

THE LEGISLATIVE ASSEMBLY DEBATES

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(14th September to 24th September, 1942)

SIXTEENTH SESSION OF THE FIFTH LEGISLATIVE ASSEMBLY 1942

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Legislative Assembly

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LEGISLATIVE ASSEMBLY.

Tuesday, 22nd September, 1942.

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

SUBJECTING OF THE OLD OUDH AND ROHILKHUND RAILWAY STAFF TO FURTHER EXAMINATION ON TRANSFER TO EAST INDIAN RAILWAY.

125. *Mr. Muhammad Azhar Ali: (a) Will the Honourable Member for Railways please refer to the reply given to unstarred question No. 4, asked on the 11th February, 1942, and the promised information given on the 27th February, 1942, in regard to the subjecting of certain exempted staff to further examinations on East Indian Railway, and state:

(i) the dates from which the terms "Goods Accounts Examination (Lower)" and "Goods Accounts Examination (Higher)" have been introduced and brought into operation respectively; and

(ii) the particulars of the staff who are promoted to upper subordinate posts and are required to pass the Goods Accounts Examination (Higher) but have not passed the examination and are confirmed in those posts after the date when the examination was introduced?

(b) Is it or is it not a fact that in the old Oudh and Rohilkhund Railway the Goods Examination was considered to be the standard examination for the staff to be promoted to upper subordinate posts?

(c) What are the reasons for subjecting the staff of the old Oudh and Rohilkhund Railway to a further examination on their transfer to the East Indian Railway system?

The Honourable Sir Edward Benthall: (a) (i). In May, 1928.

(a) (ii). I regret that I cannot undertake to secure the information the collection of which will involve an amount of labour and time unjustifiable under present war conditions.

(b) So far as my information goes, the reply is in the affirmative.

(c) I would refer the Honourable Member to the information laid on the table of the House in reply to part (a) of Maulvi Syed Murtuza Sahib Bahadur's unstarred question No. 4 asked on the 11th February, 1942.

Mr. Muhammad Azhar Ali: Will the Honourable Member kindly say what were the subjects prescribed for the coaching and goods examinations respectively by the old Oudh and Rohilkhund Railway and what are the subjects prescribed for lower and higher Goods Accounts Examinations?

The Honourable Sir Edward Benthall: I would like to have notice of that question.

RE-EMPLOYMENT OF MR. A. J. DORAN AS SUPERINTENDENT (COMMERCIAL), MORADABAD DIVISION.

126. *Mr. Muhammad Azhar Ali: (a) Will the Honourable Member for Railways please refer to the reply given to unstarred question No. 86, asked on the 6th March, 1942, regarding the re-employed staff on the East Indian Railway, and state if it is or it is not a fact that one Mr. A. J. Doran has been re-employed as a Superintendent, Commercial, Moradabad Division, from September 1940 or 1941, on the old scales of pay?

(b) Is it or is it not a fact that the said Mr. Doran was adjudged by the Sessions Judge, Patna, as an inefficient, unprofitable and mal-administrative Officer in the defamation case brought by him against the Editor, Printer and Publisher of an English Paper, namely, *Masdoor*, in 1935 or 1936?

(c) Is it or is it not a fact that Government financed him with a sum of Rs. 10,000 (ten thousand) approximately for the said case?

(d) Is it or is it not a fact that the said sum as a rule is recoverable from him as he failed to succeed in the case?

(e) What are the reasons for re-employing a person who was adjudged by a court of law as a mal-administrator?

The Honourable Sir Edward Benthall: (a) Mr. Doran was not re-employed but was recalled from leave.

(b) No, it is not a fact.

(c) Yes, it is a fact.

(d) No, it is not a fact.

(e) Does not arise.

Mr. Muhammad Azhar Ali: Is it or is it not a fact that persons appointed or re-appointed, other than those brought under reduction due to economy campaign 1931, after 15th July, 1934, are paid the new scales of pay 1934?

The Honourable Sir Edward Benthall: I do not think that arises out of this question and in any case I should require notice of it.

Mr. Muhammad Azhar Ali: Is it or is it not a fact that the staff employed under the crew system of ticket checking and collecting on the East Indian Railway and discharged on re-organisation of the system were re-appointed after 15th July, 1934, and are paid new scales of pay 1934?

The Honourable Sir Edward Benthall: I do not think that arises out of the question either.

PREPONDERANCE OF HINDUS IN RATES SECTION, COMMERCIAL BRANCH, NORTH WESTERN RAILWAY HEADQUARTERS OFFICE.

†127. *Mr. H. M. Abdullah: (a) Will the Honourable Member for Railways please state if it is a fact that in the Rates Section of the Commercial Branch of the North Western Railway Headquarters Office, all Officers, Head Clerks and Inspectors are Hindus?

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

(b) Is the Honourable Member prepared to consider the desirability of posting Muslim Officers, Head Clerks and Inspectors to this Section to break this monopoly of the Hindus?

The Honourable Sir Edward Benthall: (a) No, it is not a fact.

(b) Does not arise, but I may add that promotions are not made on communal considerations and Muslim officers are at present few in number.

FILLING OF CERTAIN VACANCIES IN PERSONNEL BRANCH, NORTH WESTERN RAILWAY HEADQUARTERS OFFICE, RESULTING IN SUPERSESSION OF MUSLIMS.

†128. ***Mr. H. M. Abdullah:** (a) Will the Honourable Member for Railways please state if it is a fact that four vacancies in grade III of the Personnel Branch of the North Western Railway Headquarters Office fell vacant?

(b) Is it a fact that two vacancies were filled with senior men but the other two, which were to go to Muslims, were not filled?

(c) Is it a fact that the claims of the senior Muslims were overlooked and one of the vacancies was given to the junior-most Hindu of class I and the other was given to a junior Sikh who has been working in this Branch for the last nine months?

(d) Is it a fact that the senior Muslims who were superseded appealed against these orders but no reply has been given to them up to now?

(e) Will the Honourable Member say what action he proposes to take to stop undue supersession of Muslims by non-Muslims?

The Honourable Sir Edward Benthall: (a) The Honourable Member has not specified the period to which he is referring, but I am informed that four vacancies in Grade III of clerks in the Personnel Branch of the Headquarters Office of the North Western Railway occurred in the first quarter of this year.

(b) The reply to the first part is in the affirmative, one by a Hindu and one by a Muslim; as regards the second part, I am informed that two junior clerks familiar with the work were appointed to officiate in the two vacancies.

(c) As I have stated in the reply to part (b), the posts have been filled in an officiating capacity. The two senior Muslims were also subsequently appointed to officiate in other Grade III posts.

(d) I understand that one of the Muslims appealed; he has, as I have said, been appointed to officiate in grade III.

(e) I do not consider any special action is called for, as I do not believe that the facts are as stated by the Honourable Member.

CONFIRMATION OF CERTAIN ELECTRICAL SUBORDINATES AS ASSISTANT CHARGEMEN ON NORTH WESTERN RAILWAY RESULTING IN SUPERSESSION OF MUSLIMS.

†129. ***Mr. H. M. Abdullah:** (a) Will the Honourable Member for Railways please state if it is a fact that certain Electrical subordinates of the North Western Railway were confirmed as Assistant Chargemen, with

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

effect from 14th February, 1941, 15th February, 1941, 16th February, 1941, 17th February, 1941, 18th February, 1941 and 19th February, 1941?

(b) Is it a fact that this has resulted in the supersession of a senior Muslim? If so, why?

(c) Is it a fact that certain others were confirmed as Assistant Charge-men, with effect from 23rd June, 1941 and 25th June, 1941 and placed on probation from 26th June, 1941 and 27th June, 1941?

(d) Is it a fact that as a result certain comparatively senior Muslims have been superseded? If so, how many and why?

(e) Are confirmations in such appointments being made by seniority or by merit?

(f) Is it a fact that a non-Muslim obtained only 62½ per cent. of marks in 1934 but was confirmed according to seniority although others—Muslims—appearing in the same examination had obtained as much as 96 per cent. of marks?

The Honourable Sir Edward Benthall: (a) Yes.

(b) The promotions resulted in the supersession of two Muslims, one Hindu and one Sikh who were not then considered fit for confirmation.

(c) Yes, some were confirmed and others placed on probation on the dates indicated.

(d) Yes, four Muslims including the two referred to in the reply to part (b) and for the same reason.

(e) Seniority among those declared fit for confirmation.

(f) The non-Muslim obtained 61½ per cent. and two Muslims obtained 90 and 61 per cent. The non-Muslim was confirmed first as being senior among the three all of whom were declared fit for confirmation. The other two were confirmed subsequently.

TRAFFIC INSPECTORS IN HEADQUARTERS OFFICE OF NORTH WESTERN RAILWAY.

†130. ***Mr. H. M. Abdullah:** (a) Will the Honourable Member for Railways please state the total number, communal composition and order of seniority of Traffic Inspectors in the Headquarters Office of the North Western Railway?

(b) Is it a fact that Traffic Inspectors perform both Operating and Commercial duties in the Divisions?

(c) Is it a fact that in several cases Traffic Inspectors of the Operating Branch, Headquarters Office, have been appointed to officiate as Lower Gazetted Officers in the Commercial Branch?

(d) Is it a fact that both Anglo-Indian as well as Hindu Traffic Inspectors have been appointed to officiate as officers in the Lower Gazetted service in the Operating and Commercial Branches in spite of their being comparatively junior?

(e) Is it a fact that a Hindu Head Clerk, officiating as Superintendent, Commercial, has also been ordered to officiate in the Lower Gazetted service in the Commercial Branch?

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

(f) Is it a fact that an Anglo-Indian Inspector of Coaching and Goods in the Accounts Branch cadre has also been appointed to officiate in the Lower Gazetted service of the Commercial Branch? Is there any precedent for a subordinate of the Accounts Branch having been imported into an Executive Branch as an Officer?

(g) Is there any precedent of a subordinate of the Executive Branch having been imported as an Officer in the Accounts Branch?

(h) If not, what action do Government propose to take to stop such promotions on the North Western Railway?

The Honourable Sir Edward Benthall: (a) Three, one Muslim, one European and one Hindu in that order of seniority.

(b) Yes, except on the Karachi Division, where as an experimental measure Traffic Inspectors are performing Transportation or Commercial duties exclusively.

(c) Once in 1938, as far as can be ascertained.

(d) Promotion to the Lower Gazetted Service is made on the basis of selection and is not governed by communal considerations.

(e) Yes.

(f) The reply to the first part is in the affirmative. As regards the second part, I am informed that there is no precedent on the North Western Railway but there are such instances on other Railways.

(g) I am unable to trace any.

(h) I see no reason to interfere with the action of the North Western Railway.

RAILWAY BOARD INSTRUCTIONS CONCERNING CORRECTIVE ACTION AGAINST RAILWAY EMPLOYEES.

†131. ***Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that the Railway Board issued orders on the 9th April, 1941 to the General Managers of State-managed railways to the effect that the employees should not be reduced in pay but fined and warned?

(b) Is it also a fact that it was further desired that the employees who did not show improvement and were found permanently unfit for the posts they were holding and against whom corrective action by way of fines, warnings etc., had been or was considered ineffective, such employees may be removed from service after due notice and then re-appointed to posts of lower responsibility?

(c) Are the provisions of Rule 1710 (b) of the State Railway Establishment Code, Volume I, and North Western Railway Subsidiary rules thereto, satisfied by the administration before discharging an employee under circumstances referred to in part (b) above?

(d) If the reply to part (c) above be in the negative, under what provision of law did the Railway Board issue instructions in contravention of rules framed by the Governor General in Council under sub-section (2) of section 241 of the Government of India Act, 1935, and embodied in the State Railway Establishment Code, Volume I, referred to in part (c) above?

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

The Honourable Sir Edward Benthall: (a) and (b). Yes.

(c) Yes, but I would add that it is open to Railway Administrations to discharge an employee and re-engage him as provided in the orders referred to in parts (a) and (b) even for one single offence where it merits such treatment.

(d) Does not arise.

REVISION OF THE MAXIMUM PAY FOR CLERICAL STAFF ON NORTH WESTERN RAILWAY.

†132. ***Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that the revised scales of pay introduced on the Indian State-managed Railways in 1931-34 laid down common grades of pay for similar class of employees on various railways? If so, why was the maximum pay of class I grade I clerical staff on the Great Indian Peninsula Railway fixed at Rs. 80 and that for the North Western Railway at Rs. 60?

(b) Is it proposed to revise the maximum pay for clerical staff on the North Western Railway to Rs. 80? If not, why not?

The Honourable Sir Edward Benthall: (a) The reply to the first part is in the negative; the second part does not arise.

(b) No, as there is no justification for doing so.

DISCOURTENANCING OF CERTIFICATES FROM PRIVATE REGISTERED DOCTORS ON NORTH WESTERN RAILWAY.

†133. ***Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that under General Rule 3 of the "Rules governing issue of medical certificates to railway servants", framed and promulgated by the Railway Board, the competent departmental authority has discretion to accept certificates issued by private registered doctors in certain cases?

(b) If the reply to part (a) be in the affirmative, why have restrictions been placed by the North Western Railway Administration [*vide* Subsidiary Rule 6], on the discretion of such a competent authority who shall have to submit all such certificates to the railway doctors for orders and must abide by their recommendations?

(c) Do Government propose to direct amendment of the North Western Railway Subsidiary Rules to fit in with the specific provisions of the General Rules? If not, why not?

The Honourable Sir Edward Benthall: (a) Yes.

(b) The North Western Railway has apparently considered such restriction necessary.

(c) I shall consider the matter.

CURTAILMENT OF POWERS OF SUB-ASSISTANT SURGEONS ON NORTH WESTERN RAILWAY.

†134. *Mr. Lalchand Navalrai: (a) Will the Honourable the Railway Member be pleased to state whether his attention has been drawn to a note entitled "Powers of SAs on N. W. Railway" appearing on page 201 of the *Railway Herald*, Karachi, dated the 24th August 1942? Will he please state if it is a fact that the "Medical Certificate Rules" were issued by the Railway Board? If so, why and how were the powers of Sub-Assistant Surgeons on the North Western Railway were curtailed under the 'Subsidiary Rules'?

(b) Has there been any delegation of authority to the Railway Administrations which justify the issue of 'Subsidiary Rules' in contravention of the specific provisions of the General Rules? If so, will the Honourable Member please give a reference to the specific delegation orders?

(c) If the reply to first portion of part (b) above be in the negative, is it proposed to direct amendment of 'Subsidiary Rules' to accord with the General Rules? If not, why not?

The Honourable Sir Edward Benthall: (a) I have seen the article referred to. The rules contained in Appendix VI to the State Railway Establishment Code Volume I were issued by the Railway Board. As regards the last part, I would point out that the limits prescribed in the Railway Board's rules are correctly treated as the maxima, it being open to individual Railway Administrations to prescribe other limits falling within these maxima.

(b) No.

(c) No direction is necessary as the Subsidiary Rule is not at variance with the General Rules.

CERTAIN RAILWAY BOARD ORDERS RELATING TO DISPOSAL OF APPEALS.

†135. *Mr. Lalchand Navalrai: (a) With reference to the speech delivered by Sir Andrew Clow, the former Railway Member, on the 25th February, 1942, and published on page 534 of the Assembly Debates, Volume I, No. 10, will the Honourable the Railway Member be pleased to state whether orders in regard to disposal of appeals have been issued by the Railway Board clarifying the points referred to in Sir Andrew's speech? If not, why not?

(b) If the reply to first portion of part (a) above be in the affirmative, will the Honourable Member please lay on the table of the House a copy of the orders issued? If not, why not?

The Honourable Sir Edward Benthall: (a) Sir Andrew Clow actually stated in the speech referred to by the Honourable Member that orders had already been issued. The second part does not arise.

(b) No, as the orders are confidential. I would add that Sir Andrew Clow had referred in his speech to the material parts of the orders.

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

CITY BOOKING AGENCIES ON NORTH WESTERN RAILWAY.

†136. *Mr. Lalchand Navalrai: (a) Will the Honourable the Railway Member be pleased to state the number of City Booking Agencies on the North Western Railway in the calendar years, 1939, 1940, 1941 and half year upto the 30th June, 1942?

(b) What is the total amount of commission paid to the contractors during the periods referred to in part (a) above?

(c) Is it proposed to close all such agencies for the duration of the war when alternate means of railway booking and goods offices exist? If not, why not?

The Honourable Sir Edward Benthall: (a) and (b). Information has been called for and will be laid on the table of the House when received.

(c) Many of our important stations are crowded with civilian passengers and there are considerable numbers of troops in addition and Government consider city booking offices afford appreciable relief and their retention is in the public interest. Government do not, therefore, propose to order that they should all be closed.

TRANSPORT FACILITIES FOR RELIEVING THE GRAVE FOOD GRAINS SITUATION ON THE MALABAR COAST.

137. *Mr. H. A. Sathar H. Essak Sait: Will the Honourable Member for Railways and War Transport be pleased to state:

(a) whether he is aware of the grave situation on the Malabar Coast with regard to food grains;

(b) whether he is aware that before the war Malabar depended largely on Burma for its staple food grains, *e.g.*, rice;

(c) whether the present stock of rice in that district is very small;

(d) what steps Government are taking to remedy this state of affairs; and

(e) in view of the possibility of further curtailment of facilities for transport, whether he will consider the taking of special measures to rush supplies immediately to the West Coast?

The Honourable Sir Edward Benthall: I would refer the Honourable Member to the reply given to his short notice question by the Honourable the Commerce Member on the 21st September, 1942.

Mr. H. A. Sathar H. Essak Sait: This question was replied to yesterday by the Honourable the Commerce Member except the last portion, namely (e), and I hope my Honourable friend will be able to give me some information on that.

The Honourable Sir Edward Benthall: Yes, Sir. The question was replied to yesterday.

As regards (e), I can assure my Honourable friend that all possible consideration will be given to the movement of food stuffs to Malabar. As my Honourable friend is probably aware, a Regional Controller of Priorities has been appointed in Madras for the very purpose of assuring

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

that such traffic gets proper consideration. If my Honourable friend will bring the requirements of any particular part of the country in which he is interested to the notice of the Provincial Government the Provincial Government will take up the matter with the Priorities Officer.

Mr. H. A. Sathar H. Essak Salt: Thank you.

LIABILITY ON ANGLO-INDIAN RAILWAY EMPLOYEES TO SERVE IN AUXILIARY FORCE.

†138. ***Mr. F. R. Anthony:** Will the Honourable Member for Railways be pleased to state:

- (a) whether Anglo-Indians are liable for service in the Auxiliary Force as a condition precedent to their employment on Railways: and
- (b) whether this liability is due to the fact that the Anglo-Indian, for the purpose of service in the Auxiliary Force, is defined as an European British Subject?

The Honourable Sir Edward Benthall: (a) Anglo-Indians are normally required to serve in the Auxiliary Force as a condition of their service on Railways.

(b) No. They are eligible to join the Auxiliary Force since they are British subjects of European descent in the male line.

MATERIALS OR ARTICLES RECEIVED UNDER THE LEASE AND LEND AGREEMENT.

139. ***Mr. Govind V. Deshmukh:** Will the Honourable Member for Supply please state what materials or articles have been received by India under the Lease and Lend Agreement and of what value? Are the terms of this agreement the same as between the United Kingdom and the United States of America?

The Honourable Sir Homi Mody: No agreement of the kind referred to exists between the United States of America and India. The goods so far received by India under Lease/Lend are of many different kinds, and the Honourable Member will appreciate that it is not in the public interest for me to give details. The more important general categories are, however, vehicles, ammunition, and ordnance stores generally, steel, oil, machine tools, and wireless equipment. I regret that I cannot give figures for the value of the goods received. In many cases the figures are unknown.

Mr. Govind V. Deshmukh: But what about the terms? I wanted to know whether the terms of this agreement so far as India is concerned are the same or different?

The Honourable Sir Homi Mody: I have said that there is no direct agreement between the United States and ourselves. There is an agreement between the United Kingdom and the United States of America under which we work. We share in the benefits of Lease/Lend in the same way as other Empire countries do.

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

Mr. Govind V. Deshmukh: Benefits are all right, but what about the liabilities? Are our liabilities the same as the United Kingdom has under this Lease/Lend Agreement?

The Honourable Sir Homi Mody: I have no reason to think that they are any different.

UNSTARRED QUESTIONS AND ANSWERS.

APPLICABILITY OF THE OLD EAST INDIAN RAILWAY COMPANY MANAGEMENT RULES TO STATE RAILWAY STAFF.

