund?

(c) Are Government prepared to allow gang mates on the North Western Railway to subscribe to the Provident Fund? If not, why not?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) to (c). The information is being collected and will be laid on the table of the House in due course.

#### EXISTENCE OF DIFFERENT PROVIDENT FUND RULES FOR INFERIOR SERVANTS ON STATE RAILWAYS.

**1417. \*Mian Ghulam Kadir Muhammad Shahban:** (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that different rules exist regarding allowing members of inferior services on the various State-managed Railways to subscribe to Provident Fund?

(b) If the reply to part (a) above be in the affirmative, do Government propose to introduce a uniform set of rules for all State-managed Railways in this matter? If not, why not?

(c) Is it a fact that the Chief Commissioner of Railways gave a deputation of the All-India Railwaymen's Federation to understand in November 1937 that he would redress anomalies on the different railways in the matter of employees of the same grade, designation, etc., being eligible to subscribe to the Provident Fund on one State-managed Railways and not the other?

(d) If the reply to part (c) above be in the affirmative, will Government be pleased to state what action has been taken in the matter?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) and (b). Except in regard to the ex-company staff of the East Indian and Great Indian Peninsula Railways, the same rules apply to all State-managed Railways. With reference, however, to rule 6 (b) of the State Railway Provident Fund and Gratuity Rules, the classification of employees as superior or inferior is a matter in respect of which power is delegated to General Managers, and the practice in regard to it may not be uniform.

(c) and (d). I would refer the Honourable Member to the reply given to part (d) of Mr. Lalchand Navalrai's question No. 1913 on the 7th December, 1938.

#### CONSOLIDATED TRAVELLING ALLOWANCE OF TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

**1418. \*Mian Ghulam Kadir Muhammad Shahban:** (a) Will the Honourable Member for Railways be pleased to state if it is a fact that the Travelling Ticket Examiners on the North Western Railway were entitled to mileage allowance on the basis of mileage covered by them in the course of their duties?

(b) Is it a fact that his mileage allowance was considered as part of the Travelling Ticket Examiner's pay for all purposes of passes, Provident Fund deductions, etc.?

(c) Is it a fact that the mileage allowance was substituted by consolidated travelling allowance?

(d) If the reply to part (c) be in the affirmative, is this consolidated travelling allowance considered as part of the employee's pay, for the purpose of passes, Provident Fund deductions, etc.? If not, why not?

(e) Do Government propose to issue orders so as to consider the consolidated travelling allowance as part of the Travelling Ticket Examiner's pay? If not, why not?

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

(b) I would refer the Honourable Member to the reply given to part (c) of Sardar Sant Singh's question No. 1361 on the 11th December, 1933, and to part (f) of Dr. Khare's question No. 465 on the 14th February, 1936.

(c) Yes.

(d) and (e). I would refer the Honourable Member to the reply given to Sardar Sant Singh's question No. 476 on the 4th September, 1933.

**Mr. Lalchand Navalrai:** May I know, Sir, since this mileage allowance was separated from their pay, if the Honourable Member has gone into the question again to see if the old system could be restored?

**The Honourable Sir Muhammad Zafrullah Khan:** I remember, Sir, I went into that matter myself when I was in charge of the Railway Department, and I have answered many questions on that subject.

#### INTRODUCTION OF "GOOD CONDUCT MARKS" SYSTEM ON THE NORTH WESTERN RAILWAY.

**1419. \*Mian Ghulam Kadir Muhammad Shahban:** (a) Will the Honourable Member for Railways please state whether it is a fact that under instructions from the Railway Board, a system of punishments of subordinate staff known as "Good Conduct Marks" system, has been introduced on the North Western Railway?

(b) Is it a fact that under this system a certain number of marks are debited to the employee for minor offences according to the nature of the lapses on his part?

(c) Is it a fact that an employee is to be given credit of marks at the discretion of the officer, provided he has achieved a clear record for three months from the date of his last offence?

(d) Is it a fact that the Chief Commissioner of Railways made a statement to this effect at the fifteenth half-yearly meeting between the All-India Railwaymen's Federation and the Board, in January 1938?

(e) Is it a fact that under the system as it operates on some divisions of the North Western Railway, no credit of marks is given to an employee even if he has achieved a clear record for three months, unless the man has lost thirteen or fourteen marks, and is under notice that any further loss would result in his reduction in pay?

(f) If so, why are the Railway Board's orders not carried out by some of the Divisional Superintendents of the North Western Railway?

(g) Do Government propose to take action to see that their orders are carried out in the matter? If not, why not?

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

(e) Government have no information. The restoration of marks is, as stated by the Honourable Member himself in part (c) of his question, a matter entirely within the discretion of the executive officer concerned.

(f) and (g). Do not arise.

#### SABOTAGES ON RAILWAYS.

**1420. \*Mr. Brojendra Narayan Chaudhury:** Will the Honourable the Railway Member please state:

(a) whether there has been a case of sabotage of rail-track near Ludhiana recently; if so, the details thereof;

(b) whether any clue has been discovered for tracing the culprits;

(c) whether he will place on the table a copy of the enquiry report, if or when received;

(d) the number of attempts at train wrecking from Chikaki up to now, by

(i) removal of rails,

(ii) loosening rail fastenings, and

(iii) placing obstructions on the track;

- (e) how the above numbers compare with the worst period of similar duration in the past three years and with the total for last year; and
- (f) the measures taken to mitigate the dangers from sabotage to allay public apprehensions?

**The Honourable Sir Muhammad Zafrullah Khan:** (a), (b) and (c). At about 6.45 on the 2nd March, 1939, it was discovered by the driver of 412 Down Mixed train that a complete rail length of track, i.e., both rails and sleepers, had been removed between Gill and Kila Raipur stations on the Ludhiana-Dhuri section and placed on the embankment. This would not appear to be an attempt at train wrecking, as red banner flags were placed across the line over 1,000 feet away from the break in the track on either side. A statement giving fuller details of the incident is laid on the table. It is understood that the Police are investigating.

(d) Individual cases of attempted train wrecking are not normally reported to the Railway Board. The East Indian Railway have, however, reported nine such instances, the North Western Railway four and the Great Indian Peninsula Railway one.

(e) As stated in the reply to part (d) above, such instances do not normally form the subject of an individual report in each case. Therefore, the information asked for is not available. I would, however, refer the Honourable Member to Appendix D, page 237 of the Railway Board's Annual Report on Indian Railways, Volume II, a copy of which is in the Library of the House and which gives the comparative figures from 1933-34 to the end of 1938.

(f) I would refer the Honourable Member to the reply given to part (f) of Mr. Abdul Qaiyum's starred question No. 1199 of the 10th November, 1938, to the replies given to supplementaries following that question and also to the reply given to parts (d) and (e) of Mr. S. Satyamurti's starred question No. 649 of the 24th February, 1939.

*Statement giving full details of the incident between Gill and Kila Raipur on the Ludhiana-Dhuri section.*

(1) A pair of rails 30 feet long with its 13 sleepers complete, after removal of the fish plate had been removed and placed on the embankment 9½ feet away from the rails at mile 6/9-10.

(2) A Congress flag erected between the track tied to the 3rd sleeper from Kila Raipur-end rail.

(3) Congress flag fixed in a tree 45 feet away from QRP end rail.

(4) A red flag fixed across the line 41 rails and three sleepers lengths from QRP end rail tied to two trees (one on either side of the track) at mile 6/13-14.

(5) Two posters put on sleepers adjoining the red flags at Kila Raipur end.

(6) Red flag placed across the line 36 rail lengths away from Ludhiana and rail tied to level crossing rails at mile 6/6-7.

\*(7) 35 other posters found between the two red flags.

(8) Two posters put on sleepers adjoining to the red flags at Ludhiana end.

(9) Fifteen bolts, sixteen nuts, one fish plate and a few bricks found near the track from where the rails had been removed.

(10) Seven fish plates, one bolt and two crow-bars recovered by Police from water pools adjoining the track.

Intimation regarding the removal of these rails was received by T. I. Ludhiana at 8-45. He proceeded to the spot with the Sub-Inspector, G. R. P. by 308 Down at 9 hours, and arranged for transhipment of passengers and mails.

The Police authorities would not allow the line to be set right before the arrival of the Deputy Commissioner and the Superintendent of Police and before the site was photographed. They were, however, persuaded to let it be done on the clear understanding that it could be disconnected and the rails and sleepers placed in their original position for the above mentioned officers to inspect. Line was, therefore, linked at 12-15 hours but the block was not removed till 13-15 hours.

The Police are making enquiries.

*Copy of English translation of posters.*

Freedom can be attained with sacrifice.

One that lives for himself is better dead.

He that lives for the country better live.

My young brethren patience has reached its limit.

Youngmen of Punjab wake up and end this bureaucracy and its toadies.

Freedom can only be attained after perishing.

Signed National slave,  
BABAR AKALI,  
STALIN.

**Mr. Brojendra Narayan Chaudhury:** Is it a fact, Sir, that the red poster found near the scene was in the name of Stalin?

**The Honourable Sir Muhammad Zafrullah Khan:** I believe so.

**DETENTION OF PASSENGER TRAINS OWING TO ENGINE TROUBLES ON RAILWAYS.**

**1421. \*Mr. Brojendra Narayan Chaudhury:** Will the Honourable the Railway Member please state :

- whether on or about 17th February, 1939, the Up North Bengal Express came to a standstill by break-down of the engine near Siliguri;
- the number of cases in which passenger trains have had to be detained owing to engine troubles during (i) last year and (ii) current year in India; and
- whether these cases are required to be reported to Government?

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

(b) and (c). Such cases are not required to be reported separately to Government.

**Mr. Brojendra Narayan Chaudhury:** May I know, Sir, if the Honourable Member is satisfied that there is no negligence in these shunting operations now?

**The Honourable Sir Muhammad Zafrullah Khan:** That is the business of the local officers, and, I imagine, ultimately that of the General Manager.

**Mr. Brojendra Narayan Chaudhury:** Is it the policy of the Railway Board to rely entirely upon the local officers decision in regard to matters of negligence?

**The Honourable Sir Muhammad Zafrullah Khan:** The Railway Board could not conduct an inquiry into everything themselves.

**Mr. Brojendra Narayan Chaudhury:** I am asking about these reports...

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

**DEATH OF ONE MANI LAL KHALASI BY BEING RUN OVER BY AN ENGINE AT SILIGURI STATION ON THE EASTERN BENGAL RAILWAY.**

**1422. \*Mr. Brojendra Narayan Chaudhury:** Will the Honourable the Railway Member please state:

- (a) the facts about the death of Mani Lal Khalasi by being run down by a shunting engine at Siliguri station, Eastern Bengal Railway, about the middle of February, 1939; and
- (b) the result of the Railway inquiry into his death, if any?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) Box Khalasi Bunilal of Siliguri shed was returning to the Running Room after making over the line box to the driver of the engine 644 Down when he was run over and killed by the station yard pilot engine at about 4.30 A.M. on the 17th February, 1939.

(b) A railway enquiry was held and it recorded the following finding:

"Ram Gobind, the shunter working engine 219 SGC 2, which caused the accident, is not to blame, as his view was obscured firstly by the density of the atmosphere prevailing at the time aggravated by the steam discharged from his engine cylinder cocks. We also agree that his engine whistle was sounded when approaching the engine of 644 Down Goods."

Due to the noise of the vacuum exhaust of this latter engine Bunilal in all probability did not hear the warning whistle and approach of engine 219 SGC 2. His death in our opinion was purely accidental."

The Police made an independent enquiry into this case and classified it as a "railway accident for which none but the deceased was responsible".

**Mr. Brojendra Narayan Chaudhury:** May I know, Sir, whether this and similar matters are within the jurisdiction of the Local Advisory Board?

**Mr. Kuladhar Chaliha:** May I know, Sir, whether it is within the jurisdiction of the Local Advisory Committee to discuss these matters?

**The Honourable Sir Muhammad Zafrullah Khan:** I imagine that if the Local Advisory Committee wanted some information on the matter, the General Manager would be quite willing to give it.

**Mr. Brojendra Narayan Chaudhury:** Is the Honourable Member aware that when the Local Advisory Committee wanted to raise similar matters, they were told that their business was to see to the convenience of the passengers?

**The Honourable Sir Muhammad Zafrullah Khan:** That may be so.

**Mr. Lalchand Navalrai:** May I know, Sir, if any compensation was given to this man who died in this accident?

**The Honourable Sir Muhammad Zafrullah Khan:** I am not aware.

#### INTRODUCTION OF INTERMEDIATE AND THIRD CLASS MILEAGE COUPON TICKETS ON RAILWAYS.

**1423. \*Prof. N. G. Ranga:** Will the Honourable Member for Railways be pleased to state:

- (a) if he has seen the suggestion made by the Great Indian Peninsula Railway Advisory Committee on the 26th April, 1938, that 'Intermediate and third class mileage coupon tickets' should be issued for mercantile firms and traders; and
- (b) whether Government are prepared to make an experiment on these lines on one or two railways and see if it will be profitable for both parties, the railways and business?

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

(b) This is entirely a matter for decision by Railway Administrations. I shall, however, forward the suggestion of the Honourable Member to State-managed Railways for any action they may consider desirable.

#### ATTACHING OF SPECIAL MILK AND VEGETABLE VANS TO CERTAIN PASSENGER TRAIN.

**1424. \*Prof. N. G. Ranga:** Will the Honourable Member for Railways be pleased to state:

- (a) if it is not a fact that every day large quantities of milk, curd and vegetables, are being conveyed by a large number of vendors from the neighbouring rural parts to the cities like Calcutta, Madras, Poona, Bombay, Cawnpore, Lucknow, Lahore, Delhi, Allahabad and Patna;
- (b) that owing to the failure of railways to set apart separate compartments for such goods and vendors, passenger carriages are being used for the purpose;
- (c) whether Government are aware that such use of the passenger carriages results in inconvenience to passengers and involuntary introduction of dirt, dust and other impurities into dairy products;
- (d) whether it is not a fact that in England, France and Germany, separate milk and fruit (fast) trains are run; and
- (e) whether Government are prepared to consider the advisability of attaching a special milk and vegetable van to every passenger train to run from, say, a distance of 25 to 35 miles to the neighbouring prominent city?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) Government understand that the statement made by the Honourable Member is correct as regards Calcutta, Bombay and Delhi. It is understood that the amount of this traffic by rail into the other towns mentioned is not heavy.

(b) and (c). The Eastern Bengal Railway run vendors' vans for the conveyance of vegetables, milk and fruit traffic on the suburban area of the

southern section of that railway. On other suburban sections, compartments are reserved for vendors. The Bombay, Baroda and Central India, Madras and Southern Mahratta and Great Indian Peninsula Railways also set apart third class compartments for the use of such vendors. The East Indian Railway supply a special type of vehicle for the conveyance of this traffic. On all Railways such traffic, when booked, must always be carried in brake-vans or luggage vans. The suggestion that separate compartments might be set aside for these vendors and their goods will be made to such railways who do not already follow this practice.

(d) Yes. This is believed to be the case.

(e) No. Produce of this type requires conveyance by particular trains only at certain times to suit market conditions and there could be no commercial justification for the running of special milk and vegetable vans on every passenger train.

**Prof. N. G. Ranga:** Is the Honourable Member aware that in the mail trains in which milk, vegetables and all these other things are being carried, no special compartment or carriage is attached for their conveyance, and therefore these things are being carried in passenger carriages?

**The Honourable Sir Muhammad Zafrullah Khan:** I would draw the attention of the Honourable Member to the last part of my reply to parts (b) and (c) of his question. "The suggestion that separate compartments might be set aside for these vendors and their goods will be made to such railways who do not already follow this practice."

#### STARTING OF SCHOOLS FOR TRAINING RAILWAY EMPLOYEES IN TECHNICAL ASPECTS OF THEIR WORK, ETC.

**1425. \*Prof. N. G. Ranga:** Will the Honourable Member for Railways be pleased to state:

(a) whether it is proposed to start, as on the North Western Railway and East Indian Railway, schools for training railway employees in the technical aspects of their work and also to inculcate in them a proper sense of the importance and utility to railways of treating passengers well, guiding them, while in trains, not unnecessarily to dirty the carriages and otherwise do everything to put passengers into the feeling that railway travel is very comfortable;

(b) on which railways any definite steps are being taken to train the railway staff and, at least, the ticket examiners and Passenger Guides or Inspectors "in respect of good behaviour and civility", as was suggested by the Bengal Nagpur Railway Advisory Committee on the 16th May, 1938; and

(c) whether in addition to issuing standing orders, Government are doing anything prominently to bring to bear upon the mind of their employees the need for courteous behaviour and treatment to their passengers?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) to (c). I would refer the Honourable Member to the remarks given against paragraphs 102 and 105 to 114 in the second statement (issued in November, 1938) showing the action taken on the recommendations of the Indian Railway Enquiry Committee (1937).

**Prof. N. G. Ranga:** In addition to issuing these instructions, what is it that the Government are doing in order to see that those instructions are carried out and their staff show good behaviour towards passengers and so on?

**The Honourable Sir Muhammad Zafrullah Khan:** The action proposed to be taken on each is set out in detail in the report to which I have referred.

#### LOOKING AFTER THE CONVENIENCE OF RAILWAY PASSENGERS AT NIGHT.

**1426. \*Prof. N. G. Ranga:** Will the Honourable the Railway Member be pleased to state:

- (a) whether on the 29th June and 8th April, 1938, respectively, the Railway Advisory Committee of the Assam Bengal Railway and the Eastern Bengal Railway drew the attention to the need for the Raiway staff on duty at night to look to the convenience of the passengers in getting into proper carriages and to call out the names of the stations (vide No. 36 Local Advisory Committees of Railways);
- (b) whether the need for such facilities is felt on other railways also;
- (c) whether Government will consider the advisability of instructing the Railway staff of one station to phone to that of the next stopping station in which particular carriages there is greater accommodation for more passengers, so that the station staff is forewarned about the accommodation available and thus advise passengers at their places to seek accommodation; and
- (d) whether Government are prepared to issue strict instructions to see that the names of stations are called out loudly at night time at every station?

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

(b) and (d). Government understand that there are standing orders to this effect on all Railways.

(c) The suggestion is not practicable.

**Prof. N. G. Ranga:** Are we to understand that in answer to parts (b) and (d) instructions have already been issued and they are being carried out?

**The Honourable Sir Muhammad Zafrullah Khan:** I am told that there are standing orders to this effect and I have no reason to assume that they are not being carried out.

**Prof. N. G. Ranga:** May I inform the Honourable Member that in a large number of cases on the railways these instructions are either not carried out, or anyhow the station staff do not care to give the necessary advice and guidance to the passengers, and that is why the Railway Advisory Council has brought that particularly to the notice of the Agents concerned?

**The Honourable Sir Muhammad Zafrullah Khan:** I am obliged to the Honourable Member for the information.

**CERTAIN DEVICES TO MINIMISE THE EFFECT OF DERAILMENTS OF TRAINS.**

**1427. \*Mr. Brojendra Narayan Chaudhury:** Will the Honourable the Railway Member please state.

- (a) whether the Railways have ever tried or considered any of the following devices to minimise the effect of derailments of trains placing a sand-filled van, luggage van, or dining car in front;
- (b) whether the Railway Board's attention has been drawn to the lecture on "Occupational Psychology" by Dr. C. S. Myers, D.Sc., F.R.S., at the Science Congress, 1938;
- (c) whether the habits of sobriety of drivers of different communities are considered in connection with employment in mail and passenger trains;
- (d) whether at one time on the East Indian Railway, the name of the passenger used to be entered in a register when the ticket was sold, and also on the ticket; if so, when; and why and when this practice was discontinued;
- (e) whether later on the tickets were declared non-transferable and the entry in the register was discontinued; and
- (f) whether the old system of recording names of passengers both in a register and on the ticket is proposed to be reintroduced with a view to facilitating inquiry into casualties of railway accidents?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) Luggage and brake-vans are invariably marshalled in front of important passenger trains and dining cars are occasionally attached in front.

(b) No.

(c) The suitability, in all respects, of staff, irrespective of communities, is fully considered before employment as drivers.

(d) The reply to the first part is in the negative and the second part does not, therefore, arise.

(e) and (f). Do not arise.

**CONCESSION TICKETS TO PASSENGERS GOING TO ATTEND THE CONGRESS AND MUSLIM LEAGUE SESSIONS.**

**1428. \*Mr. H. A. Sathar H. Essak Sait** (on behalf of Maulvi Muhammad Abdul Ghani): Will the Honourable the Railway Member please state:

- (a) whether it is a fact that Railway companies issued concession return journey tickets to passengers going to attend the annual session of the Congress at Tripuri? If so, the names of companies which issued such tickets and the rate at which they were so issued for different classes of passengers;
- (b) whether such concession return journey tickets were issued on the occasion of any other annual session of the Congress;

- (c) whether the concession return journey tickets as mentioned in part (a) were issued *suo motu* or requested for by somebody; and
- (d) whether the same concession will be extended to passengers going to attend the next annual or special session of the All-India Muslim League?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) Yes. A statement is laid on the table giving the names of Railways and the basis of the concession fares issued by them.

(b) Government understand that similar return journey tickets at concessional rates were given by some Railways in February, 1938.

(c) Government have no information.

(d) This is a matter for individual railway administrations to consider who, in granting concessions, are influenced entirely by commercial considerations.

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*Statement.*

Single journey fares.

G. I. P.	All classes	1½
E. I.		
B. B. & C. I.	1st, 2nd and Inter.	1½
M. & S. M.		
N. S.	3rd class	1¼
N. W.		
	No special concession was allowed. Ordinary 1st and 2nd class return tickets at 1½ single journey fares were issued in through booking to Madan Mahal on this occasion.	1½

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**Dr. Sir Ziauddin Ahmad:** May I ask whether the question of giving concession is not considered by the Railway Board and is left entirely to the individual railways?

**The Honourable Sir Muhammad Zafrullah Khan:** I should imagine that would be the normal practice.

**Dr. Sir Ziauddin Ahmad:** May I know whether in this particular case any application was addressed to the Railway Board and whether the Board considered this question?

**The Honourable Sir Muhammad Zafrullah Khan:** Which particular case?

**Dr. Sir Ziauddin Ahmad:** The case mentioned in part (a) of the question.

**The Honourable Sir Muhammad Zafrullah Khan:** I understand that some questions were put the other day to which replies were given by Sir Thomas Stewart, that, though there had been some difference with one particular railway system over a concession which was alleged first to have been granted and then withdrawn, the matter was left entirely to the discretion of the railway administrations.

**Dr. Sir Ziauddin Ahmad:** May I ask whether Government have received any application to give similar concessions at the time of the *urs* fair at Ajmer?

**The Honourable Sir Muhammad Zafrullah Khan:** That does not arise out of this question.

#### MAINTENANCE CADRE OF THE VIZAGAPATAM PORT.

**1429. \*Mr. K. S. Gupta:** (a) Will the Honourable Member for Communications please state when the maintenance cadre of the Port of Vizagapatam was formed?

(b) Is the formation of the cadre due to the principles of economy?

(c) What was the total expenditure per annum on the maintenance of the Port of Vizagapatam, previous to the formation of the cadre and also after the formation of the cadre?

(d) What was the number of workmen in the service of the Port of Vizagapatam in the years 1933, 1935, 1937 and also on the 1st March, 1939?

(e) What was the number of the supervising staff and the duty of each one of them in the years mentioned in part (d)?

(f) Is the present out-door repairing section a result of an amalgamation of two previous sections during construction? What was the combined strength of those two sections and what is the strength of the present out-door repairing section of the harbour?

**Mr. G. V. Bewoor:** Sir, in the absence of the Honourable Member, I am replying to this question.

(a) to (f). The information is being collected and will be laid on the table in due course.

#### CERTAIN STAFF IN THE VIZAGAPATAM HARBOUR.

**1430. \*Mr. K. S. Gupta:** (a) Will the Honourable the Communications Member please state how many chargemen there were in the service of the harbour of Vizagapatam before the year 1934? What was the number of chargemen during the years 1935, 1936, 1937, 1938 and 1st March, 1939?

(b) Is it a fact that the works were managed by one Mechanical Superintendent previous to the formation of the cadre and after the formation the same works are managed by (1) Superintendent of machinery and (2) Assistant Superintendent of machinery?

(c) What was the salary of the Mechanical Superintendent and of the present Superintendent of machinery and the Assistant Superintendent of machinery in the service of the Port of Vizagapatam?

(d) What is the staff (workmen) of the workshop at present? How many foremen are there to supervise the work of the staff? What is the salary drawn by each foreman? Are the foremen Europeans or Indians?

(e) How many foremen were there when the construction work was on? Has there been an increase or decrease in the number of the foremen after the construction was complete?

