

Tuesday, 18th November, 1941

THE COUNCIL OF STATE DEBATES

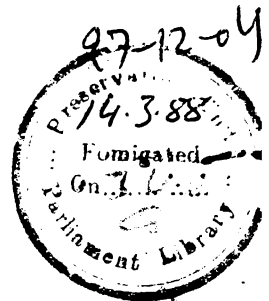
VOLUME II, 1941

(10th November to 22nd November, 1941)

TENTH SESSION

OF THE

FOURTH COUNCIL OF STATE, 1941



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111 Council House in New
CORRIGENDA.

In the Council of State Debates,
1941, Vol. II,—

(1) On page 4, in the top line,—
for " India " read " Indian ";

(2) On page 136, in line 3 from the
top,—
for " one is at " read " that is,
with ".

(3) On page 142, in line 5,—

delete the words " at the time ";

(4) On page 147, in line 4,—

for " I lay a statement on the
table " read " A statement
has been laid on the
table ".

COUNCIL OF STATE.

Tuesday, 18th November, 1941.

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable the President in the Chair.

QUESTIONS AND ANSWERS.

FRENCH POSSESSIONS IN INDIA.

131. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : Will Government state whether the French Possessions in India are regarded as enemy territory, or neutral or allied territory, *vis-a-vis* British India, and their nationals ?

THE RIGHT HONOURABLE SIR AKBAR HYDARI : The French Establishments in India have declared for Free France and are therefore to be regarded as *de facto* allied territory.

INTERRUPTION TO THE NORMAL CHANNELS OF TRADE *via* THE SUTLEJ AND ALMORA ROUTES BY BANDITS.

132. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : Is it a fact that the trade between India and Tibet is at present greatly hampered by bandits from Yarkand, who, with the advent of cold weather, are expected to cross the Lipu-Lekh Pass and enter the Byas Valley about Almora district ? If so, what steps, if any, have been taken in this connection ?

THE RIGHT HONOURABLE SIR AKBAR HYDARI : A large band of Kazak nomads, who had migrated to Western Tibet where they had been for some months, have now entered Hanle district of Kashmir State territory, where they have been disarmed. The question of their expulsion is being considered, but there are difficulties owing to the advent of winter. They have not entered British India and it is not anticipated that they will do so. Their depredations while they were in Western Tibet caused some interruption to the normal channels of trade *via* the Sutlej and Almora routes.

PROJECT TO ESTABLISH AN AUTOMOBILE FACTORY IN BANGALORE.

133. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : Are Government aware of the reasons which led to the abandonment of the project to establish an automobile factory in Bangalore ? If so, will Government make a statement indicating the part which they had in this matter ?

THE HONOURABLE SIR ALAN LLOYD : *One.*—The Government have no information beyond what has appeared in the newspapers.

Two.—When the Mysore Government consulted the Government of India on the question whether the proposed venture would be a contribution to the country's war effort, the attention of that Government was drawn to the Press

Communiqué on the subject issued by the Department of Commerce on the 16th December, 1940, it being left to them to reach their own decision on the proposals put before them in the light of all the facts.

INDO-BURMA IMMIGRATION AGREEMENT.

134. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : (a) Will Government state from what date the Indo-Burma Immigration Agreement came into force, and what was the reason for prohibiting a large number of labouring men from proceeding to Burma from the 21st July, 1941? And why sufficient time was not given before bringing the said Agreement into operation?

(b) Have Government taken legal opinion to satisfy themselves that at least some of the main provisions of the Agreement in question are not *ultra vires* of the Government of Burma Act, and are not in accordance with the assurances and pledges given in connection therewith?

(c) Will Government state why Indians have been subjected to more rigorous restrictions than even the Britishers, with respect to the right of entry and re-entry into Burma, and carrying on trade, business, profession, or engaged in occupation, service, etc.?

(d) What is the approximate number of Indians in Burma; and were the Governments of Madras, Orissa, Bengal and other provinces concerned consulted and ~~was~~ their approval obtained before the conclusion of the Agreement? If not, why not?

(e) Is it a fact that the Bengal Legislative Council and the Bengal Legislative Assembly, have passed Resolutions strongly condemning the Agreement and that the other Provinces concerned have no Ministries and Legislatures functioning?

(f) Do Government propose to take any steps to have the terms of the Agreement radically modified, so as to restore and safeguard the legitimate rights and interests of the Indians concerned?

THE HONOURABLE MR. G. S. BOZMAN : (a) The Agreement has not yet come into force except that emigration of unskilled labour to Burma was banned in order to fulfil the undertaking given by the Government of India in clause 24 of the Agreement. The effect of giving long notice might well have been to defeat the object of the clause.

(b) Government have taken legal opinion where any question has been raised whether a provision in the Agreement is *ultra vires* of the Government of Burma Act, 1935.

(c) I would refer the Honourable Member to section 44 of the Government of Burma Act, 1935.

(d) According to the Census of 1931, the Indian population of Burma is 1,017,825. The Governments of Bengal, Madras and Orissa were not officially consulted before the Agreement was ratified; but, as I stated yesterday in the course of my reply to question No. 85, the Standing Emigration Committee consisting of Members of both Houses of the Legislature was consulted.

(e) Yes.

(f) The attention of the Honourable Member is invited to the reply given by me yesterday to part (f) of his question No. 85.

REFORMS COMMISSIONER.

135. **THE HONOURABLE RAJA YUVERAJ DUTTA SINGH :** Is there any truth in the report that Mr. Hodson, Reforms Commissioner, of the Central Government has been secretly canvassing support for an irremovable executive, functional representation, and 50 : 50 division of seats in the legislatures and cabinets between Muslims and non-Muslims ?

THE RIGHT HONOURABLE SIR AKBAR HYDARI (Leader of the House) : No, Sir.

THE HONOURABLE MR. P. N. SAPRU : Is it a fact, Sir, that Mr. Hodson is regarded as a sort of envoy extraordinary of Mr. Amery in this country ?

THE RIGHT HONOURABLE SIR AKBAR HYDARI : I have nothing to add to what I have already said.

THE HONOURABLE MR. P. N. SAPRU : Why has Mr. Hodson been visiting various places in the country and why has he been getting into touch with non-officials ?

THE RIGHT HONOURABLE SIR AKBAR HYDARI : In reply to a previous question, Sir, I have already said what the duties of Mr. Hodson were—in order to collect factual material.

THE HONOURABLE MR. P. N. SAPRU : Was it usual for his predecessor, Mr. Lewis, also to visit various places, get into touch with various public men, and canvass for their views ?

THE HONOURABLE THE PRESIDENT : That does not arise out of this question.

JOINT PUBLIC SERVICE COMMISSION FOR BIHAR, ETC.

136. **THE HONOURABLE RAJA YUVERAJ DUTTA SINGH :** (a) Is it a fact that a joint Public Services Commission for Bihar, Orissa and the Central Provinces has been constituted ? If so, who are the members representing the three provinces since its constitution ?

(b) Will Government state the amount of financial contribution made by each province since the establishment of the Commission ?

THE HONOURABLE MR. E. CONRAN-SMITH : (a) and (b). A Joint Public Service Commission has been in existence since 1937. Appointments to this Commission are made by the Governors of the Provinces concerned in exercise of their discretion and the amount of financial contribution is fixed by mutual agreement between the Provincial Governments. The Government of India cannot answer questions about these matters.

NUMBER OF STUDENTS UNDERGOING TRAINING AT ALL-INDIA RADIO.

137. **THE HONOURABLE RAJA YUVERAJ DUTTA SINGH :** (a) Is it a fact that a certain number of science students from various universities are or were under training in the All-India Radio in Delhi ? If so, how many students from different universities are under training ?

(b) Is there any scheme of having a radio station for every linguistic area in the country? If so, what is in brief the exact nature of the scheme, and what are the linguistic areas proposed?

THE RIGHT HONOURABLE SIR AKBAR HYDARI: (a) Yes. Seven; one each from the Punjab, Mysore, Madras, Agra, Benares, Dacca and Osmania universities.

(b) No. Arrangements are, however, in hand for raising the power of the existing station at Peshawar and for opening new stations at Patna and Karachi.

ADVERTISEMENT FOR EUROPEAN AND ANGLO-INDIAN NURSES BY THE
E. I. R.

138. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH: Has the attention of Government been drawn to an advertisement published in the *Amrita Bazar Patrika*, dated the 25th April, 1941 (Dak edition) inviting applications for the posts of "European or Anglo-Indian nurses" the applications to be submitted to the Deputy General Manager (Personal), E. I. R., 105, Clive Street, Calcutta. How many posts of nurses have been filled up in response to this advertisement, and what are the reasons for this racial discrimination?

THE HONOURABLE MR. S. N. ROY: The answer to the first part is in the affirmative. Two such posts have been filled; these posts were reserved for the community in accordance with the orders of Government regarding the representation of minority communities in Government services.

THE HONOURABLE MR. P. N. SAPRU: What is the proportion of Anglo-Indian nurses and Indian nurses in the Railway hospitals?

THE HONOURABLE MR. S. N. ROY: I am sorry I have not got the information. I must have notice of the question.

JASIDIH-BAIDYANATH DHAM BRANCH, E. I. R.

139. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH: (a) Is there any truth in the report that the Jasidih-Baidyanath Dham (Deoghar) branch of the E. I. R. will shortly be dismantled? If so, are Government aware that the dismantling of this three mile section is likely to be misunderstood and misinterpreted by the large number of Hindu pilgrims who visit this important place of pilgrimage almost all the year round?

(b) Are Government aware that at Baidyanath Dham railway station (E. I. R.) there is only one waiting room provided for the 1st, 2nd and Inter class gentlemen and there is no water pipe in the bath room and that this results in great inconvenience and trouble to the passengers concerned? Do Government propose to take steps to remedy this state of affairs?

THE HONOURABLE MR. S. N. ROY: (a) There is no proposal to dismantle this line.

(b) Government are aware that there is only one combined waiting room at Baidyanath Dham railway station for 1st, 2nd and Inter class male passengers but have had no complaints regarding the absence of a water pipe. Such matters lie within the competence of the General Manager, to whom a copy of this question and answer will be sent.

TRAINING OF INDIANS IN GLIDING.

140. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH: Will Government state what assistance financial or otherwise has been given by Government to the scheme of "Gliding" in this country? Has any centre been opened for giving gliding lessons to Indian students? If so, where has this centre been opened, and how many Indian students are there under training?