4. Mr. Muhammad Azhar Ali: (a) Will the Honourable Member for Railways please state if it is or it is not a fact that the old East Indian Railway Company management Rules are made applicable to the staff of the Indian State Railways?

(b) Is it or is it not a fact that the Rules in force on the old East Indian Railway Company management became inoperative and ineffective on the termination of the company-management?

(c) Will Government state the Resolution or any other authority given by the Governor General in Council under which the adoption of the old East Indian Railway Company-management Rules to the staff of the Indian State Railways is ordered?

The Honourable Sir Edward Benthall: (a) and (b). When the East Indian Railway was taken over, the staff of the Company who were employed by the State were permitted to continue to be governed by the Company's rules in certain specified matters; in others it was specified that they should be governed by State Railway Rules. Apart from this however, there were many local rules extant on the East Indian Railway Company designed to suit local conditions and these have continued in force even after the Railway was taken over by the State.

(c) No specific notification or order covering all matters has been issued.

SUSPENSION OF PRIVILEGE PASSES, ETC., ON EAST INDIAN RAILWAY.

5. Mr. Muhammad Azhar Ali: (a) Will the Honourable Member for Railways please state whether it is or it is not a fact that the General Manager, East Indian Railway, on the 21st August, 1942, ordered that the issue of all privilege passes and Privilege Ticket Orders including Week-End Privilege Ticket Orders should be suspended until further notice?

(b) Is it or is it not a fact that the Gazetted Staff are in possession of metal passes (permanent) under which they and their family unrestrictedly travel?

(c) Is it or is it not a fact that the Divisional Superintendent, Moradabad Division, on the 31st August, 1942, travelled in his Inspection Carriage from Moradabad to Dehra Dun with 9-Up Passenger train and that no family member was in company with him?

(d) Is it or is it not a fact that the said Divisional Superintendent proceeded to Mussoorie on the 1st September, 1942, avoiding the Taxes thereat by presenting an exemption certificate?

(e) Is it or is it not a fact that the said Divisional Superintendent returned from Mussoorie on the 1st September, 1942, accompanied with his wife who was there during the summer of 1942?

(f) Is it or is it not a fact that the said Divisional Superintendent carried his wife with him in the Inspection Carriage from Dehra Dun to Moradabad on the 2nd September, 1942, by 10-Dn. Passenger train?

(g) Is it or is it not a fact that the fare of the wife was neither paid for by a ticket or by an authority to travel gratuitously with the exception of the metal pass?

(h) Is it or is it not a fact that the above instance establishes that the suspension of the privileges only tells upon the Non-Gazetted Railway Servants who are already burdened with the high cost of living?

(i) Do Government propose to withdraw metal passes from the Gazetted Staff and only permit them to travel on duty passes to be obtained before the commencement of the journey? If not, why not?

The Honourable Sir Edward Benthall: (a) Yes.

(b) Gazetted staff are in possession of metal passes but their use is limited to journeys on duty only, within the holder's jurisdiction. The rules permit a holder's family (wife and children only) to accompany him.

(c) to (g). Government have no information.

(h) No. The suspension of privilege passes equally affects gazetted staff and their families. The Honourable Member appears to be confusing duty passes with privilege passes.

(i) No, as Government see no reason to do so. I would also refer the Honourable Member to the reply given to Bhai Parma Nand's unstarred question No. 23 of 22nd September, 1939.

IMPLICATIONS OF SANCTIONING OF AN INCREMENT OF PAY OF A RAILWAY SUBORDINATE.

6. Mr. Muhammad Azhar Ali: (a) Will the Honourable Member for Railways please state if it is or it is not a fact that an increment in the time scales of pay is earned and sanctioned for satisfactory work and good conduct?

(b) Is it or is it not a fact that the increment earned and sanctioned is for the approved period of service?

(c) Is it or is it not a fact that subsequent to the sanction of the increment no officer is permitted to make adverse remarks to the effect that a subordinate failed during that period to give satisfaction to his higher authorities?

The Honourable Sir Edward Benthall: (a) and (b). Yes, it is a fact.

(c) No, it must depend on the circumstances of each case whether such action is justified or not.

RAILWAY BOARD LETTER CONCERNING FINE SYSTEM.

7. Mr. Muhammad Azhar Ali: Will the Honourable Member for Railways please lay on the Table of the House the Railway Board's letter No. 1023-E, dated the 25th August, 1925, regarding Fine System? If not, will he please give the reasons therefor?

The Honourable Sir Edward Benthall: No; such correspondence is not meant for publication.

RIGHT OF RAILWAY TRADE UNIONS, ETC., TO ASSIST A RAILWAY SERVANT AT ENQUIRY INTO HIS CASE.

8. Mr. Muhammad Azhar Ali: (a) Will the Honourable Member for Railways please state if it is or it is not a fact that the Trade Unions, Associations or Federations of the Railway Servants are constitutionally entitled to assist any railway servant in the preparation of his case?

(b) Is it or is it not a fact that the assistance does include the appearance with the railway servant (complainant or accused) before any committee of enquiry or before any individual officer enquiring into the case, and to the giving of such ready assistance as is required on the spot?

(c) Will he be pleased to lay on the Table the instructions issued by Government to the General Managers of Railways in this respect? If no instructions have been issued, will he please state the reasons therefor?

The Honourable Sir Edward Benthall: (a) Trade Unions are organised; it is presumed, for rendering assistance to their members, but this does not involve any constitutional or legal right or obligation to do so.

(b) The Honourable Member is referred to the reply to starred question No. 192 asked by Mr. Amarendra Nath Chattopadhyaya on 16th March, 1942

(c) The right of a railway servant to be assisted by another railway servant is defined in para. 1707 (c) of the State Railway Establishment Code, Volume I, a copy of which is in the Library of the House.

DESIRABILITY OF SANCTIONING UNIFORM DEARNESS ALLOWANCE FOR ALL RAILWAY SERVANTS.

9. Mr. Muhammad Azhar Ali: (a) Will the Honourable Member for Railways please state if it is or it is not a fact that in March, 1941 the Government of India was pleased to sanction a dearness allowance to Railway servants in accordance with the population of the cities, towns and rural areas?

(b) Is it or is it not a fact that in March, 1941 the prices were not controlled by the Government, and there was a variation in the prices according to the locality?

(c) Is it or is it not a fact that in August, 1942, Government revised the scales of the dearness allowance on the same principles of population?

(d) Is it or is it not a fact that since the prices are controlled by Government, the locality is unable to vary the prices according to population?

(e) Do Government propose to sanction the dearness allowance to all Railway servants irrespective of the locality or of the population? If not, why not?

The Honourable Sir Edward Benthall: (a) Yes, it is a fact.

(b) Price control had not been introduced in March, 1941, except as regards the margin between wholesale and retail prices; the reply to the second part is in the affirmative.

(c) Yes, it is a fact.

(d) In the case of commodities, wholesale prices of which are controlled by Government on an all-India basis, the scope for variation is more limited than in the case of others which are not controlled.

(e) No, because there is no justification for giving a dearness allowance to all railway servants beyond a certain rate of pay or at a uniform rate throughout the country.

RATE FOR A PLATE OF FISH AT THE HINDU REFRESHMENT ROOM, DELHI RAILWAY STATION.

10. Mr. Muhammad Azhar Ali: Will the Honourable Member for Railways please refer to the reply given to unstarred question No. 74, asked on the 24th March, 1942, on the subject of the rate for a plate of fish at the Hindu Refreshment Room, Delhi Railway Station, and state whether his reply to part (c) of the said question is correct after perusal of the counterfoil of Cash Memo. No. 140181, dated the 7th August, 1942?

The Honourable Sir Edward Benthall: Government do not propose to call on the contractor to produce the document mentioned as it does not appear to be in any way relevant to the reply given in this House in March.

INCREASE IN THE TARIFF RATES OF MESSRS. BALLABDAS ESHWARDAS, CATERING CONTRACTORS, EAST INDIAN RAILWAY.

11. Mr. Muhammad Azhar Ali: (a) Will the Honourable Member for Railways please state if it is or it is not a fact that the General Manager, East Indian Railway, has increased the rates in the tariff of Messrs. Ballabdas Eshwardas, Catering Contractors, by 50 per cent.?

(b) Is it or is it not a fact that the Government did consider, when sanctioning the dearness allowance, that the general run of prices did not warrant an increase of the allowance by 50 per cent.?

(c) What justification had the General Manager in increasing the catering tariff rates by 50 per cent.?

(d) Do Government propose to reduce these rates and bring them to the level of the prices on which the dearness allowance has been sanctioned? If not, why not?

The Honourable Sir Edward Benthall: (a) Government have no detailed information but understand that there have been certain increases in the rates, the percentages varying considerably for the different edibles and in the case of full meals being roughly 15 to 25 per cent. From information available it does not appear that each and every rate has been increased by 50 per cent.

(b), (c) and (d). In view of the reply given to part (a), do not arise.

PARTIAL RE-IMBURSEMENT OF COUNSEL'S FEE PAID BY CERTAIN TRAVELLING TICKET EXAMINERS OF MORADABAD DIVISION FOR THEIR DEFENCE IN A CRIMINAL CASE.

12. Mr. Muhammad Azhar Ali: (a) Will the Honourable Member for Railways please refer to the reply given to part (k) of unstarred question No. 5, asked on the 11th February, 1942 in regard to the Hardwar Railway Ticket Fraud Case, viz., "Expenditure on counsel was necessary to ensure

the proper prosecution of the case before the various courts", and state if it is or it is not a fact that the principle laid down in the reply is observed when a subordinate employee is involved?

(b) Is it or is it not a fact that the four Travelling Ticket Examiners of Moradabad Division were not re-imbursed the Counsel's fee in full which they incurred in their defence against a criminal complaint lodged against them by one of the gang of Iranies whom the Railway Administration prosecuted for assault and travelling without tickets?

(c) What were the fees charged by the Counsel (Rai Bahadur Mr. Basant Lal, Bar.-at-Law) of the Travelling Ticket Examiners and by Mr. Kidar Nath when engaged by the Government and the reason for difference in the rates?

(d) Do Government propose to re-imburse the Travelling Ticket Examiners in full for their Counsel's fee? If not, why not?

The Honourable Sir Edward Benthall: I have called for information and will lay a reply on the table in due course.

DISREGARD OF COMMUNAL RECRUITMENT RULES IN THE OFFICE OF THE CHIEF AUDITOR, NORTH WESTERN RAILWAY, LAHORE.

13. Bhai Parma Nand: Will the Honourable Member for Railways please state if Government are aware that the rules regarding communal recruitment of the clerical staff are being flagrantly disregarded in the office of the Chief Auditor, North Western Railway, Lahore?

The Honourable Sir Edward Benthall: With your permission, Sir, it is proposed to reply to questions Nos. 13, 14 and 15 together.

These questions should have been addressed to the Honourable the Finance Member.

IGNORING THE CLAIM FOR CONFIRMATION OF A HINDU LOWER GRADE CLERK OF NORTH WESTERN RAILWAY, AUDIT DEPARTMENT.

†14. Bhai Parma Nand: (a) Will the Honourable Member for Railways please refer to the gradation list of lower grade clerks of the North Western Railway, Audit Department, as corrected up to the 1st April, 1942, and say if the two Muslims shown as numbers 15 and 16 on that list were confirmed one after the other, although a Hindu should have come between them according to the communal cycle prescribed in the Railway Audit Manual?

(b) Is it not a fact that an "unreserved" place in the cycle of permanent vacancies was treated as lapsed although no permanent employee actually left service?

(c) Is he aware that when a Hindu in the office of the Chief Auditor, North Western Railway, leaves service, the "unreserved" serial number in the communal cycle of temporary vacancies against which he was employed, is treated as lapsed and the vacancy so created is treated as a fresh vacancy and transferred to the next vacant number towards the bottom of the cycle?

†For answer to this question, see answer to question No. 13.

(d) If so, will he please say if this practice gives the Muslims, an excess over the percentage prescribed for them for recruitment in the Audit Department on the North Western Railway?

(e) Is he aware that this is being done in violation of the Auditor General of India's note to paragraph 217 of his manual of standing orders that the percentage prescribed for the minority communities is the maximum as well as the minimum percentage and that no preference is to be given to them except on grounds of merit?

(f) Is he aware that in case of a resignation by a Muslim in the North Western Railway, Audit Department, the other Muslims working against the reserved places lower down are each brought a step up, so that the serial number in the communal cycle occupied by the Muslim resigning is secured by the Muslim next below him and the last reserved number so falling vacant is again filled in by a Muslim? Why is not a similar provision made, for filling up an unreserved vacancy that occurs in the communal cycle of temporary vacancies with the only difference that the vacancy being "unreserved" could go to a member of any community on grounds of merit?

(g) Will Government please consider the necessity for issuing necessary instructions in the matter to their subordinate Departments?

NON-POSTING OF CERTAIN MUSLIM RAILWAY AUDITORS OF THE PUNJAB CIRCLE AT BAREILLY OR GORAKHPUR FOR FULL PRESCRIBED PERIOD.

15. Bhai Parma Nand: (a) Will the Honourable Member for Railways please say whether each of the Auditors in the Punjab Circle of the Railway Audit Department is required to serve either at Bareilly or at Gorakhpur for a certain fixed period?

(b) If so, is it not a fact that a Muslim junior auditor has not so far been to either of these two places and another Muslim auditor has only spent one-half of the prescribed period at one of these two places?

(c) Will Government please say whether there are any Hindu auditors who have completed their period but are still employed at these two places?

(d) Is it not a fact that there is another Hindu Auditor under orders of transfer from North Western Railway to Gorakhpur although he, on a previous occasion, had completed three-fourths of the prescribed period?

MINIMUM AGE FOR APPOINTMENT TO INFERIOR SERVICE ON NORTH WESTERN RAILWAY.

16. Bhai Parma Nand: Will the Honourable Member for Railways please say if Government have laid down any minimum age for appointment to the inferior service on the North Western Railway? If so, what is the minimum?

The Honourable Sir Edward Benthall: Government have specified no minimum age for employment in the inferior service on the North Western Railway. It is understood that the railway itself has prescribed 18 years as the minimum age except in categories in which boys are engaged; no boy may be employed until he has attained the age of 15 years.

†For answer to this question, see answer to question No. 13.

RAILWAY EMPLOYEES REDUCED FROM HIGHER TO LOWER GRADE POSTS ON NORTH WESTERN RAILWAY.

17. **Mr. Lalchand Navalrai:** With reference to Sir Andrew Clow's reply to my unstarred question No. 37, asked on the 10th November, 1941, will the Honourable Member for Railways be pleased to state:

- (a) if there have been any instances of reduction of employees from the higher grade posts to the lower grade posts by discharge and re-appointment and whether an occasion has now arisen for clarification of the points of seniority, pay and prospects of such persons;
- (b) what are the rules or orders in force on the North Western Railway in regard to the following points in connection with employees reduced from the higher to the lower grade posts by the process referred to in part (a) above:
 - (i) whether such a reduction is imposed for any definite period,
 - (ii) seniority in the lower grade post to which reduced,
 - (iii) seniority in the higher grade post on re-promotion,
 - (iv) pay that a reduced employee would draw on re-promotion to the higher post, and
 - (v) pay for the purpose of gratuity for retirement from the lower or higher grade posts; and
- (c) if no orders have been issued clarifying the points referred to in part (b) above, is it proposed to issue some orders early? If not, why not?

The Honourable Sir Edward Benthall: (a) Government have no information in regard to the first part; as regards the second part, no occasion has yet arisen for Government to consider the matter.

(b) There are no rules at present in force.

(c) It is understood the North Western Railway contemplate issuing some orders.

DEBITING A RAILWAY EMPLOYEE WITH "GOOD CONDUCT MARKS" ON NORTH WESTERN RAILWAY.

18. **Mr. Lalchand Navalrai:** (a) Will the Honourable the Railway Member be pleased to state if there is any provision of obtaining the explanation of an employee before he is debited with 'Good Conduct Marks' on the North Western Railway? If not, is it proposed to provide for such an opportunity?

(b) Is there any provision for an appeal against debit of Good Conduct Marks? If so, to which authority? If not, why not?

(c) What is the maximum number of 'Good Conduct Marks' that can be debited to an employee at one time? If no such provision exists in the rules, does the Honourable Member propose to make such a provision in the Rules? If not, why not?

The Honourable Sir Edward Benthall: (a) The reply to the first part is in the negative; Government will consider the suggestion made in the second part. It is understood, however, that an explanation is in fact usually obtained.

(b) The reply to the first part is in the negative; the second part does not arise. As regards the third part, Government have the question under consideration.

(c) It is not clear what the Honourable Member refers to in his expression "at one time". The maximum number of marks that may be debited for one offence is five. The second and third parts do not arise.

PROTESTS FROM NORTH WESTERN RAILWAY EMPLOYEES AGAINST EMBARGO ON CONFIRMATIONS.

19. Mr. Lalchand Navalrai: (a) Will the Honourable the Railway Member be pleased to state whether the Railway Board have placed any embargo on confirmations with effect from 1st June, 1942? If so, why?

(b) Is it a fact that protests have been addressed to the General Manager, North Western Railway, to the effect that employees recruited prior to 1st June, 1942, have a legitimate claim for confirmation in permanent posts, as they were not appointed with the condition that their services would be terminated on the cessation of war to make room for those returning from active service? If so, how have the same been disposed of?

The Honourable Sir Edward Benthall: (a) Yes; in order that persons with war service may, after the war, be given an opportunity of securing civil employment.

(b) Government have no information; the second part does not arise. It might, however, be added that those on probation before 1st June, 1942, may be confirmed. Those in temporary employ on 1st June, 1942, however have no claim to permanent employment.

SHORT NOTICE QUESTIONS AND ANSWERS.

WITHDRAWAL OF BAN ON EMIGRATION OF INDIAN LABOUR TO CEYLON.

Dr. P. N. Banerjee: Will the Honourable Member for Indians Overseas please state:

(a) whether it is a fact that the Government of India have withdrawn the ban on emigration of Indian labour to Ceylon; if so, why; and

(b) whether it is a fact that the Ceylon Government have not yet withdrawn the anti-Indian laws in force in that country?

The Honourable Mr. M. S. Aney: (a) and (b). The Government of India have not removed the ban on the emigration of Indian unskilled labourers to Ceylon; they have only relaxed the ban to the extent of permitting the return to Ceylon of Indian labourers already in the island who may come to India on visits.

This was done purely in the interests of the Indian labourers in Ceylon and in order to remove the hardship which was being caused to them by the fact that they were deterred from paying their usual visits to India on holiday or for social, domestic and religious purposes, for fear that their return to Ceylon, would be prevented by the operation of the ban. The Government of Ceylon were not a party to the decision taken by the Government of India and there was, therefore, no question of its being accompanied by the repeal of any ordinances in Ceylon, which the Honourable Member may have in view.

Dr. P. N. Banerjee: The answer is quite satisfactory.

BURMA AND MALAYA EVACUEES OF THE MALABAR DISTRICT.

Mr. H. A. Sathar H. Essak Sait: Will the Honourable Member for Indians Overseas be pleased to state:

- (a) whether he is aware that a substantial proportion of the South Indian evacuees from Burma and Malaya are from the District of Malabar;
- (b) whether in his recent tour of South India which he undertook for the purpose of collecting personal information about evacuees, he visited Malabar; if not, why not;
- (c) whether his visit to Salem was in connection with the evacuee problems;
- (d) whether the evacuee problem was more acute in Salem than in Malabar; and
- (e) whether the Honourable Member took any steps to come into contact with officials and non-officials in Malabar to understand the peculiar problems in Malabar about these evacuees? If so, what steps did he take with what results?

The Honourable Mr. M. S. Aney: (a) and (d). Government are aware that a number of evacuees from Burma and Malaya belong to the Malabar district; but they have no statistics to show the numbers in each district in South India to enable a comparative estimate to be made.

(c) Yes; partly in connection with evacuee problems.

(b) and (e). It was not possible for me during my recent tour of South India to find time to visit Malabar and to study the conditions in that district. But I have had the opportunity of discussing Malabar evacuee problems with the authorities concerned.

Mr. H. A. Sathar H. Essak Sait: With what results?

The Honourable Mr. M. S. Aney: I have got the information and I have given instructions to the authorities that they should be promptly attended to.

MEASURES FOR EXPEDITIOUS HELP TO THE BURMA EVACUEES OF THE MALABAR DISTRICT.