**Mr. G. V. Bewoor:** (a), (b), (d) and (e). The information is being collected and will be laid on the table in due course.

(c) The scale of pay of the Mechanical Superintendent was Rs. 860—40—1,100 *plus* Rs. 150 overseas pay. The salaries of the present Superintendent of Machinery and Assistant Superintendent of Machinery are:

Superintendent of Machinery	. . .	Rs. 980 per mensem in the scale of Rs. 860— 40 — 1,100 <i>plus</i> an overseas pay of Rs. 150 per mensem.
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Assistant Superintendent of Machinery.	of	Rs. 610 per mensem in the scale of Rs. 550— 20 — 650.
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#### COST OF MAINTAINING THE DREDGER AT THE VIZAGAPATAM PORT.

**1431. \*Mr. K. S. Gupta:** (a) Will the Honourable Member for Communications please state the total cost of maintaining the dredger at the Port of Vizagapatam during the years 1936, 1937 and 1938?

(b) Does it work throughout the day (twenty-four hours)? How many engineers manage the dredger?

(c) What is the number of hours each engineer works on the dredger?

**Mr. G. V. Bewoor:** I would refer the Honourable Member to the information laid on the table of the House on the 27th March, 1939, in reply to parts (a) and (b) of his starred question No. 907 on the same subject.

#### PILOTS IN THE VIZAGAPATAM PORT.

**1432. \*Mr. K. S. Gupta:** (a) Will the Honourable Member for Communications please state how long it takes to pilot a steamer from the roads to the harbour at Vizagapatam?

(b) Is it possible for one steamer to enter the harbour and another to leave it simultaneously?

(c) What is the average number of hours that a pilot works in the harbour?

(d) Are there days in a week when the pilots have no work?

(e) Is it a fact that one of these pilots is always on leave?

(f) Is it a fact that there is a non-piloting harbour master to supervise the work of these pilots.

**Mr. G. V. Bewoor:** (a) and (e). The Honourable Member is referred to the answer given to parts (b) and (d), respectively, of starred question No. 415 asked by him on the 23rd August, 1938.

(b), (c) and (d). The information is being collected and will be laid on the table in due course.

(f) Yes.

#### CERTAIN STAFF IN THE VIZAGAPATAM PORT.

**1433. \*Mr. K. S. Gupta:** (a) Will the Honourable Member for Communications please state who is the permanent traffic manager and his salary in the Port of Vizagapatam?

(b) Who acted in his place during his leave? What is the salary of the acting man?

(c) Is it a fact that the cost of the Traffic Department is ordinarily Rs. 3,200 per mensem and during the absence of the permanent staff it cost only Rs. 1,500 per mensem?

(d) How many Assistant Quay Foremen are there in the service of the Port of Vizagapatam? Since how long is the present number of them employed? When was the increase made in the number of assistant Quay Foremen, and for what reasons? Are these Assistant Quay Foremen Europeans or Indians?

(e) What is the staff of the Port Engineer's office? Will the Honourable Member lay on the table a statement showing the qualification, educational or otherwise, and the salary of every one of the staff?

(f) What was the total income of the Port of Vizagapatam during the years 1936, 1937 and 1938? What is the salary of the Audit Officer? How much does it cost the staff of Audit Office per month in the Port of Vizagapatam?

(g) Was there any representation made to the Administrative Officer of the Vizagapatam Port by the President of the Harbour, and Port Workers' Union, Vizagapatam, with regard to the working of Vizagapatam Port on a more economic basis?

**Mr. G. V. Bewoor:** (a) Mr. E. G. Lilley. The attention of the Honourable Member is invited to the reply given to part (a) of his starred question No. 906 asked on the 9th March, 1939.

(b) Mr. W. F. Dennis Smith, Assistant Traffic Manager. While acting as Traffic Manager, he received a pay of Rs. 800 per mensem plus a special pay of Rs. 200 per mensem.

(c), (d) and (e). The information is being collected and will be laid on the table in due course.

(f) Figures of the income for the calendar years are not available. Port Fund receipts for the financial years were:

	Rs.
1935-36 . . . . . . . . .	11,25,311
1936-37 . . . . . . . . .	10,81,568
1937-38 . . . . . . . . .	15,31,759

The salary of the Audit Officer is at present Rs. 780 plus a special pay of Rs. 150. The total cost of the audit and accounts office during 1937-38 was, approximately, Rs. 4,000 per mensem.

(g) Yes.

**Prof. N. G. Ranga:** What is the nature of the suggestions made for economy in this particular representation and what action has been taken on the lines of those suggestions?

**Mr. G. V. Bewoor:** The Vizagapatam Harbour and Port Workers Union is not a recognised union and Government are under no obligation to pay any attention to the representations made by that Union.

**Prof. N. G. Ranga:** Irrespective of the fact whether the Union is recognised or not, have Government taken the trouble to see whether there is anything useful in the suggestions made and take the necessary action on those lines?

**Mr. G. V. Bewoor:** I mentioned, Sir, that no action had been taken.

**Prof. N. G. Ranga:** Are Government aware of the fact that the net income of this particular harbour is not much and that the harbour port authorities have not been able to pay towards the sinking fund or even to abstain from asking for subvention from Government? Therefore, are Government aware of the fact that there is great need for retrenchment and economy in the administration of this port?

**Mr. President** (The Honourable Sir Abdur Rahim): That is a matter for discussion.

**PAYMENTS TO RAILWAY COMPANIES FOR MAKING GOOD THE MINIMUM PROFITS OR INTEREST.**

**1434. \*Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Railway Member state:

- (a) whether in the last ten years they have had to pay any amount of money to any railway company by way of making good the minimum profits or minimum interest on the money invested by railway companies; and
- (b) if so, what amounts, and to which companies?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) and (b). So far as the Companies managing the main line administrations are concerned, only two, namely the Assam Bengal Railway Company and the Bengal Nagpur Railway Company, have suffered losses. A statement is laid on the table showing the amounts by which the proportionate share of net earnings attributable to the Companies fell short of the guaranteed interest on the Companies share capital. The number of branch line companies to whom rebate or guarantee was paid to make up the minimum return fixed under the contracts is large, and a statement showing the amounts paid to each one of these companies over a period of ten years would be very unwieldy and involve much labour in compilation. Full information on this matter is, however, available in the History of Indian Railways, a copy of which corrected up to the 31st March, 1937, is in the Library of the House.

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*Statement showing the excess of the guaranteed interest payable to the Assam Bengal and Bengal Nagpur Railways over the proportionate share of net earnings attributable to the Companies for the ten years 1927-28 to 1936-37.*

Year.	A. B. Ry.	B. N. Ry.
	Rs.	Rs.
1928-29 . . . . .	<i>Nil.</i>	<i>Nil.</i>
1929-30 . . . . .	<i>Nil.</i>	5,85,000
1930-31 . . . . .	<i>Nil.</i>	4,48,000
1931-32 . . . . .	<i>Nil.</i>	8,34,000
1932-33 . . . . .	2,05,000	4,26,000
1933-34 . . . . .	2,40,000	1,59,000
1934-35 . . . . .	1,34,000	52,000
1935-36 . . . . .	3,61,000	<i>Nil.</i>
1936-37 . . . . .	3,84,000	<i>Nil.</i>
1937-38 . . . . .	3,20,000	<i>Nil.</i>

**Mr. T. S. Avinashilingam Chettiar:** May I know how many times they had to compensate the companies in the course of the last ten years?

**The Honourable Sir Muhammad Zafrullah Khan:** Six times in each case.

**Mr. T. S. Avinashilingam Chettiar:** May I know from what accounts these monies are paid to the companies?

**The Honourable Sir Muhammad Zafrullah Khan:** This is too technical a matter for me to be able to answer without notice.

**Seth Govind Das:** Are not these losses due to the large salaries which the high officials get?

**The Honourable Sir Muhammad Zafrullah Khan:** That is a tendentious question.

**Mr. T. S. Avinashilingam Chettiar:** May I know whether in these ten years any attempts have been made by retrenchment or otherwise to make up these amounts?

**The Honourable Sir Muhammad Zafrullah Khan:** Every possible measure is taken to reduce expenditure.

**Mr. T. S. Avinashilingam Chettiar:** May I suggest that the amounts to be paid will be submitted in some form or other for the information of the House?

**The Honourable Sir Muhammad Zafrullah Khan:** I have said that full information is contained in the History of Indian Railways.

**Seth Govind Das:** What retrenchment has been made to compensate for these losses?

**The Honourable Sir Muhammad Zafrullah Khan:** Does the Honourable Member really expect me to answer that question on a supplementary?

#### LEVY OF ECONOMIC RENTS FROM EUROPEAN REFRESHMENT ROOMS ON RAILWAYS.

**1435. \*Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Railway Member state:

(a) whether Government have come to a conclusion over the matter of charging economic rents to European refreshment rooms; and

(b) if so, to what conclusions they have come?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) I would refer the Honourable Member to the reply given to part (d) of his starred question No. 901 on the 9th March, 1939.

(b) Does not arise.

**CIRCUMSTANCES OF OVERCROWDING FOR ENFORCEMENT OF SECTION 93 OF THE INDIAN RAILWAYS ACT.**

**1436. \*Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Railway Member state the circumstances of overcrowding in which section 93 of the Indian Railways Act is liable to be enforced against the Railways?

**The Honourable Sir Muhammad Zafrullah Khan:** It is not possible to detail all circumstances which might lead to the enforcement of the penalty. Each case would require a decision on its own merits.

**Mr. T. S. Avinashilingam Chettiar:** May I know the circumstances in which this section will be put into force at all, having regard to the fact that it has never been enforced?

**The Honourable Sir Muhammad Zafrullah Khan:** It will be very difficult to define the circumstances. That will depend upon the facts of each case.

**Mr. T. S. Avinashilingam Chettiar:** In view of the fact that we have evidence of overcrowding in which no action was taken, may I know whether this section has been enforced at any time?

**The Honourable Sir Muhammad Zafrullah Khan:** The Honourable Member has been given the information.

**Prof. N. G. Ranga:** Have any rules been made under this section for the guidance of the railway staff?

**The Honourable Sir Muhammad Zafrullah Khan:** If the Honourable Member wants to ask whether instructions have been issued for the guidance of the railway staff, I would require notice.

**Mr. T. S. Avinashilingam Chettiar:** Who is to take action against the railway under this section?

**The Honourable Sir Muhammad Zafrullah Khan:** That should be revealed by a study of the Act.

**Seth Govind Das:** Has there been a single instance in which these rules were enforced on any railway?

**The Honourable Sir Muhammad Zafrullah Khan:** That is the same question over again.

**Mr. T. S. Avinashilingam Chettiar:** May I know the agency which ought to take action under this section?

**The Honourable Sir Muhammad Zafrullah Khan:** The Honourable Member had better study the Act.

**Mr. Mohan Lal Saksena:** The Honourable the Railway Member stated in reply to a previous question that if notice were given he would answer the question. It is on that promise that this question has been put.

**The Honourable Sir Muhammad Zafrullah Khan:** I have given the answer

## CONSTRUCTION OF THE HARDWAR RAILWAY STATION.

**1437. \*Mr. Badri Dutt Pande:** (a) With reference to starred question No. 1109 asked on the 16th March, 1939, will the Honourable the Railway Member be pleased to state what was the total cost of the building of the new Hardwar station on the East Indian Railway?

(b) Was the work done by departmental labour or by contract?

(c) Are the cracks that had appeared in the building of a serious nature, or could they be repaired at a small cost?

(d) If the work was done by contractor, has his security been refunded or not?

(e) Who supervised the work?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) The estimated cost of the new buildings at Hardwar station was Rs. 54,315.

(b) Mainly by contract.

(c) No. They are neither numerous nor serious.

(d) Does not arise.

(e) Mr. Gatford, Executive Engineer.

**Prof. N. G. Ranga:** Was any deduction made from the amount payable to the contractor as a fine for these cracks?

**The Honourable Sir Muhammad Zafrullah Khan:** I should require notice.

**Mr. Badri Dutt Pande:** What were the cracks due to. Is it due to bad foundation or have there been any earthquakes there recently?

**The Honourable Sir Muhammad Zafrullah Khan:** I have never laid claim to any engineering knowledge of that kind.

## PROMOTIONS TO SUB-HEAD'S GRADE IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

**1438. \*Mr. Umar Aly Shah:** Will the Honourable Member for Railways please state how many promotions, permanent or officiating, were made in the Railway Clearing Accounts Office in the grade of Sub-Heads in the years 1937 and 1938? How many of these promotions were made in the order of seniority as per printed seniority list and how many at the discretion of the Administration?

**The Honourable Sir Muhammad Zafrullah Khan:** Eleven permanent and 107 officiating promotions were made during the years 1937 and 1938. The officiating promotions which were for varying periods, related to 22 persons of whom six are included in the eleven promoted permanently. Every clerk whose name is shown in the printed list is not necessarily eligible for promotion as sub-head, for which certain special qualifications are necessary. The Director personally makes promotions from among those who are eligible, with due regard to merit, seniority and administrative convenience.

**FUTURE OF THE RAILWAY CLEARING ACCOUNTS OFFICE.**

**1439. \*Mr. Umar Aly Shah:** Will the Honourable Member for Railways state if he is aware that there are great apprehensions in the minds of the staff of the Railway Clearing Accounts Office regarding the fate of the office? If so, will Government definitely state about the future of this office, i.e., whether it will remain as it is or be decentralized? If the latter, when?

**The Honourable Sir Muhammad Zafrullah Khan:** As regards the first part of the question Government have no information.

As regards the second part, I would inform the Honourable Member that it is hoped to be able to arrive at a final decision about the future of the office in the coming year after reviewing the results of the experiment in connection with a certain method of apportionment which was introduced in February, 1938.

**Prof. N. G. Ranga:** Is it not a fact that there have been many complaints in regard to the prevalence of T. B. among the staff employed in the Railway Clearing Accounts Office in Delhi?

**The Honourable Sir Muhammad Zafrullah Khan:** I am not aware of that fact.

**Prof. N. G. Ranga:** Is it not a fact that this particular thing has been under consideration by Government for more than one year and doctors' certificates have been produced for the satisfaction of Government that the staff are suffering on account of overcrowding and there is ill-health among them resulting even in T. B.?

**The Honourable Sir Muhammad Zafrullah Khan:** I am not aware of that.

**RUMOUR OF A RAID ON BANNU.**

**1440. \*Mr. Kuladhar Chaliha:** (a) Will the Foreign Secretary please state whether there is any truth in the rumour that a hostile lashkar is moving about the vicinity of Bombati Hill with intent to raid Bannu?

(b) Is it a fact that on the 10th March some shops were closed at Bannu owing to apprehension of a raid?

(c) Is it a fact that some shots were fired from the Kurram side but were ineffective?

(d) Have proper precautions been taken to protect the people?

**Sir Aubrey Metcalfe:** (a) Presumably the Honourable Member refers to the hostile gang which was concentrating in the area of old Gumatti post on March 10th. If so, the answer is in the affirmative.

(b) Government have not so far received any such report.

(c) Yes.

(d) So far as is known the local authorities have taken all proper precautions.

**ESTABLISHMENT OF AERODEOMES AT JORHAT AND DIBRUGARH IN ASSAM.**

**1441. \*Mr. Kuladhar Chaliha:** Will the Honourable Member for Communications please state:

- (a) whether suitable aerodromes can be established at Jorhat and Dibrugarh in Assam for civil aviation purposes; and
- (b) whether the Honourable Member has received any application for a subsidy for any such enterprise from any individual organisation or clubs?

**Mr. G. V. Bewoor:** (a) Sites for aerodromes at Jorhat and Dibrugarh have not been surveyed by any officer of the Civil Aviation Department, but from such information as is available, it is believed that suitable aerodromes could be established at those places.

(b) No.

**Mr. Kuladhar Chaliha:** Was any representation received from the Jorhat and Dibrugarh clubs?

**Mr. G. V. Bewoor:** No, Sir.

**NEWS OF AN ALLEGED RIOT AT LUCKNOW BROADCAST FROM DELHI.**

**1442. \*Mr. S. Satyamurti:** Will the Honourable Member for Communications please state:

- (a) whether his attention has been drawn to the news item from a special correspondent in the *Statesman* of the 5th March, 1939;
- (b) whether the Local Government of the United Provinces lodged a protest with the broadcasting authorities for causing false alarm all over the Province by relaying from Delhi on the night of the 3rd and the morning of the 4th March, 1939, the news of an alleged riot at Lucknow and casualties suffered therein;
- (c) whether it is a fact that such news was also relayed from abroad;
- (d) the reasons for such news having been given; and
- (e) whether Government are prepared to look into the matter and see that such mistakes are not made in future?

**Mr. G. V. Bewoor:** (a) Yes.

(b) I understand that the Director of Public Information of the United Provinces addressed a letter to the News Editor, All-India Radio, on the subject.

(c) Government have no information.

(d) Events which had occurred on the day in question at Cawnpore were, unfortunately, on account of a mistake in the preparation of the news bulletin, described as having taken place at Lucknow. Immediately the mistake was discovered, a correction and an apology was broadcast from Delhi, and repeated from Delhi and Lucknow in the evening.

(e) Suitable action has already been taken to prevent a recurrence of mistakes of this nature.

**Mr. Lalchand Navalrai:** Does the Honourable Member know that these relays from one station to another have become too numerous, and what is the reason for that?

**Mr. G. V. Bewoor:** That does not arise out of this question.

#### DETAILS OF THE RURAL BROADCASTING PROGRAMME FROM LUCKNOW.

**1443. \*Mr. S. Satyamurti:** Will the Honourable Member for Communications please state :

- (a) the details of the rural broadcasting programme from the Lucknow radio station for half an hour daily;
- (b) what arrangements have been made for making these programmes suitable for reception by the villagers who will listen to them;
- (c) what arrangements have been made for improving the receiving sets;
- (d) what are the financial commitments; and
- (e) whether the results of this experiment are proposed to be made available to other Provincial Governments for such development in their own Provinces?

**Mr. G. V. Bewoor:** (a) No rural programme is broadcast from the Lucknow Station of the All-India Radio.

(b), (d) and (e). Do not arise.

(c) All-India Radio have already evolved three types of special village receivers.

**Mr. S. Satyamurti:** With reference to the answer to part (c) of the question, may I know if my Honourable friend can give the House some idea of the cost of these three different types of receiving sets which the Department is investigating?

**Mr. G. V. Bewoor:** A special type of village receivers is available for supply to Provincial Governments on payment. The cost ranges between Rs. 250 and Rs. 275 for an A. C. set, which works from the mains, and between Rs. 300 and Rs. 350 for a battery set.

**Mr. S. Satyamurti:** Are they of foreign manufacture, or parts of them are manufactured in India?

**Mr. G. V. Bewoor:** I am afraid I shall have to ask for notice of that question.

**Mr. S. Satyamurti:** With reference to the answer to part (a) of the question, may I ask for some elucidation? The Honourable Member says that no rural programme is broadcast from the Lucknow Radio Station. Is the answer confined to the activities of the All-India Radio,—because I want to put it to my Honourable friend that I have read in the newspapers of a rural broadcasting programme being broadcast from Lucknow every day?

**Mr. G. V. Bewoor:** Sir, the Honourable Member is apparently referring to a communication from the special correspondent of the *Statesman* which appeared in the *Statesman* of March the 4th. What actually happened was that the Controller of Broadcasting discussed the matter of rural broadcasting informally with the rural development authorities of Lucknow on the occasion of his visit, and the correspondent seems to have rather mistaken what actually happened. There is at present no rural broadcasting programme broadcast from the Lucknow station.

**Prof. N. G. Ranga:** May I know if any rural broadcasting programme is under consideration by Government?

**Mr. G. V. Bewoor:** Not by the Department; the rural development authorities have the matter under consideration.

**Prof. N. G. Ranga:** What about the position of the Central Broadcasting Department? Are they considering the development of rural broadcasting and relaying it from Delhi?

**Mr. G. V. Bewoor:** There is a regular rural broadcasting programme at Delhi at present.

**Mr. Lalchand Navalrai:** With reference to clause (d) of the question, may I know whether on account of these relays from one station to the other the financial commitments have increased or decreased?

**Mr. G. V. Bewoor:** That does not arise out of my reply to part (d).

**Mr. Lalchand Navalrai:** I am asking with regard to "financial commitments".

(No reply.)

#### HOSTILITIES WITH THE FRONTIER TRIBES.

**1444. \*Mr. S. Satyamurti:** Will the Secretary for External Affairs please state:

- (a) the latest position with regard to the hostilities between the Government of India and the various tribes;
- (b) with how many and which tribes Government are actually at war now;
- (c) the number of men and officers engaged in such hostilities; and
- (d) whether Government can give any indication to the House of the time at which these hostilities are likely to cease?

**Sir Aubrey Metcalfe:** (a) and (b). The Honourable Member is referred to the reply given to parts (e) and (f) of question No. 1176 asked by Maulvi Abdur Rasheed Chaudhury on the 20th March, 1939. His attention is also invited to the subsequent press communiqués issued on the 17th and 18th March, 1939.

(c) I refer the Honourable Member to the Defence Secretary's reply to part (f) of starred question No. 101, asked by Mr. Abdul Qaiyum on the 6th February, 1939.

(d) No.

**Mr. S. Satyamurti:** With reference to the answer to clauses (a) and (b) of the question, may I know if copies of press communiqués are issued to Honourable Members of this House?

**Sir Aubrey Metcalfe:** No, but I can lay copies on the table, if Honourable Members wish; one imagines, however, that Honourable Members usually read them in the papers.

**Mr. S. Satyamurti:** Apart from reading newspapers, some of them reproduce only parts of these communiqués; they do not reproduce the entire contents. I would ask my Honourable friend to be good enough, so long as this condition continues, to make copies of these communiqués issued from time to time available to Members of this House.

**Sir Aubrey Metcalfe:** I am certainly prepared to lay them on the table. I have copies here and I will do so.

**Mr. S. Satyamurti:** With reference to the answer to clause (d) of the question, may I know whether the somewhat pessimistic answer "no" means that there is no indication at all to the Government of the time at which these hostilities will cease, or does it mean their unwillingness to share that information with the House?

**Sir Aubrey Metcalfe:** Obviously it is impossible for me to say when the hostile elements among the tribes will cease to be hostile.

**Mr. S. Satyamurti:** May I know if any peace negotiations are going on with those tribes that are at war with the Government?

**Sir Aubrey Metcalfe:** Not at the moment. As I have explained, Government have made their position perfectly clear that they are ready to make peace at any time on extremely liberal terms, but no replies have been received and there is nothing further which Government can do.

**Mr. S. Satyamurti:** Are Government satisfied that the attitude of the Government has been made quite clear to those who can deliver the goods on behalf of the hostile tribes?

**Sir Aubrey Metcalfe:** The difficulty is to discover some one who can deliver the goods.

**Mr. S. Satyamurti:** If the Government statements do not reach them, may I know what steps Government have taken or propose to take to see that their attitude is conveyed to those who can really come to terms with Government?

**Sir Aubrey Metcalfe:** Government have conveyed to those people who arrogate to themselves a leading position in the tribe what they are prepared to do. They cannot do more than that.

## GOVERNMENT OF INDIA.

## DEFENCE DEPARTMENT.

*New Delhi, the 26th January, 1939.*

## PRESS COMMUNIQUE.

*A review of main events in Waziristan 1st November, 1938 to 15th January, 1939.*

The last review of events in Waziristan dealt with the months August, September and October, 1938. By the end of that period the annual migration of the tribes to their winter locations had taken place, but a few small gangs of tribal bad characters were still active in committing offences of a guerilla nature. The failure of the Tori Khel Wazirs to control their hostile tribesmen had made it necessary to bring pressure on certain sections of the tribe by denying them the use of their winter grazing grounds.

*Events in November, 1938.*

The month of November passed comparatively quietly owing in part to the advent of winter and the fast of Ramzan. Such hostile activity as took place was confined to sniping, attempts to hold up traffic, and similar guerilla activities by a few gangs operating under the direction of leaders who were in close touch with the Faqir of Ipi. Pressure was maintained on the hostile sections of the Tori Khel Wazirs and in this connection tribal approaches were made to the hostile leaders who indicated, however, that they would not make submission unless authorised to do so by the Faqir. During the month one Aqib and certain other hostile Tori Khel engaged in kidnapping offences made their headquarters in the neighbourhood of the Karesta Algap, not far from the administrative border. This area was, therefore, proscribed for air action, after due warning had been given.

Raiding into the settled districts bordering on Waziristan decreased. On the 18th November two villages south of Kalabagh were raided by a gang under one Sher Ali Marwat; a strong force of Frontier Constabulary at once moved out to cut off the gang, but the latter succeeded in evading observation in this hilly tract and made their escape. Three individuals were kidnapped in the course of six other raids and one lost his life whilst resisting. Several kidnapped persons were released during the month, including two children who were held by a certain Tori Khel Wazir, Gagu by name, near the Durand Line.