THE HONOURABLE MR. S. N. ROY: The Government of India have sanctioned a capital grant of Rs. 37,000 and a recurring grant not exceeding Rs. 40,000 per annum for two years to the Indian Gliding Association, Bombay, full details of which will be found at pages 6-8 of the Proceedings of the Meeting of the Standing Finance Committee held on the 8th September, 1941 (Volume XVIII, No. 1). The Association have obtained a site near Poona which is being organised as a training centre. Some instruction has been given and a number of potential pupils has been listed, but regular gliding operations and training of pupils cannot start until additional training gliders are delivered.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: What is the number of pupils enlisted so far?

THE HONOURABLE MR. S. N. ROY: I understand 500.

NOMINATION OF PAYMASTERS BY STATE-MANAGED RAILWAYS.

141. THE HONOURABLE MR. P. N. SAPRU: Will Government lay on the table of the House—

(a) The notifications nominating persons to be employers responsible for the payment under clause (c) of section 3 of the Payment of Wages Act of 1936 by the A. B. R., E. B. R., E. I. R., B., B. & C. I. R., G. I. P. R. and N. W. R. Administrations stating the areas to which they are nominated?

(b) The notifications appointing the authority under clause (1) of section 15 of the Payment of Wages Act of 1936 for the areas on those Railways? and

(c) The notifications prescribing the fees and the rules under section 26 of the Payment of Wages Act of 1936 by the Central and the Provincial Governments, respectively, for the areas on those Railways?

THE HONOURABLE MALIK SIR FIROZ KHAN NOON: (a) Under section 3. (c) of the Payment of Wages Act, 1936, the paymasters are nominated by the Railway Administrations concerned. The number of paymasters on each railway is given in Appendix II to the Annual Report of the Conciliation Officer (Railways) and Supervisor of Railway Labour on the working of the Payment of Wages Act, 1936, on Railways during 1939-40, copies of which have been placed in the Library of the House. The Government of India have not issued any notifications in this respect. I am, however, prepared to get the information asked for by the Honourable Member collected if he so desires.

(b) A copy of the Notification No. L-3070, dated the 24th February, 1937, is placed on the table.

(c) The Central Government have issued the following notifications, copies of which have been placed in the Library of the House :—

- (i) No. L-3075, dated the 24th February, 1937 [Payment of Wages (Procedure) Rules, 1937] ;
- (ii) No. L-3070 (1), dated the 5th May, 1938 [Payment of Wages (Federal Railways) Rules, 1938] ; and
- (iii) No. L-3070 (2), dated the 5th May, 1938 [Payment of Wages (Federal Railways) Rules, 1938, as applicable to Berar].

Copies of Provincial notifications are being obtained and will be placed in the Library of the House in due course.

DISPOSAL OF REPRESENTATIONS, APPEALS, ETC., OF SUBORDINATE RAILWAY EMPLOYEES.

142. THE HONOURABLE MR. P. N. SAPRU : (a) Is it a fact that the non-gazetted subordinate railway employees are not debarred from making representations to higher authorities through the proper channel ?

(b) Is it a fact that representations are never forwarded to higher authorities by the Divisional Superintendents as no appeal lies to the higher authorities ?

(c) If the reply to part (a) be in the affirmative will Government state—

- (i) the difference between a representation and an appeal ;
- (ii) the rules prescribed for the disposal, submission and transmission of representations to the General Manager and the Heads of Departments on the A. B. R., B. B. & C. I. R., E. I. R., E. B. R., G. I. P. R. and N. W. R. by the Divisional authorities ; and
- (iii) how irregularities are checked or checkable ; if and when committed in the disposal, submission and transmission of a representation by the Divisional authorities ?

THE HONOURABLE MR. S. N. ROY : (a) Yes.

(b) Divisional Superintendents have discretion to withhold petitions in certain circumstances, *e.g.*, petitions against orders in respect of which petitioner has exercised or possesses a right of appeal.

(c) (i) A petition is a communication addressed to the Governor General in Council and is defined in rule 1 (2) of Appendix XV to the State Railway Establishment Code, Vol. I, a copy of which is in the Library. An appeal is a communication submitted in accordance with paragraphs 1717 and 1731 of the same Code.

(ii) There are no specific rules for the disposal of petitions or representations to General Managers. Divisional Superintendents use their discretion in the matter of forwarding such representations. I have no information concerning the A. B. R. and the B. B. & C. I. R.

(iii) I am not aware of abuses which call for a special check.

AUTHORITY EMPOWERED TO MAKE APPOINTMENTS ON STATE-MANAGED RAILWAYS.

143. **THE HONOURABLE MR. P. N. SAPRU :** Will Government state the competent authority to make officiating and permanent appointment in the non-gazetted railway services on the E. B. R., E. I. R., G. I. P. R. and N. W. R. who are redelegated with the powers by the Governor General under Appendix 4, Serial No. 3 of the Fundamental Rule 9 (19).

THE HONOURABLE MR. S. N. ROY : The power to make first appointments has been redelegated to the authorities specified in the statement I am laying on the table.

Statement.

N. W. R. . . .	Divisional Superintendents, senior scale officers and junior scale officers.
E. B. R. . . .	Heads of Departments, District Officers and Assistant Officers holding independent charge.
E. I. R. . . .	Heads of Departments, Divisional Superintendents, Deputy Chief Mechanical Engineers, Works Managers, District and Assistant Electrical Engineers, District Controller of Stores, Superintendent, Watch and Ward Department, Printing Superintendent.
G. I. P. R. . .	Heads of Departments, Divisional Transportation Superintendents, Divisional Traffic Managers, Goods Superintendent, Wadi Bunder, Superintendent, Watch and Ward, Power Station Superintendent, Divisional Engineers, Mechanical District Officers and Works Managers, District and Assistant Electrical Engineers, District Controller of Stores, District Medical Officers and Senior Assistant Surgeons in charge of a District School Boards.

AUTHORITY EMPOWERING GENERAL MANAGERS OF STATE-MANAGED RAILWAYS TO REDELEGATE THEIR POWERS TO SUBORDINATE AUTHORITIES.

144. **THE HONOURABLE MR. P. N. SAPRU :** Will Government state the specific provisions of the Government of India Act, or of the Indian Railways Act, or of the rules made thereunder which provide that the powers delegated by the Governor General to the General Managers on the E. B. R., E. I. R., G. I. P. R. and N. W. R. can be redelegated to a subordinate authority ?

THE HONOURABLE MR. S. N. ROY : Section 241 (2) of the Government of India Act, 1935, authorises the Governor General in Council to delegate his powers to any person or persons under him. The rules authorising redelegation by the General Managers of State Railways to subordinate authorities of the powers delegated to them by the Governor General in Council are contained in the preamble to the schedule of General Managers powers and also in the various codes.

OFFICES ON STATE-MANAGED RAILWAYS WHICH EXERCISE THE POWER OF A LOCAL GOVERNMENT, ETC.

145. **THE HONOURABLE MR. P. N. SAPRU :** Will Government state the offices on the E. B. R., E. I. R., G. I. P. R. and N. W. R. which exercise the power of a (i) Local Government, (ii) Local Administration and (iii) Heads of

Department for the purposes specified in Appendices Nos. 4 and 13 of the Fundamental and Supplementary Rules over the non-gazetted railway servants ?

THE HONOURABLE MR. S. N. ROY : Appendices Nos. 4 and 13 of the Fundamental and Supplementary Rules are not applicable to railway servants. Corresponding orders applicable to such servants are contained in Appendices XXXII and XXXVII of the State Railway Establishment Code, Volume II, a copy of which will be found in the Library of the House.

The terms "Local Government" and "Local Administration" do not appear in these appendices but a list of Heads of Departments is given in Appendix XXXVIII to the State Railway Establishment Code, already referred to.

CLASSIFICATION OF SUBORDINATE RAILWAY SERVANTS AS INFERIOR AND SUPERIOR.

146. THE HONOURABLE MR. P. N. SAPRU : (a) Is it a fact that non-gazetted railway servants in scales of pay exceeding Rs. 30 per mensem are classified as superior servants and that those below Rs. 30 per mensem are classified as inferior servants ?

(b) Are superior servants entitled to a fare not lower than that of an intermediate class ?

THE HONOURABLE MR. S. N. ROY : (a) The answer is in the affirmative but with some exceptions.

(b) The answer is in the affirmative as far as Government servants other than railway servants are concerned.

PERIOD WITHIN WHICH RAILWAY BOARD, ETC., ARE EMPOWERED TO MODIFY, AMEND OR ANNUL THEIR ORDERS.

147. THE HONOURABLE MR. P. N. SAPRU : Is it a fact that there is no rule under which the Railway Department (Railway Board) and the Railway Administrations are empowered to modify, amend or annul their orders after a period of over a year ; if so, will Government state—

(a) The period within which they are empowered to modify, amend or annul their orders ? and

(b) The specific provisions of the Government of India Act or of the Indian Railways Act or of the rules made thereunder from which they derive such power ?

THE HONOURABLE MR. S. N. ROY : No specific rule has been laid down on the subject. An authority empowered to issue an order is competent to modify, amend, or annul it even though it has been in force for over a year.

USE OF THE DESIGNATION TICKET COURT INSPECTOR ON THE N. W. R.

148. THE HONOURABLE MR. P. N. SAPRU : Will Government state—

(a) Who gave permission to the Divisional Inspectors of Special Ticket Examiners on the N. W. R. to use the designation "Ticket Court Inspector" ; and to lay on the table of the House a copy of the permission ?

(b) Is the use of the designation " Ticket Court Inspector " in accordance with the rules and regulations of the Railway ?

(c) Did the Divisional Inspectors of Special Ticket Examiners designate themselves as " Ticket Court Inspector " in order to represent themselves as " Prosecuting Inspector " ? and

(d) Were the Divisional Inspectors of Special Ticket Examiners called at one time as " Head Special Ticket Examiners " ; if so, when and why was the change in designation made ?

THE HONOURABLE MR. S. N. ROY : (a) and (b) . The use of the designation Ticket Court Inspector is unauthorised.

(c) There is no reason to believe so ; nor does it appear that any special advantage could have been gained thereby.

(d) Yes ; the change was made in 1937, I am not aware of the reason for the change.

ALLOWANCES PAID TO SPECIAL TICKET EXAMINERS, N. W. R.