Mr. H. A. Sathar H. Essak Sait: Will the Honourable Member for Indians Overseas be pleased to state:

- (a) whether he is aware that the help promised to Burma evacuees in various forms has not yet reached most of the evacuees in Malabar and that hundreds of applications for help from these evacuees in that District have been pending before the District Officials for months and are still pending and that these evacuees are suffering untold miseries owing to the usual and cumbersome methods which the officials in that District are pursuing in this matter; and
- (b) if so, is the Honourable Member prepared to consider at an early date the necessity of asking these officials to take special and expeditious measures for the speedy disposal of these petitions?

The Honourable Mr. M. S. Aney: (a) and (b). The Government of India are not aware that conditions in the Malabar District are as described by my Honourable friend. The district officials are under the administrative control of the Provincial Government who are the proper authority for issuing any necessary instructions to them. A copy of this question and the reply thereto will however be forwarded to the Government of Madras.

Dr. Sir Ziauddin Ahmad: May I ask whether relief is given by the Provincial Government or the Government of India?

The Honourable Mr. M. S. Aney: The Government of India.

Dr. Sir Ziauddin Ahmad: May I draw his attention to a letter which a Member of the Legislative Assembly

The Honourable Mr. M. S. Aney: And also partly by provincial funds specially raised.

Dr. Sir Ziauddin Ahmad: May I draw his attention to the case of the evacuees of Burma in Chittagong? A letter has been sent by one of the Honourable Members to the Members of the Assembly showing how pitiable is their condition and I wish the Honourable Member would try to better their state.

The Honourable Mr. M. S. Aney: As a question is tabled on that point I shall in reply make the position clear.

Dr. Sir Ziauddin Ahmad: The position is the same.

DELAY IN THE DISPOSAL OF THE PERSONAL EFFECTS OF DECEASED EVACUEES IN MADRAS.

Mr. H. A. Sathar H. Essak Sait: Will the Honourable Member for Indians Overseas be pleased to state:

- (a) whether he is aware that many evacuees from Burma have died at the General Hospital, Madras, leaving their effects with the Protector of Emigrants;
- (b) whether the Protector of Emigrants has been taking long time to hand over these effects to the relatives of the deceased evacuees,
- (c) whether such cases have been pending since May last;
- (d) whether the Honourable Member is aware that such long delay causes great hardships and sufferings to the unfortunate relatives in most of whose cases the only bread winner has been snatched away by death; and
- (e) whether he proposes to consider the necessity of suggesting to the Protector, through the Provincial Government, to adopt expeditious methods and to seek the help of such non-official agencies as have been rendering very useful services in giving relief to those evacuees for the purpose of speedy disbursement of these effects?

The Honourable Mr. M. S. Aney: (a) to (e). The Government of India are not aware that there is any undue delay in the disposal of the effects of deceased evacuees in Madras. A copy of this question and the reply thereto will be forwarded to the Government of Madras.

Dr. Sir Ziauddin Ahmad: With the recommendation that they should expedite matters.

The Honourable Mr. M. S. Aney: Yes.

EVACUEES FROM BURMA AND EXPENDITURE ON THEM.

Mr. Lalchand Navalrai: Will the Honourable Member for Indians Overseas be pleased to state:

- (a) what the number of Europeans and non-Indians, separately, evacuated from Burma was;
- (b) who bore their evacuation expenses;
- (c) who is defraying their living expenses in India; and
- (d) whether the cost referred to in parts (b) and (c) above is borne by the Government of India; if so, why?

The Honourable Mr. M. S. Aney: (a) The numbers are not readily ascertainable.

(b) to (d). Refugees who could afford it paid their own evacuation expenses. The charges in respect of destitute evacuees in Burmese territory were borne by the Government of Burma and in India by the Government of India. Undertakings to repay were obtained from the evacuees where possible and the charges in respect of refugees other than Indians and Burmans are debitable to His Majesty's Government in the United Kingdom.

The Government of Burma have accepted responsibility for the maintenance allowances given to Burmans and Anglo-Burmans in India and His Majesty's Government for the cost of maintenance of other non-Indian evacuees.

Dr. Sir Ziauddin Ahmad: Who will pay for the maintenance of the Indians who will come here from Burma?

The Honourable Mr. M. S. Aney: The Government of India.

Mr. Lalchand Navalrai: Is there any agency to find out the number of European and Indian evacuees? Why is not the Honourable Member in a position to give the number?

The Honourable Mr. M. S. Aney: It is difficult to assess the numbers because they are scattered all over the country.

Mr. Lalchand Navalrai: Is there any agency adopted for that purpose?

The Honourable Mr. M. S. Aney: We will try to get one as soon as convenient.

Mr. Lalchand Navalrai: It is now past 8 months and I think the Honourable Members should be in a position to say where they are and what help they receive.

The Honourable Mr. M. S. Aney: Who?

Mr. Lalchand Navalrai: The evacuees.

The Honourable Mr. M. S. Aney: The Provincial Governments are in charge of the work and they are finding out from the evacuees in the different provinces what help they require.

Mr. Lalchand Navalrai: But they will take a long time.

The Honourable Mr. M. S. Aney: But that is, the most expeditious way of doing it. They are in the provinces and as such Provincial Governments are nearer to them than the Central Government.

Mr. Lalchand Navalrai: Have there been any Europeans who have been evacuees and who have made arrangements for themselves without the help of any of the Provincial Governments?

The Honourable Mr. M. S. Aney: Yes, there are.

Mr. Lalchand Navalrai: How many?

The Honourable Mr. M. S. Aney: I cannot give the number, but I know that there are.

Mr. Lalchand Navalrai: And about the Indians?

The Honourable Mr. M. S. Aney: There are Indians also who do not require assistance at all. There are a number who do.

Mr. Lalchand Navalrai: We have received information that in Bengal there are Indian evacuees who are not being given any help and that they are going about from door to door.

The Honourable Mr. M. S. Aney: I have stated in a reply to a question by Dr. Sir Ziauddin Ahmad that there is a question relating to this on the table which will come up on the 24th.

Maulvi Muhammad Abdul Ghani: Do you propose to lay on the table a list containing the numbers of evacuees from Burma?

The Honourable Mr. M. S. Aney: The approximate number I can give. It is about 2 lakhs.

BREACHES ON RAILWAY LINES DUE TO FLOODS IN SIND.

Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways and War Transport be pleased to state which lines on the North Western Railway, in Sind Karachi Railway Division, have been breached owing to floods and since when each of them?

(b) What attempts were made by the Railway Department to avert the breaches being made?

(c) Is it a fact that the railway lines in the areas where breaches were made by the River Indus and the floods were built on a low level with no culverts at these places?

(d) Do Government propose to see that for future safety the lines at such places are raised up with passages for water to pass through?

(e) How much loss has the Railway suffered on account of the communications having been impossible owing to these breaches?

(f) Is it a fact that Railway communications and transport at present do not exist for Quetta, Jacobabad, Shikarpur, Sukkur (*via* Ruk), Larkana City and the whole District of it and large portion of the Dadu District?

(g) Will the Honourable Member be pleased to say how much time will it take to repair these lines respectively and to open railway communication between the places mentioned in part (f) above?

(h) Have any temporary arrangements been made or are they proposed to be made for railway communication for places mentioned in part (f) above, which at present are bottled up? If so, which?

The Honourable Sir Edward Benthall: (a) East of the Indus there has only been one breach in July which was quickly repaired. Apart from this the breaches have been on sections west of the Indus. Breaches have occurred from time to time following the movement southwards of flood waters, but generally between the middle of July and early September.

(b) and (c). A system of protective bunds constructed by the Irrigation Department have in normal years protected the line from breaches due to floods in the Indus. The embankments and water openings on the railway were adequate so long as these bunds were intact, but unfortunately owing to the unprecedented nature of the floods this year, the protective works were breached.

(d) Investigations are already in progress to see what steps can be taken so as to avoid a repetition of these breaches.

(e) No estimate has yet been prepared of the loss sustained by the railway on account of these breaches.

(f) and (h). Where railway transport has been temporarily interrupted by breaches, transshipment or the use of other means or routes for transport have been resorted to where necessary.

(g) It is not possible to give an accurate forecast until there is a further subsidence of the flood water in certain localities. Thereafter through running will be restored as soon as possible.

Mr. Lalchand Navalrai: May I know that between Sukkur and Shikarpur there is some arrangement of boats and that is also very expensive; but at other places where there are bridges, to the south, there is no arrangement at all and the posts and people cannot go and they are bottled up within a particular area—between Sukkur, Ruk and Kotri. What arrangements is the Honourable Member going to make even temporarily for the purpose of posts and other communications being resumed?

The Honourable Sir Edward Benthall: I am aware that there is great inconvenience to the public owing to these floods. If the Honourable Member will suggest any specific proposals for relieving that inconvenience, I will have them investigated.

Mr. Lalchand Navalrai: Does the Honourable Member allow that the press now says that the breaches between Larkana and Kotri have been closed but the railway running has not yet been started? May I know how much time will that take? That will be one of the ways of opening the line on the side towards Kotri.

The Honourable Sir Edward Benthall: I have not seen the reference in the press.

REPRESENTATION OF SCHEDULED CASTES IN THE CIVIL PIONEER FORCE UNITS.

Rao Bahadur N. Sivaraj: (a) Will the Honourable the Labour Member please state how many battalions of Civil Pioneer Force have been raised in the different Provinces?

(b) To what extent are the Scheduled Castes represented in the ranks and as officers?

(c) If the Scheduled Castes are not represented will he please state the reasons therefor?

(d) What steps do Government propose to take to secure their proper representation?

The Honourable Dr. B. B. Ambedkar: (a) Twelve units of the Civil Pioneer Force have been sanctioned in the first instance, as under:

Bengal—3, Madras—2, Bihar—1, Bombay—1, C. P. and Berar—1,
N. W. F. P.—1, Orissa—1, Punjab—1, U. P.—1.

Most of these units are still in the process of forming.

Seven additional units have recently been sanctioned, as under:

Bengal 3.

Bombay 1.

C. P. 1.

Madras 2.

Recruitment for these has now commenced.

(b) At present scheduled castes are represented in the Civil Pioneer Force as under:

Bengal 2 per cent.

Bombay 10.5 per cent.

C. P. and Berar 26 per cent.

Punjab 32 per cent.

U. P. 20 per cent.

Madras figure not known.

N. W. F. P. All Muhammadans.

These figures are liable to fluctuate as further recruits are enrolled.

At present so far as information goes there is only 1 officer classed as Scheduled Caste.

(c) The raising of Civil Pioneer Force Units under Ordinance No. X of 1942 was entrusted to Provincial Governments who therefore become responsible for deciding on the composition of their respective units.

(d) The Government of India addressed all Provincial Governments regarding the percentage of Scheduled castes to be recruited in future and directing that the percentage both of officers and men should be up to the percentage of Scheduled castes in the province and that where this percentage had not been previously met it should be made up in recruitment to subsequent units.

Mr. N. M. Joshi: May I ask what is the function of this Civil Pioneer Force?

The Honourable Dr. B. R. Ambedkar: The function of the Civil Pioneer Force is more or less analogous to that of the Fire Brigade. When there is an air raid and property is destroyed, the Civil Pioneer Force will come into operation and do rescue work.

PRESCRIBED GOVERNMENT CONDITIONS FOR CONTRACTORS AS REGARDS PAYMENT OF WAGES, ETC., TO THEIR EMPLOYEES.

Rao Bahadur N. Sivaraj: Will the Honourable the Labour Member please state if he is aware that in Western Countries conditions have been prescribed to be observed by the contractors in the matter of wages and benefits to their employees; if so, whether the Government of India have prescribed any such conditions for the contractors in India?

The Honourable Dr. B. R. Ambedkar: Yes. In certain western countries contracts require that contractors should observe certain labour conditions in respect of such matters as hours of work, wages and conditions generally. The Government of India have prescribed in the case of Central Public Works Department contracts that the contractor should pay his labourers not less than the wages paid for similar work in the neighbourhood.

Rao Bahadur N. Sivaraj: What steps, if any, are taken by the Government to enforce this clause in the contract?

The Honourable Dr. B. R. Ambedkar: I cannot say offhand, but I will make inquiries and let the Honourable Member know.

Mr. N. M. Joshi: May I ask whether this condition about fair conditions to be given by contractors applies to the other Departments of the Government of India such as the contractors of the Supply Department?

The Honourable Dr. B. R. Ambedkar: If my Honourable friend will give me notice I will make inquiries.

Mr. N. M. Joshi: The question was about contractors taking Government contracts, not only the Public Works Department. The Honourable Member only answered for the Public Works Department. He should have answered for the Government of India.

The Honourable Dr. B. R. Ambedkar: That question should be addressed to the Supply Department.

Mr. N. M. Joshi: May I ask whether there is a central Government of India or only a Government of India divided into ten or eleven or twelve members?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member knows that questions have to be addressed to the Departments concerned.

Mr. N. M. Joshi: My point is this: the question was asked, asking for information regarding the whole of the Government of India. They have been addressed to the Labour Member because it was a labour matter; but the information asked for is as regards the whole of the Government of India.

Mr. President (The Honourable Sir Abdur Rahim): I do not know; I suppose there is a particular department which can answer a question like that; otherwise I suppose it is the Leader of the House.

Mr. N. M. Joshi: I would like you to consider this point, Sir,

Mr. President (The Honourable Sir Abdur Rahim): There is nothing for me to consider; it is a matter of division of work between the different Departments of the Government of India.

Mr. N. M. Joshi: It is important, Sir, from the point of view of the rights and privileges of Members. . . .

Mr. President (The Honourable Sir Abdur Rahim): I have heard the Honourable Member's argument.

MOTION FOR ADJOURNMENT.

UNSATISFACTORY REPLY OF THE FINANCE MEMBER IN REGARD TO EARLY OPPORTUNITY FOR DISCUSSION OF CERTAIN FINANCIAL ARRANGEMENTS BETWEEN THE BRITISH GOVERNMENT AND THE GOVERNMENT OF INDIA.

Mr. President (The Honourable Sir Abdur Rahim): There is a notice of an adjournment motion by Mr. Jamnadas Mehta, who wishes to discuss a definite matter of urgent public importance, i.e., the anxiety created in the public mind by the unsatisfactory reply given by the Honourable the Finance Member during question time yesterday to a request to give an opportunity to this House for influencing the decision of the Government of India on matters arising out of his recent financial mission to England.

So far as I followed the questions and answers in this respect, the Finance Member refused to commit himself to a position that he would give an opportunity to this Assembly to discuss the questions that were discussed between him and the Government of Great Britain with regard to certain financial arrangements, before decisions had been arrived at in the matter by the Government of India. That is what I believe, the Honourable Member said, and a section of the House is not satisfied with that answer. Has the Honourable Member got to say anything?

The Honourable Sir Jeremy Raisman (Finance Member): With your permission, Sir, in objecting to this motion, I should like to take the opportunity of clearing up a misunderstanding and to explain the position of the Government. All Honourable Members are aware that the developments in the war situation since the last Budget was presented have resulted in a great intensification of the measures taken for the defence of India. To take the most obvious example, there has been an enormous increase in the strength of the air force stationed in this country and anti-aircraft defences have also been greatly strengthened. It is clear that even within the terms of the existing financial settlement certain questions may arise regarding the share which may fairly be allocated to India of the cost of measures which are indubitably directed to the defence of Indian territory and which at the same time cover a wider objective. Problems of this nature and even of this magnitude have arisen under the settlement from an early stage and been dealt with in accordance with well defined principles.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is really arguing the merits of this motion.

The Honourable Sir Jeremy Raisman: I was trying to indicate the position of Government in case it might influence the Honourable Member who has asked leave to move this motion.

Mr. Jarnadas M. Mehta (Bombay Central Division: Non-Muhammadan Rural): It only means that the Finance Member is making a speech and we are not likely to get an opportunity of replying to him.

Mr. President (The Honourable Sir Abdur Rahim): The Chair must ask the Honourable Member (Finance Member) to confine himself now to the question whether the adjournment motion is in order.

The Honourable Sir Jeremy Raisman: I was trying to indicate in what circumstances the Government would be prepared to give the House an opportunity to discuss the matter.

Mr. President (The Honourable Sir Abdur Rahim): It is for the House to judge when the motion is discussed.

The Honourable Sir Jeremy Raisman: Yesterday I said that it depended upon the nature of the decisions, whether the House got an opportunity or not.

Mr. President (The Honourable Sir Abdur Rahim): That may be a good answer, but the question now is whether the motion is in order.

The Honourable Sir Jeremy Raisman: I am not contending that the motion is not in order, but I was really taking the opportunity of explaining the position of the Government.

Mr. President (The Honourable Sir Abdur Rahim): Is there any objection apart from the question whether the motion is in order?

The Honourable Sir Jeremy Raisman: I was explaining the grounds on which I was objecting to the motion on behalf of the Government.

Mr. President (The Honourable Sir Abdur Rahim): As objection has been taken to leave being granted to the motion being discussed, will those Honourable Members who are in favour of leave being granted, rise in their places?

(After a count.)

As not less than 25 Members have risen in their places in favour of leave being granted, leave is granted and the motion will be discussed at 3-30 P.M. today.

THE INDIAN RUBBER CONTROL (TEMPORARY AMENDMENT) BILL.

The Honourable Mr. N. R. Sarker (Commerce Member): Sir, I beg to move:

"That the Bill temporarily to amend the Indian Rubber Control Act, 1934, be taken into consideration."

This is a very simple Bill and its objects have been stated clearly in the Statement of Objects and Reasons. The main purpose of the Bill is to remove the present limitation in respect of increasing the production of rubber in this country. As Honourable Members are aware, the production and export of rubber in this country are controlled and regulated by the Rubber Control Act of 1934, which was enacted for the implementation of a Governmental agreement between all the rubber producing countries. Unfortunately, about seven out of the nine countries are now in the occupation of the enemy, and as a result there has been an acute shortage of rubber production for the use of the United Nations. This amending Bill seeks to remove the limitations on rubber production in India. I hope Honourable Members will not find it difficult to support this Bill.

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

"That the Bill temporarily to amend the Indian Rubber Control Act, 1934, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Mr. N. R. Sarker: Sir, I move:

"That the Bill be passed."

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

"That the Bill be passed."

The motion was adopted.

THE INDIAN RAILWAYS (AMENDMENT) BILL.

The Honourable Sir Edward Benthall (Member for War Transport):

Sir, I move:

"That the Bill further to amend the Indian Railways Act, 1890, be referred to a Select Committee consisting of Sir Hugh Raper, Mr. Muhammad Nauman, Nawab Siddique Ali Khan, Mr. J. Ramsay Scott, Sir Frederick James, Raja T. Manavedan, Rao Bahadur N. Sivaraj, Mr. Amarendra Nath Chattopadhyaya, Pandit Nilakantha Das, Dr. Sir Ratanji Dinshaw Dalal, Mr. N. M. Joshi and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

As the House will be aware, under the existing law, railways are required to provide for the conveyance of passengers so far as skill, prudence and foresight can ensure. If there is no failure on the part of the railways in these respects, the railways are not liable for compensation for persons injured or killed in railway accidents. Where no negligence on the part of the railways or their servants is proved, no liability for compensation exists. Accidents which are due either to acts of God, such as, floods, sudden storms and so on, or to acts of man, such as train wrecking, in which the railways have shown no negligence, are those in which they would be absolved from all liability for payment of compensation. In many instances the causes such as I have enumerated would lead to accidents were it not for the constant vigilance of the railways and their servants. It is only the prompt action by the railway staff in many cases, of which the public never hears, which is successful in preventing railway accidents and safeguarding the lives and property of passengers.

In spite, however, of the utmost vigilance of the railways, accidents do unfortunately occur. In every case, there is a searching inquiry and it is not until the results of that inquiry have been examined that the railways can claim to be free from liability for paying compensation. The responsibility for the conduct of those inquiries is no longer that of the Railway Department. If the House, in the past, had any doubts about the findings of these inquiries the fact that these inquiries are now held by a Department other than the Railway Department and that the officers who carry out those inquiries are no longer responsible to the Railway Department should satisfy Honourable Members with the decision as to whether or not negligence on the part of the railways has occurred. I refer to this point because in considering the terms of the Bill which extends the liability of railways to cover injuries to passengers and their luggage in accidents for which railways are held negligent or not it may be feared that in future the railways will pay less attention to the causes of accidents and I, therefore, should like to state emphatically that our efforts will continue unabated to find out the causes of these accidents and to take whatever steps are necessary to prevent a recurrence; but I would emphasize that in presenting this Bill before the House we should not be considered in any way to be admitting that railways can in every case prevent accidents due to acts of God or to acts of train wrecking.