*Events in December, 1938.*

There was a further diminution of hostile activity in December, 1938, except for a temporary deterioration in South Waziristan where a few ill-disposed persons were undertaking hostile activities in the territory of the Manzai Mahsuds, to the west of Kotkai. In order to strengthen the hands of the tribal *maliks* this area was visited by the Razmak brigade supported by the Wana brigade. During the march of the Razmak brigade to Kotkai there was some sniping and minor opposition. The Shabi Khel Mahsuds in whose limits this occurred have since been punished by fines. The movement through Manzai Mahsud territory was unopposed and all the hostile agitators were surrendered or settlements made on their behalf. Further south, however, the Nazar Khel and Abdur Rahman Khel Mahsuds permitted their territory to be used by the notorious Sher Ali and his gang and failed to evict them when called upon to do so; a portion of their territory was therefore proscribed for air action, after due warning, until security had been given.

During this period the Faqir of Ipi had been finding harbourage in the territory of the Madda Khel Wazirs, in contravention of an undertaking given by that tribe in June, 1938. Some weeks were allowed to elapse in order to judge the effect of the announcement of terms that had been published: no response was made by the Faqir, however, and pressure was therefore brought on the villages and sections harbouring him.

During December the release of several kidnapped persons was effected.

Few offences occurred in the settled districts until the end of the month when one villager was killed and three were wounded in a raid on the 27th December, and on the 31st December one individual was abducted from a private motor-lorry

in the Bain Pass. One person was rescued by the village pursuit party from a gang that was attempting to kidnap him.

*Events, in January, 1939.*

The Tori Khel Wazirs, having failed to effect a settlement in respect of their hostile members, increased pressure has been brought on the tribe, involving forfeiture of allowances and suspension of *khassadars* in the case of the hostile sub-sections. In addition the 1st (Abbottabad) Infantry Brigade has entered the Lower Khaisora valley where it has so far met with no serious opposition although a few ill-disposed tribesmen, Wazirs and Mahsuds, have been responsible for some sniping of the troops.

After repeated warnings the Ahmadzai Wazirs inhabiting the salient of tribal territory to the north and north-east of Bannu failed to evict from their limits Mehr Dil and others who have taken part in raids, or to give security for the good conduct of persons using their territory. In consequence a blockade of this salient by troops and police has been instituted on the borders of Bannu and Kohat districts and is still in force.

There has been some increase in guerilla activity in Waziristan, and renewed raiding especially into Dera Ismail Khan district. On the 3rd January the village of Kathgarh was raided by a gang some sixty strong, two villagers being killed and three kidnapped, including one woman. The gang was engaged by police, who suffered four casualties, and a cordon was established by Frontier Constabulary and troops with co-operation by the Royal Air Force: the raiders succeeded in reaching the hilly and intricate country of the Marwat range, however, and after several days in the hills made their way to tribal territory under cover of darkness but not without loss, at least three of the gang being wounded. Two individuals were kidnapped from Shinki village on the 14th January, but were re-captured later by a cavalry patrol.

In spite of some general improvement in the tribal situation conditions remain unsettled and the results of the increased pressure now being exerted on the Tori Khel and the Ahmadzai Wazirs of the Bannu border must be awaited.

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## GOVERNMENT OF INDIA.

### DEFENCE DEPARTMENT.

*New Delhi, the 9th February, 1939.*

### PRESS COMMUNIQUE.

There has been a recrudescence of hostile activity during the past few days in Waziristan. A Madda Khel lashkar with two guns collected in the neighbourhood of Datta Khel, and on the night of the 5th/6th February 15 shells were fired at the fort from gun positions some 800 yards distant, two shells penetrating the fort wall. It was a bright moonlight night and an aeroplane from Miranshah took action against the hostiles at 2.45 A.M. Since then the lashkar has been quiescent but it is believed to be still in being.

There have been several instances of the sniping of troops and of camps, and the cutting of telephone lines. Private lorries have been fired upon between Bannu and Mir Ali, and one lorry was looted four miles from Tank on the Manzai road.

On the night of the 3rd/4th February a small gang attempted to raid the village of Shamshi Khel, some 9 miles south-east of Bannu. The villagers put up a stout resistance, killing two of the raiders and wounding one. The dead men have been identified as local Ahmadzai Wazirs of the neighbouring village of Ghoriwala.

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## GOVERNMENT OF INDIA.

### DEFENCE DEPARTMENT.

*New Delhi, the 16th February, 1939.*

### PRESS COMMUNIQUE.

On several nights during the past week a few shells which did no damage were fired at Datta Khel post by hostile Madda Khel Wazirs in possession of a tribal gun. On the night of the 13th February whilst being used in this way the gun burst and it is reported that three hostile tribesmen were killed by the explosion. The next morning a patrol of Tochi Scouts searched the area and recovered portions of the gun, including the barrel.

Throughout the week there has been intermittent sniping at the 1st and 2nd Indian Infantry Brigades, for which two hostile gangs appear to be responsible. There were a few cases of the cutting of telegraph wires and the planting of bombs on roads. On the 13th February six persons were abducted from contractor's lorries which were held up by a gang between Mir Ali and Biche Kashkai. There is rain and snow over most of Waziristan.

## GOVERNMENT OF INDIA.

## DEFENCE DEPARTMENT.

*New Delhi, the 27th February, 1939.*

## PRESS COMMUNIQUE.

On the 24th February the 2nd Indian Infantry Brigade whilst carrying out a reconnaissance from the Lower Khaisora valley were engaged by parties of hostile tribesmen of whom five were killed. Our own casualties amounted to three wounded, namely, one British other rank of the 1st Bn., Royal Ulster Rifles, and two Indian other ranks of 16 Mountain Battery.

There has been snow and frost in Waziristan, and few minor offences have occurred, in except in the area between Spinwam and Mir Ali where some small *kassadar* posts were destroyed and the road blocked and damaged by a gang about one hundred strong led by Gagu, a notorious hostile Tori Khel Wazir. Other *kassadar* posts in this area, however, repulsed attacks that were made by the same gang, and the local *maliks* are now endeavouring to clear the area.

The behaviour of the Madda Khel Wazirs has recently been unsatisfactory and culminated in the fortuation of a *lashkar*, composed of members of all sections of the tribes, which as previously reported shelled Datta Khel post on several occasions in addition to committing other offences. It has, accordingly, been necessary to place the tribe under blockade and measures to give effect to this were therefore imposed from the 26th February.

On the afternoon of the 25th February an aircraft of the Royal Air Force made a forced landing near Isha Corner on the Bannu-Raznak road, the occupants escaping with superficial injuries. A patrol of Tochi Scouts from Miranshah post assisted in salvage work but whilst subsequently withdrawing in motor transport to Miranshah, at about 7 P.M. they were fired at, at close range by a small hostile gang, two Scouts being wounded and three grazed. The Scouts dismounted from their lorries and engaged the gang which was forced to withdraw.

## GOVERNMENT OF INDIA.

## DEFENCE DEPARTMENT.

*New Delhi, the 17th March, 1939.*

## PRESS COMMUNIQUE.

The 1st Indian Infantry Brigade which was recently concentrated at Ghariom left there on the 13th March for the Shaktu valley south of which hostile gangs were known to be harbouring with a view to committing raids into administered territory.

On the 13th and 14th March no serious opposition was encountered though there was considerable sniping which caused the death of one camel sower. In addition one British other rank and two Indian other ranks were wounded.

On the 15th March a supply convoy of Mechanical Transport moved without undue difficulty from Biche Kashkai to Ashwam in the Shaktu valley where the 1st Brigade was encamped, returning empty to Biche Kashkai the same day. The move of the convoy was protected by the 1st and 2nd Infantry Brigade, the latter having been concentrated at Biche Kashkai. Some sniping occurred and one Gurkha other rank was wounded.

On the 16th March the 1st Brigade operated eastwards of camp from Ashwam. Full details are not available but considerable opposition was encountered south of the Shaktu and the Government of India regret to announce that Lieut. A. H. M. Beale, 3rd Bn., 17th Dogra Regiment, was killed and subject to confirmation 10

Indian other ranks were killed and 11 Indian other ranks were wounded. It is understood that the bulk of the casualties were caused by snipers in caves. The hostiles who are believed to be led by Sher Ali were severely handled. It is significant that during the night following the action there was no sniping of the brigade camp.

## GOVERNMENT OF INDIA.

## DEFENCE DEPARTMENT.

*New Delhi, the 18th March, 1939.*

## PRESS COMMUNIQUE.

Further details are now available of the action in which the 1st Infantry Brigade was engaged in the Shaktu valley on the 16th March. The strength of the hostile gangs is estimated to have been about 200, and the fact that they were severely handled is borne out by a report that 20 enemy bodies have been recovered.

It is confirmed that the chief opposition to the advance of our troops came from tribesmen concealed in caves, and all our casualties except one occurred during the process of clearing the caves of snipers.

In addition to the casualties reported yesterday Lieut.-Col. J. P. Fullerton and 2nd Lieut. R. C. Simson, both of the 3rd Bn., 17th Dogra Regiment, were slightly wounded, the former by a stab in the left arm and the latter by a gun-shot wound. One Indian officer was also wounded.

## INSTITUTION OF A SYSTEM OF PATROLS ON CERTAIN SECTIONS OF THE EAST INDIAN RAILWAY.

**1445. \*Mr. S. Satyamurti:** Will the Honourable Member for Railways please state:

- (a) whether with effect from 23rd January and irrespective of the decisions as to who should meet the cost, the East Indian Railway Administration has instituted a system of patrols on the section of the main line and on the Grand Chord from Sitarampur to Moghul Serai;
- (b) the financial commitments of this new system of patrol;
- (c) whether Government have since decided the question as to who should meet the cost;
- (d) the source from which this cost is now being met; and
- (e) whether the Railway Board will share the cost with the Bihar Government, or incur itself the whole cost?

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

(b) The cost of the railway establishment now employed on patrol duty is understood to be about Rs. 7,000 per mensem.

(c) and (e). The matter is under consideration.

(d) The East Indian Railway are, for the present, meeting the cost of their own staff employed on patrol duties.

**Mr. S. Satyamurti:** Do Government get any reports, or will they get them, as to the working of this system and the results of its working?

**The Honourable Sir Muhammad Zafrullah Khan:** I do not know exactly what kinds of report the Honourable Member has in mind. Surely if the object for which these patrols are being instituted is achieved, no report is necessary, and if unfortunately it is otherwise, then everybody will know.

**Mr. S. Satyamurti:** Instead of waiting for accidents to happen and Government then taking steps to keep themselves in touch with the working of the system, they can act so as to see if the system is good enough as far as it does or it should be extended?

**The Honourable Sir Muhammad Zafrullah Khan:** I have no doubt that consideration will be given to that aspect of the matter.

**COMMUNAL COMPOSITION OF CERTAIN STAFF IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.**

**+1446. \*Seth Haji Sir Abdoola Haroon:** (a) Will the Honourable Member for Communications please place on the table of the House a copy of the nominal roll of the Director General, Posts and Telegraphs, corrected up to date, or the date up to which it was last corrected?

(b) Will the Honourable Member please state the strength of the staff by communities in the following cadres in the office of the Director General, Posts and Telegraphs:

- (1) Superintendents including Chief Superintendent.
- (2) First Division Clerks (Assistants),
- (3) Second Division Clerks,
- (4) Third Division Clerks, and
- (5) Officials below clerks?

**Mr. G. V. Bewoor:** (a) A copy of the nominal roll of the office of the Director General of Posts and Telegraphs which is being printed will be placed in the Library when ready.

(b) A statement is laid on the table.

*Statement showing the strength by communities of the staff of the office of the Director General of Posts and Telegraphs as it stood on 15th March, 1939.*

	Hindu.	Muslim.	Indian Sikh.	Anglo- Christian.	Anglo- Indian.	Total.
1. Chief Superintendent and Superintendents.	11	..	..			11
2. Accountant Superintendents .	1	1	..	..		2
3. Accountants . . .	4	1	..	..		5
4. 1st Division clerks . . .	46	5	..			51
5. 2nd Division clerks . . .	33	10	2	1		46
6. 3rd Division—						
(i) Old 2nd Division counted against the vacancies of 3rd Division.	30	9	1	1		41
(ii) Direct recruits . . .	7	4	1	..		12
7. Stenographers . . .	7	1	..	1		9
8. Draftsman and Tracer . .	..	2	..			2
9. Officials below the clerical cadre	62	29	1	..		92

<sup>†</sup>Answer to this question laid on the table, the questioner being absent.

**DIFFICULTIES OF STAFF IN THE TREASURY OF THE CALCUTTA GENERAL POST OFFICE.**

†1447. \***Seth Haji Sir Abdoola Haroon:** (a) Has the attention of the Honourable Member for Communications been drawn to an editorial note in the *Star of India*, dated the 7th January, 1939, under the caption "Difficulties of Staff in Calcutta G. P. O. Treasury"?

(b) Is it a fact that the present scale of pay has been reduced to Rs. 24—34 from Rs. 50—160 and, if so, why and from which date?

(c) Is it a fact that in the cadres of (i) Treasurer, (ii) Deputy Treasurer, (iii) Assistant Treasurer and (iv) First Grade Clerks in the Calcutta Treasury not a single Muslim has been appointed, and if so why?

(d) Is it a fact that tenders for Calcutta Treasury works were invited last time and a Muslim contractor's tender was the lowest?

(e) If the answer to part (d) above be in the affirmative, will the Honourable Member please state why the work was not given to the Muslim contractor?

(f) Is it a fact that the scheme of work proposed by the Muslim contractor was adopted by the department?

(g) Will the Honourable Member be pleased to state particulars of the Post Office Treasury contracts given throughout after the decision in the case of the Calcutta Treasury work?

(h) Is it a fact that not a single Treasury contract was given to Muslims out of those referred to above and that all the new works have gone to Hindus, and if so, why?

(i) Will the Honourable Member please state why these new works were given to Hindu contractors and why they were not transacted by the department itself?

(j) Is it a fact that Government have ordered not to accept Security Fidelity Bonds executed by insurance companies for treasury contractors and whether similar bonds are accepted by Government on behalf of their staff and if so, why?

(k) Is the Honourable Member prepared to reconsider their decision and order acceptance of insurance companies bonds to enable all contractors and members of the staff to file requisite security in all cases?

**Mr. G. V. Bewoor:** (a) The *Star of India* of the 7th January, 1939, has been seen by Government. It does not contain an editorial note of the nature described by the Honourable Member, but there is a communication by a Mr. Munwaruddin on the subject referred to by him.

(b) No, but some clerical posts in the treasury branch have been converted into appointments of shroffs on a scale of 24—34.

(c) Yes. Employees in the treasury branch are selected from the staff of the General Post Office on considerations of suitability for that particular work and willingness to furnish the required security bonds.

(d) Yes.

(e) Because Government were of opinion that he was not likely to be able to perform the work of the treasury branch satisfactorily.

(f) No.

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

(g) I regret the information is not readily available and cannot be collected without an undue expenditure of time and labour.

(h) and (i). Do not arise.

(j) The fact is as stated by the Honourable Member. The reason is that the financial responsibility involved is wholly different in the two cases.

(k) No.

#### **SCALES OF PAY OF TIME-CHECKERS IN THE JAMALPUR WORKSHOP.**

**1448. \*Babu Kailash Behari Lal:** Will the Honourable the Railway Member be pleased to state:

- (a) if it is a fact that before the revision of the scales of pay for the subordinate staff in 1934, the scale of pay of the time-checkers of Jamalpur Workshop was Rs. 24—2—40, which was subsequently fixed at 30—3—45;
- (b) if it is a fact that for a considerably long period while the time-checkers at Jamalpur were in Rs. 24—2—40 grade, the time-checkers in the mechanical department at Lucknow were in the grades of Rs. 28—3—52 and Rs. 55—3—70;
- (c) if it is a fact that the time-checkers of Jamalpur workshop submitted a petition to the Workshop Accounts Officer at Jamalpur in which they wrote "They do the same duties as we do. They belong to the same Railway and are under the same Mechanical Department. It is a great irony of fate.....they enjoy two better grades under the same management .....It really breaks the heart and harms the efficiency of the work itself, as it is humanly impossible to keep up the high tone of the work whilst such glaring distinction in the matter of pay and status appears in all its hideousness";
- (d) if it is a fact that on the above representation of the time-checkers of Jamalpur workshop, the authorities came to the conclusion that difference of pay between Jamalpur and Lucknow time-checkers was an anomaly and required to be rectified;
- (e) if it is a fact that the anomaly having been rectified, the scale of pay at Lucknow has been fixed at Rs. 30—3—45 for further entrants from 1938, while those appointed between 16th July, 1931, and 31st December, 1937, would continue to draw at Rs. 30—3—45—5—60; and
- (f) if it is a fact that even after the rectification of the above anomaly, the time-checkers of Jamalpur drawing Rs. 24—2—40 continued in the same grade, in spite of their representation to the Divisional Superintendent (Mechanical), Jamalpur, the Chief Mechanical Engineer, East Indian Railway, Calcutta, the Agent, East Indian Railway, Calcutta, and to the Secretary, Railway Board?

**The Honourable Sir Muhammad Zafrullah Khan:** I am calling for the information required by the Honourable Member and will place a reply on the table of the House when it is received in due course.

## REVISED PASS RULES FOR RAILWAY EMPLOYEES ON STATE RAILWAYS.

**1449. \*Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Railways be pleased to state what changes have been made in the 1937 Revised Pass Rules on Indian State-managed Railways in response to staff protests and interpellations in this House? Are the changes mentioned in the Honourable Member's reply to Mr. P. R. Damzen's unstarred question No. 92 asked on 16th November, last final?

(b) If the reply to the second part of paragraph (a) above be in the negative, will the Honourable Member be pleased to state the justification for the issue of Railway Board's letter No. 6502-T., dated the 16th December, 1938, to the General Managers of State-managed Railways?

(c) If the reply to the second part of part (a) above be in the affirmative, will the Honourable Member please explain his statement made in the House on 16th February, 1939, in reply to the general discussion on the Railway Budget to the effect that the general principle of giving passes on the scale and class would be comparable with the travelling allowance of Government servants in other walks of life drawing the same salary?

(d) Is it a fact that the Central Government employees in the subordinate services are entitled to intermediate class travelling allowance, irrespective of pay considerations, and are the present rules under which Railway employees can have intermediate class passes only when they draw Rs. 76 or more up to Rs. 125 proposed to be revised?

(e) Is the Honourable Member, in view of his statement referred to in part (c) above, prepared to issue directions to amend the pass rules in the matter of classification, so as to fit in with the Central Government travelling allowance rules? If not, why not?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) The changes made in the Rules for the grant of privilege passes, which had effect from the 1st January, 1939, were as stated in the reply to Mr. P. R. Damzen's unstarred question No. 92 of the 16th November, 1938. Government do not intend to make any further changes.

(b) Does not arise.

(c) The Honourable Member has not quoted the statement made in the House quite correctly, as no reference was made in that statement to the travelling allowance of Government servants.

(d) The answer to the first part is in the affirmative, except that Government servants in receipt of actual pay exceeding Rs. 200 per mensem are allowed second class travelling allowance. In regard to the second part, railway employees are allowed intermediate class passes when drawing Rs. 76 per mensem and over up to Rs. 175 per mensem and it is not proposed to make any revision.

(e) No. The reasons for the classification were given in the reply to Mr. Amarendra Nath Chattopadhyaya's unstarred question No. 139 of 31st March, 1937.

**Mr. Lalchand Navalrai:** May I know from the Honourable Member if it is a fact that in the other Departments of the Central Government those who draw below Rs. 76 have also to be given allowances for travelling by intermediate class, and will that be drawn in the same manner by the Railway Department staff also or not?

**The Honourable Sir Muhammad Zafrullah Khan:** I am not aware what the rules are in the other Departments.

**Mr. Lalchand Navalrai:** Will the Honourable Member make inquiries about that and equalise it with the other Departments?

**The Honourable Sir Muhammad Zafrullah Khan:** No, Sir.

**Mr. Lalchand Navalrai:** Why not?

**The Honourable Sir Muhammad Zafrullah Khan:** I have stated that Government do not propose to make any revision.

#### PASSES FOR ADOPTED CHILDREN OF EMPLOYEES ON THE NORTH WESTERN RAILWAY.

1450. \***Mr. Lalchand Navalrai:** (a) With reference to the Honourable Member's reply to part (a) of my starred question No. 519, asked in August 1938, to the effect that if an employee had no other children, one adopted child is allowed passes on foreign railways, is the Honourable Member aware that under rule 109 of the North Western Railway Pass Rules for interchange of passes with foreign railways, adopted children are excluded from the benefit of foreign railway passes?

(b) In view of the Honourable Member's reply referred to in part (a) above, is he prepared to direct necessary amendment of the North Western Railway Pass Rules referred to in the concluding portion of part (a) above to fit in with his reply? If not, why not?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) and (b). No. It is understood that rule 109 of the North Western Railway Pass Rules has been amplified by the issue of executive instructions, permitting the inclusion of an adopted child to the benefit of foreign line railway passes when an employee has no other children.

**Mr. Lalchand Navalrai:** May I know, with regard to the last paragraph, whether these adopted children are excluded from the benefit of foreign railway passes?

**The Honourable Sir Muhammad Zafrullah Khan:** That is exactly what I have been replying to.

#### RULES FOR OUT-STATION INDIAN APPRENTICES OF WORKSHOPS ON THE NORTH WESTERN RAILWAY.

1451. \***Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Railways be pleased to state whether rules for Out-Station Indian (Workshop) Apprentices (English speaking) issued in 1921, under the signature of Mr. J. H. Smallie, Loco. Superintendent, North Western Railway, Lahore, had application to Apprentices in Sukkur Workshops recruited in April 1926?

(b) If the reply to part (a) above be in the negative, will the Honourable Member please lay on the table of the House a copy of the rules applicable to the staff referred to in part (a) above?

(c) If the reply to part (a) above be in the affirmative, will the Honourable Member please state if under paragraph 6 of these rules, an

Apprentice had to be retained in service at the end of his indenture unless his work, conduct, and time-keeping was unsatisfactory?

(d) Is it a fact that on completion of their apprenticeship period, the staff referred to in part (a) above had to be employed as Mechanics in terms of paragraph (6) of the rules, but they were discharged *vide* Works Manager, North Western Railway, Sukkur's letter No. PC/3140, dated the 6th April, 1931, owing to the advent of the general retrenchment of 1931?

(e) Have these Apprentices been considered as retrenched hands? If not, why not?

(f) Is it a fact that under Government of India, Finance Department letter No. D. 2864 Ex. 1/34, dated the 26th July, 1934, all paid Apprentices were held to be in "Government Service"?

**The Honourable Sir Muhammad Zafrullah Khan:** With your permission, Sir, I oppose to reply to this and question No. 1452 together. It is being inquired whether the information asked for is readily available, if it is, a further reply will be laid on the table of the House in due course.

#### AGREEMENT WITH OUT-STATION APPRENTICES RECRUITED IN SUKKUR WORKSHOPS.

+1452. \***Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Railways be pleased to state whether any agreement was executed by Out-Station Apprentices recruited at Sukkur Workshops in April, 1926?

(b) If the reply to part (a) above be in the affirmative, will the Honourable Member be pleased to lay on the table of the House a copy of the said agreement?

#### FACILITIES FOR POSTING OF LETTERS WITHOUT LATE FEE AT KARACHI.

1453. \***Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Communications be pleased to state if it is proposed to open a Railway Mail Sorting Office at Karachi City station? If so, when?

(b) If the reply to part (a) above be in the negative, do Government propose to afford facilities to the public to post their letters without late fee at the General Post Office, or the station post box, about half an hour before the due departure of the train by which *dak* is carried? If not, why not?

**Mr. G. V. Bewoor:** (a) and (b). Government have no information. The matter is within the competence of the Director of Posts and Telegraphs, Karachi, to whom a copy of the question is being sent for such action as he may consider suitable.

#### CLASSIFICATION OF CERTAIN CLERICAL STAFF ON THE NORTH WESTERN RAILWAY.

1454. \***Mr. Muhammad Azhar Ali:** Will the Honourable the Railway Member please state:

(a) whether it is a fact that clerical staff on the North Western Railway, governed by the old scales of pay, is divided into eight classes and that a separate scale of pay is fixed for each class;

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†For answer to this question, see answer to question No. 1451.