149. THE HONOURABLE MR. P. N. SAPRU : Does the State Railway Establishment Code, rule 171, provide that an allowance should always be so fixed as not to become a source of profit to the recipient ; if so, will Government state—

(a) The minimum and maximum hours in a day during the preceding five years the Divisional Inspectors of Special Ticket Examiners on the N. W. R. remained " Out of the Headquarters " ?

(b) The minimum and maximum days in a month during the said period the said officials remained present at Headquarters ? and

(c) The reason for paying them the " Consolidated Allowance " against the daily allowance admissible to them ?

THE HONOURABLE MR. S. N. ROY : The reply to the first part of the question is in the affirmative, but I regret that I cannot undertake the researches necessary to secure the information asked for in parts (a) and (b) of the question.

(c) The " consolidated allowance " is only paid to such of the staff as were holding the posts of Travelling Ticket Examiners in a substantive capacity at the time of the reorganisation of the cadre in 1931. The amount of such allowance in their case was fixed as a special case with reference to the emoluments they were drawing previously.

POLICY OF THE RAILWAY BOARD REGARDING ALTERATION IN RECORDED DATE OF BIRTH OF RAILWAY SERVANTS.

150. THE HONOURABLE MR. P. N. SAPRU : (a) Has the Deputy General Manager (P), E. I. R., Calcutta, informed the staff that the policy laid down by the Railway Board regarding the alteration in the recorded date of birth is directly contrary to the policy laid down by the General Manager of the Railway ; if so, how is it contrary ?

(b) What is the policy of the Railway Board and the General Manager, respectively, in regard to the above matter ?

(c) Has the Railway Board advised the General Manager that the age of a railway servant as recorded at the time of his entry into service should not be altered; if so, when was this advice tendered and from which date is it to have effect?

(d) Is the alteration in the recorded date of birth of the non-gazetted staff within the competence of the General Manager and does no appeal against the order of the General Manager lie either to the Railway Board or to the Government of India? Why has no right of appeal been given?

THE HONOURABLE MR. S. N. ROY: (a) The answer to the first part is in the negative; and the second part does not arise.

(b) The rules issued by the Railway Board are contained in paragraph 144 of the State Railway Establishment Code, Vol. I, as amended by correction slip No. N2. The policy of the General Manager is not different.

(c) Yes; except under certain circumstances: from the 26th January, 1939.

(d) Yes; as regards the second part, Government consider it neither necessary nor desirable that in such matters of detailed administration an appeal should lie beyond the General Manager.

CONTRIBUTIONS BY MEMBERS TO THE GENERAL FUNDS OF A REGISTERED TRADE UNION.

151. THE HONOURABLE MR. P. N. SAPRU: Will Government state—

(a) The provision of the Indian Trades Union Act of 1926 under which the Unions are permitted to collect funds of a voluntary nature from their members regularly to be utilised for presenting the same in return of services to an advisory president or patron? and

(b) What action is a Registrar of the Trade Unions authorised by the rules or by the Act required to take against the Unions?

THE HONOURABLE MALIK SIR FIROZ KHAN NOON: (a) I have some difficulty in following the Honourable Member's reference to the collection of funds of a voluntary nature. Contributions by members to the general funds of a registered trade union are compellable and one of the objects on which the general funds may be spent is the payment of salaries, allowances and expenses to officers of the trade union [section 15(a)]. The only separate fund for the constitution of which the Act provides is a fund for the promotion of the civic and political interests of the members. No member can be compelled to subscribe to such fund (section 16).

(b) Assuming that the action which the Honourable Member has in mind involves a contravention of any provision of the Act, the power to cancel registration conferred by section 10 would be available.

FREIGHT CHARGED FOR GRAIN, ETC., BOOKED FROM DEBAI RAILWAY STATION, E. I. R.

152. THE HONOURABLE MR. P. N. SAPRU: Will Government state—

(a) The rate of freight charged for grains, pulses and seeds booked from the Debai railway station and Debai out-agency, respectively, to the

Aligarh railway station on the E. I. R. together with the dates from which those rates are made applicable? Are these rates in accordance with clause (2) of section 42 of the Indian Railways Act of 1890?

(b) The distance (i) between Debai railway station and Debai out-agency; (ii) between Debai railway station and the Mandi or main market in Debai town and (iii) between Debai out-agency and the Mandi or main market in Debai town?

(c) The area and population of the Debai town on the E. I. R.?

(d) The inward and outward goods traffic from and to (i) Debai railway station and (ii) Debai out-agency, respectively?

(e) The gross and net revenues from goods traffic of Debai railway station during the preceding three years from the opening of the Debai out-agency?

(f) The gross and net revenues from goods traffic for each year from and to (i) Debai railway station and (ii) Debai out-agency, respectively, since the opening of the out-agency at Debai?

(g) The rate of cartage paid for goods traffic (i) from the Debai railway station to Debai out-agency and *vice versa*, (ii) from Debai railway station to Debai Mandi or main market and *vice versa*; (iii) from Debai out-agency to Debai Mandi or main market and *vice versa* and (iv) the rates prevailing for those distances and for goods in the locality?

(h) Who made the scheme and recommended the opening of the out-agency? and

(i) Whether any complaints from the merchants were received against the working of the out-agency, if so, what were they and who enquired into them and with what result?

THE HONOURABLE MR. S. N. ROY: (a) From the Debai railway station Re. 0-1-4 per maund: from the out-agency Re. 0-1-6 per maund. The rate from the out-agency was introduced from the 1st of June, 1939, but I have no information as to when the rates from the station first commenced to operate. Clause (2) of section 42 of the Indian Railways Act was repealed by the Adaptation Order. I presume the Honourable Member is referring to section 42A, the provisions of which were not contravened by the quotation of these rates.

(b) (i) approximately three miles, (ii) approximately three miles, (iii) I understand the out-agency is adjacent to the market.

(c) The information is not readily available.

(d) and (f). I lay a statement on the table, giving such information as is available.

(e) I regret the information is not available.

(g) (i) the authorised charges for cartage by the out-agency were 6 pies per maund on most commodities and one anna per maund on some.

(ii), (iii) and (iv). I have no information.

(h) and (i). These are matters of detailed administration on which I have no information. I understand the out-agency has been closed from the 1st October, 1941.

Statement.

(d) The approximate tonnage dealt with in 1940-41 was as follows :—

	Debai station.	Out-agency.
	Tons.	Tons.
Outward	10,115	7,049
Inward	11,674	380

(f) The approximate figures of gross revenue of the station and the out-agency for the years 1939-40 and 1940-41, are as follows :—

	Debai station.	Out-agency.
	Rs.	Rs.
1939-40	1,42,475	57,434
1940-41	2,04,130	1,02,385

It is not possible to estimate with any accuracy the net revenue of any individual station.

CATERING CONTRACTS, E. I. R.

153. THE HONOURABLE MR. P. N. SAPRU : Will Government lay on the table of the House a copy of the orders issued by the Railway Board on the Catering Contracts on the E. I. R. ?

THE HONOURABLE MR. S. N. ROY : A copy of the orders issued by the Railway Board to the four State Railways is laid on the table.

Copy of the orders issued by the Railway Board to the four State Railways regarding catering contracts.

(i) Copy of the Railway Board's letter No. 357-T., dated the 3rd February, 1940.

Catering contracts on railways.

I am directed to refer to the summary of the proceedings of the meeting of the Central Advisory Council for Railways, held at Simla on the 16th September, 1939, copies of which were circulated to you under the Railway Board's letter No. 46-G., dated the 27th November, 1939, in regard to the question of catering contracts on railways. I am to say that the Railway Board have accepted the recommendations of the Council on the first seven items; these, for ready reference, may briefly be summarised as follows :—

(1) *Fixation of charges to be paid by contractors and vendors.*—As the system of tendering for catering contracts involving the acceptance of the highest bid is liable to result in the quality of food stuffs offered to the travelling public suffering, it should not be followed. The Railway Board accept that reasonable charges must be levied by Railways for refreshment rooms and for licenses from vendors; the amount of such charges and license fees and the method by which they are fixed, being left to your discretion, acting in consultation with your Local Advisory Committees, and bearing in mind the paramount importance of adequate supplies of good quality being available at reasonable rates.

(2) *Periodical revision of rates.*—Owing to the conditions under which the vendors carry out their work on railways, the prices charged need not necessarily be limited strictly to the prices prevailing in the locality, but in fixing prices the nearest local authority (i.e., municipality or District Board) should be consulted and a revision should be undertaken whenever there is a substantial variation in the prices of the commodities mainly used. The Local Advisory Committee should also be freely consulted and be advised when large scale charges are contemplated.

(3) *Person to whom contracts should be given.*—Contracts should be given normally to professional caterers only, and, in all cases, for a specified period. This should not preclude the renewal of a contract, but such renewal should not become automatic to the extent of establishing a virtual monopoly.

(4) *Local versus area contracts.*—The Railway Board agree that a decision as to whether contracts should be awarded to local professional caterers or a system of area contracts should be introduced may be left to your discretion, conditional upon your consulting your Local Advisory Committees before any change in policy, in this respect, is made.

(5) *Inspection of food stuffs.*—The Railway Board agree that careful inspection of the quality of food stuffs offered for sale is of paramount importance but they prefer to leave it to your discretion as to whether special Catering Inspectors are to be employed for this purpose (where they do not at present exist) or whether such inspection should be left to the ordinary staff of the Traffic or Commercial Departments. But whichever method is adopted, inspections must also be made by medical officials whose reports should be placed before the Local Advisory Committees, from time to time.

(6) *Contracts for the sale of ice and aerated waters.*—The Railway Board agree that such contracts should be awarded for a minimum period of 3 years and that they may be renewed for approved service. They also accept the suggestion made that where an ice and aerated waters contractor has no facilities for sale at any particular station, a local vendor may be allowed to sell such articles.

(7) *Rent for refreshment rooms.*—The Railway Board accept the recommendation that an economic rent should be charged. In exceptional cases, however, after consultation with your Local Advisory Committees, a lower rent or even no rent may be charged in order to avoid the necessity of withdrawing an existing facility.

2. I am to add that this policy need not be given retrospective effect but that as opportunity offers, the existing contracts should be renewed in the light of these remarks.

3. With regard to the question of an extension of departmental catering (item VIII on page 4 of the summary of the proceedings of the meeting of the Central Advisory Council for Railways), I am to say that the Railway Board consider that any decision on this question must be primarily influenced by financial considerations. If, therefore, you are of opinion that Departmental catering should be inaugurated and can be undertaken without incurring a loss, I am to request you to submit recommendations to the Railway Board.