There are in India a very large number of people, in fact the majority, who cannot afford insurance, to whom indeed the principle of insurance is unknown and who, in any case, have no ready access to the means of insurance. To such people, mainly the people with scantier resources,

serious injury to or the death of the bread winner of the family is a real tragedy. Fortunately, the number of railway accidents which occur is relatively small, when you take into account the number of passengers who travel. Nevertheless, when an accident does occur and the railway is held free of liability it is very natural that attention should be drawn to the fate of the dependants of those who are killed or injured in the accident. The last accident of this kind was one which took place in connection with the Dacca Mail at Joyrampur in Bengal. The House, I think, will remember that case well. The evidence of train wrecking was unquestionable but in spite of that there was a very insistent demand that the railways should pay compensation. The Bengal Government on that occasion urged that the Government of India should investigate the possibility of paying compensation through the medium of an insurance scheme and here, in the House, Mr. Santhanam, speaking on a motion to discuss the provisions relating to inquiries into accidents on the 24th February, 1939, pressed his suggestion for automatic payment of compensation in such cases. At the same time he recognised that in each case there should be a limit for each individual passenger which he put at a figure of 2, 3 or 4 thousand rupees according to the status and means of the passenger concerned. This suggestion was supported by my Honourable friend, Mr. Joshi.

I have considered this suggestion for an insurance scheme but believe that unless it is made compulsory it would not achieve the purpose which the Government have in view. Very few people, especially the poorer classes of people, would trouble to take out a separate insurance for every journey which they perform. The only possible method, therefore, appears to be to make each ticket carry some insurance. We do not want to propose that there should be an additional charge for this purpose, one reason being that, with a very large number of passengers that we carry, any insurance scheme would involve the levy of a small charge in each case that it would be impossible to collect. The lowest charge which we could possibly make, namely, one pie, would result in a sum very much in excess of what we have been paying out in compensation in the past. It is, therefore, proposed that railway revenues shall carry the liability involved.

I would like to make it clear to the House that the Bill applies only to train accidents. Ticketless travellers who are really trespassers on the railway will not come within the scope of the Bill. Passengers, who meet with an accident, when crossing the line or when going up and down the steps of a railway station, will not be covered. Accidents at a level crossing will not come within the scope of the Bill unless passengers in the train which is involved in the accident are affected. These types of accidents will be covered by the existing law.

By widening the liability of railways to cover passengers and their luggage involved in train accidents of whatever kind, whether or not the railway is liable, obviously a considerable sum of money may be involved. These occurrences in themselves cost the railways a very great deal of money in repairs and I would not feel justified in adding to the burdens of future railway administrations unless some limit were imposed. Due to the fact that the great bulk of our passengers travel in the third class and of this a very large proportion are people of very small means, I have taken as a maximum limit of compensation an amount which would cover in normal circumstances the full amount of

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compensation that would be payable to such passengers. The limit, therefore, will generally speaking apply to other class of passengers,—people of greater means, people who can, if they wish, take out insurances and thereby supplement the amount that they would receive in compensation under the Bill. I trust the House will accept this principle as a reasonable method of dealing with the question. That it will be the means of bringing very great relief to the poorer classes of our passengers, I have not the least doubt.

It is unfortunately not possible to calculate precisely what will be the financial effect of the proposed modification to the existing liability. But if the Bill had been in force in the last five years ending 1939-40, the amount of compensation would have been enhanced by some 25 per cent. and the amount involved would have been some Rs. 60,000.

I ought to bring to the notice of the House one point of considerable importance to passengers. It is that the machinery to receive and settle claims will, under this Bill, be put in motion immediately after the accident has occurred and there will not be the delay which is necessitated now by the inquiry which is normally held. This, again, should be of very material assistance to the poorer classes of the people to whom immediate relief is so essential.

I would also remind the House that any individual who is dissatisfied with the amount offered by the Railway or by any Assessment Committee which may be appointed would continue to be able to seek redress through the ordinary processes of the law if he were dissatisfied subject to the maximum figure of Rs. 7,000 which is contained in the Bill.

So far as I know, no country in the world at present legislates for the payment of compensation by a railway in the case of an accident for which the railway is in no way responsible due to its negligence or the negligence of its servants. But I believe that I am right in thinking that public opinion in this country feels that it is anomalous that when a man is killed in a railway accident, his widow and children should receive compensation if a station master or a signaller or a driver is at fault but should be left destitute if some person removes a rail. The suffering to the victims in either case is identical and I do not think that all the lawyer's logic will convince the average man that the very different treatment afforded to the two classes of passengers is entirely equitable. It was, therefore, from this point of view, of meeting a public demand based on human need which caused my predecessor, Sir Andrew Clow, to initiate this Bill, and it is the same point of view which actuates the Government of India in bringing forward the Bill at this time now that it is ready.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): May I ask one question which my Honourable friend may explain? In the Bill it is said that people who are travelling without a ticket will not be entitled to any benefit. On whom will the burden lie to prove that the man was travelling without a ticket? There may be a corpse which may be mutilated and no ticket may be found; it may have been burnt.

The Honourable Sir Edward Benthall: That situation, of course, arises today also.

Sir Muhammad Yamin Khan: But how will it be met?

The Honourable Sir Edward Benthall: It is met in the course of the inquiry and it will be met in the same way as it is met today.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): I thought a passenger is not a passenger if he is travelling without a ticket or a pass: he is an intruder.

The Honourable Sir Edward Benthall: A passenger is a person who pays for his ticket. A person who does not pay for his ticket is not a passenger but a trespasser.

Sir Muhammad Yamin Khan: What about the man who is travelling with a pass? Will he come in the category of a ticket holder or will he be considered a trespasser?

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

"That the Bill further to amend the Indian Railways Act, 1890, be referred to a Select Committee consisting of Sir Hugh Raper, Mr. Muhammad Nauman, Nawab Siddique Ali Khan, Mr. J. Ramsay Scott, Sir Frederick James, Raja T. Manavedan, Rao Bahadur N. Sivaraj, Mr. Amarendra Nath Chattopadhyaya, Pandit Nilakantha Das, Dr. Sir Ratanji Dinshaw Dalal, Mr. N. M. Joshi and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): Sir, I whole-heartedly support this motion moved by my Honourable friend, the Railway Member, and I congratulate him for bringing forward a Bill of this nature which will help the poorer classes of people. It was a pressing necessity especially at this time when there is so much sabotage going on to derail trains. The persons who may be involved in such accidents will now get the relief under this Bill to which they would not have been entitled under the ordinary law in force at the present moment. It is also gratifying to note that relief will be given immediately after the accident, even on the report of the station master, the driver or the signalman.

I also want to say something about the proviso in the Bill, that no passenger will be given the benefit of this Bill if he has not got a proper pass or a ticket. I think this is rather hard. He may be a ticketless passenger, but it will be very difficult to find out whether he was a ticketless passenger or not, as has been rightly pointed out by Sir Muhammad Yamin Khan. He may not have a ticket in his possession; the ticket may be in the possession of somebody else. Supposing there is a party of ten persons travelling together and the tickets may be in the possession of one person. Supposing that person is also involved in the accident along with other persons. In that case the other nine persons may not get the benefit of this Bill. I think the Railway Member will see that such an injustice is not done. Sir, take the case of a ticketless man, who is injured, in my opinion he should be made to pay for the value of the ticket plus the excess fare or other penalty which may be imposed on him but he must get the benefit of the compensation provided in this Bill. There is a law that if he is a ticketless passenger, you can ask from him the value of the ticket, the extra fare and penalty. Why should he be deprived of the benefit of this Bill?

12 Noon.

The Honourable Sir Edward Benthall: Because he is a trespasser.

Babu Baijnath Bajoria: In all cases ticketless passengers are not trespassers. Supposing a person has arrived at the station too late to purchase a ticket and he just gets into the compartment. Sometimes he has got an opportunity to tell the guard, sometimes he does not find that opportunity. I would personally feel much more satisfied if that portion is taken out of the Bill altogether. There are provisions by which you can penalise a man for not buying a ticket. He has no hand in the accident. When you are giving the benefit to the injured, I do not think he should be precluded from getting it. I hope the Select Committee will consider the point I have raised. Sir, I support the motion.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I really welcome a Bill of this nature. The public has been crying over the difficulties that hitherto existed in getting compensation. The technicality of proving negligence on the part of the railway has become very difficult. Many times, the railways put the accidents to sabotage and then they plead that negligence be proved on the part of the railways. I also know that these matters are investigated by some officers. I think some Inspector of some Department is deputed to find out the cause of the accident and also to see whether there was negligence on the part of the railway or not. Now, Sir, I am glad to see that that difficulty is being removed and compensation will be given to a certain extent. That has been provided in the Bill without the necessity of any proof of neglect or any mistake on the part of the railway for the accident.

I see now-a-days there is much sabotage and derailment and on this account there is much loss of life and property. In such cases, it is really an act of grace, it has become a great necessity for the railways to recognise that those persons, who are involved in the accidents through no fault of their own, are eligible for compensation. I understand that a maximum of Rs. 7,000 has been fixed in the case of any one person. I should like to know how this maximum has been fixed at this figure. In certain cases in which people have been killed, if their heirs go to the courts in the ordinary way, they could get more compensation if neglect is proved on the part of railways. Now, I want to know why the maximum is fixed at Rs. 7,000. We are not told about this at all. The Honourable Member also said that in order to fix what amount should be paid, some committee will be set up. There is nothing in the Act to say that any committee will be set up and their verdict will be final until the person takes to some other ordinary course. I should like to know from the Honourable Member that if the committee gives a certain amount and if a person is dissatisfied with the award, to whom has he got to appeal against that? What is the remedy left for him? Is the decision of that committee final? If so, it is not fair at all. I should also like to know whether the Committee will comprise purely of officials or whether non-officials also will be associated with the officials. I submit there ought to be non-officials also, so that the committee's decision might satisfy the people that they have got a reasonable amount. In this way, they need not have recourse to courts of law.

The sabotages and damage to life and property have been very much this year. I find that in the Act no date is mentioned as to when it will

have effect. I want to know whether this Act will have retrospective effect also. In my opinion the Bill should have retrospective effect because the accidents that have now happened are so horrible and the damage to life and property is so great that all cases should be included in the consideration of this Bill and suitable compensation given to them also. For instance, I may draw the attention of the House to the horrible accidents that occurred in Sind on account of lawlessness of the Hurs. The Lahore mail was derailed, many people were killed, there was so much loss of property. Do I understand that the accidents that occurred recently in Sind will also be included in this Bill for the purpose of compensation? Of course, all these accidents in Sind may not be due to the neglect of the railways. What I submit is that a liberal interpretation should be put on cases like these and compensation should be paid to them. If this measure is enacted so as to apply only to future cases of accidents, it will not be fair at all. Then you are giving no help to anybody. The dependants of these people who were involved in these accidents due to derailment should get compensation under this Bill. Otherwise, this measure will only be an eyewash. I hope it is the intention of the Honourable Member to apply this Act to cases which happened recently.

With regard to persons who are without ticket, I do not understand why that provision should be made. It will cause complication. It will mean again enquiries as to whether a man had ticket or not. These enquiries might be very perfunctory and they may not be very satisfactory at all. I submit this provision should not exist. My reason is this. It is well-known that if people are without ticket, they will be found out at the previous junction where tickets are generally examined by the travelling ticket collectors, who are on the train and who move about even in running trains. If there are any people who have no tickets, they will be found out. What I submit is this. If an accident takes place beyond that junction or the train has passed a certain station where the tickets could have been examined, then what is the necessity of finding out whether they had tickets or not? Because in accidents like these when people are injured, very seriously, they do not take care of their tickets, they do not see whether their tickets are in their pockets, or whether they kept them in their luggage or whether they were in the possession of somebody else—their servants, who may also have been killed. Therefore, Sir, if you are in a mood to help—as, it seems to me, you are—do not put such restriction. Now, for instance, some persons are injured or killed due to an accident, and you don't find tickets on some of them. How can you say that one man was travelling purposely without having a proper ticket, and the other took his ticket but it cannot be found. I, therefore, think that there is justification for Honourable Members in this House to ask for the elimination of these words from clause 2.

Mr. President (The Honourable Sir Abdur Rahim): This Bill is going to a Select Committee and there is a very heavy agenda for today. The Honourable Member will, therefore, be brief.

Mr. Lalchand Navalrai: I submit, Sir, that a Bill like this should be passed as speedily as possible. I cannot understand—and the Honourable Member has not told us either—why he wants this Bill to be considered by a Select Committee. I think that it should be put before this House for consideration so that it may be passed and the dependants of

[Mr. Lalchand Navalraj]

those killed or injured in train accidents may get some relief at an early date. I, therefore, submit that this Bill should be passed as speedily as possible.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir, I am glad that there is such a measure before this House, although it is long overdue. The credit for introducing this measure does not, I think, go to the Government. In my opinion the present chaos and disorder have necessitated the introduction of such a measure, especially when it is going to pinch the Government because their employees and officials are going to be injured or killed. . . .

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): But even then credit is due to the Government for bringing forward this measure.

Maulvi Muhammad Abdul Ghani: Sir, a limit has been put here about the damages; it is provided that the liability of a railway administration shall in no case exceed seven thousand rupees. In sub-clause (1) of clause 2 of the Bill, it is mentioned that "loss on account of destruction or deterioration of animals or goods owned by a passenger will also be included". Sir, I fail to understand this. Supposing the value of animals or goods accompanying the passenger is worth more than rupees seven thousand, say a lakh of rupees, even then it will mean that all that he will get will be only rupees seven thousand. I expected that the Honourable Member, with his business head, should have considered this point.

Then there is no mention in the Bill that this applies only to third class passengers, although it has been pointed out by the Honourable Member in charge that the passengers may be from poorer classes and seven thousand rupees would be enough. Here there is no exemption of other class passengers. Therefore, as the Bill stands, passengers of all classes can be treated under sub-clause (2) and rupees seven thousand is a very small figure for the losses to be sustained by all classes of passengers.

There is another point in regard to ticketless passengers; there is a restriction imposed here. When there is an accident there is so much confusion that tickets and luggage can hardly be traced out, the dead persons are sometimes torn to pieces, their limbs are separated and so on. Under such circumstances, who will care whether the person had a ticket or not? In my view, therefore, this restriction is not justified. I hope this restriction will be deleted when the Bill is considered by the Select Committee.

While on this point of persons travelling without tickets, I would like to mention another case: What about those persons who on account of want of time informed the guard that they will purchase tickets at the next station, and supposing an accident occurs before reaching that station. Such passengers should not be excluded from the grant of compensation. But there is no provision made here. I hope the Select

Committee will take into consideration all these points. With these few words, I support the motion.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): **Sir**, although the Bill appears to be a very simple one, it has far-reaching effects. As I understand the position, it is that under the present law if negligence is proved on the part of the Railway Administration there is no limit to the damages that the railways will have to pay. The damages will be levied by a court of law according to the standing of the passenger killed or injured, according to his earnings and what his family have lost by his death or injury to him. By this Bill the damages are limited to rupees seven thousand, regardless of the standing of the passenger, but the concession made is that negligence need not be proved on the part of the railways. Well, **Sir**, that is a double-edged weapon. The Railways will never have to pay more than rupees seven thousand to any individual passenger; at the same time the passenger need not prove negligence on the part of railways. But what about the position where a passenger can prove negligence, or his successors or his heirs can prove negligence and where the damages under the present circumstances may be a lakh of rupees—damages to the extent of a lakh of rupees has been paid by railways to an individual passenger on many occasions. In England it is a fairly common thing to have seven thousand or ten thousand pounds damages in the case of a passenger killed in an accident. That is the loss sustained by his heirs by his death and, therefore, I do think that point deserves consideration on the part of the Select Committee. You cannot deprive passengers of their present privileges, or the heirs of passengers of their present privileges of getting damages according to the standing of the passenger. That is one point I would like to emphasise and which I would ask the Select Committee to consider. If you are making a concession, by all means do so, but do not deprive others who may have a claim for much greater compensation than rupees seven thousand. That ought to remain if negligence on the part of the railway administration can be proved.

The other point is about ticketless passengers. Perhaps the Select Committee will examine the percentage of these passengers or trespassers, if the Honourable Member chooses to call them so, and compare it with the number of passengers that travel. It may be a fairly high percentage. The figures were given to the House some time ago and I cannot remember them. Then there is the percentage of trains that meet with accidents in a year. When you take these two percentages together, you will find perhaps that the percentage of ticketless passengers on a train that meets with an accident is very small indeed, and it is for consideration whether it will not be worth while neglecting this provision after considering these two percentages, because there is the risk of injustice as has been pointed out by several Honourable Members. It might not be possible for the heirs of a passenger to prove that he had a ticket but that the ticket was in the possession of somebody else killed, or that he informed the guard that he had no time to purchase a ticket. Under those circumstances, I would ask the Honourable Member to compare those two averages and if he finds that there are a negligible number of ticketless travellers on trains that meet with accidents, he then should consider, however legitimate may be the claim he makes, of paying compensation to such passengers.

Dr. Sir Ziauddin Ahmad: I would like to draw the attention of the Honourable Member to two points: the one is that the number of persons who travel without tickets, though in itself a large one, is less than .01 per cent. and therefore if this law stands, then a large proportion of those killed will be found without tickets, because the people on the spot will be the railway authorities and we apprehend that there may not be a square deal for every passenger concerned: secondly, we have a maximum of Rs. 7,000 for all. We have to make a distinction as regards the class of person injured. Rs. 7,000 may be a big sum for one passenger, but a trifling amount for another passenger. The sum is too low for persons travelling in upper classes. These are the two points that should be considered.

The Honourable Sir Edward Benthall: I thank Honourable Members for the support they have given to the principle of the Bill. One or two Members asked why we suggested a Select Committee. The reason in my mind was that I thought there would be some argument about the maximum of Rs. 7,000 and that Honourable Members through the Select Committee would like to have an opportunity of examining the reasonability of that figure.

Sir Muhammad Yamin Khan: We all want a Select Committee.

The Honourable Sir Edward Benthall: Mr. Abdul Ghani, followed by subsequent speakers, stated the case for the rich man. I was frankly more interested in the case of the poor man. However, the rich men on the Select Committee will have an opportunity of stating their case. On the question whether the Bill would be retrospective, so far as I am concerned, the answer will be in the negative, and I should like to stress again that this Bill was not produced on the spur of the moment. It was initiated some considerable time ago by my predecessor, Sir Andrew Clow, and I pointed out at the end of my speech that I brought the Bill forward as soon as it was ready because I thought it answered a public demand. As regards this question of ticketless passengers, I understand that a passenger is defined in the Act (I cannot lay my hand on it at the moment) as a person who has either a ticket or a pass, and that is the definition which will apply to this amending Bill. The suggestion is that someone who is not a passenger, someone who has not got a ticket or a pass should benefit from this Bill. My Honourable friend, Sir Cowasji Jehangir, suggested that everyone should benefit, whether he had a ticket or not. As I pointed out in my speech, this scheme is a form of insurance—every ticket will carry some insurance. I would ask my Honourable friend, whether, if he fails to pay his premium—in this case if he fails to take his ticket—the Insurance Company would pay him the insurance which is not due to him?

Sir Cowasji Jehangir: One is very easily proved, the other is not. When a man is dead it is difficult to find whether he had a ticket on him or not. He may have the ticket in a box which is lost. I pointed out that what I wanted examined was the average of ticketless men on a train that meets with an accident, i.e., of ticketless passengers and the number of trains that meets with accidents. Then you get an average of the number of people who travel in a train that meets with an accident. I asked him to consider the matter in relation to those averages.

The Honourable Sir Edward Benthall: I am not sure, Sir, whether those statistics will be available, but I would point out. . . .

Sir Cowasji Jehangir: They were given to the House by Sir Andrew Clow.

The Honourable Sir Edward Benthall: That was not within my experience. But under the existing Act there are ticketless passengers and when an accident occurs the first thing that the railway staff do is to find out whether passengers have tickets on them and where their tickets are; and I do not think that there has been any case in the past of complaint against the railways for failure to pay compensation on this ground, in cases where compensation was due from them. I do not think that it should be otherwise in the future. But in any case this and other points, such as those which have been raised by Mr. Lalchand Navalrai, will all be considered by the Select Committee and, if I may say so, these points, which have been raised, are justification for putting the matter to a Select Committee.