- (b) whether it is a fact that clerical staff in any other Government Department is not divided into more than three or four classes;
- (c) whether it is a fact that in no railway system in any other country, clerical staff is divided into as many as eight classes and governed by the same number of scales of pay;
- (d) what is the basis of the division of clerks into eight classes on the North Western Railway;
- (e) whether the staff in the lowest class has been representing for the last seven or eight years that the duties allotted to them are of the same nature as performed by class II clerks and that they should therefore be governed by one and the same scale of pay; if so, what action has been taken by Government in the matter;
- (f) whether scales of pay of Government servants are regulated, among other things, with reference to the social standard required to be maintained by them;
- (g) while laying down the said eight scales of pay, what wage Government had in view for a clerk after 15 years' service in an urban area; and
- (h) whether it is a fact that the previous General Manager of the North Western Railway had admitted the genuineness of the grievances of the lowest class of clerks and agreed to amalgamate the scales of pay for class I and II clerks which would enable a clerk to rise up to Rs. 95 per mensem, after putting in 15 years' service?

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

(b) and (c). I have no definite information in respect of other Government Departments and of Railways in other countries.

(d) This division facilitates the allotment of posts for various offices, administrative, executive and otherwise in accordance with the nature and responsibility of the duties involved.

(e) and (h). I would refer the Honourable Member to the reply given to Mr. Lalchand Navalrai's question No. 38 on 21st February, 1938.

(f) No.

(g) The scales of pay prescribed are those considered adequate remuneration for the work required to be done.

**Mr. Muhammad Azhar Ali:** The Honourable Member may not be aware whether this practice prevails in foreign railways or not but is the Honourable Member aware that this system is in vogue in India on any other railways?

**The Honourable Sir Muhammad Zafrullah Khan:** I have given an answer to this question.

**Mr. Muhammad Azhar Ali:** What I want to know is whether there is any other railway besides the North Western Railway where this system prevails?

**The Honourable Sir Muhammed Zafrullah Khan:** The Honourable Member may be right in his assumption that probably this sub-division operates only on the North Western Railway.

**Mr. Muhammad Azhar Ali:** With reference to part (h) of the question, may I ask whether it is the policy of the Government that when Managers change the policy in respect of the emoluments also changes?

**The Honourable Sir Muhammed Zafrullah Khan:** I cannot say. If a General Manager considers that there ought to be a change in a certain respect with regard to these matters, it is for him to decide.

**Dr. Sir Ziauddin Ahmad:** When a clerk is promoted to the higher grade, does he draw his pay according to the old scales or according to the new scale?

**The Honourable Sir Muhammed Zafrullah Khan:** That depends upon when he entered service.

**Dr. Sir Ziauddin Ahmad:** Will the date when he joined the service first will be taken into consideration or the date when he was promoted to the higher grade?

**The Honourable Sir Muhammed Zafrullah Khan:** The date when he first joined service if he has been permanently in Government service.

**Dr. Sir Ziauddin Ahmad:** Is the Honourable Member's attention drawn to the fact that these divisions of clerks into eight different grades is too excessive?

**The Honourable Sir Muhammed Zafrullah Khan:** The attention of the Department has been drawn by this question.

#### RAILWAY LAND LEASED OUT AT PATPORE CABIN NEAR DELHI JUMNA BRIDGE.

+1455. \***Mr. Ram Narayan Singh:** Will the Honourable Member for Railways please state:

- (a) the terms upon which the North Western Railway has leased out the railway land at Patpore cabin (Delhi Jumna Bridge East);
- (b) to whom that land has been leased and for what purposes;
- (c) whether any tender was called for that land; if not, why not;
- (d) whether any rebate, discount or commission was paid to the broker, who found the lessee Messrs. Gopal Brothers; if not, why not;
- (e) whether the lease was advertised in any newspaper; if so, in which it appeared; if not, why not;
- (f) the nature and name of applicants, who also applied for the lease; and the reasons for rejecting their applications; and
- (g) whether Government are prepared to order the suspension of the execution of the lease deed with Gopal Brothers, pending the disposal of lease by public auction; if not, why not?

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

**The Honourable Sir Muhammad Zafrullah Khan:** Enquiries are being made from the Railway Administration concerned and a reply will be laid on the table in due course.

#### EMPLOYEES IN THE BINDING AND MACHINE DEPARTMENT OF THE EAST INDIAN RAILWAY PRESSES

+1456. \***Mr. Surya Kumar Som:** (a) Will the Honourable Member in charge of Communications be pleased to state the number of Muhammadan and non-Muhammadan employees in the binding and machine department in the East Indian Railway Presses, Howrah and Calcutta?

(b) Is it a fact that no non-Muhammadan is given employment in the said Presses? If so, why?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) Muslims—261.  
Non-Muslims—9.

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

#### THE SUGAR INDUSTRY (PROTECTION) BILL.

**The Honourable Sir Muhammad Zafrullah Khan** (Member for Commerce and Labour): Sir, I beg to move for leave to introduce a Bill to provide for the continuance for a further period of the protection conferred on the sugar industry in British India.

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

"That leave be granted to introduce a Bill to provide for the continuance for a further period of the protection conferred on the sugar industry in British India."

The motion was adopted.

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

#### THE INDIAN TARIFF (SECOND AMENDMENT) BILL.

**The Honourable Sir Muhammad Zafrullah Khan** (Member for Commerce and Labour): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Tariff Act, 1934 (Second Amendment).

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

"That leave be granted to introduce a Bill further to amend the Indian Tariff Act, 1934 (Second Amendment)."

The motion was adopted.

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

<sup>†</sup>Answer to this question laid on the table, the questioner being absent

## THE INDIAN TARIFF (THIRD AMENDMENT) BILL.

**The Honourable Sir Muhammad Zafrullah Khan** (Member for Commerce and Labour): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Tariff Act, 1934, for a certain purpose (Third Amendment).

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That leave be granted to introduce a Bill further to amend the Indian Tariff Act, 1934, for a certain purpose (Third Amendment)."

The motion was adopted.

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

## THE REGISTRATION OF FOREIGNERS BILL—*contd.*

**Mr. President** (The Honourable Sir Abdur Rahim): The House will now resume consideration of the Bill to provide for the registration of foreigners in British India.

**The Honourable Sir Reginald Maxwell** (Home Member): Sir, when the House adjourned yesterday, I was replying to various points which had been raised by Honourable Members opposite in regard to the first amendment\* which had been moved. It only remains for me now to sum up the general position which I am taking up in regard to this amendment. The point of controversy which has arisen over this measure concerns the manner in which the word "foreigner" should be defined for the purpose of liability to registration. I say liability, advisedly, because what the Bill creates is a liability to register which can be enforced by Government according to the actual needs of the case. Well, Sir, in regard to this definition, I have been defending the definition which we had adopted from the Foreigners Act with the result that the Bill would apply only to aliens, that is, persons who are not British subjects. My reasons for defending this kind of definition are mainly two. In the first place, as I have already urged to the House, it is only in the case of aliens, that is, persons who are not British subjects, that the precaution of universal registration of whole classes is necessary. In regard to other classes, as I have already pointed out, registration is useful only for a particular purpose which can be defined. But in regard to foreigners, the position is that all or any of them might, at some future date, become hostile aliens and, therefore,

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\* "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;" "

[Sir Reginald Maxwell.]

registration is necessary as a precautionary measure to enable Government to take action such as internment or repatriation against whole classes of such foreigners. Here I might stop for a moment to notice a point which was raised by the Honourable Member, Mr. Satyamurti. He asked why do we assume that all classes of foreigners—Belgians, I think, he quoted and various others—might be potential enemies? Is it not an argument against universal registration even in the case of foreigners? The answer to that point is that whatever opinion we may or we may not have as regards the potentiality of enmity in the case of any one nation, we are not in a position to discriminate between nations of the same description because we are bound by the most-favoured-nation clauses in our treaties with these nations. That is, if we impose registration on the nationals of certain countries but not on the nationals of other countries, then those countries against whom this discrimination was exercised would be able to challenge our action under our treaties. It is, of course, a different matter when one makes an exception of neighbouring friendly Asiatic countries as we propose to do. That does not raise any general question of principle. But in regard to European countries we shall not be in a position to discriminate between one country and another and, therefore, it is necessary that the registration which we impose for war purposes, whatever our immediate opinion of the requirements may be, should be universal. The second ground on which I oppose this definition of foreigner is that if your object is purely to obtain the means of retaliation for discrimination exercised against Indians in any of the Dominions and if you know what kind of retaliation you wish to exercise then you can bring that retaliation into effect by means of *ad hoc* legislation. As I mentioned before, the House has already two Bills to that effect before it and it also has an Act on the Statute-book which, to my mind, enables everything necessary to be done. *Ad hoc* legislation, as I said, is the way to deal with a limited and definite requirement which does not require dealing with whole classes of people. But I would remind the House again that registration itself is not retaliation. Apart from some specific object it becomes merely a gesture and in this particular case an ineffective gesture. In fact this demand for registration—this demand for extension of the definition to Dominion subjects—must be taken to mean that we want to impose registration on all Dominion subjects from whatever Dominion they may come simply because some Dominions, I think primarily only one Dominion, that is, South Africa, are treating Indian residents in their midst in precisely the same manner that some Honourable Members of this House would apparently like to treat residents of other countries living in their midst, such as Nepalese, Burmans and Afghans. I have already urged on the House that for the sake of what I regard as merely a gesture in this connection, certain Honourable Members opposite would like to throw overboard the definition which has been based on the British Nationality and Status of Aliens Act. Although no value may possibly be attached to the status which Indians obtain in certain Dominions under this Act, Honourable Members might perhaps ask themselves the question whether in the absence of such status as they obtain under it, there would today be any Indians in South Africa at all.

To go back to this question of retaliation, I would ask the House to consider carefully the opinion which was expressed by my Honourable friend, Sir Syed Raza Ali, that retaliation exercised against the Dominions

would be a twoedged sword. He gave it as his considered opinion, if I recollect him correctly, that an amendment of this kind or any attempt to enforce retaliation by means of it would do no good to Indians in South Africa. I would submit to the House that here is some one speaking who has experience of the conditions there and whose opinion ought to be entitled to very great weight. I must indeed express some surprise at the attitude of the Congress Party towards this whole question of retaliation. I have heard my Honourable friend, Mr. Satyamurti, say that the principle of retaliation is necessary. We must assert it. I have heard the Honourable the Leader of the Opposition say that weakness invites others to tread on you more and more. And yet, I remember not so very long ago reading certain articles in which Mr. Gandhi expressed his opinion as to how the Czechoslovakians in their circumstances or the Jews in Germany in their circumstances should conduct themselves.

**Mr. S. Satyamurti** (Madras City: Non-Muhammadan Urban): Will you disband your army? Then I will accept your advice. You cannot go on quoting Mahatma Gandhi for one purpose alone, and not for the other.

**The Honourable Sir Reginald Maxwell:** I can find in these articles no trace of any recommendation of retaliation so far as I can interpret them. The Honourable Members of the Congress Party should be in a better position than I to understand the principle of non-violence, but at the same time as far as I can interpret these articles, I find that anything in the nature of retaliation is entirely foreign to the principles of *satyagraha*.

**Mr. S. Satyamurti:** Registering is non-violent!

**The Honourable Sir Reginald Maxwell:** We are talking now not about registration but retaliation. Honourable Members are demanding that certain treatment which they regard as unjust should be met by the fiercest possible retaliation and they keep on gnashing their teeth on the ground that any sign of weakness invites others to tread on you more and more and, therefore, you must be strong in your retaliation. Here are the words of Mr. Gandhi writing in the *Hanjan* of January 7, 1939:

"And suffering voluntarily undergone will bring them an inner strength and joy which no number of Resolutions of sympathy passed in the world outside Germany can. Indeed even if Britain, France and America were to declare hostilities against Germany, they can bring no inner joy, no inner strength."

I want to know where is there any sign of retaliation? In fact there is no trace of retaliation in the general attitude of any of these articles. I am now referring to another article entitled "Is non-violence ineffective". The general attitude expressed in these articles is that submission to the unjust treatment in a proper frame of mind will melt the hardest heart.

**Mr. S. Satyamurti:** But will it melt your heart? No!

**The Honourable Sir Reginald Maxwell:** There is no trace of retaliation at all. In fact I find these words in this article:

"But the hardest metal yields to sufficient heat. Even so must the hardest heart melt before sufficiency of the heat of non-violence. And, there is no limit to the capacity of non-violence to generate heat."

The article goes on :

"Even so I do not despair because Herr Hitler's or the German heart has not yet melted. On the contrary I plead for more suffering and still more till the melting has become visible to the naked eye."

[Sir Reginald Maxwell.]

It has been interesting to me to see how the Congress Party would like to interpret these principles in practice. That is all I have to say about that point.

But another point and a more serious one I should like to urge upon those who have pressed this amendment. It is this. This is the first measure which I have had the honour of bringing before this House dealing with important matters of defence of this country. Now, Sir, I have had, in the past, to answer in this House a number of questions relating to the danger of foreign propaganda in India or the presence of foreigners in India and they have been expressing considerable interest in matters like air raid precautions, which, incidentally, have a considerable bearing in the presence of foreign agents in this country, and so forth. In fact the House takes considerable interest in defence matters and yet, when I bring what is primarily a defence measure before this House, I find Honourable Members of the Party opposite are unable to bring themselves to consider it on its merits as a defence measure. Their sole interest, so far as I can see, lies in turning it from its defence purposes to the purpose of exercising some vague kind of retaliation against persons who are not our enemies and who are never likely to become our enemies. In fact I gather from the speech of the Honourable the Leader of the Opposition that they would rather defeat this measure altogether than allow Government to exercise the power of exemption in order to remove the unnecessary aspect of retaliation from it.

This brings me finally to the question of the power of exemption which Government wish to be able to exercise under this Bill.

I have said that an attempt to bring Dominion subjects within the definition of "foreigner" would be merely a gesture in the particular circumstances of the case. But a judicious use of the power which Government would have of exempting all or any of them in the same way as Government propose to exempt the residents of surrounding friendly countries would, at any rate, have made this gesture an innocuous one. It would have done no harm and the power would have been latent until the real occasion to impose registration arose. Sir, I have put all my cards on the table; I have been quite frank with the House in saying that if Government accepted this amendment it would be on the clear understanding that they could use their judgment in regard to the exemption of residents of the Dominions. I said that because I did not wish the House to rest under any misapprehension as to how Government would regard an amendment of this kind if it were carried. I did not say that in no circumstances would registration be imposed on Dominion residents; I did not say that all residents of the Dominions would be exempted for ever so as to defeat the purpose of the amendment. But I do say that Government must have a perfectly free hand and must not be regarded as obliged to give effect to the amendment in such a way as to impose registration where it had no possible use. But I gather from the speeches of my Honourable friends, Mr. Satyamurti and the Leader of the Opposition, that the Party opposite do not accept this attitude of Government. They insist apparently, that if this definition is so amended it must be used to the full, and they reject the offer of Government to accept the amendment on the understanding that they would use their option in regard to the matter. And, therefore, the only course now open to Government is to oppose this amendment on its merits, not because Government are in any way unsympathetic towards the feelings of

Honourable Members in regard to the plight of Indians in South Africa or anywhere else, but because Government feel that other means are more suitable for asserting the wishes of the House in regard to that matter and that a Bill of this kind should not be weakened in any way or that the country should not be made to adopt useless and meaningless gestures in regard to persons who should be our allies. And, therefore, I must say that Government intend now to oppose this amendment in view of what Honourable Members opposite have said.

**Mr. M. S. Aney** (Berar : Non-Muhammadan) : Sir, I was considerably surprised to see that an apparently innocuous amendment like the one which is moved by my Honourable friend, Mr. Ayyangar, should have given rise to such a long debate and should have evoked from the Home Member a pretty long reply also. After all what does this amendment mean? In any country it would not be difficult for anybody to know who a foreigner is. According to the dictionary meaning or its meaning in a constitutional sense, it only means that a person not born in a given State and not naturalised under the law of that given State is a foreigner. That is the usual definition of "foreigner" to be found in any law of any civilised country. It is only in the case of India that we are called upon to define a "foreigner" as to include in it probably some of our own men and exclude some of those who are to be there.

In the first place, Sir, I give my support to this amendment on the ground that the amendment is in my opinion an attempt to make the nearest possible approach to the truthful conception of a foreigner. I call it the nearest possible approach and not a complete approach and I make a distinction between the two because a complete approach to the truth would require the exclusion of a subject of the United Kingdom also from the definition. We are, however, prepared to make a concession there. But it is always a habit ingrained in those who call themselves rulers or belong to the ruling class that they not only want to enjoy privileges for themselves but they always think of their distant cousins, and they believe that these distant cousins, removed by several degrees, should have the same privileges of behaving arrogantly as they themselves on account of certain adventitious circumstances claim. And in Sanskrit books these gentlemen who happen to be related to the members of the Ruling family and who move about in borrowed feathers are generally described as *Raja-shyalakas*; brothers-in-law of kings. In Sanskrit drama whenever a court has to be described some character of a *Raja-shyalaka* is introduced; and it is always found that while the kings are more or less human and amenable to certain laws and rules of conduct those who bask in the sunshine of royal favour are the most arrogant and tormenting people in the world and a perpetual source of nuisance to everybody. I remember one line in a Sanskrit *subhashit* which says :

“*Na tathā dahati ravikars yathā dahati vālukānikarah.*

It means that: “the scorching rays of the sun are not so tormenting and oppressive as the particles of sand which become hot from the borrowed heat of the sun. You cannot walk bare-footed on the sand although you can stand the sun from which the sand derives its heat.” So, these particles of sand living in South Africa and Kenya and all other Colonies are more oppressive, more troublesome, more arrogant and more misbehaving than those to whom they are distantly related and through whose favour they claim to belong to some kind of a superior race. So, we find, that the

[**Mr. M. S. Aney.**]

general tendency of these Colonies is not to have any fair dealing with us. But I am not sure whether the amendment that is being moved here is being done in any spirit of retaliation at all, because it is known that this by itself means nothing. It only indicates our determination to say plainly that all those who are not born in this country and not naturalised under its laws, everybody else who is outside this circle,—except, of course, those who, for the sake of some other reasons we are constrained to regard as in some way related to us, e.g., subjects of the United Kingdom,—we are prepared to treat as foreigners. There is nothing wrong in that. We are only telling the truth and we should not be afraid of telling the truth because it might wound the fine susceptibilities of some sensitive foreigners somewhere. They are all *rajshalaks* and they must come under that category. Therefore, all the arguments and all the long sermon which my Honourable friend, Sir Syed Raza Ali, for whom I have got great respect, are all misplaced. Of course, he knows those people well and having lived amongst them he knows they are very sensitive and probably they will find a pretext for oppressing our men still more in this small and innocent amendment. If they are men of that type we may take it for granted that they will never be wanting in finding some excuse or another to trouble and oppress our men there. If an amendment, which seeks to bring out the definition of foreigner in accordance with the definition of foreigners to be found in any civilised jurisprudence, is going to offend the feelings of those persons, so as to provoke them into further acts of oppression against our brethren who are living within their jurisdiction, then I may safely conclude that they are a set of persons who will never be wanting in excuses, because they have an innate tendency to oppress and suppress Indians as they happen to be of a different colour and complexion . . . .

**Sir Syed Raza Ali** (Cities of the United Provinces: Muhammadan Urban): Why give them an opportunity then?

**Mr. M. S. Aney:** They will never be wanting in finding an opportunity that is what I think. This is such an innocent amendment that no sensible man, who has any regard for civilisation, who has any regard for any sense of equality of any kind whatever, should feel that there is any reason for him to be offended at this because, by this amendment, we are not imposing any disability upon them exclusively. If they come to this country they will have to register themselves, as we are called upon to go through more humiliating processes when we land in their country. When they made their law, they never felt as to how we, civilised Indians, thought about it: they said "We have made the law involving all these Asiatics and you are one of them." I say, we are making a law for all foreigners and you are one of them. That is all. This law certainly does not make any invidious discrimination against them alone. We say those who are not naturalised subjects of India will be treated as foreigners, and, therefore, whatever disability there might be in the way of registration will apply to all foreigners. I do not think, therefore, that there is any real ground for them to be unnecessarily troubled over that matter.

The second point, which arrested my attention, particularly, was the pompous manner in which the Honourable the Home Member has collected all the files of *Harijan* and the manner in which he was quoting from the various articles contributed to *Harijan* by Mahatma Gandhi. My point is that in the first place, I am glad that anyhow it has afforded an opportunity

to the Honourable the Home Member to read what Mahatma Gandhi has to say about non-violence. It is his first reading and it will, naturally, take some time to digest it. It is not such an easy philosophy that a man can easily understand immediately on reading it. It seems this is his first attempt to acquaint himself with that. I am sure if he does that for one month at least continuously every day, then he will be here an altogether different man and, probably, there will be no need for us to say anything on the question of violence or non-violence here at all. He himself will be so transformed as to be ashamed of every act that the Government of India does almost every day to offend the feelings of persons on this side. It is intended primarily to teach lessons to those persons who want to make a serious study of it in order to transform their own mentality. So long as his own mentality is not transformed he has not got the right or authority to read it out to others. Gandhiji's articles are intended to encourage self-study and introspection in a man: it is intended that he should carry on this process of self-examination for some time to attain self-purification and so long as he does not do that, he will never be able to understand the spirit of it and, certainly, he will not know when and how to apply that principle . . . .

**The Honourable Sir Reginald Maxwell:** What about retaliation?

**Mr. M. S. Aney:** I am coming to that. My point is this. In the first place I question the right of the Honourable the Home Member to tell us what it means. So long as he is not imbued with the philosophy himself, Gandhiji denies the right of any other man to teach or talk of violence and non-violence. He must reform himself first before he can insist upon others that they should abide by the lessons of non-violence as he has preached to us. The right to preach cannot be had by anybody, unless he has fully lived and stood the test of non-violence which Gandhiji has preached there. So long as my Honourable friend has not done that, I do not think he has got any right to preach to us . . . .

**The Honourable Sir Reginald Maxwell:** May I explain, Sir? I did not preach, but I quoted.

**Mr. M. S. Aney:** It was not necessary for him to say that he was quoting because I actually saw him reading out those things. I am only saying that he has no right even to quote as the citations were made with a view to preach or teach. You have to absorb the lessons for yourself and understand them and see whether there is something in them for the Government of India to learn. If once the Government of India learn it, there will be no need to quote because there will be no occasion for exhibition of anger on this side. Apart from that, surely there is this other matter. There are other articles which I might have quoted under which certain conditions are implied for the practice of non-violence alone and under which a votary of non-violence can practise his principles to the advantage of everybody else. The Honourable Member knows that the Congress Ministries have to use violence against goondas who have been practising communalism in the various provinces, because there are certain conditions under which the exercise of the principle of non-violence cannot be carried out. It pre-supposes the existence of certain conditions and certain environments. Those environments are yet to come and if they do come, the Honourable the Home Member will see that the lessons he has preached

[Mr. M. S. Aney.]

are really the proper solution not only for the little difficulties of dealing with our friends in the Colonies but for questions of even much more comprehensive and serious nature. It reminded me of the phrase 'Satan quoting scripture'—that is how it looks to me. I do not mean any offence. Satan is not so bad; he is only opposed to godliness.

Then my Honourable friend told us that this was a defence measure and this should have been considered on its merits. It may be any kind of measure but because it is a defence measure it ought not to contain a definition which is entirely wrong. My point is this. He contends that as it was a defence measure the definition of foreigner is intended to serve a definite purpose only. It is a very convenient definition of foreigner he has given and it is that—foreigners are those who are likely to be our potential enemies or hostile to us at some distant day. I want to say that our aim is to be independent and when we begin the campaign of independence I am sure all these forces in the Colonies will be arraigned against us. The moment we begin our campaign in right earnest and take strong measures against the British Empire for the sake of asserting our independence, I have no doubt the first cousins in the Colonies and Dominions will run to the rescue of their uncles in the United Kingdom, they will stand by them—those *Rajshakhs* who are living in these Colonies they are thus the potential enemies of Indian Independence. If this test of potential enemies is to be understood in its reality, I would look upon even the subjects of the United Kingdom as my enemies, but I have already said I have made a concession to them on account of having been linked up with them and for more than one reason that concession has to be made today. But I have no doubt in my mind that even before the subjects of the United Kingdom declare their hostility, the foremost and the loudest voice of opposition would be raised in these Colonies, in South Africa, in Canada and in Australia and New Zealand. They will be the first enemies and, therefore, they are what may be called our potential enemies so far as our real demand for independence is concerned. So, even judged by that test, I believe the Honourable the Home Member should have no objection to accept the amendment which has been so ably moved by my friend, Mr. Ayyangar, notwithstanding a kind of consideration which has been shown to the feelings of those people by my friends, Sir Raza Ali and Bhai Parmanandji. I feel that the Colorists should be described as foreigners. They are considerations of prudence. They are guided not by the same feelings by which the Honourable the Home Member is guided, in fact they are considerations of our own interest; but let me tell them there are occasions when we have to make up our minds stout, and we must be prepared to face the difficulties, and we should not be carried away by sentimental considerations of that kind. If the colonists feel anything wrong because we have taken a correct step, let them feel it. Our hearts must be of steel to stand all that kind of shock, and we must, therefore, try to assert ourselves in the only manner in which it is possible for us to do at present. It is not retaliation at all, but we simply want to tell them that they are foreigners,—nothing more than that. It means no insult to them, but it means only justice which they deserve. With these words, Sir, I support the motion.