(ii) Copy of the Railway Board's letter No. 357-T., dated the 11th May 1940.

Catering contracts on railways.

I am directed to invite a reference to the Railway Board's letter No. 357-T., dated the 3rd February 1940 in which you were advised that the Railway Board had accepted certain recommendations made at a meeting on the 16th September 1939 of the Central Advisory Council for Railways in regard to catering, as detailed in the letter. The recommendations in regard to the method of selection of contractors and the award of "area" contracts, summarised under paragraphs 1 (3) and (4) of that letter, have, to some extent, been modified at a subsequent meeting of the Council held on the 15th and 18th March 1940. This was notified in a press communiqué issued on 25th March 1940 (copy forwarded to you under the Board's endorsement No. 46-G., dated 25th March 1940).

Copies of the summary of the proceedings of the Central Advisory Council meetings of the 13th and 15th and 18th March 1940 have since been sent to you under the Board's Memorandum No. 46-G., dated 4th May 1940.

2. I am now to state that the Board have accepted the recommendations made by the Central Advisory Council at their meeting on March 18, 1940 and desire that they shall be adopted forthwith in your catering policy. For convenience, the relevant extract of the proceeding is reproduced below :—

“ After further discussion the Council recommended that the policy in the matter of granting contracts and licences, whether for individual stations, groups of stations or areas, should rest with Railway Administrations acting in consultation with their Local Advisory Committees. The Council considered that the selection of individual contractors should not be placed before the Committees, but that the following general principles should ordinarily be followed :—

(a) Contractors and vending licensees who have rendered and are rendering satisfactory service should not be replaced ;

- (b) further contracts for Indian catering should not be given to any firm which holds area contracts extending over two divisions on the same railway or an equivalent area ;
- (c) where new contractors or vending licensees have to be selected a preference should be shown to those resident within the area to which the contract relates and the choice should be limited to professional caterers ”.

I am to make it clear that these instructions are not to be interpreted to mean that existing arrangements need be altered immediately ; when existing licenses expire or are terminated for good and sufficient reason, the appointment of fresh licensees is to be governed by the guiding principles laid down.

3. The Railway Board further wish to stress the importance of consultation with your Local Advisory Committees as recommended by the Central Advisory Council, and to emphasize the advice received from them in this regard should receive careful and sympathetic consideration.

CONDITIONS OF SERVICE OF NON-GAZETTED RAILWAY SERVANTS ON STATE-MANAGED RAILWAYS.

154. THE HONOURABLE MR. P. N. SAPRU : Will Government lay on the table of the House a copy of the notification prescribing the conditions of service of the non-gazetted railway servants on the State-managed Railways as required by section 241 (2) of the Government of India Act, 1935 ?

THE HONOURABLE MR. S. N. ROY : The rules made by virtue of the powers conferred by section 241(2) of the Government of India Act, 1935, are not required to be notified. Some of the rules are contained in the State Railway Establishment Code, Volumes I and II, copies of which are in the Library. General Managers have been empowered to make where necessary other rules not inconsistent with rules in the Establishment Code.

POLITICAL PRISONERS DETAINED UNDER THE DEFENCE OF INDIA RULES.

155. THE HONOURABLE MR. P. N. SAPRU : Will Government state—

- (a) The various places under the control of the Government of India where political prisoners are detained under the Defence of India Rules ?
- (b) The number of persons detained in each place as also the total number of persons so detained in all the places taken together ?
- (c) Whether there are any provisions for judicial advice before detention in the cases of persons so detained ?
- (d) Whether there is any system of review of the cases of these prisoners by any judicial authority ?
- (e) The allowance paid to each detenu and the allowance, if any, paid to the families of the detenues to visit them and other amenities, if any, to which they are entitled ?
- (f) whether there is any system of inspection of jails, in which these detenues are detained, by Members of the Legislature ; if not, why not ? and
- (g) whether Government has considered the desirability of releasing political prisoners, for creating a hopeful atmosphere in the country and whether they are aware that there is a strong feeling in the country that political prisoners should be released ?

THE HONOURABLE MR. E. CONRAN-SMITH : (a) and (b). The numbers of persons detained under rule 26 of the Defence of India Rules in Centrally administered areas are as follows :—

Deoli Detention Camp	254
Delhi	3
Ajmer	1
	<hr/>
Totalling	258

(c) and (d). Neither the Defence of India Act nor the Rules made thereunder make provision for obtaining judicial advice before ordering the detention of persons under the powers provided therein, nor for the review of the cases of such persons by a judicial authority.

(e) No allowance is paid to security prisoners but all necessaries are supplied at Government expense, and they are allowed to receive certain funds from their relations. Allowances may be given to the families of security prisoners when their circumstances render it necessary, but they are not at present paid allowances to enable them to visit security prisoners in custody.

(f) No. The Government of India have not hitherto considered such a system necessary.

(g) Government naturally have all these matters under constant consideration. But I am not in a position to make any statement at present.

NUMBER OF SECRETARIES TO THE GOVERNMENT OF INDIA.

156. **THE HONOURABLE MR. P. N. SAPRU :** What is the number of Secretaries in the Government of India ? How many of the Secretaries are Indians ? What was the number of Secretaries in 1935 ? How many of them were Indians in that year ?

THE HONOURABLE MR. E. CONRAN-SMITH : The number of Secretaries to the Government of India, including the Secretary of the Legislative Assembly Department, is 15 of whom two are Indians. The number in 1935 was ten of whom two were Indians.

NUMBER OF GOVERNORS' SECRETARIES IN PROVINCES WHERE RESPONSIBLE GOVERNMENT IS NOT FUNCTIONING.

157. **THE HONOURABLE MR. P. N. SAPRU :** What is the number of Governors' Secretaries in Provinces where responsible government is not functioning ? How many of them are Indians ?

THE RIGHT HONOURABLE SIR AKBAR HYDARI : Although this is not a matter with which the Governor General in Council is concerned, the desired information is as follows. All the Governors of these Provinces have either a Governor's Secretary or a Private Secretary. None of these is an Indian at present.

THE HONOURABLE MR. P. N. SAPRU : Hear, hear !

MR. J. HENNESSY, PRINCIPAL INFORMATION OFFICER.

158. **THE HONOURABLE MR. P. N. SAPRU :** Is it a fact that Mr. Hennessy has been sent to the United States on the staff of Sir Girja Shanker Bajpai ? What will be the emoluments of Mr. Hennessy ? Why was no Indian selected for the position ?

THE RIGHT HONOURABLE SIR AKBAR HYDARI : Yes. Mr. Hennessy is being deputed as Information Officer with the Agent General for India in the United States of America. He will draw his present pay, namely, Rs. 2,450 *plus* £30 overseas pay, and will be given such extra allowances to compensate for the increased cost of living in the United States as are given to other officers of the Government of India in America, —*e.g.*, to the Indian Trade Commissioner. Mr. Hennessy has been Principal Information Officer to the Government of India for over four years and is the Government of India's senior public relations Officer ; he was therefore the natural choice.

THE HONOURABLE MR. P. N. SAPRU : What is his overseas pay ? When he was in India he was overseas also here.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : What is the overseas pay that Mr. Hennessy is drawing now ?

THE RIGHT HONOURABLE SIR AKBAR HYDARI : That will be part of the allowance which he will draw when he is away in America.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : I want to know whether Mr. Hennessy is drawing any overseas pay now ? If he is, what is its amount ?

THE RIGHT HONOURABLE SIR AKBAR HYDARI : I have already said that he is drawing £30 as overseas pay.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Will this £70 that he will receive in America be in addition to the £30 that he is receiving here?

THE RIGHT HONOURABLE SIR AKBAR HYDARI : I said he would draw his present pay *plus* £30 overseas pay.

THE HONOURABLE MR. SHANTIDAS ASKURAN : Is his pay, Sir, subject to Indian income-tax ?

THE HONOURABLE MR. C. E. JONES : I could not say straight-off what will happen in this case, but I may say that reciprocal arrangements exist between India and certain other countries by which official representatives are exempted from income-tax charges. Whether that applies in this particular case I cannot say off-hand.

THE HONOURABLE MR. SHANTIDAS ASKURAN : Does that mean that you cannot say anything about this particular person or does that apply to all such cases ?

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : May I know what is the total salary including all allowances ?

THE RIGHT HONOURABLE SIR AKBAR HYDARI : I have already answered the question so far as the total salary is concerned. So far as the question of other allowances is concerned it is under consideration.

ATLANTIC CHARTER.

159. **THE HONOURABLE MR. P. N. SAPRU :** Was the Government of India consulted at any stage in regard to the principles embodied in the Atlantic Charter? Are Government aware that the declaration of Mr. Churchill that the principle of self-determination embodied in the Atlantic Charter has no application to India, has caused deep resentment in this country? What steps do Government propose to bring to the notice of Mr. Churchill the feelings of Indians on this subject?

THE RIGHT HONOURABLE SIE AKBAR HYDARI : I have nothing to add to the replies which I gave to the Honourable Mr. M. N. Dalal's questions Nos. 63 and 64 on the 13th instant.

THE HONOURABLE MR. P. N. SAPRU : Have the Government of India made known to His Majesty's Government the state of feeling in this country in regard to the Atlantic Charter?

THE RIGHT HONOURABLE SIR AKBAR HYDARI : I would request the Honourable Member to await the debate on the Honourable Mr. Kalikar's Resolution on the same subject which will come up for discussion late in the day.

EXPORT OF BURMA RICE.

160. **THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** Has the attention of Government been drawn to the rice export control scheme of the Burma Government which if carried out would ruin Indians connected with the rice export business? If so, what steps do they propose to take to protect Indian interests?

THE HONOURABLE SIR ALAN LLOYD : The Government of India cannot accept the statement that the scheme in question would if carried out ruin Indians connected with the rice export business: for the reason that that scheme has not yet been finalized.

The Government of India have been giving close attention to the protection of Indian interests since the Burma Government's decision to introduce rice control was first announced; they have been in correspondence with the Government of Burma, have received a deputation of interests concerned and have had the advantage of a full discussion with the Burma Rice Controller, whom the Government of Burma were good enough to send over for the purpose. Pending receipt of the final views of the Government of Burma as to the operation of the scheme, the question what steps the Government of India propose to take in the future must be treated as hypothetical.

BUILDING OF QUARTERS FOR OFFICERS IN SIMLA.

161. **THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** (a) Is it a fact that Government intend to build houses in Simla for their officers? If so, why?