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

"That the Bill further to amend the Indian Railways Act, 1890, be referred to a Select Committee consisting of Sir Hugh Raper, Mr. Muhammad Nauman, Nawab Siddique Ali Khan, Mr. J. Ramsay Scott, Sir Frederick James, Raja T. Manavedan, Rao Bahadur N. Sivaraj, Mr. Amarendra Nath Chattopadhyaya, Pandit Nilakantha Das, Dr. Sir Ratanji Dinshaw Dalal, Mr. N. M. Joshi and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

THE RECIPROCITY BILL.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume further consideration of the following motion moved by Mr. Govind V. Deshmukh on Tuesday, the 24th March, 1942, namely:

"That the Bill to make provisions in regard to entry, residence, the acquisition, holding or disposal of property, franchise, the holding of public office, or the carrying on of any occupation, trade, business or profession in British India by persons domiciled in the British possessions on a basis of reciprocity, be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable Mr. M. S. Aney, Sir F. E. James, Mr. J. Ramsay Scott, Sir Syed Raza Ali, Syed Ghulam Bhik Nairang, Sardar Sant Singh, Mr. Akhil Chandra Datta, Mr. Hooseinbhoi Abdullahai Lalljee, Mr. N. M. Joshi, Mr. Naoroji M. Dumasia, Qazi Muhammad Ahmad Kazmi, Mr. K. C. Neogy, Mr. Lalchand Navalrai, Khan Bahadur Sir Abdul Hamid and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): Sir, I beg to move that the debate adjourned at the last Session be resumed for consideration.

Last time when I made a motion for reference to Select Committee, there was an amendment proposed by my Honourable friend, Mr. Aney, and I accepted the amendment for adjournment of the debate without any speech in reference to the motion of the Bill. I see there is a similar amendment today. I should first of all like to speak on the merits of

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this Bill and deal with some of the points made last time by my Honourable friend, Mr. Aney, as to why the amendment should have been accepted at that time and if points are made again today for this amendment to be accepted I would like to deal with those points later.

In my Statement of Objects and Reasons I have stated that Indians overseas are suffering from disabilities, and the Indians Overseas as well as the Indians in India have given expression to those disabilities. They begin from the entry into a Colony or Protectorate or Crown Colony or Dominion and end with the acquisition or alienation of land in the Colony and even marriages that the parties are willing to contract.

Let me first of all give a bare idea as to what the disabilities are. The position of Indians is this. In Australia, New Zealand, Canada and New Guinea, Indian immigration into those Dominions is strictly prohibited. Then, I will come to South Africa. The emigration of Indians to South Africa is strictly prohibited. There are no political or municipal franchise for Indians in South Africa. Then I come to this passage—

"In Durban Indians wearing the national dress, and all others in practice, unless they are well-known to the principal officials, are required to travel outside the Municipal tramcars, no matter what the state of the weather may be. And even then, they are not always safe from molestation by the conductors. A similar state of affairs exists in Pietermaritzburg.

It is practically impossible for an Indian to secure accommodation in a hotel in South Africa.

With the exception of one small plot of ground in Pretoria, Indians cannot own fixed property in the Transvaal. The old Dutch Law 3 of 1885 still operates, notwithstanding all the protests of Imperial Ministers.

Indians cannot purchase a penny stamp at the public counter in the Main Hall of the General Post Office, Johannesburg.

Indians are not allowed to use the Pretoria tramcars in Johannesburg; they are prevented from riding on the ordinary municipal cars, but special trailer cars, for African and coloured people are occasionally run, at irregular intervals and on certain routes only, but out of regard for its dignity, are never used by the Indian community. The prohibition is contained in section 33 of the Johannesburg Tramway bye-laws.

British Indians with other coloured people are put into specially reserved compartment when travelling second class on the railways."

Then as regards Kenya: There have been many similar disabilities in Kenya and we have had several debates—we had a very lucid debate in 1939 dealing with this question of the disabilities of Indians in Kenya. The policy followed was to appease the European settlers; the Colonial Office had so far declined to consider the legitimate demands of Indian settlers for a common electoral roll. Then, Indians are not admitted into hotels and restaurants. This is the state of affairs in these Colonies; and let it be remembered that as far back as 1923 and 1937 the illustrious representatives of Indians did refer to this matter. The Rt. Hon. Sir Tej Bahadur Sapru at the Imperial Conference of 1923 said:

"I have noted with great pleasure the spirit of cordiality shown by my colleagues from all over the Empire except General Smuts. I note that what is wanted really has been achieved, namely, that they recognise the character of the resolution of 1921, that they have given me hope that they would do something material to achieve the end namely, the accomplishment of the principle of equality."

May I here remark that that hope has not yet been realised; and as I will show later on, disqualifications have been heaped upon us in numbers. Then the Honourable Sir Muhammad Zafrullah Khan in 1937 said:

"India is a foreign substance in the body politic of the British Commonwealth of Nations, and for the health, indeed for the continued existence of the British Commonwealth, it is imperative that this foreign substance shall either be completely assimilated into the system or cast out of it; otherwise, the safety of the whole system would be put in jeopardy. I am sure we are all agreed that the last would be too cowardly and too disastrous a remedy, disastrous alike for India as well as for the rest of the Commonwealth, and indeed, in the view of those who have the vision to see, for the world at large. We are, therefore, left with the other remedy that I have indicated—viz., complete assimilation."

This was in 1937. We are in the year 1942 and there is not the slightest vestige of our being assimilated.

Sir Purshotamdas Thakurdas referred to the position of Indians in the Dominions and expressed the hope that reforms would be carried out in this connection as a result of the effects of the new Constitution. There was something, however, much worse, which had lately been exercising the minds of Indians in rather a grave manner, and that was the position of Indians in a Protectorate of the British Government under the supervision of the Colonial Office, namely, Zanzibar. Indians could to a certain extent appreciate the reason why they should have patience regarding their position in the Dominions, but in the case of His Majesty's Government it was extremely difficult for them to reconcile themselves to a position which appeared to them, and which was, quite impossible. The first speaker in the discussion had referred to the activities of the Congress with strong disapproval, but such treatment of Indians as proposed in Zanzibar, within the British Empire and under the direct control of a Cabinet Minister, was more likely to drive Indians towards the extreme left in India than anything else.

I have referred to the debate on Kenya and I would refer to the speech of my Honourable friend, Sir Syed Raza Ali, who has given us an idea that the disabilities were gradually being increased. He says: (L. A. Debates 1939-Vol. II):

"It is most unfortunate, it is humiliating and miserable, that, while the political constitution of India has undergone changes, while it has granted to the people of India certain rights and associated them more and more with the government of the country, outside India there has been one continuous course of policy subjecting Indians to disabilities and adding to those disabilities, beginning in any case with the year 1908. Whereas the first Reform Act associated with the names of Lords Minto and Morley was passed in the year 1909, the course of disabilities outside India began in the year 1908."

Here he has unequivocally referred to the continuance of disabilities and those disabilities being increased. Sir, the remedy left to the Government of India is one of negotiations. That was impressed upon us times out of number, that the only thing that the Government of India can do is to carry on negotiations with His Majesty's Government. The misfortune of those who carry on negotiations, if they have no sanction behind them, is, that they have solely to rely upon the favour of the persons with whom they have to carry on negotiations. It was exactly this sense of frustration, this feeling of despair which made the Agent General Sir Girja Shankar Bajpai to say at page 1686 of the same

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volume. In the debate the question was raised that if our political status was the same as that of the Dominions or of the United Kingdom things might be set right. Sir Girja Shankar Bajpai said:

"But it is not merely a question of political or constitutional status. I think it is fair to recognise that it is a question of sanctions. What is it with which you can back up your representations? Even within the constitutional limitations which press upon the Government of India today it will be admitted, that where certain sanctions are available to us, the Government of India have not hesitated to make use of those sanctions in order to safeguard legitimate Indian interests."

Sir Syed Raza Ali then wanted him to quote one or two such instances. Sir Girja Shankar Bajpai said:

"Yes. With regard, for instance, to Village Communities franchise, a question which has been under consideration for some time in Ceylon, the Government of India were in a position to suspend the assisted emigration of recruited labour and they did it. Similarly, with regard to wages in Malaya, a situation of that kind arose and the Government of India and the Secretary of State used the weapon which is in their hands."

It is only with respect to these that use was made of the power which the Government had, but there has been on the Statute-book an Act which prevents the entry into India of South Africans. No rules have been framed and the power which the Government has has not been exercised in that respect at all. It has been exercised, it is true, in the case of Ceylon and Malaya, but we must remember that these are small fries. If we are to be afraid of big guns, then the small fries also take courage and you will find it exemplified in the case of the attitude of Kenya. The Government of Kenya said in the year 1937 that whatever might be the state of affairs, if anybody wanted to interfere in their administration they would not tolerate it. I forget the name of the Lord who said it. That is the position so far as the Crown Colonies or Protectorates are concerned. They follow the footsteps of the Dominions when they see that the Government of India is in a helpless condition to do anything to have the grievances of Indians Overseas removed.

Let me also refer to certain of the disabilities which have increased. In April last, we find from a cable sent down by *Reuters* from Cape Town:

"Field Marshal Smuts was asked whether the British offer to India (*the reference is to Sir Stafford Cripps' proposals*), had met with his approval and whether the granting of Dominion Status to India would confer on Indians in the Union the rights and privileges of the nationals of other British Dominions and whether Indians in the Union would have the right to claim full Union nationality and political equality."

It will appear from this that they are very much afraid of any political equality being granted to or any rights which could be enjoyed by the citizens of the Union being enjoyed by Indians. The Field Marshal was then asked:

"Whether he would inform the British Government that acceptance of its proposals to India would not impose any obligations on the Union with reference to existing legislation."

And the existing legislation is full of disabilities. In other words, they wanted these disabilities to remain intact and the Indians should not enjoy the same rights which any citizen in South Africa enjoys.

Now, this recent one sample treatment to Indians refers to the education of Indian students in Natal.

"In Natal the educational grant for Indians has not been fully utilised year after year and Indian students are not allowed to study side by side with white students in the university."

However much we may boast that Indian soldiers fight shoulder to shoulder with the British soldier, the American soldier and the Australian soldier, when it comes to a question of enjoying the rights of citizenship we are poles as under. The statement is meant by way of only a sort of stimulus for Indians to help in the war. If we are to examine the allegations about the bravery of Indians and the Indian soldier fighting shoulder to shoulder, in the light of what is happening in the civil life, in the life of these Indians in the Dominions, we can very well say that this is all a camouflage. Let me say what is happening in Durban again a recent example after last April. The Secretaries of the Natal Indian Congress say:

"The Medwood gardens are one of the beauty spots of Durban, moreover, they are public gardens and as such should be accessible to all sections of the population. It is most reprehensible, therefore, that Indian citizens of this city who take civic pride in the local amenities are debarred from sitting in the gardens, and told to leave by native policemen."

This again from the *Times of India*:

"There are nearly 41,000 male Indians in Natal; but, according to the recently published annual report of the Protector of Indian Immigrants, only 26,000 are listed as employed."

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): What is the date of that article from the *Times of India*?

Mr. Govind V. Deshmukh: About four days ago:

"Thousands (*it says*) are not only workless but destitute. This seems a surprising statement. There must have been expansion of war industries throughout South Africa; and this should normally have the effect of reducing unemployment among all communities in the Union. If thousands of Indians in Natal are not only workless but destitute, the matter would appear to need immediate attention from all authorities, not excluding India's High Commissioner in South Africa."

I will now come to Ceylon, where we have the same painful story. This appears in the *Statesman* of the 19th September, 1942:

"Even so recently as three months ago, Mr. Iyer (*who was connected with the Economic Committee of the Ceylon European Association and is now in Bombay*) said in an interview, 'the Chief Secretary of the Ceylon Government had invoked the aid of a four-year old order precluding Indians from holding temporary, acting and substitute appointments even in such departments as the A. R. P. and supplies. Consequently, notices had been served on Indians employed in such departments terminating their services from August 31st last. The Ceylon Government, while eliminating Indians, had allowed evacuees from Malaya and other places to continue in service.'"

We have had in this island restrictions as regards immigration. Sir Girja Shankar Bajpai said, "We are doing all we can but we are not backed up by sanctions". I have now given this Government the sanctions required, in the form of this Bill, which I hope will be accepted by the Government.

As I have said in my Statement of Objects and Reasons, the Bill if passed into law will provide the necessary sanction, which will enable the Government of India to take strong and effective action—though not

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as effective as the economic—to bring about a solution of our troubles. The permanent solution of our troubles can only be achieved when India enjoys the same freedom as South Africa or Great Britain.

It has been already pointed out that the Government have, as a matter of fact, conceded the principle of the Bill. Last time when an amendment was moved, it was suggested that we should not disturb the peaceful atmosphere that was prevailing at that time and in view of the fact that the atmosphere at that time was full of hope, that Sir Stafford Cripps had come out with reform proposals, I did not want to press my motion but accepted the amendment outright. As I have said, in between the position has gone worse. Let me refer to one passage in a statement. This again refers to the Durban Indians:

“The latest information received from the Natal Indian Congress reveals the fact that the new move of the Durban City Council involves the expropriation of 1,095 acres of Indian-owned lands at Riverside, Merebank and Sydenham in terms of section 11 of the Slums Act.”

There were representations in connection with this matter by the Indians who have got several organisations. They expressed their fears to the Minister but not having received any satisfaction, they approached Sir Shafat Ahmad Khan, the Indian High Commissioner in South Africa. He said that he has done everything in his power and he felt that Minister Lawrence would definitely sanction the expropriation scheme. Now, what is this expropriation scheme? It is to expropriate land from the Indians and allocate them to the Europeans as well as to the coloured people. If this state of affairs is not put right soon, it will be a miserable plight for the Indians who are in Durban.

As regards public opinion, I may say that so far as the principle of the Bill is concerned, everybody is in favour of it. As a matter of fact, there is nothing to find fault with in the Bill and there were only one or two dissenters. The rest did not find fault even with the drafting of the Bill or the principles of the Bill.

Let me read just a few lines from the public opinions that we have received. All of them are in favour but I wish to refer to certain specific portions of the public opinion on the advisability of having legislation like this during war. The Honourable Mr. Aney had said while moving his amendment last time:

“On principle Government see no objection to the Bill, and it is more or less consideration of expediency which actuates Government in coming out with this motion. At the present time the Government of India have been in correspondence with certain Colonial Governments and other Governments not to proceed with discriminatory measures which are before them and I am glad to inform the House that some of them have agreed to that suggestion.”

Sir Syed Raza Ali: Will the Honourable Member read a little more loudly. We cannot hear.

Mr. President (The Honourable Sir Abdur Rahim): I hope the Honourable Member is not going to read the whole of that pamphlet.

Mr. Govind V. Deshmukh: No, Sir. I am merely reading out a few lines which these gentlemen could not hear:

"The South African Government have already decided not to proceed with discriminatory legislation and I learn that General Smuts has made a statement to the effect that they will not proceed with Ordinances which discriminate against Indians during the war."

Here I may observe that this pledge was not kept: -

"When we ourselves are asking the Colonial and other Governments, which are covered by the words "British Possessions" in this Bill, not to proceed with discriminatory measures, it is necessary for us to maintain an atmosphere in which they can coolly consider our suggestions to that effect. Any discussion of the present measure is bound to bring out prominently the various discriminatory measures which have been hitherto adopted by these countries and a discussion of that nature is bound to be of a somewhat undesirable nature."

We wanted to appease these people, the Colonies, by not referring to any unpleasant subjects on the floor of the House. We wanted to maintain an atmosphere of harmony. We wanted to be gentlemanly, honest. The other party is not behaving in a gentlemanly way. It is the same story as in the case of the countries which wanted to appease the other countries which wanted to go to war. They could not be appeased and they went to war. The same story is repeated here. We are trying to appease the Colonies and the Dominions but they are not going to remove the disabilities that they introduce every now and then.

Speaking about this point which was made by the Honourable
1 P.M. Member for Indians Overseas that there should be a peaceful atmosphere in these days of war, it will be observed that there is a gentleman Khan Bahadur Abdul Wahid Khan who says that this is a step in the right direction. He further says that it will have a very good effect on India's co-operation in the war.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Division: Muhammadan Rural): We have all read these opinions. What is the use of reading them?

Mr. President (The Honourable Sir Abdur Rahim): I am afraid the Honourable Member is repeating the arguments.

Mr. Govind V. Deshmukh: I am not reading all the opinions.

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable Member is reading too much. Besides, the amendment has not been moved yet.

Mr. Govind V. Deshmukh: I am merely stating at present the point that was made out then by moving the amendment, that in these war time days a measure like this would hamper war activities. I am not reading from the opinions.

Mr. President (The Honourable Sir Abdur Rahim): The amendment has not been moved yet. The Honourable Member, has not seen the point.

Mr. Govind V. Deshmukh: I am criticising the amendment which was moved last time.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot do that.

Mr. Govind V. Deshmukh: I am simply trying to show why in these days of war we should go on with the Bill. That is the point which I can make.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has said that repeatedly.

Mr. Govind V. Deshmukh: I merely wish to read one or two lines more.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot go on like that. The House is getting impatient.

Mr. Govind V. Deshmukh: What I wish to emphasise is this. The Government opinion is that even in these days of war when we are coming together with different Colonies, Crown Colonies and the Dominions, and when we should have a congenial atmosphere amongst ourselves, we should not proceed with the Bill. But the public opinion is that we should proceed with the Bill because it will facilitate the war measure. This is the opinion of many of those gentlemen who have forwarded their opinions.

The Honourable Mr. M. S. Aney (Member for Indians Overseas): Sir, I move:

"That the debate on the motion be adjourned till the next Session of the Assembly."

This was the motion that was moved on behalf of the Government in the last Session when my Honourable friend, Mr. Deshmukh, had moved the very motion which is now before the House, and the House had agreed to that motion. Mr. Deshmukh has now seized the opportunity of making a speech that he wanted to make, ventilating his views on the various disabilities and grievances which the Indians have to labour under in various Colonies, Dominions and other British Possessions. The point is not that these grievances do not exist. That is an admitted fact. The Government of India has been with the representatives of this House in urging upon these Colonial Governments, Dominion Governments and other Governments for the removal of those disabilities. There is no difference of opinion between the Government of India and the non-official Members of this House or the public opinion in the country outside.

Another point which I want to bring out in this connection is this. Last time I prominently emphasised this fact, and the House by adopting that motion virtually endorsed that fact, that we are at present insisting upon all these Governments not to proceed with discriminatory legislation which were then on the anvil of some of the Legislatures of these Colonies. And I have given the House an assurance that I was glad to inform them that some of them have decided to maintain *status quo*. I must say that none of those Colonies or Dominions have proceeded with any one of those measures which were then under consideration before them. So, it would not be right to say that any assurance that I was able to give in this House was not kept by them. That would be an entirely wrong position

to take for this House. There were certain anti-Indian measures before the South African Government; and before the Ceylon Government as the Honourable Members know. But the measures have not been proceeded with. We have a *status quo*. It is true that two or three points have been brought out by Mr. Deshmukh. He has made a reference to the steps that are being taken by the Durban City Council and he has also mentioned one or two other things. These are matters which are still under negotiations between the Government of India and the Colonial and Union Governments. I cannot give any more information on that point as it would be difficult for me to deal with any specific grievances and say what the Government of India have been doing in this matter. But I must also say that at this very moment the question as to what greater educational facilities can be given to the Indian students is being tackled by the Union Government and in that matter the High Commissioner of the Indian Government and the members of a Committee appointed by the Union Government have been consulting each other. You cannot put the matter in one way only. I do not want to exonerate the Dominion and Colonial Governments from numerous disabilities under which their policy has kept down the Indian population there. But the point is whether this is a proper time when we can think of forging some new retaliatory measures against them. The only justification which my Honourable friend, Mr. Deshmukh, had made out for the sake of his Bill is that we are forging new sanctions now and on the authority of those new sanctions the Government of India would be in a better position to meeting Colonial and other Governments in defending the rights of the Indians.

It was really a great pity that our appeals and protests have so far generally been fruitless, futile and powerless. That was the main argument which he advanced. I know there may be a time when retaliatory measures will perhaps have to be used. If that time comes, I am sure the Government of India will not be lacking in making use of that weapon and arming themselves with the necessary sanction. In fact, the principle of retaliation has been considered and accepted by the Government of India in the Indian Emigration Act itself. There is a provision in that Act and it has thus been statutorily recognised. If, unfortunately, we have to use it in some form or another, we will make use of it. So, the principle of retaliation is not altogether a new one so far as the Government of India are concerned. The attempt of the present Bill is to widen the scope of that provision in that Act and include for the purpose of retaliation, other points which are enumerated in section 4.