**Some Honourable Members:** Sir, the question may now be put.

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

"That the question be now put."

The motion was negatived.

**Dr. Sir Ziauddin Ahmad** (United Provinces Southern Divisions: Muhammadan Rural): Sir, I heard with great interest the lecture or the sermon delivered by my Honourable friend, Mr. Aney, on non-violence, but there is one point which I have not understood, and I hope that some one on my right will explain it to me. I want to know whether non-violence is reserved only for speeches in the Assembly or whether it is meant for practice outside the Assembly also. If it is intended for practice, then my Honourable friends will find, if they make an inquiry, that during the recent riots in the United Provinces, there are more Muslims injured and admitted into hospitals than the Hindus. Is this non-violence or violence? I finish it here.

Then, Sir, the next point I want to know is that my friend, Bhai Parma Nand, said that these Gurkhas helped the British Government during the Great War, and that it is just and right that we should give them pensions, we should admit them in the army and give them all sorts of facilities. If we accept this theory that every one who helped the British Government during the Great War should be treated generously, may I ask him whether he ever shed his crocodile tears over the Arabs in Palestine? Did they not help the British Government during the Great War, and what did they get in return from the British Government?

**Bhai Parma Nand** (West Punjab: Non-Muhammadan): Let them come here and claim Indian citizenship, and then they can also be helped.

**Dr. Sir Ziauddin Ahmad:** Therefore, if we accept the theory of my friend, then it should be applied not merely to Gurkhas, but to every foreigner who rendered help to the British Government during the last war.

Then, Sir, coming to the definition, I may say this. An examiner in logic put a question in an examination paper and asked—what is a man? The answer was, a man is not a dog, he is not a cat, he is not an elephant, he is not a donkey. Then, the examiner gave the candidate a zero, because he said that was not a definition, a definition must be in affirmative and not in negative. Therefore, I am perfectly sure, if my friend, Mr. Ayyangar, puts this definition of foreigner in an examination paper, he would get no marks. Still the only justification for this definition is derived from the definitions of 'matter' and 'mind'. Books have been written defining what matter is, and we find all the definitions fail, and the only irreproachable definition is 'never mind'. And what is mind? You write a book, but all the definitions fail and the only one which is acceptable will be 'no matter'. The definition of mind and matter in affirmative form cannot be given. Only negative definition stands. In this particular case I do not seriously object to a negative definition, which I would otherwise have done, as a logician.

Now, Sir, coming to certain arguments advanced by my friend, Sir Raza Ali. He complained in the course of his speech, and rightly too,

[Dr. Sir Ziauddin Ahmad.]

and quoted from the speech of the Honourable the Secretary for Education on the 24th February last in which he had said that he had no information whatever about the proposed legislation in South Africa, and that only a week later it was published in the papers, which was also quoted by Sir Raza Ali, that the legislation contemplated was a *fait accompli*. From this he drew the conclusion that our Government was so ignorant of the conditions of Indians abroad that even a week before the legislation was declared as an accomplished fact, they could get no information whatsoever. He mentioned it as a national complaint that the Government is not considering the position of Indians abroad, but this simple statement roused the anger of some of my friends on my right, and I could not understand why there should have been any criticism of this simple statement of my friend, Sir Raza Ali. There was only one explanation one could deduce from this fact, and which I have deduced, but I want to put one question to my friend, Mr. Abdul Qaiyum, and he will have to reply on the floor of the House, that whenever a foreigner was appointed to any post in the Government of India, a motion for adjournment was always moved, and the only exception made was in the case of the appointment of the Educational Commissioner. Of course, a motion was tabled, but it was withdrawn by the Congress Party. I should like to know why an exception was made in that case. . . .

**Mr. M. S. Aney:** Is this all relevant, Sir? I seriously raise a point of order. Are these remarks with regard to certain motions for adjournment being tabled and withdrawn on certain occasions really relevant to the point under discussion?

**Mr. President** (The Honourable Sir Abdur Rahim): The point of order raised is perfectly right. The Honourable Member is not entitled to refer to past proceedings.

**Dr. Sir Ziauddin Ahmad:** May I ask whether a lecture on non-violence is relevant to this question?

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member is referring to some previous proceedings of this House. That sort of controversy cannot be revised now.

**Dr. Sir Ziauddin Ahmad:** I have said what I wanted to say and I will await a reply. With these words, I resume my seat.

**Sardar Sant Singh** (West Punjab: Sikh): Sir, I have tried to understand the significance of the various issues that have been raised during this debate on the question of giving offence to certain interests if the present amendment is accepted by the House. I thought that the Bill aimed at getting a certain kind of information about the residence of those who are not real inhabitants of India. This information Government needed as a sort of precaution against an emergency that may arise sometime.

That is the plain issue which the Bill was intended to serve. The definition of a foreigner in the Bill is not the natural definition or a definition in the literal sense of the term. Placed as we are politically, we are bound to accept that domiciled residents of the United Kingdom cannot be classed as foreigners, though in the dictionary meaning of the term they are foreigners *qua* Indians in this country. However, apart from the political question, what I want to stress and stress for the consideration of the Honourable the Home Member is that this Bill aims at getting information alone. It is, as he put it, a means to an end; the end may or may not require this particular information in the near future or the remote future. But, what objection can be possibly have to the Government possessing the information as to the number of Colonials that are here living in India? I have to ask him to look to that contingency which he mentioned while he spoke at the time when the Bill was referred to a Select Committee, that the Government have been called upon on several occasions to furnish information as to the foreign residents in this country to their relatives abroad. Then, why enter into the political aspect of the question and the implication of offence which the Colonial Governments may take, because we are trying to get information as to the number of residents, their place, their status, their various activities, during their stay in this country? I have not been able to understand this point of view of the Government. Government want information. Government want to compile statistics, Government want to collect certain figures. We say, we are willing to help Government because we see that the Government needs this information and rightly needs it. Why make an exception then? Why should South Africa take exception because we want their nationals to be registered here so that the Government may be in a position to know how many there are, what they are doing? Why should they take offence and resort to retaliatory measures against Indians? The whole thing does not seem to be logical, it does not lead to any logical conclusion. If the South Africans are ready to take offence at this simple thing, may I say that so many laws affecting Indian nationals in other countries have been passed and do those countries think that India does not take offence at that? And, if India does take offence as is quite clear from the various speeches from this side of the House, have the Government of India taken any retaliatory measures against those Colonial Governments who have been enacting measures against Indians abroad?

This question of taking retaliatory measures entirely depends on its own merits, and as has been brought out during the discussion, under the Act of 1924, the Government have been given power to take such measures. The complaint has been that the Government have neglected to make those rules during the last 15 years when the Act has given them powers. Although in every Session there are a number of Adjournment Motions moved on the question of the treatment of Indians living in other countries, why have not the Government cared to use the power which the law has given them? Now, under clause 6 of the Bill Government have got power to exempt certain people. But the Honourable the Home Member said that he wanted to make it clear that if this definition was insisted upon and carried by the House, he would use the power under clause 6 of the Bill to exempt that class of people. May I ask why the Government feel shy to collect that information? After having collected that information, they may use the power and exempt them from registering their other

[Sardar Sant Singh.]

activities later on. But, so far as the question of collecting information is concerned, what is there to make the Government feel so shy? The position is quite simple. We want to know how many foreigners are in India, what they are doing, how they are living. In the first instance, we want to know, whether they be Gurkhas or Pathans or people from across the borders of India, or whether they are Colonials, or Europeans, Americans, Belgians and so on. We must have that information.

**An Honourable Member:** The Sikhs are not affected.

**Sardar Sant Singh:** That is exactly why we can give an impartial judgement. Muslims are affected, Hindus are affected, and, therefore, they cannot bring to bear an impartial judgement on the question. We can give an impartial judgement on that point.

**An Honourable Member:** A Daniel come to judgement!

**Sardar Sant Singh:** Yes, it is Daniel. It is not a religious question. The point is that Government require powers to know how many foreigners there are in India. If they do require the power, and I understand they do, and I support them in the contention that they do require the power,—if they should be given the power, why should they feel shy in finding out the number of foreign residents that are living in this country so that in time of need that information may be utilised for a legitimate and lawful purpose?

I do not see why the exemption should be applied to one section or another. In my first speech I tried to make clear that there were certain economic interests which were affected by the presence of foreigners in India, and it will be useful to the Members of this House and other Legislatures to use that information for bringing forward Resolutions and legislations in order to check their economic assault on Indian nationals in India. There is no reason why we should not have that power. I will request the Honourable the Home Member not to be carried away by extraneous circumstances and extraneous considerations. Government need this power and they must have this power. Therefore, I support this amendment.

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

"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;."

The Assembly divided:

**AYES—63.**

Abdul Qaiyum, Mr.  
 Abdullah, Mr. H. M.  
 Ahsan, Maulvi Muhammad.  
 Aney, Mr. M. S.  
 Asaf Ali, Mr. M.  
 Ayyangar Mr. M. Ananthasayanam.  
 Azhar Ali, Mr. Muhammad.  
 Bajoria, Babu Baijnath.  
 Banerjea, Dr. P. N.  
 Basu, Mr. R. N.  
 Bhutto, Mr. Nabi Baksh Illahi Baksh.  
 Chaliba, Mr. Kuladhar.  
 Chaudhury, Mr. Brojendra Narayan.  
 Chettiar, Mr. T. S. Avinashilingam.  
 Chetty, Mr. Sami Vencatachelvan.  
 Chunder, Mr. N. C.  
 Das, Mr. B.  
 Datta, Mr. Akhil Chandra.  
 Desai, Mr. Bhulabhai J.  
 Deshmukh, Dr. G. V.  
 Deshmukh, Mr. Govind V.  
 Essak Sait, Mr. H. A. Sathar H.  
 Gadgil, Mr. N. V.  
 Ghiasuddin, Mr. M.  
 Ghulam Bhik Nairang, Syed.  
 Govind Das, Seth.  
 Gupta, Mr. K. S.  
 Hans Raj, Raizada.  
 Hegde, Sri K. B. Jinaraja.  
 Hosmani, Mr. S. K.  
 Jedhe, Mr. K. M.  
 Jogendra Singh, Sirdar.

Kailash Behari Lal, Babu.  
 Lahiri Chaudhury, Mr. D. K.  
 Lalchand Navalrai, Mr.  
 Laljee, Mr. Husenbai Abdullaibhai.  
 Maitra, Pandit Lakshmi Kanta.  
 Malaviya, Pandit Krishna Kant.  
 Mangal Singh, Sardar.  
 Misra, Pandit Shambhu Dayal.  
 Mudaliar, Mr. C. N. Muthuranga.  
 Muhammad Ahmad Kazmi, Qazi.  
 Paliwal, Pandit Sri Krishna Dutta.  
 Pande, Mr. Badri Dutt.  
 Raghubir Narayan Singh Choudhri.  
 Ramayan Prasad, Mr.  
 Ranga, Prof. N. G.  
 Rao, Mr. M. Thirumala.  
 Raza Ali, Sir Syed.  
 Saksena, Mr. Mohan Lal.  
 Santhanam, Mr. K.  
 Satyamurti, Mr. S.  
 Shahban, Mian Ghulam Kadir Muhammad.  
 Sham Lal, Mr.  
 Sheodass Daga, Seth.  
 Siddique Ali Khan, Khan Bahadur Nawab.  
 Singh, Mr. Gauri Shankar.  
 Som, Mr. Suryya Kumar.  
 Sri Prakasa, Mr.  
 Subbarayan, Shrimati K. Radha Bai.  
 Umar Aly Shah, Mr.  
 Zafar Ali Khan, Maulana.  
 Ziauddin Ahmad, Dr. Sir.

**NOES—42.**

Aikman, Mr. A.  
 Aiyar, Mr. T. S. Sankara.  
 Ayyar, Mr. N. M.  
 Bajpai, Sir Girja Shankar.  
 Bewoor, Mr. G. V.  
 Bhagchand Soni, Rai Bahadur Seth.  
 Boyle, Mr. J. D.  
 Buss, Mr. L. C.  
 Chanda, Mr. A. K.  
 Chapman-Mortimer, Mr. T.  
 Christie, Mr. W. H. J.  
 Dalal, Dr. R. D.  
 Dalpat Singh, Sardar Bahadur Captain.  
 Frampton, Mr. H. J.  
 Gidney, Lieut.-Colonel Sir Henry.  
 Greer, Mr. B. R. T.  
 Grigg, The Honourable Sir James.  
 James, Mr. F. E.  
 Jawahar Singh, Sardar Bahadur Sardar Sir.  
 Kamaluddin Ahmed, Shams-ul-Ulema.  
 Kushalpal Singh, Raja Bahadur.  
 Lillie, Mr. C. J. W.

Mackeown, Mr. J. A.  
 Maxwell, The Honourable Sir Reginald.  
 Menon, Mr. P. A.  
 Menon, Mr. P. M.  
 Metcalfe, Sir Aubrey.  
 Miller, Mr. C. C.  
 Nur Muhammad, Khan Bahadur Shaikh.  
 Ogilvie, Mr. C. M. G.  
 Parma Nand, Bhai.  
 Pillai, Mr. N. R.  
 Row, Mr. K. Sanjiva.  
 Scott, Mr. J. Ramsay.  
 Sher Muhammad Khan, Captain Sardar Sir.  
 Sircar, The Honourable Sir Nripendra.  
 Sivaraj, Rao Sahib N.  
 Slade, Mr. M.  
 Spence, Mr. G. H.  
 Sukthankar, Mr. Y. N.  
 Sundaram, Mr. V. S.  
 Zafrullah Khan, The Honourable Sir Muhammad.

The motion was adopted.

**Mr. President** (The Honourable Sir Abdür Rahim): Today being Friday, the Assembly will now adjourn for Lunch till 2-15 P.M.

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

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

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

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

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

"That clause 3 stand part of the Bill."

**Mr. M. Ananthasayanan Ayyangar** (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, I beg to move:

"That in clause 3 of the Bill, after the words 'Government may' the words 'after previous publication' be inserted."

Sir, the object of this amendment is this. The Bill practically consists of one important clause, that is clause 3 whereby power is given to the Central Government to frame rules for various purposes set out therein so far as registration of foreigners is concerned. A number of amendments has been tabled to the effect that Rules must be laid on the table of the House before these Rules come into operation as part of the Act. My amendment does not go so far. It may be that the Rules might take some time to be laid upon the table of the House. All that this amendment requires is that, after previous publication, the Rules have to be framed. What "previous publication" means is set out in the General Clauses Act. That means that the Rules must be published in the Gazette of India, objections should be invited, then the Draft is to be published, thereafter it has to be approved and finally published. A period of nearly three months should be given for objections to be raised. This is the implication of previous publication. I, therefore, move that these Rules may be made only after previous publication. Sir, I move.

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

"That in clause 3 of the Bill, after the words 'Government may' the words 'after previous publication' be inserted."

**The Honourable Sir Reginald Maxwell:** I have no objection to this amendment.

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

"That in clause 3 of the Bill, after the words 'Government may' the words 'after previous publication' be inserted."

The motion was adopted.

**Mr. M. Ananthasayanam Ayyangar:** Sir, I beg to move:

"That in sub-clause (a) of clause 3 of the Bill, after the word 'authority', occurring in the third line, the following be inserted :

'and in cases where sub-clause (e) applies, to the hotel manager or other person mentioned therein'."

The object of this amendment is this. In sub-clause (e), it is made obligatory on the hotel manager or other person to obtain information from the foreigner and report his name to the prescribed authority. But there is no provision in the Rules under clause 3 whereby a similar obligation or duty is imposed on the foreigner to give his name and address to the hotel manager. To make up that deficiency, I beg to introduce this amendment. Sir, I move.

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

"That in sub-clause (a) of clause 3 of the Bill, after the word 'authority', occurring in the third line, the following be inserted :

'and in cases where sub-clause (e) applies, to the hotel manager or other person mentioned therein'."

**The Honourable Sir Reginald Maxwell:** Sir, I think the Honourable Member has misunderstood the requirements as regards sub-clause (a). Sub-clause (a) relates to the initial registration of a foreigner and is intended to provide for all the particulars regarding him which we require at any time. Those particulars will not be obtained through the hotel manager. The object of putting in the hotel manager to assist the prescribed authority is the foreigner's movements and his identity should be recorded in the hotel register and passed on to the authority concerned. That is a function which falls under sub-clause (b), and not under sub-clause (a)."

**Mr. M. Ananthasayanam Ayyangar:** I was referring to sub-clause (e).

**The Honourable Sir Reginald Maxwell:** Sub-clause (b) requires a foreigner moving from one place to another to report his presence to the prescribed authority. A hotel register would never give all the particulars which we require for the first registration of a foreigner under sub-clause (a). As far as sub-clause (b) is concerned, it is also unnecessary to confer any authority on the hotel manager to require the foreigner to supply particulars, because sub-clause (b) already states that he has to report his presence . . . .

**Mr. M. Ananthasayanam Ayyangar :** Sir, to cut short further discussion, I beg leave of the House to withdraw the amendment.

The amendment was, by leave of the Assembly, withdrawn.

**Mr. Abdul Qaiyum** (North-West Frontier Province: General): Sir, I beg to move:

"That in sub-clause (e) of clause 3 of the Bill, after the word 'boarding house', occurring in the second line, the word 'Dak bungalow' be inserted."

Sir, boarding house reminds one of Bloomsbury and Russell Square. In this country, you have only dak bungalows. There may be some boarding houses in the hills, but not in the plains. Sir, I move.

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

"That in sub-clause (e) of clause 3 of the Bill, after the word 'boarding house', occurring in the second line, the word 'Dak bungalow' be inserted."

**The Honourable Sir Reginald Maxwell:** Sir, this amendment also in unnecessary. I do not know whether the Honourable Member has referred to the "Sarais Act" where a *sarai* is defined:

"*Sarai*" means any building used for the shelter and accommodation of travellers, and includes in any case in which only part of a building is used as a *sarai* the part so used of such building. It also includes a *purao* so far as the provisions of this Act are applicable thereto."

Possibly "*purao*" includes dak bungalow. I do not know. In any case, as defined in sub-clause (e) of this Bill, "*sarai* or any other premises of like nature" should include a dak bungalow. I think there is no need for this amendment.

**Mr. Abdul Qaiyum:** I beg leave of the House to withdraw the amendment.

The amendment was, by leave of the Assembly, withdrawn.

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

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clause 4 was added to the Bill.

Clause 5 was added to the Bill.

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

"That clause 6 stand part of the Bill."

**Prof. N. G. Ranga** (Guntur *cum* Nellore: Non-Muhammadan Rural): Sir, I move:

"That in clause 6 of the Bill, the words 'or any class or description of foreigner' be omitted."

I need only say this in support of this amendment that the Honourable the Mover of this Bill has said that if we were to pass our amendment No. 1, he would certainly make free use of this particular clause in order not to take any action, whatsoever, against those people who hail from various parts of the British Empire and who wish to travel in this country. My Leader has made it perfectly clear that we want anyhow to prevent the Government from doing any such mischief. We take very strong objection to this Empire citizenship. We do not wish to be a part of this British Empire at all. Just because we are forced to remain in the position in which we are by the might of the arms of Great Britain, we are obliged to carry on as we are today. But all the time we are protesting against it and we are trying to be completely independent. Therefore, we will not allow any sort of loophole through which this Government might try to do some mischief and impose upon us this unwanted Empire citizenship. We do not want people who can come from other countries, like the Jews, to be allowed to be exempted from being registered when they travel or go about or settle down in this country. Sir, I can assure my Honourable friend, whether he believes

in non-violence or not, that our Party believes in non-violence and we have shown our faith also in non-violence by defeating his Government again and again and driving away as many vestiges as possible of his Government from so many Provincial Centres of authority. I can also assure him, whether or not the British Government as it acts today from the Whitehall supports our people (who are to be found in various parts of the British Empire) our masses here in this country as well as our own emigrants are capable of looking after themselves as they have shown conclusively in regard to the clove trade in Zanzibar and we shall certainly show once again that we are quite capable of looking after ourselves even in spite of this Government. Sir, I move.

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

"That in clause 6 of the Bill, the words 'or any class or description of foreigner' be omitted."

**The Honourable Sir Reginald Maxwell:** Sir, I have already dealt at considerable length with the objections, in principle, to an amendment which would in any way fetter the hands of the Executive Government in using the powers which we seek to take by clause 6. The particular portion of clause 6 to which this amendment relates are the last words 'or any class or description of foreigner' and that is the only portion which enables general exemptions to be made. Without those words, the clause enables the Central Government to exempt only 'any individual foreigner'. Now, if the House will reflect on the facts which I gave earlier in the debates on this Bill, they will realise that all intention of avoiding the registration of the very numerous residents of surrounding friendly Asiatic countries which we had would be defeated by that. The number of such persons is over 400,000, as I mentioned to the House before. Supposing you want to exempt them, you cannot prepare a register containing 400,000 individual names. Supposing you want to exempt them from registration, you cannot deal in a proper manner with a large class of foreigners of that description. Therefore, such an exemption would make the Act utterly futile. If this amendment were passed, I could only take it that it was the express will of the House that all the inhabitants of surrounding friendly countries, however free their access has been in the past in India, should, in future, be treated as foreigners and should be registered and have to report their movements. When we consider the difficulties to which that would give rise in the case of many of the humbler people of that description who come to India for work, we can readily see that it would reduce the working of the Act to an impossibility.

Then, there is another point to which I would draw the attention of the House and that is this that if the amendment which has been accepted by the House to clause 2, which relates to the definition and is intended to include Dominion subjects in the category of foreigners for purposes of liability to registration, means anything, then, it must mean that the Central Government of this country is to use its powers under this Act for the purpose of negotiating with the Dominions concerned for the purpose of removal of discrimination. Once you make it impossible for the Central Government to exempt anybody from those Dominions, then you allow no distinction at all between the Dominions where discrimination is exercised against Indians and those Dominions where no such discrimination is exercised. In other words, you treat them all as

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foreigners whatever they do to Indians and, therefore, you lose your only bargaining point. In other words, the inclusion of Dominion subjects within the definition of "foreigner" becomes more useless than ever.

**Mr. S. Satyamurti:** What do you intend doing? Do you intend discriminating between one Dominion and another or exempt all of them? That would give us some idea as to what your intention is.

**The Honourable Sir Reginald Maxwell:** If these words are allowed to stand, then, as I explained before, it would not be the intention of Government, that is, of this Government, to start straightaway by compelling all residents of the Dominions to register themselves. We should wait and see whether any particular action which it was proposed to take with a view to enforce retaliation for discrimination required their registration or not. We must consider, as I said before, the particular specific action which we want to take before we say whether it is necessary to register or not. Supposing, for instance, any legislation passed in future or any action taken under Act III of 1924 is intended to exclude residents of certain Dominions from practising any particular professions, then we shall have to consider whether universal registration of all these persons is necessary for the purpose of that measure or not. Very probably it will not be because the nature of the measure may be such as to enforce the discrimination without any ancillary registration. Therefore, as I have said already, Government must have a free hand to use their power of exemption because it does not contemplate the necessity of registering all Dominion subjects at any time and in any circumstances. There is no use in saddling ourselves with an obligation of that kind unless it is going to serve some definite and useful purpose. I think I have made the intentions of Government sufficiently clear and that the House will by now see that, in fact, the acceptance of this amendment would reduce the operation of the Bill to an absurdity. Sir, I oppose.

**Babu Baijnath Bajoria** (Marwari Association : Indian Commerce): Sir, I am sorry I have to oppose this amendment. As I said yesterday, it is impossible that tribes living on our borders,—and I specially mentioned the Nepalis,—should be compulsorily registered under this Act. These tribes come into India and there is no passport system. It was said yesterday that for going to Nepal we have to take passports. But it is not correct and a passport is required only for going to Khatmandu and not to any part of Nepal Terai. I have myself been there several times and found no restriction whatever. It is essential that Government should exclude the registration of people living on the borders, unless they go into big cities for trade, etc., but for general purposes registration is not desirable. As was pointed out by the Honourable the Home Member, there are 400,000 men living on the border and it would be impossible to maintain a big register for them and incur unnecessary expense. So I think, power should be given to the Central Government to exercise their judgment and exempt people whom they consider it unnecessary to register. But, at the same time, I must say that residents of Dominions and Colonies must be registered and the exemption should not apply to them. Indians coming here from those parts should not be registered because they are Indians after all. So, I think, Government should have this power and we have no reason to fear that it will be abused. Sir, I oppose this amendment.