(b) What is the scheme that Government have in view and what will be its probable cost?

*THE HONOURABLE MALIK SIR FIROZ KHAN NOON : (a) Yes, in order to meet the heavy demand for residential accommodation necessitated by the increased number of officers which, it is anticipated, will move to Simla during the next year owing to the war.

(b) The scheme is still under preparation, and it is at present uncertain what the final decision of Government will be.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Do Government consider the desirability of leaving most of these offices here in Delhi instead of providing additional accommodation at heavy cost at Simla ?

THE HONOURABLE MALIK SIR FIROZ KHAN NOON : I think there is a certain amount of unnecessary suspicion about the number of people who go up to Simla as I believe already only about 20 per cent. of the clerks and so on go up to Simla. The accommodation which is needed is on account of the new offices. For instance, I have been asked to provide accommodation for the Eastern Group officers—83 officers and 43 others and about 557 clerks. Then there is also accommodation needed for the Army Department, not only office accommodation but also residential. Originally the proposal was to build new houses—a fairly large number of them—but I am afraid that the cost of material has suddenly risen and there is at present no time to build many new buildings on account of the fact that we cannot put up the roofs before the snow-fall. Therefore, the number of new buildings will be very limited, and for that purpose we have now to fall back on private houses and we may have to requisition a very large number of private residences, particularly of people who really can go and live in other hill stations. I am taking this opportunity of mentioning this in order to warn private residents because we are short of accommodation and we may have to requisition a very large number of private houses for this purpose.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : May we hope, Sir, that no additional expenditure will be incurred on this scheme without the full facts being placed before the Legislature ?

THE HONOURABLE MALIK SIR FIROZ KHAN NOON : Sir, this is not possible, because expenditure has to be incurred quickly in order to have the buildings ready and there is not always time to get the sanction of the Legislature before a scheme is started. In such matters it is inevitable that Government must anticipate the sanction of the Legislature, because you will be rising before a few days are over and then you will not be meeting for two or three months more and yet Government work has to be carried on. We cannot hold up repairs to buildings or construction of new offices because the Legislature is not sitting. Governments in all countries have to take the responsibility on their own shoulders.

THE HONOURABLE MR. G. S. MOTILAL : How many houses are proposed to be built ?

THE HONOURABLE MALIK SIR FIROZ KHAN NOON : The original suggestion of the Public Works Department was to build about 60 new houses. But I doubt very much whether we can build more than 10, 15 or 20. The whole scheme is being considered. There is nothing settled. That is why I cannot give you a definite answer. We are also proposing to build offices and flats for offices. But it all depends on what material we can get and within what

time and at what cost. You can rest assured that we will build the very minimum of buildings which we cannot escape and we will keep the cost as low as possible. I believe that in the past there has been a tendency to consider Simla as a sort of derelict old place and the sooner it can be scrapped, the better. I personally feel that Simla will always be Simla and you will go on constructing for another century. The move will take place. I think that the policy in the past has led to our neglecting a very valuable property and I personally would like to see Simla as beautiful a town as New Delhi, so that when the National Government come, they can look forward to working in a place which is really as good as New Delhi itself.

THE HONOURABLE MR. P. N. SAPRU : Simla is not good enough for the Legislature at all events.

THE HONOURABLE MR. G. S. MOTILAL : Are these new houses proposed to be built required for the Military Department or for the Civil Department ?

THE HONOURABLE MALIK SIR FIROZ KHAN NOON : I do not know whether you will call the Supply Department civil or military. But all the new houses will be needed entirely in connection with the addition to the staff on account of the war. So far as the civil offices are concerned, they are already provided for. It is the additional offices on account of the war which are creating the difficulty.

NUMBER OF POSTS ON THE CIVIL SIDE OF THE I. M. S.

162. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : (a) What is the total number of posts on the civil side of the I. M. S. ? How many of these are residuary posts ?

(b) Have any British officers been retained in civil employ in excess of the number required to fill up the residuary posts ? If so, why ? How many of them are serving under the Government of India and the Provincial Governments, respectively ?

(c) Have any Indian officers been retained in civil employ ? If so, how many ? What are the posts they are holding ?

(d) Did the Government of India represent to the higher authorities that no posts should be reserved in theory or practice for British officers during the war ?

THE HONOURABLE MR. G. S. BOZMAN : (a) The number of posts in the Indian Medical Service (Civil) is 323. There are 74 residuary posts.

(b) Yes. The reason for their retention is that they are employed on work directly connected with the war or because their services are of more value in their present posts than with the armed forces. Five such officers are employed under the Central Government and the Crown Representative and 11 under Provincial Governments. The latter figure includes three who are at present unfit for military duty.

(c) Yes. Twenty-one Indian officers of the Indian Medical Service, excluding those holding residuary posts, have been retained in civil employment. A statement showing the posts they are holding is laid on the table of the House.

(d) No.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : With regard to part (d), considering the large number of trained medical officers the Government want, why did they not represent to the Secretary of State for India that they should be allowed full freedom in regard to the distribution of their officers and the assignment of duties to them ?

THE HONOURABLE MR. G. S. BOZMAN : As to whether such representation was required, Sir, I think that must be a matter of opinion.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Is it a fact that the Government of India require a large number of medical officers and that they have not been able to get them as yet ?

THE HONOURABLE MR. G. S. BOZMAN : It is a fact that they require a large number of medical officers. I would not go so far as to say that they have not been able to get them.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : The papers say there was a shortage. Government communiques themselves say this. If they require a large number of medical officers, why did they not ask the Secretary of State that they should be allowed full liberty to assign any duties they like to the officers in the I. M. S. ?

THE HONOURABLE MR. G. S. BOZMAN : I appreciate the Honourable Member's point, Sir, but I have done my best to answer the question. It is a matter of policy on which I am not competent to reply at the moment.

Posts held by Indian officers of the Indian Medical Service retained in civil employ in posts other than residuary posts.

1. Inspector General of Civil Hospitals, Punjab.
2. Director of Health and Inspector General of Prisons, Orissa.
3. Additional Deputy Director General, Indian Medical Service.
4. Additional Assistant Director General, Indian Medical Service.
5. Chief Health Officer, Delhi.
6. Assistant Director, Malaria Institute of India.
7. Civil Surgeon, 24-Parganas.
8. Principal, Medical College, Lánore.
9. Principal, Medical School, Amritsar.
10. Inspector General of Prisons, Central Provinces and Berar.
11. Inspector General of Prisons, Bengal.
12. Inspector General of Prisons, Bombay.
13. Inspector General of Prisons, Punjab.
14. Inspector General of Prisons, United Provinces.
15. Inspector General of Prisons, Madras.
16. Superintendent and Medical Officer, Central Prison, Yeravda.
17. Superintendent, Central Jail, Hazaribagh.
18. Superintendent, Jails (Naini), Allahabad.
19. Superintendent, Central Jail, Coimbatore.
20. Superintendent, Central Jail, Nagpur.
21. Director of Public Health, Bihar.

NUMBER OF RETIRED OFFICERS OF THE I. M. S. WHO HAVE BEEN RE-EMPLOYED.

163. **THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** (a) What is the number of retired I. M. S. officers re-employed by Government? How many of them are Britishers?

(b) Have they been appointed to superior posts thus blocking the promotion of officers in the I. M. S.?

(c) Is it a fact that many retired senior officers in England have at their own request been appointed to junior posts so that they may not stand in the way of the promotion of serving officers? If so, why was not the same consideration borne in mind in utilising the services of the retired I. M. S. officers?

THE HONOURABLE MR. G. S. BOZMAN : (a) Seventeen British and 14 Indian retired I. M. S. officers have been re-employed.

(b) They do not block the promotion of I. M. S. officers now serving on the civil side.

(c) Government have no information with respect to the first part. The second part does not arise. It may however be mentioned that some retired I. M. S. officers have been re-employed in India in posts lower than those from which they retired.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Is the Honourable Member aware that even those people have accepted lower posts, who might have been entitled by virtue of their seniority to get a very high position? For instance, a lieutenant-colonel or a colonel in England, or other high officers have been content to begin as a captain or a major?

THE HONOURABLE MR. G. S. BOZMAN : I have said that I have no information with regard to what has happened in England.

BUILDING OF SIX MARINE ENGINES AND CONNECTED MACHINERY FOR THE ROYAL INDIAN NAVY IN MALAYA.

164. **THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** (a) Has the attention of Government been drawn to Reuter's message dated the 13th October, 1941, that the Governor of Malaya speaking at the budget meeting of the Legislative Council said "that over ten million Straits dollars worth of shipbuilding were in hand both for the Royal Navy and the Royal Indian Navy" and that "two 1,000 horse-power engines and all auxiliary engines were being built for the Indian Navy"? Is the statement true so far as it applies to India?

(b) What steps did Government take to expand the shipbuilding yards in India before placing orders for the building of ships for the R. I. N. in Malaya? Are marine engines being built in India?

(c) What is the total value of the ships that are being built for the R. I. N. in India and Malaya, respectively?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : (a) Ships for the Royal Indian Navy are not being built in Malaya but six 1,000 horse power engines and connected machinery for three Royal Indian Navy ships are being built there. The hulls for these ships are being built in India.

(b) Marine engines are being built in India but not at present up to the 1,000 horse power size.

(c) No ships are being built in Malaya for the Royal Indian Navy. The approximate value of the hulls being built in India in the current construction programme is Rs. 1,33,77,000.

NUMBER OF OFFICERS WHOSE SERVICES HAVE BEEN PLACED AT THE DISPOSAL OF THE AGENT GENERAL FOR INDIA IN THE U. S. A.

165. **THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** (a) What is the number of officers whose services have been placed at the disposal of the Agent General of the Government of India in the United States of America? How many of them are Indians?

(b) Will Government place a list on the table showing the names, designations and salaries of the officers?

THE RIGHT HONOURABLE SIR AKBAR HYDARI : (a) The answer to the first part is "four" and to the second part "two."

(b) A statement is placed on the table.

Statement showing the names, designations and salaries of officers whose services have been placed at the disposal of the Agent General for India in the United States of America.

Name.	Designation.	Salaries.
1. Mr. T. B. Creagh-Ooen	First Secretary	The salaries of these officers will be definitely fixed when experience of conditions in Washington has been gained.
2. Captain Dalip Chaudhury	Second Secretary	
3. Mr. J. Hennessy	Information Officer	
4. Mr. H. S. Malik	Indian Trade Commissioner.	Pay. Grade pay in the senior time scale of the I. C. S. Allowances (paid in dollars at pre-war parity rate). Local allowance £500 p. a. Representation allowance £250 p. a. House rent allowance £300 p. a.