My submission to the House is this. At a time when it is necessary for the people of India to stand shoulder to shoulder with other Members of the British Commonwealth of Nations, and the United Nations, among which the members of the British Commonwealth are also included, is it wise for us to proceed with legislation which is likely to be a source of bitterness between the people of India and the people of the Colonies and the Dominions? Would a discussion of that kind tend to improve the relations and bring about that solidarity on which we have to count if we are to prosecute this war with a combined will and with a full determination to fight the enemy who is knocking at the gates of India and various other parts of the Empire? That is the real point to be decided.

[Mr. M. S. Aney.]

This is not the time when we can think more seriously about our domestic grievances. Domestic grievances are no doubt bad. But there are occasions when they have to be subordinated, there are occasions when those domestic differences have to be sunk and forgotten. We must show the enemies that we no longer stand divided amongst ourselves. We have to put up a joint combined front. If we begin to discuss these domestic grievances at this time, will it not show the world and the enemy that we are divided, will it not afford a great incentive and a strong motive for the enemy to knock at our doors more strongly and spot out the dangerous places? If we understand the significance of these things, then the necessity for postponing the discussion will be realised by Honourable Members of this House. In spite of what has been stated by my Honourable friend, Mr. Govind V. Deshmukh, I appeal to the House that even though there is a good reason for us to feel that even the assistance that has been given by the Indian sepoy, about whose feats of valour and about whose exploits in all theatres of war, so much has been said, has not created that change of attitude towards Indians which we really want to have among the people of the Colonies and Dominions, still we should not, on our part, do anything to give cause to create bad feeling and to make the situation worse and thus add to the bitterness which already exists. I want the House to approach this question from that point of view. My justification for putting this motion before the House is based upon the broader considerations of the big problem with which we are confronted, rather than upon the merits of the Bill itself. I move, therefore, that the debate on the motion be adjourned till the next Session of the Assembly.

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

"That the debate on the motion be adjourned till the next Session of the Assembly."

This is the motion now before the House and the debate will be on this motion.

Sir Syed Raza Ali: Sir, I listened very carefully to the speech of the Honourable the Leader of the House

Mr. President (The Honourable Sir Abdur Rahim): I want the Honourable Member to speak on this amendment that the debate be adjourned till the next Session.

Sir Syed Raza Ali: I thought both the original motion and the present amendment were open to discussion.

Mr. President (The Honourable Sir Abdur Rahim): No, no. Only this motion for adjourning the debate is now before the House for discussion.

Sir Syed Raza Ali: Sir, as directed by you, I will speak on the motion for adjourning the debate. The Honourable the Leader of the House told the House that a similar motion was tabled by the Government when this Bill was under discussion in March last and that this House gave its blessing to that amendment with the result that the further consideration of the Bill stood postponed till today. The attempt is repeated

on behalf of Government today, namely, having succeeded in getting a postponement in March last, they want to get another postponement. From what the Honourable the Leader of the House told us it seems that the Government are very keen that no action should be taken on this question by this House till the war lasts. (Interruption.) Yes, that is what I understood from the Honourable the Leader of the House; that is, till the war lasts no action should be taken. My Honourable friend who interrupts me did not listen to that speech, and so he should not interrupt me.

Sir, my point is this: My Honourable friend whose patriotism we all value—I have seen him work on the Standing Emigration Committee for a pretty long time and I can assure him that nobody would admire his courage and independence more than I do—has had the benefit of sitting on official Benches now for over a year. It is not for me to say how this association has affected his views. But may I tell him that he was not justified in advising this House not to give further cause of complaint to any Dominions or Colonies against us. May I know from the Honourable the Leader of the House if unfortunate and helpless India ever gave any cause of complaint to any Dominion or Colony, not to speak of further cause

Mr. Hoeseinbhoy A. Lalljee (Bombay Central Division: Muhammadan Rural): And will ever give.

The Honourable Mr. M. S. Aney: The word "further" can be omitted from my speech if I have used it at all. Give any cause at all, that is what I have to say.

Sir Syed Raza Ali: May I congratulate my Honourable friend on showing this reasonable attitude and I appeal to him to carry this reasonableness a little further and not persist in pressing this amendment. I do not want to use strong words but I feel very strongly on this subject. After all, I do not want to depict a tale of woe and misery, a tale of sorrows and tears of our people who have settled abroad. Sir, let me assure the House that the position is intolerable. It is not only so in South Africa; go to any part of the world where the unfortunate Indians have settled down and you find the same tale, that they are hardly treated, I do not want to use a strong word, as human beings. What is the use of citing East Africa or South Africa and those other Dominions which are as much masters of their houses as Great Britain? May I know what has been the result of our negotiations with Burma over the Indo-Burma Agreement?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is straying beyond the motion. The Honourable Member must confine himself to the motion before the House.

Sir Syed Raza Ali: I am citing these instances

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can go on to any extent quoting these instances.

Sir Syed Raza Ali: May I know your ruling, Sir?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's speech must be relevant to this motion, namely, that the debate on the motion be adjourned.

Sir Syed Raza Ali: May I know whether the Honourable the Leader of the House referred to Colonies and Dominions in his speech?

Mr. President (The Honourable Sir Abdur Rahim): It is not for the Honourable Member to ask the Chair questions. The Honourable Member must accept the ruling of the Chair.

Sir Syed Raza Ali: The real position is that our position has not improved anywhere and I think it is time that we made arrangements within the British Commonwealth of Nations, without giving any provocation, to deal with the question effectively when the war is over.

Sir, the Bill is a wholly innocuous measure. There are two provisions in the Bill which are very important and to which the Honourable the Leader of the House has not paid any attention: One is that the provisions of this Bill would be given effect to only when the Governor General in Council notifies the date in the *Gazette of India*. This House would have no control; it would be only the Governor General who will decide that. Secondly, this Bill does not set up any administrative machinery for enforcing the provisions of the Bill. The power is again given to the Government of India to make rules and unless those rules are made the provisions of this Bill cannot be put into effect. In view of these two provisions, what possible objection can there be to this Bill being referred to a Select Committee. It is not being passed. I am sure the Honourable the Leader of the House wants to do good to his own people. So far as my knowledge of the conditions of Indians Overseas is concerned, I think—let me tell this House frankly—I think that the time has come when this House should get ready to face the eventualities after the war. I do not want this House to do more; I submit that you should refer this Bill to a Select Committee. No harm will be done by doing that. Why this dilatory motion which has been proposed by the Leader of the House? That dilatory motion is not required. If the Select Committee brings out a report and the Bill, as recommended by the Select Committee is passed by this House, it would be wholly in the hands of the Executive Government to put the provisions of the Bill into force or not. Therefore, I appeal to the Honourable the Leader of the House, about whose patriotism I have no doubt, that if he is anxious to serve his own people and country—I mean Indians Overseas and India—he should not place any impediment in the way of this Bill going to a Select Committee.

Let me tell my Honourable friend in all seriousness that if this Bill is shelved like that, it will do a very very serious injury to Indians abroad. Since, Mr. President, you have ruled to that effect I am not going to mention any particular parts of the British Commonwealth of Nations, but danger threatens us from every side. I see not a ray of hope anywhere; either in the adjoining countries or in the countries which lie three to five thousand miles away from India. Let us take this Bill into consideration, let us pass it in such a form as may appeal to the collective wisdom of this

House and, having done that, we should take no further action. We should leave it to the Government of India to fix a date on which the provisions of this Bill shall come into force, and to devise the necessary machinery to enforce its provisions. May I appeal to the Honourable the Leader of the House to withdraw his amendment—and in this connection he can take the word of one who has tried to serve his unfortunate country—because any further postponement of this will have very very prejudicial and damaging repercussions outside India. If you simply refer this Bill to a Select Committee, no harm will be done. Let the Select Committee meet even during the next Session, but don't kill this Bill by your dilatory motion. Sir, I strongly appeal to my Honourable friend and this House to give their support to this Bill being referred to a Select Committee if this House wants to do even an iota of justice to its unfortunate countrymen settled abroad. Sir, I feel it my duty to oppose the amendment.

Mr. Hooseinbhoj A. Lalljee: Sir, I rise to oppose the amendment, and after the speech that has been delivered by my Honourable friend, Sir Raza Ali, very little remains for me to tell you. Honourable Members can, without diffidence, put their reliance on what he said. He has been in a very responsible position as our representative and the representative of the Government of India, and I am sure that every word that has fallen from him ought to carry great weight with all those present here.

Sir, he has told us that the position in the Colonies, in the Dominions and other places is intolerable and that the people are suffering untold hardships. May I ask the Honourable the Leader of the House whether this condition of his countrymen will be conducive to better effort being made towards the winning of this war either there or in this country? Is there any Indian who after having heard the story of what is happening, even today, can come forward and say the British Colonials and Dominion people are fighting for equality and freedom of all? Will you not condescend at least to tell them that this Government have agreed with the popular sentiment, that something ought to be done, that they are in real earnest, and that they are going to have something ready, and, as my friend has just pointed out, that, it will be put into action as soon as the necessity arises. At least you should give that assurance to our own countrymen, and make them feel that they are fighting in this war as equals for freedom, and then, Sir, you claim and say that you have done something which should make our people enthusiasts to back the war effort wholeheartedly. Sir, may I ask when you will tackle this question? Many years have passed and you have not yet been able to tell them that you have done needful or a definite assurance has been given to them. You have said, Sir, that you have appealed to those people. That has been done for many years. Appeals will not do, if I may say so with due deference. I remember the words of the late Sir Fazl-i-Husain—I may be repeating these—when he said, "All our endeavours have failed; we do not know what we should do. I wish our position was just the same as that of other Colonies and Dominions and you will see that your Government can certainly retaliate in the same way as they do". We have never taken any initiative in doing injustice to them, nor are we doing anything now. In fact, by passing this Bill what are we doing? We only say that we will have to do what you are doing. If you are doing good towards our people, we shall certainly do good to yours, but if you

[Mr. Hooseinbhoj A. Lalljee.]

do otherwise, we shall retaliate. We should give encouragement and hope to our countrymen abroad and show that we will, if necessary, be in a position to do something when the occasion arises. I am afraid what is working in the mind of the Honourable the Leader of the House is not the sentiment of his countrymen. Probably he is afraid that the other people will become excited and will threaten not to co-operate with the war. Is that so? We have not given them any provocation. They know you are not in a position or not able to do it. At least you should make your people feel that you will keep up their status on the basis of equality, and let me assure you, our people in India and outside will always stand by you.

Then, Sir, is it that we should show to others all sorts of generosity? We are not now able to do that. It is like if you ask a poor man to give away a lakh of rupees, he will laugh. This is not generosity shown to them. Let them be told that we want to co-operate with them on equal terms, that the war days require that this country, which is far greater in manpower, and in many other respects, could do a lot by having the people together wholeheartedly. There are people, a large number, who are for the defence of the country. In fact, I admit, and I am proud to say, that everybody is prepared to defend this country. Sir, what would be the effect upon the Indian people who have not been soldiers all their life, but recently recruited? What would be the effect on the young Indian officers, whom you are now recruiting, if you were to tell them that they are going to be officered, or that they are going to be under a General who comes from the country where their countrymen are in tears even today? Will it pay? Under these circumstances, I do appeal to the Government to kindly consider this aspect. We are not going to do anything. We are going to prepare ourselves, lest the contingency arises, to take necessary action, and furthermore by doing so we are telling our people this Government is doing its best to give the people equal status not in the eyes of the friendly public but in the eyes of the world at large.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): The question be now 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 the debate on the motion be adjourned till the next Session of the Assembly."

The motion was negatived.

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

"That the Bill to make provisions in regard to entry, residence, the acquisition, holding or disposal of property, franchise, the holding of public office, or the carrying on of any occupation, trade, business or profession in British India by persons domiciled in the British possessions on a basis of reciprocity, be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable Mr. M. S. Anay, Sir F. E. James, Mr. J. Ramsay Scott, Sir Syed Raza Ali, Syed Ghulam Bhir Nairang, Sardar Sant Singh, Mr. Akhil Chandra Datta, Mr. Hooseinbhoj Audulabhai Lalljee, Mr. N. M. Joshi, Mr. Naoroji M. Dumasia, Qazi Muhammad Ahmad Kazmi, Mr. K. C. Neogy, Mr. Lalchand Navalrai, Khan Bahadur Sir Abdul Hamid and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

THE DISSOLUTION OF MUSLIM MARRIAGES (AMENDMENT)
BILL.

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

"That the Bill to amend the Dissolution of Muslim Marriages Act, 1939, for certain purposes, be continued."

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

"That the Bill to amend the Dissolution of Muslim Marriages Act, 1939, for certain purposes, be continued."

The motion was adopted.

THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

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

"That the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes, be continued."

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

"That the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes, be continued."

The motion was adopted.

THE MUSLIM KAZIS BILL.

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

"That the Bill to provide for the appointment of persons to the office of Kazi and for performing and keeping a record of marriages and for the appointment of Tribunals for trying and deciding cases of divorce and dissolution of marriage amongst Muslims, be continued."

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

"That the Bill to provide for the appointment of persons to the office of Kazi and for performing and keeping a record of marriages and for the appointment of Tribunals for trying and deciding cases of divorce and dissolution of marriage amongst Muslims, be continued."

The motion was adopted.

THE INDIAN EVIDENCE (AMENDMENT) BILL.

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

"That the Bill further to amend the Indian Evidence Act, 1872, for certain purposes, be continued."

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

"That the Bill further to amend the Indian Evidence Act, 1872, for certain purposes, be continued."

The motion was adopted.

THE LEGISLATIVE MEMBERS' EXEMPTION BILL.

Mr. Hooseinbhoy A. Lalljee (Bombay Central Division: Muhammadan Rural): Sir, I move for leave to introduce a Bill to confer certain exemptions on members of legislative bodies constituted under the Government of India Act, 1935.

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

"That leave be granted to introduce a Bill to confer certain exemptions on members of legislative bodies constituted under the Government of India Act, 1935."

The motion was adopted.

Mr. Hooseinbhoy A. Lalljee: Sir, I introduce the Bill.

THE ALIGARH MUSLIM UNIVERSITY (AMENDMENT) BILL.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I move for leave to introduce a Bill further to amend the Aligarh Muslim University Act, 1920, for a certain purpose.

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

"That leave be granted to introduce a Bill further to amend the Aligarh Muslim University Act, 1920, for a certain purpose."

The motion was adopted.

Dr. Sir Ziauddin Ahmad: Sir, I introduce the Bill.

THE INDIAN MEDICAL COUNCIL (AMENDMENT) BILL.

Mr. Jamnadas M. Mehta (Bombay Central Division: Non-Muhammadan Rural): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Medical Council Act, 1933.

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

"That leave be granted to introduce a Bill further to amend the Indian Medical Council Act, 1933."

The motion was adopted.

Mr. Jamnadas M. Mehta: Sir, I introduce the Bill.

RESOLUTION RE BAN ON THE KHAKSAR MOVEMENT.

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

"That this Assembly recommends to the Governor General in Council that the ban on the Khaksar movement be lifted and Allama Inayatullah Mashriqi, and all other Khaksars interned under Regulation III of 1818, or the rules made under the Defence of India Act, be immediately released."

Since I gave notice of this Resolution, certain facts have come to my knowledge. I think in fairness to the Government I must state those facts

here briefly, so that we should know what the actual position with reference to Khaksars today is. The first thing I have come to know is that no action was taken by the Government of India against any Khaksar under Regulation III of 1918. That is a matter on which I would like to have authoritative information from the spokesman on behalf of the Government

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Deportation?

Sir Syed Raza Ali: No; I mean action under Regulation III. It need not be deportation, not necessarily. The second fact is that there is no Khaksar who is in incarceration under the rules made under the Defence of India Act by the Government. That is the second fact that has come to my knowledge. I would also welcome information from the Government spokesman on that point. Now, there is a third fact on which too I would like to have information. It is this, that Allama Inayatullah Mashriqi was released some time in the month of January, 1942, from Vellore jail in which he was kept in detention. He has been released and he is at liberty to go anywhere he likes within the Madras Presidency; but his liberty has been restricted and he is not allowed to go anywhere outside the precincts of the Madras Presidency. These are the three facts which have come to my knowledge and I have stated them before this House. I find that notice of an amendment to meet all the three points has been given by my Honourable friend, Maulvi Syed Murtuza Sahib Bahadur. If my information on these points is correct, I believe it will be useful to have that amendment in course of time. I will now come to the main question.

Let me make it clear that this is not a Resolution for which I have made myself responsible individually. This is our Party Resolution and it so happens that I am moving it on behalf of the Party. Our Party attaches considerable importance to this question. I do not think it would be necessary for me to tell this House as to what this movement is or as to who the leader of the movement is. The leader of this movement is a very distinguished individual who had a very eminent academic career, both in India and in England. His name is Mr. Inayatallah and he is generally known by the name of Allama Inayatullah Mashriqi

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): Are you one of his followers?

Sir Syed Raza Ali: Not yet. Sir, I believe the occasion is far too serious for cheap sneers from whatever quarter they may come. I am always here to answer pleasantries but I think there are limits, and on this occasion I would request the House to deal with the matter with that seriousness which the occasion demands.

Mr. Inayatallah took a very high degree in mathematics in India and it is said that he secured very high marks. After that he went to Cambridge—to Christ College—and became a wrangler, and came back and accepted government service and my impression is that he was at the Government of India as Assistant Secretary or Under Secretary about the years 1918 to 1920 in the Department which used to be known as Education and Lands Department. Subsequently, he went to Peshawar and he was principal of a college—he worked in the Frontier Province Educational line. I am told that he was at the Government High School and then he retired. The long and short of it is that he started the Khaksar movement in the year 1931.

Pandit Lakshmi Kanta Maitra (Presidency Division: Non-Muhammadan-Rural): To what province does he belong?

Sir Syed Raza Ali: He comes from the Punjab, his village being five or six miles from Lahore. I think it is called Ichhra—in any case CH is there. As is the case with all those men who have done anything substantial in the shape of service to this world, Allama Mashriqi is a man of a very serious bent of mind. He devoted all his energies to the propagation of this movement. I have a pamphlet in my hand—I believe copies of this have been supplied to a number of Honourable Members,—I do not however want to go into the detailed programme which this movement has set to itself. But let me assure my Honourable friends that the movement is a purely social and spiritual movement. It is not a religious movement. It is open to every Jew, to every Christian, to every Muslim, to every Brahma Samajist, in short to every man who believes in his Creator. It is by no means confined to the Mussalmans.

An Honourable Member: Hindus also.

Sir Syed Raza Ali: Hindhu—yes, anybody who believes in a Creator can join the movement. The movement flourished and people joined the movement in very large numbers. But, unfortunately, Allama Mashriqi crossed the path of certain authorities. We know, Sir, that in the year 1938-39 there was trouble in the United Provinces over what is known as the Sunni-Shia dispute. Allama Mashriqi went there with the sole object of bringing about a settlement between the Sunnis and the Shias. That was a very laudable object, every Mussalman agreed with that object. Unfortunately, in the methods that he adopted to accomplish his object, he crossed the path of the high and mighty Congress Government of the day with the result that he was put in prison. I went to Lucknow and wanted to see Allama Mashriqi and discuss the position with him. But the Congress Government would not let me see him unless I consented to certain humiliating conditions which they imposed upon me, with the result that I refused to abide by those conditions and I never met Allama Mashriqi. But I think it would be ungenerous of me to flog the dead horse, the Congress Government being no more.

Pandit Lakshmi Kanta Maitra: When was he imprisoned?

Sir Syed Raza Ali: That was in 1939 at Lucknow. Subsequently he was released and then, in 1940, a very unfortunate thing happened in Lahore. That was on the 19th March, 1940. The All-India Muslim League was going to meet there on the 22nd March, 1940. On the 19th March the Khaksars marched in a procession through some of the streets of Lahore proper—not Anarkali, but Lahore proper. They came into conflict with the police and used their weapons. The police had to open fire with the result that two policemen and 32 Khaksars were killed on that day and a number of Khaksars as also a few policemen were injured. Out of the policemen who were injured one was Mr. Beatty, Deputy Superintendent of Police, and the other was Mr. Gainsford, the Senior Superintendent of Police and the injuries received by Mr. Beatty were very serious. I paid a visit to the injured Khaksars and the injured police officers and policemen at the Hospital; so did the President of the All-India Muslim League, Mr. Jinnah. We visited all the patients, whether they belonged to the Khaksar party or to the police and we ascertained the extent of their injuries.

Pandit Lakshmi Kanta Maitra: When was this?