**Mr. Abdul Qaiyum:** Sir, I support this amendment for two reasons. On the first reading of this Bill the Honourable the Home Member remarked that this Bill, which is intended for the registration of foreigners, would not be used against countries which border on India. And he particularly referred to Nepal and Afghanistan. Another reason he gave for maintaining this particular clause was that he is not very anxious to register people who hail from the British Dominions. After hearing these two arguments I think there is all the greater reason for supporting this amendment. I should like to know from the Honourable the Home Member why he entertains such feelings of tender affection towards countries which border on this country. If people from Nepal or Afghanistan come here and compete with us in the matter of employment why should not the people of this country know the exact number of foreigners,—whether from Nepal or Afghanistan,—who are resident in this country or visit this country, and the number of foreigners who have actually secured employment here at the expense of Indians who are quite efficient and competent to hold those jobs?

If the Honourable Member will look up the British Order in Council of 1920, he will find that no foreigner is allowed to land and take up a job in England unless he is equipped with a certificate from the Home Secretary which authorises him to accept a job in England. He must satisfy the Home Secretary that he is able to support himself and his dependants, that he will not compete with a resident of Great Britain in the matter of employment, and that if he desires to so compete he must be armed with a certificate from one of the Secretaries of State. And, unless he complies with these restrictions no foreigner is allowed to take up a job. Here, in this country, we have a lot of unemployment, why should we not know the exact number of foreigners who come from the countries bordering on India? We should know what particular jobs they compete for and the number of jobs they hold here, and whether these jobs cannot be equally efficiently held by people of this country. In the definition of "foreigner" which was accepted by this House and which was advanced by my Honourable friend, Mr. Ayyangar, he showed great regard for the other type of foreigners, namely, the British people or Britons as they prefer to call themselves. And it really strikes me as very strange that the British people should be treated as if they were not foreigners, for the reason that the Kenya Order in Council which prohibits Indians from acquiring and holding land in the Highlands has been passed by the British Cabinet. Now the British people are segregating Indians in East Africa; they do not like British subjects to own lands in the Highlands; and they expect us to treat them on par or in a more favourable manner than we treat our own people in this country. Therefore, if this power of discriminating in the matter of registration of foreigners is given to Government I think it would be a very dangerous power; and if we give this power to the present Government they will not only not exercise it against the people of countries on the borders of India but will also not use it against the residents of the Dominions and Colonies who are discriminating against Indians in season and out of season. Therefore, for these two reasons I support this amendment and I hope the House will carry it, thereby making it impossible for Government to flirt any longer with the citizens of the Dominions.

**Sir Syed Raza Ali:** Sir, there are some fortunate people who have got the pedantic air of a schoolmaster. Whenever they rise to speak they think that it is their business not so much to speak as to harangue.

**An Honourable Member:** Schoolmasters don't harangue.

**Sir Syed Raza Ali:** I have never acted as a schoolmaster in my life and whatever I say I will put before the House in a straight-forward and clear manner.

I am afraid the implications of the amendment have not been brought home clearly to my Honourable friend, Professor Ranga or the Party to which he belongs . . . .

**Prof. N. G. Ranga:** It was not drafted for me by somebody else!

**Sir Syed Raza Ali:** I am not a man of a very inquisitive nature and so I will not inquire as to who is responsible for drafting it. Whether the credit or otherwise goes to him or another person is not my concern. The point is that I am afraid we do not fully realise as to what the effect of the adoption of this amendment would be. One of the speakers this afternoon pointed out that he did not want those Indians who were domiciled abroad, either in British possessions or in foreign countries, to have to register if they visited India, their homeland. Let us see what the effect of this would be on this most important point. We know that Indians have gone and settled in large numbers not only in Kenya or Tanganyika or Uganda or Southern Rhodesia or South Africa or Zanzibar, but also in a large number of possessions belonging to foreign countries. In this connection, let me specifically draw the attention of the House to the large number of Indians settled in the Portuguese territories along the east coast of Africa—I mean places like Lourenco Marques, Beira and the Mozambique. If you visit these places you will find a very large number of Indians settled there. Some of them have been settled there for more than a century. The grandfathers of the present settlers were living in those territories; their fathers were living in those territories and they are living there and carrying on business themselves; so that they are Portuguese subjects in the real sense of the term. Now, the House will remember that this morning the House carried an amendment to clause 1. Clause 1, as it stands now, says that a British Indian subject is not a foreigner, but what about the Indians who, for three generations, have been settled either in the Dominions or in the Colonies or in foreign possessions? (Interruption.) I would ask my Honourable friend to apply his mind to my argument. I wish he would do me the courtesy of applying his mind to the argument I am advancing and I would ask his Leader, the Leader of the Opposition, to keep his flock under control. I know that every flock has a tendency to get out of control, but what is the shepherd doing? He is smiling in a most mysterious manner. The point is that if they have settled there for three generations and if any one of those Indians comes back to India either on a long or a short visit, it would be incumbent on him to register himself under the provisions of the Bill, if you carry this amendment. Never mind where an Indian has settled, if he comes back, after having been in a Dominion or a Colony within the British Commonwealth of Nations or in a foreign possession for three generations, even for two days, it is necessary for him to get registered and to comply with the provisions of this Bill; and yet, I am sure, nothing was farther from the mind of Prof. Ranga and his friends than to cast this burden on one of our own nationals. You do not make it obligatory only on real foreigners or people of the Dominions to register themselves, but you make it obligatory even on your own nationals who have got no friend except the people of their homeland to help them, to

get themselves registered. That is my objection. That is the real objection. The House knows that there is a very large Indian population settled along the coasts of Africa, not only on the east coast, but also in a number of places on the west coast, as also in other parts of the world. What provision are you making to see that they do not have to register if they come to India on a temporary visit?

This power of exemption can only be exercised by giving authority to somebody. It is not for me to say, just at this moment, who that somebody should be, but you have got to give the power to exempt these people from registration on a visit to India to somebody. Now, who can that somebody be? It may be good, bad or indifferent, but so long as the present Government is in office and it functions, we have got to trust it. Who else is there on whom this power can be conferred except the Government? I may say one word in this connection. Reference was made to the present Government; and let me say this: that, after all, the Government as at present constituted is, if I am not very much mistaken, going to function for a short time more. I hope the time is coming—and coming sooner than most of us realise—when the power will pass into the hands of the representatives of the people. I believe the time is soon coming when some of my friends sitting on the front Benches over there to my right will be occupying the front Treasury Benches. Nobody will be happier than myself when that day comes, though perhaps that is neither here nor there: but the point is that till such time why cannot you give this power to the present Government? After all these powers will soon be passing into our own hands—I mean the representatives of the people. Now, what objection can there be to giving this power of exemption to the Government of India? As an English friend of mine, who was a great friend of our people and our country, pointed out, we Indians, unfortunately, are not inclined to take the long view—we are not inclined to visualise the time when the present order of things will cease to exist and another order of things will take its place. I am sure this amendment would not have been moved if the Government was a Government responsible to the representatives of the people. I hope I am right there. I hope I am right in assuming that this amendment would not have been moved if the Government functioning in this country was responsible to the Legislature here. If that is so, is there any point in depriving the Government of this power, looking upon the Government with suspicion, for the simple reason that this Government is going to function—may be a year, may be eighteen months more. I think it is a very short view to take.

I have to point out one thing more. If you carry this amendment, the effect would be that it would be open to the Government to exempt a particular individual foreigner visiting India but it will not be open to them to exempt any class or description of foreigner.

Now, has the House considered as to what our position with respect to French and Portuguese settlements in this country is? I have visited Goa, for instance; I have also visited Pondicherry, and I can tell the House that there are thousands of people going from French and Portuguese settlements to British India, and from places like Madras, Bombay and Calcutta going to these French and Portuguese settlements every day. How are you going to arrange for their registration? What machinery are you going to provide to see that no Portuguese or French subject is able to visit British India without himself being registered? Mark one thing, and that is, that most

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of these or about 99 per cent. of these Portuguese and French subjects living in Goa, Pondicherry and Chandarnagar are Indians themselves, just like Professor Ranga and myself; there is no difference whatsoever. The only difference is that they owe allegiance to the French or Portuguese rule; apart from that there is no difference. Politically, they are Portuguese and French subjects, but they have their business connections and family connections with British India. How is it possible to provide for a machinery which would ensure registration of these people before they can visit British India? Sir, the position is a hopeless one. . . .

**Prof. N. G. Ranga:** If my friend only applies his mind to it, he will see that any individual can be exempted by the Government of India from the provisions of this measure. . . .

**Sir Syed Raza Ali:** I am sorry I have only five annas in my pocket. If I had more money, the first thing I would do would be to rush to a bookseller's shop, purchase a dictionary and make a present of it to my friend, Professor Ranga. Sir, he is talking of an individual, but my argument is that there are thousands that are going from French and Portuguese Settlements to British India and back every day. How can you possibly exempt them? You can exempt a class of people or description of people, if the amendment is carried? Can you exempt them as individuals when those individuals number thousands? I shall not pursue the point any further if this is the sort of logic that is going to be used by Professor Ranga.

Now, Sir, there is a similar difficulty connected with the Nepalese and Burmese people, as also people from Afghanistan and the trans-border area of our North-West Frontier. They also visit India in very large numbers. I believe the figures with regard to such people from Nepal were given the other day by the Honourable the Home Member in his opening speech, and I think they ran into five figures, if I remember aright. The point is, if this amendment is carried, it will be necessary for us to register these very large numbers of Nepalese, as also people from the trans-border area visiting British India. After all, Sir, it is a very good thing to be patriotic, but patriotism is not the monopoly of any particular section of Indians. I hope that all sections of this House are equally patriotic. But let us consider the practical difficulties, not only the difficulties of the Government, but our own difficulties. So far as I am concerned, I can visualise to myself the retort that would be made to me by my Indian friends in South Africa, and it would be this. 'Now, you propose to graft this amendment on to the Bill in our interest so that it should be possible for the Government of India to register South African Europeans seeking to visit India, but what about the provision which tars us with the same brush as foreigners?' As I have indicated, it would be obligatory on them to register themselves. Their retort would be—"You have been purporting to help us; but instead of helping us you have placed us in the same category as the South African Whites who are our persecutors. You cannot discriminate between the persecutors and the persecuted. You have tarred both of us with the same brush", and I should not be surprised if in their despair they were to exclaim—"God save us from our friends". Sir, I oppose this amendment.

**Mr. S. Satyamurti:** Sir, listening to the speeches of some Honourable Members, I wonder whether this Bill is for the registration of foreigners or the non-registration of foreigners. I have heard several categories now. The Honourable the Home Member says—"I shall not require the registration of any single foreigner from any of the British Dominions, Colonies or possessions whatever the nature of the treatment they give to Indians may be". If once this power of exemption is passed as it is, he is going to exempt,—he was very frank about it and I must congratulate him on his candour,—he told us before we voted on the first amendment, substituting the definition of foreigner in clause 2 of the Bill that, so far as he and his Government are concerned, they have made up their minds that nobody from Canada, Australia, South Africa, East Africa or any of the British possessions or Colonies is going to be brought within the scope of the Bill. Then, my friend, Mr. Bajoria, said no Gurkhas ought to be registered, and other Honourable Members said,—and I think the Honourable the Home Member himself said that,—that all neighbouring Asiatic countries must not come within the scope of this Bill. . . .

**The Honourable Sir Reginald Maxwell:** Neighbouring friendly Asiatic countries.

**Mr. S. Satyamurti:** Sir, this is the first time I hear that geographical proximity is any proof of friendship. Ask France and Germany, they are very very close to each other. Their border runs for hundreds of miles. What is there as a guarantee of political friendship in spite of the geographical proximity?

**The Honourable Sir Reginald Maxwell:** I did not say that.

**Mr. S. Satyamurti:** Then Mr. Bajoria said that Nepal should be exempted, and last but not least, my friend, Sir Raza Ali, says, there are Indians in South Africa who have settled there for generations, there are Indians settled in East Africa and in Portuguese possessions, and they should be exempted. There are Indians in French and Portuguese possessions in India, and they shall be excluded. Then may I ask, Sir, for whom is this measure intended? Is it for the few Germans or Russians or Frenchmen who have come here or may come? Why not be frank about it and say that it is meant for registration of men from some of the European countries? That would be far more honest and frank than this Bill which begins by saying—"Whereas it is expedient to provide for the registration of foreigners entering, being present in, and departing from, British India", and then defining the foreigner, as the House has done, by including within that definition all those who are not British subjects domiciled in the United Kingdom, or, who are not British Indian subjects, or who is not any ruler or subject of any State in India, or who is not a person duly appointed by a foreign Government to exercise diplomatic relations, or who is not a consul or vice-consul. The definition is very sweeping, very wide, all those who are neither Britishers nor Indians are those who belong to a very small category of persons. . . .

**Sir Syed Raza Ali:** That is not so. Indians are included in the definition of 'foreigner' if they had been living outside for three generations.

**Mr. S. Satyamurti:** This extra-territorial patriotism makes no appeal to me whatsoever. I am a frank, modern, secular patriot living in my country between the Himalayas and the Cape Comorin and between the Arabian Sea and the Bay of Bengal. This idea of stretching out my hand to all people does not appeal to me. India for Indians is my belief, and if people choose to go and live in Portuguese possessions or French possessions and become Portuguese or French subjects, I have nothing to do with them. They may have been there for three generations, but they are not Indians.

**The Honourable Sir Reginald Maxwell:** What about Obeidulla?

**Mr. S. Satyamurti:** He is an individual, and I am glad my friend put that question. This amendment leaves the power to Government to exempt even Obeidulla. It says:

"The Central Government may, by order, declare that any or all of the provisions of the rule 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."

That answers my Honourable friend, I hope. The whole point of it is this, that this idea of treating foreigners as Indians is alien to modern political conceptions. We cannot have in this country one class of "foreigner" and another class of "foreigner" for the purpose of mere registration. If you want registration of foreigners, you must apply it to all foreigners who are so defined in the definition clause. This House this morning, in spite of a very frank warning by my Honourable friend, the Home Member, decided by a decisive majority that within the scope of foreigners must come the citizens of all Dominions who are discriminating against us, and the House was emphatic that they should come within the scope of this Bill. But the Honourable the Home Member says—and I repeatedly asked him, what do you intend doing, his answer was that the Government, as at present advised, will not bring within the scope of this Bill citizens of any Dominion or Colony in the British Commonwealth of Nations. I believe I am right. Therefore, they will wait to see if any action is taken in any Dominion or Colony, and then decide whether the people from those Dominions or Colonies should be brought within the scope of the Bill.

**The Honourable Sir Reginald Maxwell:** On a point of personal explanation, Sir. The Honourable Member is misquoting me. I said that I should wait until we see what action is proposed here against them, and not what action they propose to take against us.

**Mr. S. Satyamurti:** I would ask my Honourable friend to take South Africa. The cup is full to the brim and it can hold no more drop. They have already,—according to my Honourable friend, Sir Syed Raza Ali, who is far more familiar, or claims that he is, with conditions in South Africa than any other Member of the House including those on the Treasury Benches or the Government, that in South Africa racial discrimination is practised in the most cruel manner: I want to know what the Honourable the Home Member means when he says that he wants to wait till something is going to be done here, before he brings the South Africans within the scope of the Bill? I take it I am right to this extent at least that tomorrow when the rules are made and when this Act is put into force, South Africans will not come into the scope of foreigners. I think I am right.

**The Honourable Sir Reginald Maxwell:** Not at once, I said.

**Mr. S. Satyamurti:** Therefore, this House has only this one occasion when its vote will be conclusive, subject to the Governor General certifying this Bill in the interests of peace, security and tranquillity of this country, and we have now an effective means of showing our resentment against the treatment of our fellow-nationals in South Africa, by the South African whites and the South African Government.

The position of the Government of India is that nothing has happened so far to justify their being treated as foreigners. I put it to my Honourable friend and I put it to the House, whether in South Africa we are not treated as worse than foreigners.

**Sir Syed Raza Ali:** What does it matter? According to my Honourable friend, he is concerned only with those people who live between the Himalayas and Cape Comorin, and he is not concerned with those Indians who are living outside India.

**Mr. S. Satyamurti:** I did not say that. My Honourable friend, in spite of his three years' stay there, has not understood the position which I have explained. They cannot claim Indian nationality, if they have ceased to be Indian nationals. But it does not mean that those who are there and carry on legitimate occupations and have the right to be treated as citizens of that country cannot have the sympathy of this country in the assertion of their rights. The one thing is as different from the other as chalk from cheese. If he cannot see this, he has spent this three years in vain in South Africa. I say, as an Indian national, I am not going to admit to the privileges and obligations of Indian nationals in this country those who are the subjects of another State, but, certainly, it is open to me to say that those people who are Indians and are citizens of another State should be treated as citizens of that country are treated. I do not want them to be subjected to any discriminatory treatment, because they come from this country. Our claim in South Africa, in the Colonies and other Dominions is that our people who originally went from this country should be treated on the same status and footing as the citizens of that Colony or Dominion, and if they are not so treated, this country will use such powers as it possesses to retaliate and to see that those people get those rights of citizenship. That is all what I am claiming.

After all, what is the great obligation we are laying upon these people? They are merely asked to register themselves in a register and the Honourable the Home Member says. "No". As my Honourable friend reminds me, even when Honourable Members of this House go to Simla, at the barrier we are all asked to give our names, our fathers' names, our residence, length of our stay in Simla, and until we do that, our cars are not allowed to pass. I think it is the experience of all my colleagues except probably those on the Treasury Benches.

**The Honourable Sir Reginald Maxwell:** No, Sir. I do it every time I go to Simla by car.

**Sir Syed Raza Ali:** In my case, they do not ask my father's name and my profession.

**Mr. S. Satyamurti:** Even those who travel by train are stopped at Tara-devi and they are asked to give their names. If the Honourable the Home Member is not, probably they know who he is and they are afraid of him.

**An Honourable Member:** He is.

**The Honourable Sir Reginald Maxwell:** I am.

**Mr. S. Satyamurti:** You are. Thank you. Therefore, if even the Honourable the Home Member of the Government of India is compelled to give his name when he goes to Simla in the discharge of his official duties, what more and discriminating liability are we imposing on these foreigners when they come to this country and have to register themselves? Then, the Honourable the Home Member said, I want to see what action is taken in this country before we include South Africa or any other Dominion or Colony within the scope of this Act. Morning after morning, when we ask the Education Secretary or suggest retaliatory measures, I think answers have been given that the number of South Africans in this country is so few, their occupation is so limited, that they cannot effectively retaliate. But, at the same time, I think all sides of this House will be glad to have some information on this point as to how many South Africans are here, what they are doing, what business they are engaged in, what income they are making, what property or properties they hold. That will give us some information on which we can recommend to this or any other Government such action as we may consider necessary.

**Sir Syed Raza Ali:** Do you want to know the number of South African Europeans or South African Indians?

**Mr. S. Satyamurti:** Both. On this question of Indians, I want to repeat that, if a man has ceased to be a national of this country, you cannot make a distinction for internal purposes between one foreigner and another foreigner; but it is a different thing to say that, if Indians have chosen to be citizens of a foreign country, but are not treated there in the same way as the other citizens of that foreign country, we have a right to retaliate and demand just treatment. My Honourable friend, Sir Syed Raza Ali, asked, would this amendment have been moved if there were a responsible Government? Well, it is a hypothetical question, and under the rules and standing orders, I am not compelled to answer such a question.

**Sir Syed Raza Ali:** My Honourable friend is an official! I did not know that.

**Mr. S. Satyamurti:** Hypothetical questions need not be answered whether they are put to official or non-official Members, but assuming, that I am bound to answer that question, I would say, speaking for myself, trust no Government with these wide powers, whether responsible or otherwise.

It seems to me that the whole of this Bill is a skeleton Bill in which we are asked to say ditto to what the Government say. Will my Honourable friend look at these clauses? The first clause is a definition clause. Clause 3—what does it say?

The Central Government may, by notification in the official Gazette, make rules with respect to foreigners for all or any of the following purposes."

They may make rules or they may not make rules, and when they make rules, they may make rules for all or any of the following purposes. The purposes are (a), (b), (c), (d), (e), (f) and (g), and they may choose one or two or more or all. Clause 6 says that the Central Government may exempt any class of persons or any description of foreigners or any individuals. The whole Bill is a skeleton Bill. Once the Bill becomes an Act, the Central Government becomes the dominant figure, and the Act may be or may not be applied to individuals or whole classes or descriptions of foreigners who are entering this country, or residing in this country, or carrying on business, and, therefore, it seems to me that if really the House is convinced that there is a case for the registration of foreigners we must support this amendment and leave the Government only the limited power of exempting distinguished visitors who may come from foreign countries, and who will be relieved, according to the opinion of the Government for the time being, from the obligations of registering themselves or reporting their movements on arrival or before departure; but apart from these individual exemptions, I do suggest to the House that if this power is given to the Government we are losing the effect of the vote of the House this morning. This morning the House, by a decisive majority, voted for inclusion within the scope of the definition of foreigner all people who come from the Dominions and Colonies. It seems to me that we shall be wiping out the effect of our vote. If the Act is working and if we find any practical difficulties, an amending Bill may be brought forward; but for the time being I do suggest that the House must support the amendment and see that all foreigners, whether they come from friendly neighbouring countries or from other parts where Indians went generations ago and settled and, certainly, all those who come from the Dominions and Colonies, most of whom discriminate against us, must be brought within the scope of the Act which, after all, is very simple. I do hope that the House will not give the Government this power of exempting whole classes of people when they have definitely told us that the moment this power is given they will nullify the vote of the House by saying that no Dominion or Colonial subject will be brought within the scope of this Act. I support the amendment.

**Shrimati K. Radha Bai Subbarayan** (Madura and Ramnad *cum* Tinnevelly: Non-Muhammadan Rural): Mr. Deputy President, after the description of oratory that my Honourable friend, Sir Raza Ali, has given, I speak with a certain amount of hesitation as I wonder under what category of speakers he will place me but that is, however, immaterial. During my brief life as a Member of this Honourable House, I have come to realise that one need not be very particular about oratory or phraseology or even courtesy in language.

Sir, coming to this amendment, I would like to say that I strongly support it. It has been ably moved by my Honourable friend from Guntur and very clearly explained by my distinguished Deputy Leader. I feel it is quite unnecessary for me to add anything more to the arguments that they have put forward but there are one or two points which struck me which I should like to place before this House for its consideration. Sir, we are accused, by some Honourable Members, of introducing the principle of discrimination by suggesting this amendment. On the other hand my Honourable friend from Calcutta, representing Commerce, accuses us of not discriminating. He asserts that we should discriminate in favour of Indians by origin and 'friendly neighbours' and my Honourable friend, Sir Raza Ali, said we should discriminate in favour of Indians who

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have settled down in other countries. I am afraid it is very difficult to please all sides of the House, and I for one feel that it is our duty to do what we think is right. If this Act is to be effective, it should achieve the objects it has in view. My Honourable friend, the Home Member, during the general discussion, explained to us that it was a means to an end. Well, if that end is to be achieved, the means should be properly used. The instruments that are to be used as means for achieving the end cannot be broken at the will or whim of any Government. My Honourable friend from Calcutta says: "Why are you afraid to give this power to the Government?" Some Members asked him, I do not know if he heard it: "What is your experience?" I repeat the question and ask what is our experience when autocratic power is given to any Government? I think it was some time ago that one of my Honourable friends remarked that autocratic power is liable to spoil even the best of men. I think that is applicable to all people and our Deputy Leader has already explained to the House that this amendment would have been brought forward no matter who occupied the Benches opposite.

My Honourable friend, Sir Raza Ali, talks of exemptions. He states that somebody must have the right to grant exemptions and that the Government are best qualified to exercise that power. May I ask—why introduce this Bill if it is going to be nullified by giving exemptions? Well, Sir, I am hoping that at some near date this House will place on the Statute-book an Act prohibiting polygamy. Will this House empower the Government to give wholesale exemptions on the ground that if a principle is to be applied to any one piece of legislation it must be applied to all kinds of legislation? The power to grant exemption must be used in very very rare cases and if such power of exemption is necessary in this legislation, it is given by this clause even when it is amended according to the suggestion made by my Honourable friend, Prof. Ranga.

I hope my Honourable friend, Sir Raza Ali, will pardon me if I state that I could not quite follow him when he said he had not sufficient money to buy a dictionary for my Honourable friend and neighbour. I do not know what connection there is between a dictionary and individuals composing thousands of people.

**Sir Syed Raza Ali:** I am sorry to interrupt. I only wanted to help my friend with reference to the meaning of the word "individual".