MR. J. HENNESSY, PRINCIPAL INFORMATION OFFICER.

166. **THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** (a) Do Government propose to appoint Mr. Hennessy, Principal Information Officer, Government of India, as their Publicity Officer in the U. S. A.? If so, on what terms?

(b) Was any effort made to secure a suitable Indian officer before Mr. Hennessy's appointment was decided upon?

(c) Do Government propose to appoint an Indian in place of Mr. Hennessy when he goes to the U. S. A.?

THE RIGHT HONOURABLE SIR AKBAR HYDARI : (a) and (b). I refer the Honourable Member to the reply just given to the Honourable Mr. P. N. Sapru's question No. 158.

(c) An Indian has already been appointed in place of Mr. Hennessy.

MRS. STAN HARDING, JOURNALIST PHOTOGRAPHER.

167. **THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** (a) Have Government appointed any official photographer? If so, what is his name and what are the terms on which he has been employed? Has he been specially brought out from England?

(b) What are his duties and the facilities placed at his disposal?

(c) What are the grounds on which Government came to the conclusion that no Indian photographer could do the work entrusted to the official photographer?

THE RIGHT HONOURABLE SIR AKBAR HYDARI : (a) Yes. Mrs. Stan Harding, Journalist Photographer, has been employed on a salary of Rs. 800 per mensem and is paid travelling allowances at rates ordinarily admissible to Government servants. Mrs. Harding was in India at the time of her employment by the Government of India.

(b) The photographer's duties are to take photographs of modern India, India's industries, dockyards, factories, mines, etc., and India's war effort.

A Government motor van fitted with dark room equipment has been placed at Mrs. Harding's disposal. This van was paid for by the Ministry of Information, London, and is being utilized by the Government of India free of charge. No other special facilities have been provided for Mrs. Harding.

(c) The Government of India had already had some experience of Mrs. Stan Harding's work during the period she was employed on behalf of the Ministry of Information. She is considered to be one of the best journalist photographers available in India, and her work challenges comparison with the well known experts on the staff of the *American Life* and the *British Sphere*. It was thought unlikely that a journalist photographer of her reputation would be available in India, or if available, would accept a salary of Rs. 800 only.

THE HONOURABLE MR. V. V. KALIKAR : Was the post advertised and applications invited from the public?

THE RIGHT HONOURABLE SIR AKBAR HYDARI : No applications were invited.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Am I to understand from the reply to part (c) of the question that Government did not consider the claims of any Indian photographer at all?

THE HONOURABLE THE PRESIDENT : The Honourable Member has already said she possesses extraordinary qualifications, even compared with the best American photographers.

THE HONOURABLE MR. P. N. SAPRU : How do the Government come to the conclusion that there was no Indian photographer comparable to this very wonderful lady photographer from England?

THE HONOURABLE THE PRESIDENT : The Honourable Pandit Kunzru.

NUMBER OF INDIAN MECHANICAL ENGINEERS IN THE SUPPLY DEPARTMENT.

168. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : (a) What is the number of mechanical engineers in the Supply Department and how many of them are Indians ?

(b) Will Government lay on the table a statement showing separately the number of Indian and British mechanical engineers appointed every month since January, 1941 ?

THE HONOURABLE MR. A. DEC. WILLIAMS : The information is being collected and will be placed on the table when ready.

MR. PETER JOHNSON, ADVERTISING CONSULTANT.

169. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : (a) Have Government appointed an Advertising Consultant ? If so, what is his name and when was he appointed ?

(b) What are his duties and his (i) salary and (ii) allowances ?

(c) Is he connected in any way with the Board of Information ? If so, how ?

(d) Have Government appointed a sub-committee consisting of the representatives of some of the most important advertising agencies in India to advise them how to advertise the Defence Loans so as to make them appeal to the popular imagination ? If so, what was the need for appointing an Advertising Consultant ?

THE RIGHT HONOURABLE SIR AKBAR HYDARI : (a) Yes. Mr. Peter Johnson, formerly on the staff of Messrs. L. A. Stronach & Co., whose services were borrowed from the Army early in June, 1941, when owing to an illness he was classed as unfit for active service.

(b) The Advertising Consultant deals with Government's war advertising, which is done by various Departments, e.g., Defence Loan by Finance Department, military recruiting by Defence Department, technical recruiting by Supply or Labour Departments, Air Raid Precaution by Civil Defence Department. None of these Departments has any technical knowledge of either the artistic or the business side of advertising, and it makes for greatly increased efficiency and speed (and speed is very often essential) to have between the Departments and the advertising agents, who form the Advertising Committee, someone who himself has been trained in advertising work. Mr. Johnson's appointment has been completely justified. Government's war advertising bill is at present in the neighbourhood of Rs. 7 lakhs annually and is increasing. Mr. Johnson's technical knowledge probably saves Government more than his pay, which is Rs. 800 a month without any allowances.

(c) The Board of Information is now defunct, so the question does not arise.

(d) In 1940 a non-official body known as the Advertising Committee came into being on which were represented three and later six of the leading Advertising Agencies. The functions of this Committee are to prepare Central Government advertising campaigns, including Defence Loan publicity, and to handle the work of distribution of "copy," placing of orders, etc., with newspapers. For reasons explained in (b) above, it became necessary to appoint an Advertising Consultant.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Again, Sir, was any attempt made to employ an Indian ?

THE RIGHT HONOURABLE SIR AKBAR HYDARI : Sir, in this connection I should make a general remark and that is that most of these appointments are of a special character. They have to be made almost immediately without having to wait for the time it would take in putting forth advertisements and considering applicants. We have always taken care that the most economic and most efficient arrangement is made.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Does the Honourable Member mean to say that it is much more difficult to get Indians in this country than Europeans ?

THE HONOURABLE MR. P. N. SAPRU : Is it the suggestion of the Honourable the Leader of the House that the Government of India is more in touch with Europeans than with Indians ?

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : In what respect was the work of the Sub-Committee found deficient that the Government found it necessary to have in addition an Advertising Consultant ?

THE HONOURABLE THE PRESIDENT : Question No. 170.

NUMBER OF OFFICERS OF THE ROYAL INDIAN NAVAL RESERVE AND ROYAL NAVAL RESERVE COMMISSIONED IN THE ROYAL INDIAN NAVY.

170. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : How many officers of the Royal Indian Naval Reserve and the Royal Naval Reserve, respectively, have been given commissions in the Royal Indian Navy ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : I refer the Honourable Member to the reply given by me to parts (b) and (c) of the Honourable Mr. V. V. Kalikar's question No. 69 on the 13th November, 1941.

INDIAN OFFICERS AND RESERVE COMMISSIONS IN THE ROYAL INDIAN NAVAL RESERVE AND ROYAL INDIAN NAVAL VOLUNTEER RESERVE.

171. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : (a) Have Indian officers who have joined the Royal Indian Naval Reserve and the Royal Indian Naval Volunteer Reserve been given only temporary reserve commissions ?

(b) Have officers in the Army in India Reserve of Officers also been given temporary reserve commissions ? If not, why have the officers in the Royal Indian Naval Reserve and Royal Indian Naval Volunteer Reserve been differently treated ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : (a) Yes, since the outbreak of war. I should explain that this does not mean that they are on Reserve employment. They are actively employed. It is a question of nomenclature. All these Reserve Commissions are equivalent to Emergency Commissions in the Army.

(b) No, but there has been no recruitment to the Army in India Reserve of Officers since the outbreak of war. The latter part of the question does not therefore arise. As I have explained in the first part, it is a question really of nomenclature.

LOANS ADVANCED FOR THE SUKKUR BARRAGE SCHEME.

172. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : Will Government state—

(a) The total amount of money advanced by the Government of India on the Sukkur Barrage Scheme in Sind and the year or years in which the amount was advanced as well as the rate of interest ?

(b) The total amount of loan repaid up to date ; and the amount outstanding now ?

(c) The security on which the loan was advanced ; or is allowed to remain outstanding ?

(d) The arrangement, if any, made for its repayment ; and the time by which it is expected to be repaid finally ? and

(e) Whether any portion of the loan has been remitted, or is proposed to be remitted ? If so, how much, and why ?

THE HONOURABLE MR. C. E. JONES : (a) No loans were advanced to the Government of Sind but the Barrage, which was at that time almost complete, was handed over to the Province of Sind when it came into existence on the 1st April, 1936 together with the Project debt which then stood at Rs. 2533·62 lakhs. A statement is laid on the table of the House giving the details required by the Honourable Member.

(b) The total amount repaid up to date is Rs. 205·89 lakhs. The amount outstanding is Rs. 2327·73 lakhs.

(c) The debt is secured on the revenues of the Province of Sind under section 178 (4) of the Government of India Act, 1935.

(d) Until 1942-43, the net proceeds of the Barrage (*i.e.*, net revenue, land sales receipts and receipt of a capital nature) must be credited to the Government of India in service of the debt.

The surplus, if any, after deducting the interest charges due, is utilised for reducing the corpus of the debt. From 1942-43 the outstanding debt will be funded at 4½ per cent. and certain fixed but decreasing annual payments on account of capital will be made to the Government of India, together with the interest due. It is expected that the debt will be finally discharged by the end of the year 1978-79.

(e) No portion of the loan has been remitted ; nor is there any proposal for remission.

Statement showing the debt on account of the Lloyd Barrage.

Year.	Amount.	Rate of interest Per cent.
Up to—		
1922-23	1,18,90,640	5.50
1923-24	38,01,245	5.25
1924-25	62,93,542	5.00
1925-26	2,44,73,000	5.25
1926-27	96,26,000	5.00
1927-28	1,63,74,000	3.75
1928-29	2,94,77,000	4.25
1929-30	3,14,65,000	5.00
1930-31	3,31,26,000	5.00
1931-32	2,96,78,000	4.25
1932-33	2,38,04,000	5.50
1933-34	1,37,89,000	4.50
1934-35	1,10,18,000	3.50
1935-36	85,47,000	3.25
Total	25,33,62,427	

PAPERS SEIZED FROM MR. JAI PRAKASH NARAYAN.

173. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : (a) Are Government in possession of papers disclosing plans to consolidate the position of the Congress Socialist Party, and to invoke aid from the Revolutionary Socialist Party, and the Hindustan Republican Socialist Association, which were seized from Mr. Jai Prakash Narayan, Security Prisoner, Deoli Camp ?