Sir Syed Raza Ali: Three days after the Lahore firing. We visited on the 22nd or 23rd March, 1940, the occurrence having taken place on the 19th March. I won't go into the merits of that incident, but this much I can say, I am in deep sympathy with the Khaksars. My Honourable friend had a sneer at my expense, but I must say I deeply sympathise with the Khaksars; but that sympathy cannot make me blind to their weaknesses or their blemishes or the excesses which they might have committed. It seems to me that the unfortunate occurrence which took place on the 19th March, 1940, could have been avoided if the Khaksars had exercised a little more tact and discretion. But we know that when a procession is on its march what can happen. I believe my Honourable friend who interrupted me has some experience of recent processions and the peaceful way in which they conducted themselves! He knows what processions can do whether they march into Marwari quarters, or into Hindu quarters, or into Muhammadan quarters. Processions are generally alike and they behave in a similar manner.

Babu Baijnath Bajoria: Marwari processions are not like that.

Sir Syed Raza Ali: I said, Marwari quarters. It is not given to everybody to go in a procession, for that you have got to have courage.

Babu Baijnath Bajoria: Sir, on a point of order. Marwari processions are not like that.

Sir Syed Raza Ali: I will not repeat what I said before because you cannot make a deaf man hear. So I give up the attempt. Afterwards, what happened was this. I must supplement what I have stated, by saying that on the night of the 19th March, to the best of my recollection, Allama Mashriqi, who happened to be in Delhi, was arrested here. I do not think I need go into other facts in detail. Suffice it to say that it was in the beginning of June, 1940, that the Khaksar movement, as a movement, was declared unlawful by a number of Provincial Governments. Allama Mashriqi was taken to Madras and lodged in Vellore Jail where he remained till January of this year. This is what took place 2½ years ago.

Sir, things are very different today from what they were when the occurrence in Lahore took place. The occurrence in Lahore took place at a time when Germany had not attacked Russia, when Germans had not proceeded as far as the neighbourhood of Moscow or Leningrad, when none of us had heard very prominently the name of Stalingrad. This occurrence took place at a time when Japan was no party to the present world conflagration. Since then all these events have taken place. The position of the world in general is very different to-day from what it was in the third or last week of March, 1940.

Then, Sir, let us see what the position of the Khaksars has been during the last 2½ years. That position has been this, that, whatever they might have done,—and they did try to take out some processions after the Lahore trouble,—but soon after, they came to their senses and no attempt has been made by the Khaksars to give trouble to Government in any province.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member may stop now. The House stands adjourned till Half Past Three of the Clock.

The Assembly then adjourned till Half Past Three of the Clock.

The Assembly re-assembled at Half Past Three of the Clock. Syed Ghulam Bhik Nairang, one of the Panel of Chairmen, in the Chair.

MOTION FOR ADJOURNMENT.

UNSATISFACTORY REPLY OF THE FINANCE MEMBER IN REGARD TO EARLY OPPORTUNITY FOR DISCUSSION OF CERTAIN FINANCIAL ARRANGEMENTS BETWEEN THE BRITISH GOVERNMENT AND THE GOVERNMENT OF INDIA.

Mr. Jammadas M. Mehta: Sir, I move:

"That the Assembly do now adjourn."

Firstly, I wish to say why I thought it necessary to bring this motion at this time of the day when some people are not willing to work in the afternoon for religious reasons. But for the compelling sense of responsibility I would not have even troubled the Finance Member. The events that have happened during the last two months, since the 16th July, and the unsatisfactory discussion on the floor of the House yesterday about the various questions that were put to the Honourable the Finance Member have, as I said, compelled me, much against my will, to bring this motion. As the House is aware, in the middle of July last the Honourable the Finance Member proceeded to England to discuss with the British Government. I take it, the various problems arising out of the settlement about the military expenditure between His Majesty's Government and the Government of India. He returned, I take it, about a month ago. Since then, naturally, speculation is rife as to what was the real purpose of the mission and what has been the real sequel to it? As this country is vitally interested, several Honourable Members took opportunity yesterday to put him some questions. The replies that he was pleased to give will leave no room for doubt that the situation as it emerged is rather unsatisfactory. I asked, for instance.

"May I know from the Honourable the Finance Member whether the principles under which this (*namely, the settlement*) is to be done are settled?"

He replied:

"The principles are guided by the defence expenditure settlement."

This, of course, refers to the settlement referred to in his speech in 1940. Then I asked:

"Did the Honourable Member recently proceed to England to settle this matter or any part of it?"—*He replied*—"Yes, Sir, I proceeded to discuss certain problem arising out of this settlement."—*Then, I asked*—"Could the Honourable Member enlighten the House broadly as to what came out of it?"—*He replied*—"No, Sir. I am answering a question a little later on on this subject. I am afraid, I shall not be in a position yet to make a statement to the House."

Even on the second question to which a reply was to be given, the reply was to be the same, namely, in the negative.

Then the second question came and he said the same thing. I asked him:

"When is the Honourable Member likely to be in a position to inform the House and the country?"—*He replied*—"I cannot say until the Government of India have themselves had to go into these matters,"—*Then I asked*—"Will the Honourable Member advise the Government of India to hold a special Session to discuss the provisional decisions after they had gone into these matters?"

Here, Sir, I pointed out to him the difficulties that I was feeling. I did not want to intrude on the secrets of the Finance Department nor to impede the work, necessarily very onerous and responsible work, which the Honourable the Finance Member is doing. But I gave him an inkling of my mind when I told him that we would like to be taken into confidence at a provisional stage. Then he said:

"There will in any case be a Budget Session."

This was, to my mind, a very unsatisfactory reply. My request to him was:

"Shall we be taken into confidence at a provisional stage before the Government of India had made up their mind?"—*The reply was*—"When the Government have made up their mind; the whole thing was thought out, decided upon, and published as a part of the Budget estimates, then for the first time you shall know."

The Honourable Sir Jeremy Raisman: Sir, the question as I understood it and I have it on record was:

"Will the Honourable Member advise the Government of India to hold a special Session to discuss the eventual decision?"

As far as I am aware, he did not use the word 'provisional' nor did I hear any such thing.

Mr. Jamnadas M. Mehta: It is the eventual decision of the Government of India before it became public. It means that before it became final and went out to the public. You have not now made up your mind. If you had made up your mind, you would have told us. When I was told that they will only be discussed at the time of the Budget, that was not the eventual decision. The eventual decision was the Government of India's decision before it became public. That is the sense in which it should be understood. That is what I meant. But he said:

"There will in any case be a Budget Session."—*Then, I asked him*—"Will it not be too late on this important matter when hundreds of crores of rupees are concerned?"—*He replied*—"I cannot say whether it will be appropriate or whether he will be in a position to announce a decision at an early stage?"

In other words, he says: "I am neither satisfied that it would be proper for me to tell you before the Budget nor will it be possible for me to say even if it was proper". In this way the Honourable the Finance Member put a damper on my zeal for getting to know something to enable me to make up my mind as to how this defence settlement was going to work and how far it had developed.

Thus the position was that the Honourable the Finance Member virtually told us that the Government of India had not made up their mind; that even when they had made up their mind, they won't consider it proper to take us into their confidence; and the only stage when they will take us into their confidence will be not only after they had made up their mind but had published their next Budget, which will be about

[Mr. Jamnadas M. Mehta.]

four months hence. So, we have to wait for five months. Even then we shall be treated as any other man in the street will be treated, only with this difference that we will know it a few hours earlier.

Then I said: "Will you be able to give us time to influence your judgment?" He said: "We are being influenced every day." I said, "how". He replied: "By newspapers."

Now, I say that is a very unsatisfactory position. What I wanted was that the House should be given an early opportunity for an early discussion, and the House's view to be taken thereon, its influence brought to bear on the figures and the facts before final decisions are taken. Of course, Government will have the last word. I am not the man to deny it. But even at that preliminary stage it is a pity that the House should have no opportunity of discussing the matter. I will tell you why? The settlement on which so much emphasis is laid requires India to spend more than about 38 crores on war. That is really the basic figure—36.77 plus one crore. So, as a matter of fact India is really required under that statement to spend 38 crores. But today what is the position? The revised estimates for 1940-41 show that the excess may be in addition to Rs. 3.7 crores, in 1941-42, Rs. 53 crores more, and the Budget estimate of 1942-43 is that the expenditure may be 80 crores after the basic expenditure is taken into account.

Further, Sir, the present information is that India is spending something like 20 crores a month on war expenditure and it comes to 240 crores a year. It may grow more and more every week and if the war lasts a year or two longer, it may grow into wider dimensions. Therefore, I am afraid that in the course of the next two or three years, including what has already been spent, it is likely that India's war expenditure, in addition to the basic expenditure, may bloat up to one thousand crores, a figure which is staggering for a poor country like India. I hope there will be victory and peace tomorrow, but if the war drags on for two or three years more, then I would not be surprised if a thousand crores are required to be spent by this poor country and such a burden will be really crushing. The history of India in this connection in the past has not been happy. In the last war, as much as 370 millions sterling of expenditure was the subject matter of dispute between His Majesty's Government and the Government of India as to the real figure to be allocated between the Government of India and the Government of Britain. In the end we were made to pay a war gift of nearly £120 millions. A loophole exists in the present settlement to which reference is made and this may well land us into an additional burden. This loophole is under Article III of that settlement which says "the cost of such war measures as can be regarded as purely Indian liabilities by reason of their having been undertaken by India in her own interests".

Now, "by India", what is meant? Am I to be consulted? Am I, India? Or, am I not? I am not. By India is meant the Honourable the Finance Member and the Executive Council. Who are these Members of the Executive Council? The other day my Honourable friend, Dr. Ambedkar, said, with regard to this House, that it is a "deceased body". I say this Executive Council, every Member of it is an exhibit of the museum of India's disunity. Instead of being a solid team of Cabinet Ministers carrying on the war to a successful conclusion, each is an exhibit of national disunity, and the museum is complete with the recent

expansion. As I was saying, 'by India' will be meant the Finance Department and the Secretary of State for India and these two will be taken as India. This is the real mischief in the clause. "In her own interests"—who is to decide India's own interests? The Secretary of State and the Finance Member. Then, what is to be decided? Such measures as can be regarded as purely Indian liabilities. Now, Sir, what are purely Indian liabilities? That is also not easy to decide. Who is to decide that? I am told now that the defence of India extends right up to Aden and Egypt and Burma, Malaya—all these are external defences of India.

Mr. Chairman (Syed Ghulam Bhik Nairang): The Honourable Member has exhausted his time limit.

Mr. Jamnadas M. Mehta: Can you not give me one or two minutes more? I am the Mover of the Motion.

Mr. Chairman (Syed Ghulam Bhik Nairang): But the rule is imperative that no speaker shall have more than 15 minutes.

Mr. Jamnadas M. Mehta: In conclusion, Sir, I will only say this. Who is going to be 'India'? Who is going to decide "India's interests" and what are Indian liabilities? We do not know any of these things today. I beg of the Honourable Finance Member to take us into his confidence so that we may be in a position to influence the decisions of the Government.

Mr. Chairman (Syed Ghulam Bhik Nairang): Motion moved:

"That the Assembly do now adjourn."

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): Mr. Chairman, the Honourable the Finance Member while answering questions said that Government had not made up their minds and that therefore he was unable to make a statement. When he was asked whether that meant that the statement that he intended to make would be included in his Budget speech, he said, most probably, yes. Now, Sir, that would mean that this House would only have a chance of considering any modifications that Government may make at the time of the Budget, and, naturally, they would have a chance of expressing their views not only by speaking but by going to the Division Lobby during the Budget Sessions. I think the Honourable Member will admit that not only Honourable Members of this House but the very large public outside interested in India's finances have a right to know what are the nature of the discussions going on between the Government of India and His Majesty's Government in England. The very fact that the Honourable the Finance Member had to fly the other day to England to discuss these matters show that there were some matters of importance worth discussing. Therefore, even at this stage, I think it would allay apprehensions if we could get a definite assurance that there would be no radical changes in the terms of the agreement announced by the Honourable the Finance Member at a Budget Session of this Assembly to which Mr. Jamnadas Mehta has referred. That is the first assurance. If there are to be changes, or if changes are proposed, would he indicate in which terms he is thinking of making changes? If there are to be no changes,

[Sir Cowasji Jehangir.]

then discussions must be taking place on matters of very important routine. My Honourable friend, Mr. Jamnadas Mehta, read out one of the clauses of those terms which is very wide indeed. I admit that we might have asked for explanations with regard to those terms when the Finance Member announced them two years ago or one and a half years ago. But then the expenditure was small compared to what it is today, and what it is likely to be in the near future, and, therefore, that term, which my friend, Mr. Jamnadas Mehta, has read out, becomes very important indeed. It gives a very wide discretion to Government in the adjustment of finances between the Government of India and the United Kingdom. It will be a question of judgment, it will be a question of opinion. Honourable Members on this side may take one view, Government in their wisdom may take another view; both may be right or both may be wrong, but the fact remains that that term is vague when translated into figures. Let me read out that term again:

"India is to bear the cost of such war measures as can be regarded as purely Indian liabilities by reason of their having been undertaken by India in her own interests,"

I think it will be admitted that there is scope for a great difference of opinion as to whether any particular expenditure was a purely Indian liability or not, and especially in the present war with so many nations interested not only in the war itself but in India's war effort. I need not go further than that to particularize or give details of what I mean; I think I am quite clearly understood. That term being vague, it is all the more important that Indian public opinion should know whether the discussions that took place in England between the Finance Member and representatives of His Majesty's Government had something to do with that term No. 3. Of course, there are other terms which can only be decided after the war, such as the question with regard to non-effective charges for pensions and gratuity to be decided between the two Governments. Stores is another term that can only be decided later on. But with regard to this term (3), it is most important that this House should know and the public also should know as to whether discussions are taking place with regard to this term (3) or with regard to something else which cannot be divulged. We are not impatient and it will be foolish to ask the Government to say something on a question on which they have not yet taken a decision, and it will not be equitable on our part to ask for any information which is of a confidential nature, but considering the apprehensions which have been expressed all over the country, I think it is only due to this House that it should be made the medium of communication of such information as the Honourable Member is pleased to give just now. It may be something worth knowing or it may be nothing, but whatever it is let him tell the country about the exact position, and also say whether he will give us an opportunity of considering the proposals, if possible before a definite decision is taken and, if not, at least before we are asked to speak on them and consider them in this House at the Budget Session.

Babu Baijnath Bajoria (Marwari Association: Indian Commerce):
Sir, I think the Honourable the Finance Member should intervene in the debate at this stage so that we may be able to know the Government point of view which will help other Members to speak on the subject.

Pandit Lakshmi Kanta Maitra (Presidency Division: Non-Muhammadan Rural): Mr. Chairman, I stand up to break the conspiracy of silence which the Treasury Benches have entered into.

Sir, I do not really understand in what light the Honourable the Finance Member has taken this motion for adjournment. Yesterday we on this side of the House tried our level best to draw out as much information as we could with regard to a matter which will vitally affect the interests of this country not only for the present but for generations to come. We know, Sir, that in between the Railway Budget and the General Budget we have to handle something like two hundred crores of rupees a year and that burden by itself is staggering to the country and, today, in the name of effective prosecution of the war, the expenditure is mounting up from day to day. Well, we have not stood in the way of the Government in respect of what they required for the effective prosecution of the war, but let it not be made the pretext for bleeding my country white. If, after all, you win this war, we have to live in this world; we have not only to win, but we have to survive and live as a nation to enjoy the benefit of victory. Am I not entitled to know what financial commitments you are making on my behalf and on behalf of my country? Is it not a matter of duty with the Honourable the Finance Member to tell the representatives of the people, who have come here not through any backdoor constituency but through the votes of millions of their countrymen, all about the commitments that he is making on behalf of India? The Members of this House have every right to demand of this Government to tell them what are the financial commitments that are going to be entered into by the Government of India with His Majesty's Government. I put a supplementary question enquiring of the Honourable the Finance Member if an opportunity would be given to this House to express itself on the settlement which according to our information is being entered into behind our back. No hopeful reply was forthcoming. I asked him if we were to understand that we were going to be presented with a *fait accompli* or were going to be asked for *ex-post facto* approval of the decision taken by him. Well, there was the usual quibbling and no straightforward answer was forthcoming.

Sir, I do not understand what the Honourable the Finance Member thinks about us and about the finances of this country. Does he think that India is a milch cow and that he can go on milking it for all times to come? Does he think that we are a perpetual pagoda tree to be shaken by him in any way he likes without giving us an opportunity to know what is he shaking for? It is all very well to tell us that we are in the midst of a war and, therefore, any information given now may be of use to the enemy. That is the convenient bogey which has been trotted out in season and out of season to cover all manner of misdeeds of omission and commission on the part of Treasury Benches: But here is a matter which we cannot lightly pass over if we have to be true to ourselves and to our constituencies. We have read in the papers that uptil now over 386 crores of rupees worth of supplies have been rendered by India in this war. It is all "on account" of India. We are further told that every month we are executing orders to the tune of 20 crores for the same purpose. Yet, when we want to know from you who control the finances of this country why it is that you flew to England, what are the things that passed between you and His Majesty's Government affecting the financial position of this country, we are told that

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[Pandit Lakshmi Kanta Maitra.]

either the Government do not know their mind, or if and when they make up their mind, they will communicate it in such a manner as will leave us no opportunity to express ourselves one way or the other: and all the same we will have to foot the bill. If the terms of settlement are embodied in the Budget proposals next year, in what way shall we get an opportunity to speak on it or express our approval or disapproval of it? The House knows the usual procedure adopted in the discussion of Budget proposals. A general discussion is held on one day; after that cut motions are moved from several Parties; and if we happen to carry any, there is that process of certification to set us right. How then are we getting an opportunity to speak on the settlement that you will be arriving at? After having heard the Honourable the Finance Member yesterday I come to believe that the object of calling this short and early Session is an entirely different one, and not, as my Honourable friend, Sardar Sant Singh, flatters himself, for giving us an early opportunity to discuss the present political situation. It is to deprive this House of a legitimate full normal Session, so that all legitimate opportunities for discussion of vitally important subjects will be taken away and only a few days allowed to the Members to let out a little gas for all the misdeeds perpetrated recently by the mob and the hooligans of the Government; and thereafter in three days' time all manner of Resolutions, Bills, Government business are to be pushed through and then the doors are closed and we are asked to go away leaving the motley crowd called the Treasury Group, talking, smiling and having their way. (Interruption.) Sir, this is an absurd position. This is not a matter for laughter. I have respect for the gentlemen there, but what surprises me most is that like an ostrich they have been burying their heads in the sand and do not see how things are shaping in the country. They fail to see that we are in the beginning of a revolution in the country: the financial condition of India is deplorable; if the financial future of India is at present kept away from us: if it is a sealed book to us now, but ultimately we are confronted with a colossal figure of 700 or 800 crores, which India after the war will have to bear, it will be the culminating point. No machine guns or aeroplanes will then be able to check the revolution already in progress. It is from this point of view that I am asking you not to trifle in this manner with the desire of the representatives of the people to know the financial settlement. I wanted to know, Mr. Chairman, whether the monies that are now being advanced to the European, Anglo-Indian and Anglo-Burman evacuees in this country are paid by His Majesty's Government or by the Government of India. The reply came: "I cannot give you the information."

The Honourable Mr. M. S. Aney (Member for Indians Overseas): The reply was given but the Honourable Member was possibly not in his seat in the House.

Pandit Lakshmi Kanta Maitra: I am sorry I was not present. But . . .

The Honourable Mr. M. S. Aney: The Honourable the Finance Member could not have said anything more than what was said yesterday. The question belonged to my Portfolio.

Pandit Lakshmi Kanta Maitra: I addressed the Finance Member. I could not know who was the proper person. There is so much confusion about these matters at present that it is not easy for an ordinary person

like myself with limited intelligence to understand who is the Honourable Member actually answerable for these matters. I wanted to know whether it was His Majesty's Government that was advancing the money or the Indian Exchequer, to these evacuees—Anglo-Indians, Europeans and Anglo-Burmans. I could not get a satisfactory answer. At every turn there was dodging.

The Honourable Sir Jeremy Raisman: I pointed out to the Honourable Member that without reference I could not at that moment verify the exact position. Surely, the Honourable Member does not expect me to carry every detail of such arrangement in my head?

Pandit Lakshmi Kanta Maitra: The Honourable the Finance Member has explained that he could not give the information offhand as it was not possible for him to carry all things in his head. Is this question, which is of so recent origin and has been actively engaging the attention of all people in this country,—the question as to the source from which money is being lavishly advanced to non-Indians is such as can not be answered straightaway now?