**Prof. N. G. Ranga:** It is only the individual, and no more . . . .

**Shrimati K. Radha Bai Subbarayan:** My Honourable friend, Sir Raza Ali, wanted to make us believe that exemptions of individuals would not be sufficient and that Government should have power to grant exemptions to masses of people, thousands of people. May I point out that even thousands of people are composed of individuals? If Government are given power to grant exemptions to individuals they can use that power to grant exemptions to thousands or lakhs of people if they want to do so.

Then, there are one or two points which it is not pleasant for me to mention on the floor of this House. I have again, I am afraid, to refer to my Honourable friend, Sir Raza Ali. Some of his statements, I think, are misleading and might cause an erroneous impression in the country. For

instance, he said, if I understood him correctly, that Indians are free to emigrate to any part of the world, to any Colony, but he added a proviso. 'But' is a very difficult conjunction. The sentence that follows it very often nullifies the sense of the preceding sentence and that is what happened, when he said that they are free to go to South Africa but that they cannot settle down there. He added that the immigration into South Africa has been stopped and you can enter South Africa only after you give an undertaking according to the prescribed rules. He also remarked that if we had been to South Africa we would have felt differently. Well, Sir, I have not lived in South Africa for three years but I have been for 48 hours on the shores of South Africa and my experience during those 48 hours roused the deepest feelings—I say it with great pain,—feelings of humiliation and resentment at the treatment that is meted out to my country people. That was 20 years ago.

**Sir Syed Raza Ali:** It is worse now.

**Shrimati K. Radha Bai Subbarayan:** It is generally believed that "Time brings progress in this world" but with regard to this question of the treatment of Indians in the Dominions and the British Colonies Time takes us backward. Far from there being any progress, our sufferings increase and I am grateful to my friend, Sir Raza Ali, for pointing out that the state of affairs is getting worse. Sir, it was after tossing in a very rough sea for 25 days, chased by submarines, that my boat touched the shores of Cape Town. I was the only Indian woman among the passengers who consisted solely of women and children who were being escorted to India in a special boat during the war. All my fellow-passengers were allowed to go ashore, but I alone was not allowed to do so merely because I was an Indian. And yet, Sir, my countrymen were at that time fighting shoulder to shoulder with British soldiers and the soldiers from South Africa in what they called a war "to save democracy and help weaker nations".

**An Honourable Member:** To support hypocrisy.

**Shrimati K. Radha Bai Subbarayan:** It took the captain of my boat twelve hours to secure permission for me to go ashore and get for myself a cup of coffee or some fresh cow's milk for my children but I was warned not to take my two boys with me—one aged only eighteen months and the other three and a half years. The official very courteously and politely told me that he did so not because he personally had any objection but because he feared there would be some unpleasantness. The experience of this visit left a deep and painful impression on my mind and heart and I have, ever since, been taking the keenest interest in the welfare of my countrymen in other countries. Only the other day, the Rev. Mr. Andrews happened to be in Madras and some of my friends and I requested him to give us a short account of the condition of Indians in the Dominions. In the course of his speech he appealed that those of us who could afford the time and the money to go to these parts should do so and help our Indian sisters there. But are we free to do that? He pointed out to us that the Indian residents in these Colonies have not got sufficient educational and medical facilities and that young Indian women should go to these Colonies and help in this sphere of public work, again I ask, how can we do this? We cannot now, even if our Indian sisters from the other side of the sea stretch out their hands for help, give them any kind of

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personal assistance. If we have relations there who are ill and to whom we wish to render such help as we can, we cannot get there as and when we like and without submitting to a number of restrictions which are most humiliating.

It is also pointed out that we should be charitable. I cannot understand, why when we Indians want to maintain our national self-respect and also endeavour to relieve our own people of hardship and suffering, we are constantly told about charity, generosity and the spirit of the good Samaritan. The tradition in India is to offer hospitality and generosity and it is that tradition which has been partly responsible for the sad state of our people today. Sir, as my Honourable friend, from Almora said, India has become the dumping ground of inanimate as well as animate goods. We are trying to prevent the dumping of inanimate goods, and is it not right that we should try and prevent the indiscriminate entry of animate goods also? What does this Bill mean? It only means that we want to compile a register of foreigners in this country; we are not going to do anything more now. If we want to act on the information that we receive under this Act, it will need further legislation. The Bill as it stands is a desirable measure and it will be ineffective, at least in our opinion, without this amendment being incorporated in it.

One point more, Sir. My Honourable friend, the Home Member, said that the citizens of certain Dominions, Canada and others, would have to be exempted. May I ask why? Is it because they belong to the British Empire? This reminds me of a comic picture postcard that I saw in that wonderful museum of modern goods called "Woolworth's" in London. The picture depicted a schoolmaster pointing out a map of the world to his class in which the British Empire was painted red, and asking the children, "why are these countries marked red", and one little boy answering, "because they are in ruddy soup, Sir". Well, I do not know what the British Dominions feel about it; but I think that Indians, at least my Honourable colleagues on this side of the House, feel that India is in "ruddy soup" because she belongs to the British Empire when she cannot help her nationals in the Dominions, which are part of the British Empire.

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

**Mr. M. Ghiasuddin** (Punjab: Landholders): Mr. President, I am thankful to my Honourable friend, Mrs. Subbarayan, for giving her personal experience in South Africa and other Colonies. It must have pained and aroused the conscience of the House, and she told us how helpless we are to help our nationals abroad. Sir, South Africans no doubt have been mis-treating our countrymen, but if we adopt this small amendment, can we retaliate properly? My point is that we cannot; our retaliation will not be sufficient enough; and if we cannot hit hard enough I think we should refrain from hitting until we have the power to hit hard. Is it any good hitting one by just touching him like that? That is not "hit" at all. At the outset I want to point out that none of us in the House has any sympathy for the Colonies where our nationals are not treated well. This has been said by all sections of the House, and no doubt we have absolutely no sympathy at all for such Colonies and we want to protect our nationals, but our Government has a power to make them register if they like, and if the Government do not use their power

properly, they will be failing in their duty. Anyway, if the present Government do not, I am sure the succeeding Government—which is coming I hope very soon—will and we are depriving the future Government of a power which they might use for the benefit of the friendly countries and friendly Colonies. (Interruption.) Now, Sir, take the case of a country bordering India, Nepal. Some of the countries are such that they have really become a part and parcel of our social and business life. Take Nepalese, for instance. They are Indians as much as anybody else. They are employed by a good many people as chaukidars and such like and if we want equity and justice, I think we should come with clean hands. On the one hand, we want that our nationals should go abroad and carry on their business and should not be hindered; on the other hand, we are trying to hinder people who should be very near and dear to us,—the Nepalese Indians who are our kith and kin. Now, coming nearer home, we come to the foreign possessions in India, people belonging to Goa and Pondicherry. I would remind the House that it is only a historical accident that these people are not considered Indians. Supposing, at one time, one of the British conquerors had taken it into his head to conquer Pondicherry or Goa. I suppose in that case my Honourable friend, Mr. Satyamurti's sympathy would have gone out to these people from Pondicherry or Goa, but I think Mr. Satyamurti's love is very much restricted in the sense that he first sees, the geography, then he reads the international law to determine the nationality of the person under the international law and after he has studied the geography and international law, it is then and then alone that his sympathy goes out to him. It is like a girl. A girl who went to a man and said, "look here, I want to feel passionately in love with you but please let me see your bank book and examine it". Then she says, "let me have your health certificate signed by a properly qualified doctor". This he produces and then she says, "I am head over heels in love with you". My Honourable friend's love is regulated in the same way. After he has examined the books on International law and determined whether a person is Indian or not, according to the letter of the Law, then and then alone his sympathy goes out of him.

Sir, the Bill was brought forward by the Honourable the Home Member with a very different object. The object of the Bill was just to register the potential enemies. I cannot say that the people from Goa or the people from Afghanistan or the people from Nepal can come under that category. My point of view is a little broader than that of my Honourable friend, Mr. Satyamurti.

**Mr. S. Satyamurti:** I am glad.

**Mr. M. Ghiasuddin:** The Nepalese are Indians in every sense of the word. The object of the Bill was quite different. The Bill was brought forward, as I said, only with the object of registering those people who are likely to be potential enemies. I do not think the poor Goanese, who can be only our cooks, can be our potential enemies at any time. If British Indians go to Goa, they are not made to register their names. So why we should bring these laws against those poor people whom we really do not want to hit. Therefore, I oppose the amendment in the belief that when our Government comes, of which probably Mr. Satyamurti will be the Home Minister, he will use his power with great discretion.

**Some Honourable Members:** The question may now be put.

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

"That the question be now put."

The motion was adopted.

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

"That in clause 6 of the Bill, the words 'or any class or description of foreigner' be omitted."

The motion was negatived.

**Prof. N. G. Ranga**: Sir, I move:

"That to clause 6 of the Bill, the following proviso be added:

'Provided that a copy of every such order shall be placed on the table of both Houses of Central Legislature as soon as may be after its promulgation'."

Sir, after having failed to get my other amendment passed, the case for this amendment of mine has been very much strengthened because the House has given rather too wide powers to Government to discriminate in favour of so many people, individuals, classes and descriptions of foreigners with the result that they can easily nullify the very objects of this particular Bill. But we must know in favour of which people Government make this discrimination. It may be said that all these orders will be published in the official Gazette. Sir, very few of us have an opportunity of seeing these Gazettes at all and we are particularly anxious, since the Members of this House and of the other House are expected to be interested . . . .

**The Honourable Sir Nripendra Sircar** (Leader of the House): I think, Sir, it will shorten the discussion if I say that this amendment will be accepted by the Government.

**Prof. N. G. Ranga**: We are anxious that every order that is passed under this Bill should be placed on the table of the House. Sir, I am glad to learn that the Government is prepared to accept this amendment. Therefore, I move this amendment and trust that Government will, in the short time that is at their disposal while it remains an irresponsible Government, make as few exemptions as possible and give occasion to make as few orders as possible and will place them on the table of the House.

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

"That to clause 6 of the Bill, the following proviso be added:

'Provided that a copy of every such order shall be placed on the table of both Houses of Central Legislature as soon as may be after its promulgation'."

The motion was adopted.

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

"That clause 6, as amended, stand part of the Bill."

**Mr. K. Santhanam** (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, I oppose this clause. I see that the Honourable the Home Member has successfully avoided the issue with all sorts of irrelevant considerations. But he did not point out that these are the days of

national registers, when not only foreigners but practically the population of entire countries are being registered for defence purposes. Even for purposes of defence, I want to know what is the meaning of registering only certain class of foreigners. If, for instance, Germany or Italy or Japan want to send their spies to this country, these spies will not be confined to the certain classes which are to be brought under registration by this Bill. They would certainly prefer Australian, South African or Canadian spies. Is the Honourable the Home Member prepared to say that he is going to register not only these people generally but every single South African or Canadian or other foreigners who are to act as spies on behalf of their countries? If they are to act as spies, what is the meaning of the registration of certain people when others are left out.

Then, Sir, there are people of mixed nationalities. You know people change their domicile from one country to another with almost the same speed as they get divorce. What happens to them? When once a man is registered as belonging to a particular nationality, if he changes his nationality, what happens? Will he be forced to register himself again? Will his original registration be cancelled? Where is the provision for all these new things. Sir, I think the Honourable the Home Member has tried to put two contradictory propositions before the House. He has tried to confuse the issue by saying on the one hand that registration is not retaliation and, on the other, that inclusion of Dominions will be retaliation. He has prejudiced this Bill. Otherwise, it would mean that he wanted to retaliate against the United States, against every other country with whom we are not enemies and with whom England hopes to be at peace for all times. Why should a man from the United States be registered? Or is he going to be exempt? I want a positive answer, because, the Honourable Member said that under the most favoured nation treatment provisions he could not include the Japanese unless he includes Americans also in the category of foreigners. He cannot give the privilege of exemption to the United States citizen, if he cannot extend it to Japanese. Therefore, what is exactly the meaning of partial registration? Such a registration will be meaningless and it will be useless.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member is now raising objection to the original clause. The Honourable Member must remember that the clause has been amended. He should speak to the clause as amended.

**Mr. K. Santhanam:** I find in the Statement of Objects and Reasons:

"In the majority of other countries both within and outside the British Commonwealth, foreign visitors and residents are required to report their presence and movements to specified authorities, and the Government of those countries are thereby possessed at all times of complete information as to the number and whereabouts of foreigners in their countries."

Is this registration already prevalent in the Dominions? I want to know whether in those countries Indians are exempted. Is there any such provision for exemption in those legislations and are Indians exempted? I want a positive answer to that. Is such a law as this for the registration of foreigners in existence in Canada, South Africa and in other Dominions and have they got exemption clauses and do Indians get exemption under those clauses. That is a very relevant matter and I

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want a positive answer for this. Under those laws, there are no exemptions. If there are no such exemptions in those countries, I say it is foolish on our part to allow such exemptions.

Sir, much has been made about Indians in other places. Supposing foreign domiciled Indians come here and they are asked to register themselves, it will be a matter of protection. Registration may be used for the purpose of retaliation or for the purpose of positive assistance. In the case of Indians we shall use it for positive assistance and in the case of others it may be a basis for retaliatory action. Such registration is neither good nor bad in itself. I, therefore, suggest that this clause should be deleted. Sir, I oppose this clause.

**Mr. M. Ananthasayanam Ayyangar:** Sir, I also rise to oppose this clause.

**Mr. President** (The Honourable Sir Abdur Rahim): The Chair cannot allow the Honourable Member to repeat the objections to the original clause. This has really been fully debated before the House. The question now before the House is:

"That the clause, as amended, stand part of the Bill."

**Mr. M. Ananthasayanam Ayyangar:** I am speaking on the amended clause.

**Mr. President** (The Honourable Sir Abdur Rahim): If the Honourable Member's contention is that the clause, as amended, is objectionable, then he is entitled to argue the whole matter.

**Mr. M. Ananthasayanam Ayyangar:** I submit, Sir, the clause as amended is objectionable.

**Mr. S. Satyamurti:** I may point out, Sir, that the only amendment to this clause which has been accepted by the Government is that the orders passed by the Government should be placed on the table of the House. The main clause stands as it was originally introduced in the Bill. I therefore submit that the House is entitled to discuss the clause as amended.

**Mr. President** (The Honourable Sir Abdur Rahim): This is the amendment that has been carried. As a matter of fact, the original clause, the Chair takes it, has been discussed all this time.

**Mr. S. Satyamurti:** No, Sir, only one amendment was discussed. The clause as such was not discussed at all.

**Mr. President** (The Honourable Sir Abdur Rahim): Surely when the first amendment was discussed, Honourable Members discussed what are the objections to the clause.

**Mr. S. Satyamurti:** No, Sir, we did not discuss the clause.

**Mr. M. Ananthasayam Ayyangar:** I shall try to be perfectly relevant. Sir, whatever might be the restrictive measures adopted in the Dominions, I find that even in the parent Act of which the present one is a copy, the Aliens Restriction Act, 1914—the British Act—it does not confer this power of exemption at all. In the British Act, the executive authority is not empowered to exempt any class of persons or any individual from any portion of the Act. Therefore, when, in a self-governing country, the Legislature has not thought it proper to give their own nominees, who are the Ministers, the power to exempt even in case of emergency, I wonder how this Legislature can delegate those powers to this irresponsible Government. This Government is not responsible to the Legislature. This is the vital issue. I need not go to any of the Dominions to find out if there are Acts or Regulations for clothing the executive with the power of exemption as regards any section of Indians are concerned and as to whether as a matter of fact any Indians are exempted or not. This is not necessary. The parent Act itself does not give this power. Therefore, there is a vital objection to clothing the executive with the power of exemption under this clause.

The second point which I wish to refer to is this: so far, exemptions given to the executive authority under the various Acts now in force have been abused. I would only refer to the Indian Income-tax (Amendment) Act. Under the powers vested in the Government, they exempted leave salaries, pensions, interest accruing in England, and so on, there are nearly 50 exemptions under section 49, until we discovered it during the last Session when the amending Bill was under consideration. The Honourable the Finance Member agreed to the removal of some of these exemptions. I can easily multiply instances where the executive, armed with the power of exemption, have always abused those powers and made the wholesome provisions of the particular Act into a nullity. So far as this Bill is concerned, there is no need to clothe the executive with the power to exempt any persons from the provisions of this Act. If exemption is given, then the whole Act will become nugatory and the Act will become a dead letter. There is no precedent for it. Even apart from the precedents, so far as the antecedents of the Government are concerned, their action in relation to similar matters has always been in the nature of abuse of the powers concentrated in their hands. On both these grounds, I oppose this clause.

**Prof. N. G. Ranga:** Sir, I rise to oppose this clause and in doing so I wish to place one consideration before the House. My Honourable friend, Sir Syed Raza Ali, expressed his great concern about the fate of those who have won foreign citizenship and yet might come over to this country. He was afraid that if this clause is not passed, those people would come to be considered as foreigners and, therefore, would be obliged to register themselves. Sir, he does not seem to have realised the advantage for those people themselves of getting themselves registered and thus enabling the Government to know exactly what happens to them, where they are and what they are doing while they are in this country. Sir, if these Agents in South Africa do not achieve anything else—I am afraid they have achieved very little—they have achieved at least one thing, that is to carry on propaganda amongst our Indians in favour of repatriation and persuading them to come back to their own country.

**Sir Syed Raza Ali:** Sir, I strongly protest against this personal insinuation. I protest against these remarks. An Agent-General who does that would be a traitor to his country. I must strongly protest against this.

**Prof. N. G. Ranga:** I never made any personal remarks, Sir.

**Mr. President** (The Honourable Sir Abdur Rahim): The Chair understood the Honourable Member to allude to Sir Syed Raza Ali and what the Agents-General do in South Africa.

**Prof. N. G. Ranga:** I never referred to Agents-General. I referred to Agents.

**Sir Syed Raza Ali:** The Honourable Member did refer to the Agents being engaged in the task of persuading people to accept repatriation to India. That is a libellous statement.

**Prof. N. G. Ranga:** It is neither a libel nor a personal remark in regard to my Honourable friend and he need not have troubled himself or this House with that interruption.

**Mr. President** (The Honourable Sir Abdur Rahim): Did not the Honourable Member say that whoever did that was a traitor to his country?

**Prof. N. G. Ranga:** I never said that. To the extent that any of the Agents had done it, his description will apply to him. But I know one thing anyhow . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): The Chair would ask the Honourable Member to withdraw that remark.

**Prof. N. G. Ranga:** What have I said that I must withdraw?

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member first said that Agents have been persuading people in South Africa to repatriate themselves and that the Agent who did that was a traitor to his country.

**Several Honourable Members:** Sir Raza Ali said that.

**Prof. N. G. Ranga:** I never said that; that fell from the lips of my Honourable friend, and not from mine.

**Mr. President** (The Honourable Sir Abdur Rahim): Very well, but if the Chair finds that word was used by the Honourable Member, the Chair would see that it is deleted.

**Prof. N. G. Ranga:** One thing stands to the credit of our Agents General there. One thing anyhow has happened after they had gone there and that is the repatriation of a large number of people to this country.

**Sir Girja Shankar Bajpai** (Secretary, Department of Education, Health and Lands): Sir, I should like to intervene for one minute. I think my

Honourable friend said that Agents General or Agents had been actually engaged in inducing Indians to repatriate to this country. That, Sir, is without any foundation.

**Prof. N. G. Ranga:** Very well, But I am perfectly certain of one thing and I am quite correct in saying that after these people have gone there one thing has happened and that is the repatriation of a large number of people from South Africa to this country. As far as these people are concerned we put questions as to their welfare to the very same Honourable Member who has volunteered this very useful correction, and he had said that he did not know what was happening to all these repatriates once they had come back and settled down here; and he could not give us any information. It would be impossible for him to give any further information, in future, if this clause were to be passed and no action is taken by this Government to see that these people are registered here in this country and, thereby, enabling themselves to know what happens to these people. I know that in Madras there are hundreds and thousands of these repatriates who are suffering very bitterly in an entirely different atmosphere and who are not getting employment and so on. We want to know what is happening to them. Can my Honourable friend, Sir Raza Ali, volunteer any information as to what is happening to them? He has come back here from South Africa and now . . .

**Sir Syed Raza Ali:** Sir, on a point of order. Is the Honourable Member within his rights in going into the question of repatriation on a consideration of clause 6 as it stands?

**4 P.M.** **Prof. N. G. Ranga:** Sir, my Honourable friend, Sir Syed Raza Ali, himself referred to those people who come back to this country after having obtained the citizenship of any other country and he deplored the fact they would have to be treated here as foreigners. I am answering him on that particular point and I am trying to convince him that this particular clause should go and their registration in this country as foreigners is useful in the interests of those very people for whom he has so much sympathy.

**Sir Syed Raza Ali:** The question does not arise.

**Prof. N. G. Ranga:** It does arise and I am strongly opposed to this clause as a whole. I want that this Government should not be given any opportunity whatsoever to distinguish between all sorts of people, between classes and descriptions of people and individuals and so on. My Honourable friend Sir Raza Ali, was indignant when I said that individuals can be exempted; I suppose he wants that persons should be exempted, men and women should be exempted and, as my Honourable friend, Mrs. Subbarayan, said, inanimate things also should be exempted.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member need not go on repeating all that.

**Prof. N. G. Ranga:** But, Sir, I am perfectly satisfied about one thing and that is that as long as this Government sits there, on that side, this House cannot be a party to the passing of this clause which gives such

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wide powers to them. We have absolutely no faith whatever in this irresponsible Government. My Honourable friend may think that very soon there is going to be responsible Government. All that he and those people of his way of thinking are doing is to prevent the early advent of real and complete independence for this country. Therefore, until complete independence is established in this country we shall be no party.....

**Mr. M. Ghiasuddin:** Sir, on a point of order, the Honourable Member has attacked our Party and myself personally for which there is absolutely no justification and it does not come within clause 6 which is under discussion.

**Prof. N. G. Ranga:** That is not a point of order. Sir, as long as this Government continue, we shall see that this clause is not passed. When the proper time comes it will be possible for our own national Government overnight to amend this law and make any necessary additional law in order to protect our nationals abroad and also protect ourselves from all sorts of foreigners in this country. And, Sir, when we get this power I give early notice to my Honourable friend, Sir Reginald Maxwell, himself that he will be registered and all his people will have to be registered.

**The Honourable Sir Reginald Maxwell:** Sir, this clause has been under discussion most of the afternoon and I do not intend to go over the ground again, but there were two specific questions which were raised by Honourable Members on the other side and those I wish to answer. My Honourable friend, Mr. Ayyangar, questioned whether the British Act gives similar power to Government to exempt. The substantive provision of the Aliens Restriction Act of 1914 reads :

"Any provision of any Order in Council made under this section with respect to aliens may relate either to aliens in general or to any class or description of aliens."

And the Order in Council, that is, the Aliens' Order which is the operative set of rules contains this Article :

"14. The Secretary of State may direct that any person or class of persons shall be exempt either unconditionally or subject to such rules as the Secretary of State may impose from all or any of the provisions of this Order."

Therefore an exactly corresponding provision exists both in the Aliens' Restriction Act and in the Order framed under it.

The other question which I have to answer is that raised by my Honourable friend, Mr. Santhanam, who asked whether Indians had to register themselves in any of the Dominions. My answer is that Indians have to register themselves only in the Transvaal. This, among all the Dominions, is the only place where Indians are required to register, and there the requirement is based on an old Act which applies to all Asiatics; but elsewhere, in the Dominions Indians have not got to register themselves at all, and even temporary visitors are not required to register themselves : so that, there is no parallel in the Dominions which justifies the imposition of registration on all the Indian residents of the Dominions who may wish to visit India.

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

“That clause 6, as amended, stand part of the Bill.”

The motion was adopted.

Clause 6, as amended, was added to the Bill.

Clauses 7 and 8 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Sir Reginald Maxwell:** Sir, I move:

“That the Bill, as amended, be passed.”

**Mr. M. Ananthasayanam Ayyangar:** Sir, I rise on a point of order. The Bill has been amended and the third reading ought not to go on to-day.

**Mr. President** (The Honourable Sir Abdur Rahim): Is it an absolute rule?

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

**Mr. President** (The Honourable Sir Abdur Rahim): No. The Chair has got a discretion and it thinks it is a proper case to exercise its discretion. The motion is now before the House for discussion.

**Mr. Sri Prakasa** (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, in my part of the country, if a man, after hearing the whole story of the Ramayan, says “Whose father was Sita?”, he becomes the butt of ridicule. I find myself in a similar position this afternoon; and I must confess that I do not understand this Bill at all. Two things stand out prominently in my memory from all the discussions that we have had during the last two days: one is that my Honourable friend, Sir Syed Raza Ali, has the capacity, after he is dead, to say “I am dead”, so that the sweetheart may go elsewhere. I do not know how a dead man can be sufficiently alive to say that he is dead. The other thing is that he was wondering what sort of speeches the Congress Benches were capable of giving. He talked of orations and of harangues; but he forgot that the Congress Benches at times are also capable of delivering curtain lectures.