(b) Will Government lay the papers on the table ; and state the circumstances under which they were seized ?

THE HONOURABLE MR. E. CONRAN-SMITH : (a) Yes.

(b) I have placed in the Library of the House a copy of the original papers which were recovered from Mr. Jai Prakash Narayan and I am quite prepared to show the originals to the Honourable Member if he wishes to see them. I also lay on the table a copy of the communique issued on November 5th explaining the actual circumstances under which these papers were seized.

PRESS COMMUNIQUE.

Jai Prakash Narain Documents.

Circumstances in which they were seized.

In view of certain misunderstandings or misrepresentations that have appeared in press comment on the Jai Prakash Narain papers, Government consider it necessary to publish the following further facts.

The papers were actually seized from Jai Prakash Narain's own hands when he attempted to pass them surreptitiously to his wife in the course of the interview. They were not taken from his pocket by someone who knew previously that they were there, much less were they "intercepted" in course of transmission without his knowledge. What actually happened was that he handed to the official who was present at the interview a sheet of paper containing the measurement of his foot and asked him to pass it to his wife so that she could get a pair of shoes made for him. As the official was taking

the paper to comply with his request, he noticed Jai Prakash Narain extracting with his other hand something which had been tucked under his *dhoti* and *langota* at the back and attempting to pass it to his wife. The official asked him to hand it over—it turned out to be a roll of papers tied together—but he refused to do so and tried to destroy the papers. A scuffle ensued in the course of which the official received some slight scratches, but the papers were recovered intact and taken straight to the Superintendent. The Superintendent then saw Jai Prakash Narain, who begged him to destroy the papers. He was subsequently punished by the Superintendent for a breach of the Camp Rules by being deprived for two months (which have since expired) of the privilege of writing or receiving letters or having interviews. The Superintendent also had an interview with the prisoner's wife who explained that she was innocent and had had no intention of taking anything out of the camp. This explanation was entirely accepted and Government have made no resort of allegation against her. Her name was only brought in, unavoidably, to explain what took place. Government have also made no comment on the conduct of Jai Prakash Narain himself; nor have they taken, nor do they intend to take, any further action to tighten up restrictions in the Camp. In these circumstances it will be realised that there was no question of confronting Jai Prakash Narain with the papers and obtaining his explanation.

HOME DEPARTMENT,
NEW DELHI;

November 5, 1941.

ALLEGED ILL-TREATMENT OF CERTAIN PERSONS ON THE OCCASION OF THE VISIT OF THE AIR COMMANDO TO PIETERMARITZBURG.

174. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH: Is it a fact that on the occasion of the visit of the Air Commander to Pietermaritzburg on the 25th August, 1941 and at other centres in Natal, Indians and other non-Europeans, including women and children, were insulted and maltreated, and subjected to "brutal, unjust, and uncalled for treatment, meted out by the military police"? Do Government propose to have an inquiry made into the matter and to state the facts of the occurrence, and steps, if any, taken in that connection?

THE HONOURABLE MR. G. S. BOZMAN: Information has been called for and a reply will be furnished when it has been obtained.

VEGETABLE GHEE.

175. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH: Is it a fact that about 75,000 tons of vegetable ghee are annually produced in India? If so, do Government propose to take any steps to stop its production in India and its import into this country, in the interest of public health?

THE HONOURABLE MR. G. S. BOZMAN: No statistics of the production of vegetable ghee are available but the present annual production in India is estimated at 60,000 tons. The reply to the second part is in the negative as the use of vegetable ghee is not considered to be injurious to health.

THE HONOURABLE MR. SHANTIDAS ASKURAN: May I know from the Honourable Member whether he has received any representation on the subject from the All-India Conference for the prevention of adulteration of milk, butter and ghee recently held in Delhi and, if so, what action the Government of India have taken on it?

THE HONOURABLE MR. G. S. BOZMAN: I am not able to answer off-hand, but I believe the representation was received; but as to what action was taken I am afraid I must ask for notice.

THE HONOURABLE MR. SHANTIDAS ASKURAN : Are the Government of India aware that the Delhi Municipal Committee and certain other local bodies in the country have drawn attention to widespread adulteration and have suggested that measures should be taken by the Government to distinguish these vegetable ghee products by some method in the interests of the public? May I also know what the Government propose to do in the matter to prevent the public from being cheated?

THE HONOURABLE MR. G. S. BOZMAN : Government, Sir, have seen a number of representations in the press and elsewhere about the adulteration of pure ghee with vegetable ghee and the matter is engaging their close attention.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

SECRETARY OF THE COUNCIL : Sir, a message has been received from the Secretary of the Legislative Assembly. The message runs as follows :—

“ In accordance with rule 36 (1) of the Indian Legislative Rules, I am directed to inform you that the amendment made by the Council of State in the Bill to regulate the employment of women in mines for a certain period before and after childbirth and to provide for payment of maternity benefit to them, was taken into consideration by the Legislative Assembly at its meeting held on Monday, the 17th November, 1941, and that the Assembly has agreed to the amendment.”

RESOLUTION *RE* ROYAL INDIAN NAVY.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern : Non-Muhammadan) : Mr. President, I beg to move :—

“ This Council recommends to the Governor General in Council that full use be made of the material available in India for the recruitment of officers for the Royal Indian Navy with a view to its Indianization. ”

Sir, the demand for the Indianization of the Royal Indian Navy which is embodied in this Resolution is only a part of the general demand in the country for the Indianization of its defence forces. The Indianization of the Army is a question which has figured largely before the Legislature and the country during the last few years. But the Indianization of the Royal Indian Navy has not unfortunately received the attention that its importance deserves. The matter has been discussed in the Indian Legislature ; but even here its importance has not been emphasised in the same way in which the importance of the Indianization of the officer ranks of the Army has been. This question, though it does not have a very long history, goes back to the year 1928. An effort was made by the Government of India in 1928 to establish an Indian Navy. The Bill which they introduced in the Legislative Assembly was thrown out. But the Government of India placed the Royal Indian Marine on a combatant basis. The Royal Indian Navy in its present form was started only in 1934 when the Central Legislature passed the necessary legislation. Now one of the reasons for the opposition of the Assembly to the official Bill in 1928 was the small proportion laid down for the recruitment of Indian officers. On the recommendation of a Committee presided over by Lord Rawlinson the Government of India decided that British and Indian officers should be appointed in the ratio of 2 to 1. That ratio was severely criticised by the Legislative Assembly in 1928 and when another Bill the object of which was the same as that of the Bill rejected in 1928 was introduced, this ratio was again the subject of severe criticism by non-official Members both in the Assembly and in this House.

[Pandit Hirday Nath Kunzru.]

Nevertheless that ratio has been maintained up to the present day. Hoping that the exigencies of the war might have led to a change in the ratio, I asked on the 24th March, 1941 whether it was a fact that the old proportion between Indian and British officers had not been disturbed and my Honourable friend Mr. Williams replied that the ratio had not been changed. We do not know the exact figures which would show the total number of officers in the R. I. N. and the total number of officers in the Reserves, but I shall be greatly surprised if in either of these categories, Indians, I mean the proportion of Indian officers is more than the ratio one would expect to have at the present time in view of the rule laid down for the recruitment of Indian officers. I shall not be surprised if Indians are even less than one-third of the officers employed in the R.I.N. or officers who have got commissions in the Reserves, but I shall be very agreeably surprised indeed if I am told that Indian officers form more than one-third of the total strength of Indian officers now on active duty.

Sir, when the Indian Navy Discipline Bill, to which I have already referred was discussed in the Legislative Assembly in 1934, the appointment of Indian officers, or rather the recruitment of Indian officers, received the careful consideration of non-official Members. The official spokesman, Colonel Lumby, in dealing with that point said :—

12 NOON.

“ The point which I want to make is that the ratio of two British officers to one Indian, which is laid down in that scheme, that is the Reorganisation Scheme started in 1927, has nothing sacred about it and can be altered at any time when events justify a change ”.

He, however, went on to point out that at that time there were only three Indian officers serving in the R. I. N. and that that small number was not enough to enable the Government of India to form a considered opinion with regard to the qualifications of these officers. He then pointed out that Government had not always succeeded in getting the number of officers desired through open competition and that alternative channels of recruitment, particularly recruitment from the cadets of the Training Ship “ Dufferin ” had had to be tried. He, however, added that though recruitment through that channel, i.e., the Training Ship “ Dufferin, ” had proved distinctly satisfactory, at the same time they were not satisfied as to the keenness which Indian lads had shown to enter the service. The paucity of candidates is a point which I shall deal with a little later, but I should like for the present to draw the attention of the House to the fact that the officers who had been obtained between 1928 and 1934, however small their number might have been, had been found efficient. This point was considered in the Council of State also. The Commander-in-Chief, speaking on the Indian Navy Discipline Bill on the 6th September, 1934, said:—

“ The ratio of 1 to 2 has nothing sacred about it, but we are now putting it into force, and as a matter of fact Admiral Walwyn has more than once recommended that it should be increased. He considers that the Indian has already shown himself fit for an increase on that. When he says it, that will be considered and, I hope, brought about before very long. He is our expert ”.

It is apparent, Sir, from this that the Commander-in-Chief went much further than Colonel Lumby did. Colonel Lumby perhaps was very cautious, being afraid lest any wider statement by him might not be met with the approval of his superiors, but the Commander-in-Chief, speaking with greater freedom, bore frank testimony to the quality of the Indian officers that had been obtained till 1934, and held out the hope that the recommendation of Admiral Walwyn, who after all was the only officer competent to make a considered recommendation on the subject, would receive the early attention of the

Government of India. It is a matter of regret however, Sir, that this question, even though it may have been considered by the Government of India, is still at the stage at which it was in 1934.

While I am on this point, Sir, I should like to quote the testimony of Admiral Walwyn himself. In one of his speeches he pointed out that the Indians, although not used to a maritime career, had nevertheless responded to the appeals of Government. Speaking of himself he said that he went down to the Punjab and tried to recruit competent men, and this is what he said on the subject:—

“ I went straight to the Punjab and got some Punjabi Mussalmans, magnificent, first class fellows, but men who had never seen the ‘ dark water ’, the sea. I got them down, and with the loyalty of the officers and men got the show going, started training schools, gunnery and engineering, and very soon they had their tails up and things took shape in a wonderful way. The women of India came forward wonderfully; they pushed the boys in. If I wanted 60 boys in a half year I got a thousand, all first class, with the standard qualifications. Some of these Indians were over here at the recent Naval Review and made tremendous friends of the Royal Navy ”.