The Honourable Mr. M. S. Aney: May I again remind my Honourable friend that the reply given to a question asked by Mr. Lalchand Navalrai, a Member of the Party to which my Honourable friend belongs, gives a complete answer to all the points raised.

Pandit Lakshmi Kanta Maitra: Sir, I am afraid a lot of my time has already been taken away by these cross-fires from the Leader of the House and the Finance Member. But my whole point is that we are greatly anxious to know what financial adjustments have been made behind our backs and what are the financial commitments which we will be called upon to ratify. In this we have been hauled of our right by all manner of excuses. Sir, I submit to the House that this is an intolerable state of things. Government may now wind up this Legislative Assembly if they think that it of no use to them. If, on the other hand, they have any respect for this House, as the Honourable the Leader of the House the other day had been at considerable pains to show that they had, if all these professions are true, and if they really reflect the mind of the Government of India, I do tell them, even I would beseech them to be honest and to let us know as early as possible what bill we shall have to foot for this war. Sir, from time to time we have been told

Mr. Chairman (Syed Ghulam Bhik Nairang): The Honourable Member's time is up.

Pandit Lakshmi Kanta Maitra: Mr. Chairman, I had been subjected to a lot of interruptions. Anyway, Sir, I will not break the rule. I will again ask the Honourable the Finance Member to give a straightforward answer today, as to whether or not he is prepared to give the House a full opportunity for discussing the proposed financial settlement with which he wants to harness the country. We do not want to be presented with *fait accompli*. We want an opportunity to speak our minds.

The Honourable Sir Jeremy Raisman: Sir, I feel that the House is really, whilst jealous of its own rights, doing less than justice to what must be regarded as the rights of any Government. After all, as the

[Sir Jeremy Raisman.]

House is aware, it is not very long since I returned from England. The House is also aware that the Government have been preoccupied with matters of great urgency during the period since my return, and that practically the whole of last week all the Members of Government were busily engaged in attending to the business of this House. If immediately on my return from England, a long statement had been put out of all the matters which had been under discussion it would undoubtedly have been said that this so-called Government had not even applied its mind to the question, that they had been faced with a *fait accompli*, exactly as my Honourable friend suggests this House will be faced, and that the working of this Government was a farce, that the Government, even as now constituted, had no influence whatever on the main financial questions with which the country is concerned. Now, it has happened on the other hand that the Government has required some time to consider the subject-matter for itself, and I must say that it is somewhat surprising to me that the House should, in effect, have taken the attitude that our curiosity must be satisfied at the earliest possible date, whether or not the Government has had time to consider these matters for itself. (*Honourable Members*: No, no.) That seems to be the tenor of many of the remarks of at any rate the last speaker. But I would like to remove misunderstandings. I had hoped this morning to be able, if I received the indulgence of the Chair, to avoid the necessity for this discussion this afternoon, by explaining the position of the Government at this moment.

I was saying that as all Honourable Members were aware the developments in the war situation since the last Budget was presented have resulted in a great intensification of the measures taken for the defence of India. To take the most obvious example, there has been an enormous increase in the strength of the air forces stationed in this country. Our anti-aircraft defences have also been greatly strengthened. It is clear that even within the terms of the existing financial settlement certain questions may arise regarding the share which may fairly be allocated to India of the cost of measures which are indubitably directed to the defence of Indian territory and which at the same time cover a wider objective. Problems of this nature have arisen under the settlement from an early stage and have been dealt with in accordance with well-defined principles. And here I would traverse some of the remarks made by my Honourable friend, Sir Cowasji Jehangir, about the vagueness of the description of India's liabilities. The principles under which the liability of India is determined are perfectly clear and well understood; they are capable of being applied in audit; they are audited by the Auditor General on behalf of India and by the Controller and Auditor General on behalf of the other party, the United Kingdom; they are clearly set out in the Appropriation Accounts and placed before the Public Accounts Committee, first of this country, and then of the United Kingdom. There is no question of its being a vague or mystical formula. It is a category which is quite clearly understood and, in practice, I myself have constantly referred to that type of measure in this House as measures for the local defence of India; and I claim that there can be very little doubt as to what is meant by a measure for the local defence of India. It is obvious that a measure of that type is judged by reference to the geographical criterion, namely, by reference to the geographical boundaries of India. Therefore, when my Honourable friend, Mr. Jaminadas Mehta,

talks as though further liabilities might be imported into this category—from Aden, from Egypt, from Burma and so on—he is erring from what is clearly the meaning of this class of liability

Sir Cowasji Jehangir: In item 3 there is no mention of local defence. The Honourable Member has certainly mentioned that in his speech. We are talking of the future, not of the past.

The Honourable Sir Jeremy Raisman: In the working of this settlement it has always been understood on behalf of India that the measures falling within that category were measures for the local defence of India

Sir Cowasji Jehangir: For the future?

The Honourable Sir Jeremy Raisman: It was always so interpreted, and I may say that there is no question of widening the interpretation of that clause. The difficulty arises from this fact: The war on behalf of India, the local defence of India, cannot be a part of the War which is waged in complete isolation from every other sphere of War activity. To take a very familiar example near home, the cost of General Headquarters, India, might be regarded *prima facie* as a measure for the local defence of India. But since the organisation of General Headquarters, India, also at times deals with matters which go beyond the geographical frontiers of India, it has been agreed that the cost of General Headquarters is a joint measure and that, therefore, His Majesty's Government must pay a part of it, and since there is no simple way of allocating that part, it has been decided that it should be divided fifty-fifty. I merely give that as an example to show what is meant by a joint measure which phrase has been frequently used, which has been referred to in the Budget speech of 1940-41 and has also been used in the appropriation accounts. It is in relation to Indian war measures also that a body of case law has grown up which the two Auditors General concerned have been able to use to guide them in dealing with allocations of expenditure between the two Governments

Sir Cowasji Jehangir: May I point out to the Honourable Member that the only answer that I personally require is that the policy will not be changed in the future, due to the discussions he has had in England? That is the main question, that the policy will not be changed: is that so?

The Honourable Sir Jeremy Raisman: I was about to deal with that very point. I had to deal with that because a certain amount of what I may call prejudice was imported by the description of this class of India's defence liabilities, and I wanted to make it clear

Mr. Jamnadas M. Mehta: It is not prejudice: it is the fear and anxiety.

The Honourable Sir Jeremy Raisman: Well, fear and anxiety. I was saying that decisions of this character, namely, in regard to problems of this nature, largely determine the amount of India's defence estimates. The war for the defence of India is a part of the war generally. The House

[Sir Jeremy Raisman.]

will, I trust, realise that it is hardly possible for questions relating to the amount of that expenditure to be discussed except in relation to the total picture which is presented in a budget speech. It was not the intention of the Government to present a supplementary budget in the course of this year, and, therefore, the occasion for a review of India's defence expenditure would not arise until the next regular Budget Session. Now, on the other hand, a different type of question may also arise, namely, whether any liability should be accepted which goes beyond the principles of the existing financial settlement, for example, if India were being asked to defray part of the cost of operations beyond her frontiers—that is the point, to which my Honourable friend, Mr. Jamnadas Mehta, referred—if the Government were contemplating the acceptance of any liability of this nature, then there would undoubtedly be ground for consideration whether the question of principle was not one on which this House was entitled to have an opportunity to express its views before any commitments were undertaken. The discussion of such a matter of principle might well take place apart from the actual Budget debate. I think I have made clear the difference between these two types of questions which might arise. Sir Cowasji Jehangir raised another point, namely, whether Government would put out a statement of the position before the presentation of the Budget in order to give Members time to consider its implications before the general Budget discussion. This is a point which, as I indicated yesterday, will receive the careful consideration of the Government.

To sum up, the point at issue really depends upon the nature of the decisions which Government may have to take. Clearly, if Government were to take decisions which did not involve what my Honourable friend, Sir Cowasji Jehangir, calls a departure of principle, then the position would be entirely different from the situation if Government were contemplating the acceptance of a new type of liability or of a liability which went beyond the principles of the existing financial settlement. I hope I have made the position clear and that the House will agree that Government's position in this matter is entirely reasonable and has full regard for the rights of the House in matters of this kind.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadian Urban): This House has always been jealous of its own privileges

An Honourable Member: Privileges or rights?

Dr. P. N. Banerjee: but at the present moment it is evident that the Members of the Government are not prepared to accord its rights and privileges as they have done in the past. This House may be diseased, but the Members of the Executive Council

Maulana Zafar Ali Khan (East Central Punjab: Muhammadian): Let the physician heal himself.

Dr. P. N. Banerjee: but the Members of the Executive Council have no right to treat this House with contempt or with insult.

An Honourable Member: They never do.

Dr. P. N. Banerjee: The Honourable the Finance Member said that, while this House should be jealous of its privileges, it should also concede the rights of the Government. From this side of the House no insult was ever suggested even towards the Members of the Government and no curtailment of their rights was ever contemplated.

Sir F. E. James (Madras: European): They may be called hooligans!

Dr. P. N. Banerjee: Apart from the question of rights and privileges, we have to consider the importance of the matter at issue. Now, this matter of financial agreement between Great Britain and India with regard to the war expenditure, it will be admitted, is a matter of the greatest importance to India, and therefore when questions were asked from this side of the House it was naturally expected that the Finance Member would give a straight and sympathetic reply. Unfortunately, such a reply was not forthcoming. Questions were repeated by several Members but the Finance Member's reply was either evasive or of a nature which did not satisfy us.

Now, there are some points which my Honourable friend, the Deputy Leader of this Party, has raised. What are the commitments to which the Finance Member agreed during his recent visit to Europe? Have there been any alterations in the principles of the existing agreement? Have there been any alterations in the interpretation of the principles of the agreement, and what is the total expenditure which the country will be called upon to incur? All these are very important matters, and in view of the fact, as was pointed out by my Honourable friend, that during the last war India was saddled with a very huge burden, the matter assumes special importance at the present moment. I suggested to the Honourable the Finance Member that, if he was not prepared with a statement immediately, he might fix another day. He might fix a day some months hence, but we should not be faced with a *fait accompli*. We must be able to know what the facts are, and how the situation stands with regard to India's responsibility for the conduct of the war, and before a final decision is taken we ought to have an opportunity to discuss this whole matter. That is our view, and the Honourable the Finance Member has not been able to satisfy us with proper assurances. Will he at the present moment give us a satisfactory reply? In the speech which he has just made he has been rather vague and indefinite. He has not told us whether another Session will be held before the Budget Session in the course of which we shall get an opportunity to discuss this very important matter, nor has he told us whether any facts would be placed before us before he makes his financial statement in this House on the last day of February next. These matters are matters of great consequence to this country, and this country, as the Members of the Executive Council are perhaps aware, is a poor country, and for a poor country to be saddled with a huge burden is a very serious thing. That is why apprehensions have arisen in the minds of the Opposition as regards the financial commitments. I hope Government will take this matter seriously and will not try to pour contempt on this side of the House once again, but give us a definite assurance that the points which have been raised by my Honourable friend and other Members of this House will be taken into consideration and will be given effect to. The Finance Member did not make, I believe, a final speech. Under the rules he is entitled to speak again after the reply and I would request him to be more definite, more precise, with regard to what he contemplates to do in future.

Babu Baijnath Bajoria: This question of financing the expenses incurred for war is a very important one and for a country like India to meet all the expenses that are being incurred in this country is an impossible task. The very fact that the Honourable the Finance Member, at this critical stage, flew to England and has come back after discussing the financial settlement with His Majesty's Government gives rise to apprehension in our minds that there has been some disturbance of the *status quo*. All we wanted to know from him was in what way the financial settlement which exists at present has been disturbed. Unfortunately, even in today's speech, the Finance Member could not be drawn out. All he has said is that Government require time to consider the matter. We are prepared to give him time. I make a suggestion to him and that is that right at the beginning of the next Session, he should bring up a Resolution for discussion in this House on the Government's decision and he should give us an opportunity of discussing those proposals before a final decision is taken and those proposals are incorporated in his Budget proposals. That will satisfy this House. Government have already decided that it is not possible to have another Session of the Legislature before the Budget Session.

An Honourable Member: We are not prepared to accept that.

Babu Baijnath Bajoria: If a special Session is called for that purpose, I will be more satisfied but if it is not possible, then the only course left is to have a Resolution at the beginning of February and before the final Budget proposals are made at the end of February. There will be one month's time and Government may be influenced by our decision. The Finance Member has referred to the Appropriation Accounts which will be placed before the Public Accounts Committee. That is a *post mortem* examination.

The Honourable Sir Jeremy Raisman: The point was that the principles involved in these matters are just the same. I was merely emphasizing the principles of allocation and they apply not merely retrospectively but also now.

Babu Baijnath Bajoria: The thing is this. The post mortem examination of the Public Accounts Committee comes long after expenditure is incurred. It has got no bearing on the subject on which we are speaking at the present moment. The apprehension in our mind is that when a settlement is going to be made between the Government of India and His Majesty's Government it is not between two equal parties. One party is superior to the other and we are afraid that the will of His Majesty's Government will be forced upon the Indian Government and the Finance Member will be in a helpless position. That is why we are afraid that the new financial settlement will be to our disadvantage. The expenditure now incurred is not only for the defence of India. India is the base for the United Nations, to help China, the Far East and the Middle East. This expenditure should not be debited to India's account and, I think, under the present settlement they are not debited. So, what I suggest is that the Government of India should give us an opportunity of expressing

our views before any new arrangement is finally decided upon. With these words, I support the motion.

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

Pandit Lakshmi Kanta Maitra: May I ask the Honourable the Finance Member one question? If the Government of India decide, as they will do very soon, on an attack on or reconquest of Burma, Malaya and Singapore, will all that expenditure or a portion of it be treated as expenditure incurred for the defence of India?

The Honourable Sir Jeremy Raisman: If the Honourable Member had followed my reply, he would have realised that what I was saying was that before the Government of India commit themselves to any liability of this kind they would consider that that was a matter on which this House should have an opportunity of expressing its views.

Mr. Jamnadas M. Mehta: I am sorry to say that while the tone of the Honourable the Finance Member's speech was courteous, he was far too cautious and it has become as difficult to get any commitment from him in this matter as it is difficult for a child to cut its teeth. Cutting teeth is so painful to the child. So is the eliciting of any information from the Honourable the Finance Member. He spent part of his time in saying: 'Oh, I have only just come from England. There is this mob violence in the country and there are you, Gentlemen. All my time is thus occupied since I came here and you want me to be ready with an explicit answer on a question of such vital importance.' I want to assure my friend that we are in no hurry. We are not asking him for information here and now. Take your own time. Take weeks. Take months—one month or two months or call a special Session. Give us as much information as you can, without helping the enemy. Let it be of some help to your friends. You are treating friends and enemies alike. Your statement that you are being hurried or hustled is not correct. We are quite prepared to give you two months more time, if you so require. You can call a special Session later for four days. There will be no *Ramzan* fast then and in those four days you will be able to reach decision affecting the well-being and interest of 400 millions of people in this country. I assure the Finance Member that if he only agrees that we, the representatives of the people, are interested in and entitled to be consulted about the war commitments of this country which might extend to thousands of crores of rupees before we are finally and irrevocably committed; we are then quite prepared to wait for a period of two months.

Then, Sir, he admitted that Article 3 of the agreement of the settlement was capable of expansion out of all recognition. He has not been able to give a categorical list of what under Article 3 of the Agreement will be included. It is vague, as I said. It is vague as to the parties; it is vague as to the matters to be dealt with and it is vague as to the scope.

The Honourable Sir Jeremy Raisman: It is only vague because I cannot foretell the course of the war.

Mr. Jamnadas M. Mehta: You do not say what India is. In that Article 3 the Government do not tell us what India is. What a war measure is. What India's own interests are.

The Honourable Sir Jeremy Raisman: India is defined in the General Clauses Act.

Mr. Jamnadas M. Mehta: What are its interests? I think it is an evasion. I have great sympathy with the predicament in which the Finance Member finds himself at such a critical period, but there is no reason why he should go to the General Clauses Act: come to the particular Act. What is India? What are her war measures? What are her interests? If you cannot do it, you cannot satisfy the House.

Then, we were told about the great part which auditors play. Don't we know the auditors? They are very amiable persons, learned persons, technical persons, but they come in only after the mischief is done. What can they do? The policy is of the sovereign power and not of the auditor. The auditor is a servant who examines whether the policy has been carried out. If the policy is not decided by this House, how can the auditors help us?

Then, my Honourable friend told me that I was under an error. I will always be willing to admit an error when it is pointed out to me. I refer him to his speech of 1941 where he has himself stated:

"Whenever circumstances should make it necessary to employ the whole or any portion of India's external defence forces outside Indian limits in the discharge of India's joint responsibility for her external defences, India should accept some share of cost of doing so."

Now, what is this joint responsibility? What is the external defence? What is the external army? How far these three elements will add to the burden? That is what I wanted to know. But my friend told me that I was wrong in referring to them. It is in his own speech of 1941 where he clearly stated external defence, joint interests and also the countries outside India. Therefore, it is not correct to say, as my Honourable friend himself said, that the settlement applied only to local defence.

The last thing that I wish to say is that even supposing the principles of the settlement are carried out to the letter, India may be able to bear it if the expense is a hundred crores. But if it expands into thousands of crores, even though you keep to the letter and the spirit of the settlement, the capacity of India might long have been outstripped. We, therefore, also want to know the extreme limit of the liability which even under these clauses India may be called upon to bear. These things he has not been able to explain. On these points he is unwilling to commit himself. I want to know, therefore, whether within the limits I have submitted and before the Government make up their mind, the Government are prepared to give us an opportunity of knowing as clearly as possible under the circumstances what are likely to be the commitments of India so far and hereafter? On what principle they will be committed? How far India will be called upon to bear within her limited resources even the burden according to those principles? These cannot be settled by means of a statement like this: they will not be settled by any suspicion of our intentions. I assure my Honourable friend that we are willing to deal with him in the same spirit in which he deals with us.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That the Assembly do now adjourn."

The Assembly divided:

AYES—19.

Abdul Ghani, Maulvi Muhammad.
Bajoria, Babu Baijnath.
Banerjee, Dr. P. N.
Chattopadhyaya, Mr. Amarendra Nath.
Dam, Mr. Ananga Mohan.
Das, Pandit Nilkantha.
Deshmukh, Mr. Govind V.
Essak Sait, Mr. H. A. Sathar H.
Habibur Rahman, Dr.

Ismail Khan, Haji Chaudhury Muhammad.
Lalchand Navalrai, Mr.
Maitra, Pandia, Lakshmi Kanta.
Mehta, Mr. Jannadas M.
Muhammad Ahmad Kazmi, Qazi.
Murtuza Sahib Bahadur, Maulvi Syed.
Neogy, Mr. K. C.
Raza Ali, Sir Syed.
Sant Singh, Sardar.
Zafar Ali Khan, Maulana.

NOES—41.

Abdul Hamid, Khan, Bahadur Sir.
Ahmad Nawaz Khan, Major Nawab Sir.
Aiyar, Mr. T. S. Sankara.
Ambedkar, The Honourable Dr. B. R.
Aney, The Honourable Mr. M. S.
Anthony, Mr. F. R.
Benthall, The Honourable Sir Edward.
Bewoor, Sir Gurunath.
Caroe, Mr. O. K.
Chapman-Mortimer, Mr. T.
Dalal, Dr. Sir Ratanji Dinshaw.
Dumasia, Mr. N. M.
Ghiasuddin, Mr. M.
Griffiths, Mr. P. J.
Gwilt, Mr. E. L. C.
Haidar, Khan Bahadur Shamsud-Din.
Imam, Mr. Saiyid Haider.
Ismail Ali Khan, Kunwar Hajee.
James, Sir F. E.
Jawahar Singh, Sardar Bahadur Sardar, Sir.

Jehangir, Sir Cowasji.
Kamaluddin Ahmed, Shamsul-Ulema.
Kushalpal Singh, Raja Bahadur.
Lawson, Mr. C. P.
Miller, Mr. C. C.
Mody, the Honourable Sir Homi.
Noon, The Honourable Malik Sir Feroz Khan.
Pillay, Mr. T. S. S.
Raisman, The Honourable Sir Jeremy.
Raper, Sir Hugh.
Richardson, Sir Henry.
Sarker, The Honourable Mr. N. R.
Sivraj, Rao Bahadur N.
Spence, Sir George.
Stokes, Mr. H. G.
Sultan Ahmed, The Honourable Sir.
Thakur Singh, Captain.
Thapar Mr. P. N.
Tottenham, Sir Richard.
Trivedi, Mr. C. M.
Tyson, Mr. J. D.

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 28rd September, 1942.