As my mind is constituted, I do not see any purpose in the registration of foreigners at all. So far as I can see, all foreigners are our friends: in any case no foreigners are our enemies. Whatever the language of the law may be, the Government is always capable of twisting its meaning to fulfil its own nefarious purposes. We can take the example of the passport laws. Passports that are meant to help the nationals of our country, while travelling abroad, are used against our own people. I am almost inclined to think that this is not a Foreigners Registration Act as much as a Foreigners Harassment Act. We suffer very much when we are travelling abroad ourselves and I do not think we should after our experience make foreigners suffer similarly in our country. When we know what it is to have our footsteps dogged when we are travelling, we should protect others from a similar experience in our own country. We should

[Mr. Sri Prakasa.]

always be able to distinguish between a government and a people. Foreign Governments may be inimical to our Government; but the people of those countries may be friend to us; and this law will apply to the people of other countries, not to the governments of those countries. In fact, the officers and representatives of Foreign Governments are specifically excluded from the operation of this Act. It is only when individual foreigners come into our country that they will require to be registered. Now, we may have our grouse against the German or the Italian Governments for what they are doing in the world today; but we certainly have no grouse against the German or the Italian people as such who may be wanting to come into our country. The persons who really need to be registered are the persons who are exempted from all registration, namely, those who come from England itself to rule over us. They will not be registered; they will not suffer from any disadvantages that this law wants to lay on the people of other lands.

The fact of the matter is that we are foreigners in our own country, and it does not really matter to us if other foreigners come in our country. It may be that the foreigners may be really friends of the people and we might need them. Though the Government say that the purpose of the Bill is a social one, namely, to be able to inform the relatives of travellers in India as to their welfare, the fact is that they want this registration for nefarious purposes and the law is bound to be used against ourselves. I was rather amused to read in the Statement of Objects and Reasons that Government are anxious to have this registration of foreigners so that they may be able to give full answers to our questions in the Assembly. For five years we have had experience of the anxiety of Government to give full answers to our questions, and I am not sure whether, when this law is passed, the Government will be over-anxious to lay before the House every possible information that we require and they possess. I am almost certain the plea will then be put forward that it would not be in the public interest to give the information that we want, and then it will not be possible for us to show to the then Home Member the Statement of Objects and Reasons attached to this Bill.

I was saying, Sir, that we are foreigners in our own country, and, therefore, we need registration ourselves. The other day, Sir, an incident was pointed out to the House, where a gentleman, who was travelling in a *dhoti* in a first class compartment, was actually prosecuted for not being properly dressed. His own costume made him a foreigner in his own country. I do not know if any European lady with dangerously short skirts has been prosecuted for being indecently clad while travelling in a railway carriage; they are not even prohibited from attending the galleries of this House.

Sir, as stated in the Objects and Reasons of this Bill, the present law on the subject enables Government to use its powers of registration, etc., in emergencies, and we know that at the time of the great European War friendly Germans, scholars like Dr. Schrader of Madras, were interned for long periods, simply because they were Germans. They were innocent, scholarly persons, in every way friendly to us; still, because they were Germans they had to suffer. Now, Sir, I think that such restrictions would be against our own interest.

My friend, Mr. Bajoria, referred to maps of India with which he said he was very familiar, but if he will consult succeeding maps of India, he will find a variety of boundaries. At one time he will find that what is present Afghanistan belonged to India, and what is the extreme south of India where one of his great shrines is situated, was outside the then country of India. Therefore, we have to start somewhere, and we cannot refer either to history or geography.....

**Babu Baijnath Bajoria:** Which dictionary or geography are you referring to?

**Mr. Sri Prakasa:** Dictionary which you can purchase for 5½ annas from Sir Raza Ali, the price of a *Go-dan*—gift of a cow! Sir, my Honourable friend opposite referred,—I won't say impertinently,—quite pertinently, to something written by Mahatma Gandhi.....

**Mr. President** (The Honourable Sir Abdur Rahim): This is the third reading of the Bill. He must remember that there are other Honourable Members who also might wish to speak on this.

**Mr. Sri Prakasa:** I am speaking for the first time, Sir.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member must confine himself to what is relevant to the Bill.

**Mr. Sri Prakasa:** Well, Sir, I shall now close, because other friends are also anxious to speak, with just two questions to the Honourable the Home Member, so that he may be able to answer these when he finally replies to the debate, if at all. I should like to ask him what will be the exact position of persons from Eire,—Southern Ireland, who are in the service of the Government of India? Will they be registered or will they not? I should also like to know what will be the status under the law of the wives of those of my countrymen who have chosen them abroad? These two tantalising questions have to be answered before I shall be able to understand what this Bill means in all its implications.

**Mr. M. Thirumala Rao** (East Godavari and West Godavari cum Kistna : Non-Muhammadan Rural): Sir, this is said to be a defence measure in continuation of the Army Recruitment and Naval Bills. India is a land of gratitude. We are grateful, Sir, for small mercies, and the Government expect to win our gratitude by taking this House into confidence on a measure like this. The Honourable the Defence Secretary has continuously refused to divulge his plans of defence for the country, but the Honourable the Home Member comes forward before this House with a measure which, he said, is in the interests of India in order to ward off an imminent danger that is lurking in the horizon. Well, Sir, whatever the helpless condition to which we are reduced with regard to the defence of this country, I believe that our Party is supporting this measure with a view to get as much usefulness out of it with regard to registration of all foreigners. Now, about the definition that has been accepted by the amendment of my friend, Mr. Ayyangar, I feel that it is not sufficient. Even if you include British subjects as foreigners, I believe it is not against the provisions of the Government of India Act. Our experience with even the Britishers in this country is not very different from that of the Colonials who have been coming here and sojourning. For instance, Colonel Muirhead, who came to

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India not as Under Secretary of State, who came here on an informal visit to study the conditions in this country first hand, and who has seen a good deal of the country, has utilised a statement which was made to him in some private conversation by an official, and made a speech in England in which he has said that Hindus and Muslims are always quarrelling and the political situation is worsening here. It is to the interest of the Under Secretary of State or Secretary of State or the powers that be to always keep the two communities apart, and they can very well make capital out of these things. Therefore, I want to see that every foreigner or Britisher or anybody who is not a British Indian is registered as soon as he lands here. We have got a sorry experience of Miss Mayo who went about as the guest of the Government of India, lunching and feasting at the cost of Indian taxpayer, and in the end publishing a book which has scandalised our countrymen. She has been properly named as the gutter inspector by Mahatma Gandhi.

Then, Sir, whenever you put a question about the extent of foreign capital in this country of foreign business interests that have been exploiting this country, Government have come out with the answer that the time and expense involved in collecting the information is incommensurate with the results. They do not know how many people have come here, they do not know how many Germans or Swiss people or Russians or other foreigners there are in this country trading in various capacities. If you see the Bata Factory in Calcutta or the Ford Motor Car Company, the Chevrolet, or the firm of Chryslers, the Texas Oil Company, the Swedish match factories and various other concerns, you will find that all of them have come to this country without let or hindrance. We do not have even a register in which we could find the names of all these people who are exploiting this country.

I should like to narrate my personal experience which I had with some one connected with the Havaro Trading Company. It is believed to be a firm doing German propaganda in this country. I recollect an interesting incident when I met a smart young Indian well dressed speaking two or three European and Indian languages. I met a young man in Bombay dining at the same table with me in a hotel. He wanted to get into touch with me. Somehow he knew that I was a Member of the Legislative Assembly, and he began to talk to me all about international politics. I asked him where he was employed, and he said he went and interviewed the manager of the Havaro Trading Company and got a job for the mere asking on Rs. 800 a month. Afterwards, I came to know that he is in the pay of the Germans, and he is their propagandist. I believe there are several others who are carrying on similar propaganda. Sir, India has been a field for political propaganda for Russia, Japan, Germany or Italy, because they feel that when their international situation is getting critical they can weaken the British power here by sowing the seeds of discontent and disunion among Indians. We have not got any idea as to how much money is being spent and for what purpose, from abroad, in this country. The Government have replied to several questions put on the floor of the House that they are aware that money is being spent here, but they are not able to give details of it. It may be that those details are in the books of the C. I. D., but they do not want to share that information with the House.

Coming to the lot of Indians abroad, my Honourable friend, Sir Syed Raza Ali, has, with all the weight of his ex-Agent Generalship in South

Africa, been a power for reactionary ideas in this House than progressive: I am sorry to say, and the limited powers that this Bill gives to the Government of India would have been liberalised. It is not in the interests of the South African Indians themselves, he says, to curtail any of these reactionary measures that have been taken by the Government of India. I should like to read a small passage from the opinion of a Knight no less loyal and no less distinguished than himself, I mean Sir Purshotamdas Thakurdas, who has been and is still the President of the Imperial Indian Citizenship Association. In a statement recently published on behalf of the Association, that estimable Knight said:

"It is an insult to India which no self-respecting Indian can tolerate. The Government of India can be said to have failed miserably to do their duty by their nationals abroad. They have let down Indians in Kenya even as they deserted Indians in Zanzibar, when their legitimate rights were assailed by Colonial Office. The Government of India by their deplorable lack of sympathy, masterly inaction and complacency appear to Indians abroad to be entirely responsible for this degrading status to which they are being reduced at every opportunity. Fiji, Ceylon, Malaya, Burma, British Guiana, South Africa, East Africa—within and without the British Commonwealth—everywhere it is the same deplorable tale. Is it proper, just or right that non-British subjects should be given preference over Indians in Kenya?"

Then, he says:

"The Jews of the world would appear to be better placed as compared to poor Indians abroad."

After all, what is the power we are now taking in this Bill? It is merely a Bill to register every foreigner who comes to this country, nothing more than that. The Government have come now with this Bill because of their past experience during the last war when they had to liquidate all the German settlers and send them abroad. It took them a long time to find out the whereabouts of the Germans settled in India. Therefore, they have come now with this Bill. I come now to the last point.

A large number of people that come to India from the trans border are Afghans. According to the census report, there are about 80,000 Afghans in India going about like nomads throughout the country, and there is not the remotest corner of India where they are not found. In unknown obscure villages, these Afghan moneylenders are there, and the Central Banking Enquiry Committee have taken into consideration the vast amount of money they have sunk in the villages by lending them at exorbitant and usurious rates of interest, and they have said that these moneylenders should be eliminated. The sooner they are eliminated the better for the poor Indian ryot. If you go to the mill areas on the day when the labourers receive their wages, these people sit there and recover the interest on the amount lent to these labourers. They charge interest at the rate of one rupee per ten rupees and have been harassing these people like anything and there is no control over their activities. We are aware of the riots that took place in Bombay. They were the hirelings of a certain section of the people.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member need not roam over such a wide field.

**Mr. M. Thirumala Rao:** I have said that I have come to the last point. They should be brought into the register. However limited the Bill may be in its present scope, I submit that this Government should utilise it in the best interests of the country, and in that hope we are supporting this measure.

**Some Honourable Members:** Let the question be now put.

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

"That the Bill, as amended, be passed."

The motion was adopted.

### THE EMPLOYMENT OF CHILDREN (AMENDMENT) BILL.

**The Honourable Sir Muhammad Zafrullah Khan** (Member for Commerce and Labour): Sir, I move:

"That the amendments made by the Council of State in the Bill to amend the Employment of Children Act, 1938, be taken into consideration."

The definition of workshop in clause 2 of the Bill has been altered in the Council of State to carry out more clearly the intention of the Honourable Member who moved an amendment here to the clause as it stood in the Bill as introduced in this House. It was felt that there was some danger that as a result of that amendment there might be some overlapping with regard to the definition of factories to which this clause was intended to apply. That has now been set right in the Council of State. The second proviso to clause 3 which was added in the Assembly has been incorporated in a single proviso in the Council of State for drafting purposes. There is no change of substance in that respect. Sir, I move.

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

"That the amendments made by the Council of State in the Bill to amend the Employment of Children Act, 1938, be taken into consideration."

**Mr. K. Santhanam** (Tanjore cum Trichinopoly: Non-Muhammadan Rural): I want to ask only one question of the Honourable Member. The proviso says:

"With the aid of his family only and without employing hired labour"

There was a doubt about this even when the Bill was being discussed. What happens when a man employs relations or dependants who may not come strictly under the term family? They may not come under the term hired labour, and what will be the position? Suppose there is a family and there are poor relations who are dependant on that family, and they work in this process. Will they come under the term factory or not? As it was, there was some doubt even then, and I thought the Honourable Member would have taken the opportunity of rectifying it in the other House. If a family utilises the service of dependants who may not come within the term family strictly,—whether they will come under this or not? The words, *viz.*, "with the aid of his family only and without employing hired labour" makes it confusing. They will come neither under the first nor under the second. Therefore, what is the position in such cases?

**The Honourable Sir Muhammad Zafrullah Khan:** I can only express an opinion; it is for the courts to construe the provision. I should imagine that, as the term family has not been defined and the second limitation sought to be imposed is that people who are helping the head of the family in carrying out the work should not be hired labourers, I think the meaning is pretty clear. I do not know whether it would be necessarily held that family means only wife and children. I should imagine the word family in that context could be construed as a fairly wide expression to include those

the Honourable Member has in mind, that is to say, people living together as members of one family who are not hired as labourers.

**Prof. N. G. Ranga** (Guntur *cum* Nellore : Non-Muhammadan Rural) : I sincerely hope that when the time comes the Courts will certainly construe that only the actual members of any particular family should be considered as forming part of the family and not all those so-called relatives who may be taken in just to evade the provisions of this particular Act. I am not at all happy even at this kind of proviso that is put in here. I have had occasion to tour, rather extensively, in Southern India when I was conducting cottage industries and village economic surveys on behalf of the Madras Government, and also when I was visiting the industrial areas, especially cottage industries when I had to prepare for my thesis for Oxford University. I visited thousands of cottages of handloom weavers and I was pained to see that parents were just as hard and bad taskmasters of their children as the ordinary employers themselves. In many cases, the parents were even worse. So far as the employers are concerned, there is this safeguard. They are afraid that the parents of the children might object to the children being beaten or being hardworked. But parents need not be afraid of anybody except their own heart or conscience and when it comes to poverty and misery and suffering, parents, only too often, forget their own responsibility to their own children and treat them badly if they do not work as hard or as efficiently as the parents desire.

Now that that exemption has anyhow been made, I am extremely anxious that this exemption should not be extended. Now, Sir, when these relatives' children go there and work, let it not be understood that they work freely. No. They are paid, whether in kind or in cash and the courts will have to construe all such people as hired labourers. Then, Sir, the school is also exempted. It is my fault not to have been present when this thing was being discussed originally in the House. I have known schools which are recognised by Provincial Governments but which yet continue to exploit children in the various vocational things. I need not mention any particular institution but I have known cases where students, when they did not work to the satisfaction of their employers, were beaten or punished very badly and treated very shabbily. That is why I do not feel happy that this sort of sweeping exemption is given. I can understand the force of the argument advanced that institutions which are recognised by Provincial Governments or educational institutions under the Wardha scheme or any other scheme should be exempted. But this thing goes far beyond that. There are several so-called vocational schools which are being run by various organisations which do not have sufficient funds at their disposal and which try to exploit the labour of their students and all such institutions will try to get exemption. It may be said that there is a saving grace—*i.e.*, receiving assistance or recognition from the Provincial Government. The Provincial Government after all is expected to be very careful about giving recognition and, therefore, we can trust them. I cannot think for the simple reason that mere recognition from a Provincial Government is a guarantee as to the manner in which the children are treated. It is only concerned about the particular vocation taught and what standard of teaching is adopted and once the Provincial Government is satisfied about that, they give recognition. This will mean that, hereafter, Provincial Governments will have to get all these workshops where students are being employed

[**Prof. N. G. Ranga.**]

examined not only by educational experts but also by the local factory inspectors. Now, there are students in these schools below twelve years of age. How can we expect the Provincial Governments to discharge this particular function? Yet, the House in its wisdom has made this exemption. I can only voice my dissent from the principle underlying this and the wide scope that is given for escaping from the rigours of this particular Bill and I wish to state that at the earliest possible opportunity Government should see to it that this particular mischief is prevented by bringing forward a suitable amendment to this particular Bill. I extend my general support to the Bill as amended.

**Mr. N. M. Joshi** (Nominated Non-Official): I have great pleasure in supporting what my friend, Prof. Ranga, has stated. It is because some parents make use of the labour of their children for their own benefit that the Legislature passed legislation preventing the pledging of child labour. I, therefore, feel that this provision exempting places where only members of the family work is an unhappy one. I do not know why such industries where the whole family works should be permitted to make use of child labour, if others are not to make use of child labour. However the Legislature has passed this clause and I myself proposed no amendment to it. I have my own doubt which I expressed on the last occasion about exempting schools. Unfortunately, the Congress Party considered this as a matter of sentiment. Mahatma Gandhi has proposed a scheme for self-supporting education and I have my own doubts that these schools will be used for exploiting child labour. If the schools have to be self-supporting by the labour of children, then, certainly, there is a great temptation for the managers of schools to exploit child labour. As I said, the Congress Party made this a matter of sentiment. They are not prepared to look into the merits of this question. Moreover, the Bill does not make clear whether the exemption given is to child labour consisting of the students or the schools which have got workshops and use children not as students but as ordinary workers in the workshop of the school will also be exempted. It is quite possible that some of these schools, besides making pupils work, may also use other children who are not pupils to make the workshops self-supporting. I, therefore, feel that both these provisions are unhappy and the Legislature should never have allowed them. However, I did not move any amendments. I do not propose to oppose this change made by the Council of State.

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

"That the amendments made by the Council of State in the Bill to amend the Employment of Children Act, 1938, be taken into consideration."

The motion was adopted.

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

"That the following amendment made by the Council of State in proposed clause (d) in clause 2 be agreed to :

'In clause 2, in proposed clause (d), for the words and figures 'not being a factory to which the Factories Act, 1934, applies or to which the provisions of section 5 of that Act are for the time being applicable the following was substituted, namely :

'but does not include any premises to which the provisions of section 50 of the Factories Act, 1934 for the time being apply'."

The motion was adopted.

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

"That the following amendment made by the Council of State in clause 3 be agreed to:

'In clause 3, for the provisos to the proposed sub-section (3) the following was substituted, namely :

'Provided that nothing in this sub-section shall apply to any workshop where—  
in any process is carried on by the occupier with the aid of his family  
only and without employing hired labour or to any school established  
by, or receiving assistance or recognition from, a Provincial Govern-  
ment.'"

The motion was adopted.

### THE COAL MINES (STOWING) BILL—contd.

**Mr. President** (The Honourable Sir Abdur Rahim): The House will now resume consideration of the following motion moved by the Honourable Sir Muhammad Zafrullah Khan on Monday, the 27th February, 1939, namely:

"That the Bill to make further provision for safety in coal mines, as reported by the Select Committee, be taken into consideration."

**Mr. Brojendra Narayan Chaudhury** (Surma Valley cum Shillong: Non-Muhammadan): Sir, the House will remember that, on the last occasion, when the House rose, I was reading out section 19 of the Act of 1923 which was enacted for the purpose of securing safety in mines. I hope Honourable Members will remember that the wording of the clause is so very wide that it empowers the inspector to order the colliery to do anything or to take any measures in respect of his property as he thinks necessary. Indeed, Sir, I cannot but admire the capacity of the English language to provide expressions and also the ingenuity of the draftsman of that section, because, if strictly construed, this section empowers the inspector to order the colliery to do anything under the sun.

Now, Honourable Members will naturally wonder why, in spite of this, there have been more and more fatal accidents recently in our coal mines. Indeed, when we look at page 33 of the Coal Committee's report, we will find that the recent figures of fatal accidents are staggering. The list of accidents given is for 1934, 1935 and 1936. It mentions eight cases. These are the major accidents, out of which, on scrutiny, I find that seven of these collieries are those of managing agents that are well-known and reputed European firms of Calcutta, who have long been in the trade, and who are the big brothers of the trade, and, as regards all the rest, two are Indians, and one of them, I am informed, has recently closed. The strangest thing was this that in regard to the accidents, where the largest number of deaths occurred, that is, 62 killed in 1935, the House will be astounded to hear that this colliery belongs to the Railway Board. Now, I can understand the unwillingness of the inspector of mines to order the colliery to stop the working of certain pillars or to go into very heavy expense, because, after all, the inspector is a human being. It might be that the colliery might be put to a loss, and you may have to take the colliery at its word, but I do not understand why the same consideration should apply to the railway mines. Here there is no question of the margin of profits as in the case of coal-mining. In the case of the railway collieries, no question of profit comes in. So, Sir, the main argument which has been brought forward in support of this Bill in the matter of

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the maintenance of stowing at their cost, *viz.*, that profits will vary will at any rate not apply to the railway collieries, and that gives us the real clue.

The charge was brought forward the other day that the inspectors do not always take action, and I have good evidence in support of that. I would refer Honourable Members to page 215 of the Coal Committee's Report. There you will find it stated:

"Under the present system, evasion and breaking of regulations are a permanent feature."

I find, Sir, that my Honourable friend, the Secretary for Education, Health and Lands, smiles. I believe that I mentioned to the House the other day that in the Simla Session I put certain supplementary questions suspecting the efficiency and the strictness displayed by the inspectors. I was informed from the Government side that Government had no reason to doubt that the inspectors were not doing their duty. But the foregoing extract, which I have read out from the Coal Committee's Report will show that this is not so. Sir, it is no use making laws here unless you are sure that the inspectors will strictly enforce them. Even now, it is not proper for us to introduce a new taxation like a cess which is proposed to be levied if charity and laxity is going to be shown to the rich collieries out of that fund. The only thing that we require is to enact now sub-clause (3) of clause 9, which says:

"Without prejudice to the provisions of section 19 of the Indian Mines Act, 1923, the Chief Inspector or any Inspector may, by order in writing addressed to the owner, agent or manager of a coal mine, require him to take such protective measures, including stowing, in the mine as the Chief Inspector or the Inspector may think necessary. . . . ."

Now, its effect is only to interpret section 19 of the old Act by saying that the inspector has the power to order stowing. I think, Sir, if stowing is considered from the engineering point of view to be practical and to be making for safety, then only the section will serve the purpose we have in view.

Now, Sir, the question has been raised that if any Inspector orders stowing, there will be trouble on account of pillars. Besides, the cost of stowing will be so high that not only the concerns will have to close their business, but they will be put to a serious loss. I am not quite sure how many concerns will be in that predicament. At any rate, the Honourable Member ought to satisfy us on that point. It is the crucial argument upon which the provision for the levy of a cess and the assistance to be given out of it hinges. The Honourable Member simply makes a statement to the effect that many mines will have to be closed. But he has given to the House no facts and figures. But my reading of the situation is that I doubt very much the statement that many mines are really so badly off that they cannot afford the cost of stowing. Those Honourable Members who have read the report know that so far as these mines are concerned, the European agents were the first in the field and they were able to get very valuable mineral properties from the zamindars on ridiculous terms and they have been making abnormal profits. Dr. Sir Ziauddin Ahmad gave the figures the other day which showed that they had been paying as much as 15 to 20 per cent. These people had been making these high profits for the last 80 years from these valuable mines. Now,

they find that the mines are exhausted in the sense that they have got only certain pillars which have got to be kept intact. Now, Sir, the nature of this business is such that you cannot have standard profits for all time. After all, minerals are not an inexhaustive thing and a day must come when these concerns will have to close down because of the natural process. To test the correctness of their statement that they are sincere, I will ask the Government to make a law that after the individual owner has been ordered to stow the mines and he is not in a position to do that, the property will be leased by Government by a public auction . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member can continue his speech on the next day.

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#### STATEMENT OF BUSINESS.

**The Honourable Sir Nripendra Sircar** (Leader of the House): Next week, Sir, the House will first proceed with the current agenda down to the end of item 6 therein. Motions will then be made to consider and pass the three Tariff Bills introduced today,—the Bill relating to Paper and other articles being taken first, the Bill relating to Sugar second, and the Bill arising out of the Trade Agreement third. The House will then return to the remaining items in the current agenda, to which will be added motions for the consideration and passing of the Chittagong Port Amendment Bill.

I should add that, if any essential items of business remain undisposed of by Thursday next, we shall be under the necessity of asking you to direct the House to sit for the transaction of official business for so many working days from Friday, the 14th April, as may be necessary to complete those items. No meeting is suggested on Thursday, the 13th April, which is a gazetted holiday for the *Baisakhi*.

The Assembly then adjourned till Eleven of the Clock on Monday, the 8th April, 1939.