It may be said, Sir, that Admiral Walwyn might have been recruiting not merely officers but also ratings, but, even if this be allowed, I think it is apparent from the last part of his remarks that he was referring not merely to ratings but also to officers and that he was bearing testimony to the efficiency not merely of Indian sailors but also of Indian officers. His opinion, which was referred to by Field Marshal Sir Philip Chetwode, who was our Commander-in-Chief in 1934, bears out my contention.

As I have already said, Sir, it is a misfortune that notwithstanding the opinion expressed by Admiral Humphrey Walwyn and the statement made by the Commander-in-Chief in 1934, the old ratio has not yet been changed. The matter was accordingly discussed in this Legislature on the Motion of my Honourable friend Mr. Kalikar in 1937. The then Commander-in-Chief, Sir Robert Cassels, made interesting observations on the occasion. But I shall quote only a sentence or two from the speech delivered by him in winding up the debate. He deprecated the motives that had been attributed to Government and the suspicious attitude exhibited by Honourable Members and then said:—

“ I have already tried to show clearly that the whole question is under consideration and sympathetic consideration at that. I cannot, under the present circumstances, therefore make any further pronouncement now. To sum up, I wish to make it clear that while I cannot accept this Resolution in the sense that I can bind Government to give effect to it forthwith, I am not unsympathetic towards it. There cannot be an immediate increase in the proportion of Indians in the present small active cadre. But if that cadre is expanded, I hope that there will be room for more Indians and I consider the Reserves we propose to set up should be predominantly Indian ”.

It is more than four years since this statement was made by Sir Robert Cassels. Nevertheless, the sympathetic consideration which he promised has brought forth nothing of a satisfactory character. I do not know whether the cadre has been expanded in theory. But there is no doubt that the Royal Indian Navy has been considerably expanded owing to the war. The number of officers consequently has also had to be considerably increased. Apart from that, Reserves of Officers have been established by Government. Sir Robert Cassels hoped that the local Reserve would be predominantly Indian. I do not know whether they are so, because Government have consistently refused to give figures which would enable the public to know the true position. I hope, Sir, that His Excellency the Commander-in-Chief will, in his speech, make the position absolutely clear. There is an extraordinary passion for secrecy

[Pandit Hirday Nath Kunzru.]

among the authorities in India. The Australian and Canadian authorities broadcast frequently the figures relating to the training of pilots and other officers in Canada. Information of an important character is given to the public in England. But even ordinary information is considered confidential by the Military pandits in this country. I hope that His Excellency the Commander-in-Chief will not allow this mania for secrecy, if he will allow me to say so, to remain uncontrolled. I further hope that he will be prepared today to be frank with us and to give us figures which will enable us to know what the position of Indian officers in the R. I. N. and the Naval Reserves is, as the result of the present policy of secrecy has been to engender suspicion and to create confusion even in the minds of those connected with this Legislature and the Government of India. It has been said in public that while officers belonging to the Indian Naval Reserves have not been given permanent commissions in the R. I. N., officers belonging to the Royal Naval Reserves have been appointed to our Navy. Government have denied this charge, but the public are still suspicious. Had the Government adopted a policy of greater frankness, had it considered it necessary to take the public into its confidence, this suspicion, this unnecessary tension between the Government and the public, would not have arisen. As regards the confusion that is created even in the minds of instructed people, I will give an illustration from yesterday's proceedings of this House. There were two questions on the Question Paper asking for the same information. One question was put by the Honourable Raja Yuveraj Dutta Singh and the other was put by me. Both of us wanted to know the increase in the number of Indian officers in the R. I. N. since the outbreak of war. The Honourable Mr. Williams replied to both these questions. Replying to the Honourable Raja Yuveraj Dutta Singh's question he said that there was generally an increase of over 50 per cent. in the officers. Now, in 1939, there were about 126 officers according to the estimates relating to the Defence Services for 1939-40. If there has been an increase of 50 per cent., we must have recruited more than 60 officers since the outbreak of the war. Replying to me, however, the Honourable Mr. Williams said that only 25 officers had been appointed to the R. I. N. The words used were the same in both cases. They were "the Royal Indian Navy". Yet different figures were given. The House would like to know what accounted for the difference in the two figures. The reason for the difference is this. In the reply given to the Honourable Raja Yuveraj Dutta Singh's question, the officers who had been given commissions in the Reserves had also been included. But they had not been included in the figures given in reply to my question. The result was that I was regarded by some Honourable Members of this House as going too far and casting unnecessary aspersions on the Government—

THE HONOURABLE THE PRESIDENT : I wish you had pointed this out yesterday. Apparently it is due to a misunderstanding. I see now that in the reply to the Honourable Raja Yuveraj Dutta Singh's question some figures were included which were not included in the reply to your question—

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : I am very glad to hear you say so. But I frankly—

THE HONOURABLE THE PRESIDENT : It would have been much more satisfactory if you had given this explanation yesterday. A lot of excitement on this question would then have been avoided and it would have engendered a sort of friendliness between officials and non-officials.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Sir, it would have required much more courage than I possess to have gone on in the face of the displeasure which you exhibited. I thought it better not to dwell further on the strength of my case but to sit down and take another chance of explaining the position and thus removing your displeasure. I was not referring to you only, Sir. The martial spirit of my Honourable friend Sir Firoz Khan Noon too was roused, and although the Royal Indian Navy does not form part of his Department, he indignantly got up and protested against any aspersions cast on the accuracy of the replies given by Government Members. Perhaps his attitude did more credit to his heart than to his head. But I hope he too will now realise the mistake into which he had fallen and ask Government to adopt an attitude of greater frankness.

THE HONOURABLE THE PRESIDENT : He only came to the rescue of the other Government Member, which was perfectly right. On your side, too, you very frequently come to the rescue of Mr. Sapru or some other Member.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Sir, I do not mind my Honourable friend Sir Firoz Khan Noon or any other official supporting a brother official provided there are any facts to be supported. My Honourable friend did not, I think, realise the point I was urging.

THE HONOURABLE THE PRESIDENT : He was absolutely not aware of the point you were alluding to.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : That is what I ventured to submit, but you have put the point much better than I did, I admit. This, Sir, shows the necessity for making the position much clearer than it is today. You may not tell us what the number of ships is, but I do not see any reason why you should not tell us what the number of officers is. Both the Secretary of State and the Commander-in-Chief have proclaimed from the housetops that they have trained about three-quarters of a million soldiers since the war broke out and that they are trying immediately to train another quarter of a million. They have also announced that while formerly about 1,100 officers were required annually, some 2,000 officers are required annually now. What is there in the figures relating to the Navy specially that will give the enemy an advantage that he cannot derive by knowing the efforts of the Government of India in connection with the recruitment of men and officers in connection with the Army? I do not think, Sir, that the attitude of the Government of India has been at all rational in this matter, and I express once more the hope that His Excellency the Commander-in-Chief will adopt a more enlightened attitude and consider it necessary in the interests of England herself to take the people into his confidence and tell them what the situation is.

Sir, I do not want to prolong this discussion because there are important questions on the agenda which we would all like to be reached as quickly as possible. Nevertheless I cannot sit down without considering the question of the supply of adequate candidates for vacancies in the Royal Indian Navy. It has been said more than once in the past that owing to the unfamiliarity of Indians with the Navy the supply of candidates possessing proper qualifications has been very limited and that in some years no qualified candidate has been available. That is quite true. Nevertheless the supply is greater than it used to be and since the outbreak of the war it has increased appreciably. But I should like to know in this connection what steps Government have taken to make the requirements of the Indian Navy known to our young men? Government formerly adopted an attitude of indifference in connection with the recruitment of officers for the Army also. But since the outbreak of the war

[Pandit Hirday Nath Kunzru.]

their policy has undergone a change and they have appealed repeatedly to the youth of the country to take advantage of the present opportunities for receiving higher military training. The response they have received may I think be called satisfactory. We all wish that a larger number of Indian candidates may be prepared to enter the Army as officers, but the enthusiasm that has already been shown is encouraging. One would have thought that, profiting by the lesson of this experience, Government would follow the same policy in connection with the Royal Indian Navy. They have undertaken some propaganda in that connection but I think it has been very inadequate. The young men at the Universities know scarcely anything about the Royal Indian Navy. If however they were approached and appealed to I have no doubt that they would respond as magnificently as they have done in the case of the Army and the Air Force. And I base this confidence on the fact that even people belonging to provinces the inhabitants of which do not see the sea from year's end to year's end have furnished excellent officers for the Royal Indian Navy. I should not be surprised if the majority of officers in the Royal Indian Navy belonged to Northern India and I know for a fact that a majority, or at least 50 per cent., of the candidates receiving training in the "Dufferin" come not from Bombay and Bengal as one would think but from the United Provinces and the Punjab. I hope therefore, Sir, Government will undertake more propaganda in this connection, and if they do I have no doubt that the result will repay their labours.

Finally, I have to appeal to the authorities to accept the Resolution that I have brought forward. Whatever might have happened in the past, this war has shown how necessary it is for every part of the Empire to be prepared, not merely for its own defence but for the defence of the other units. India can play an important part in this connection if it is conciliated, if proper constitutional changes are brought about, if even we are given a civilian Member for Defence, *i.e.*, an unofficial Indian Member for Defence. I have no doubt that much greater enthusiasm would be created in that case. But even pending such a development of policy, I venture to ask the authorities in their own interests to place greater confidence in Indians to develop the naval capacity of India and to entrust Indian naval defence as far as possible to the men of the country. A similar policy has been followed in the case of Canada and Australia, and particularly in the case of Australia, which has developed its navy very substantially during the last four or five years. Those countries have not applied to England for the officers that they needed notwithstanding their want of experience. I understand that His Majesty's Government are thoroughly satisfied with the efficiency of the Canadian and Australian Navy. I have therefore every confidence, Sir, that if Government trust us and give adequate opportunities to our young men, the results will be as gratifying as they have been in the case of the Dominions.

THE HONOURABLE MR. V. V. KALIKAR (Central Provinces : General) : Sir, I rise to support the Resolution so ably moved by my Honourable friend Mr. Kunzru. My Honourable friend has quoted sentences from the speeches of Sir Philip Chetwode and Sir Robert Cassels and therefore I do not want to waste the time of the House by repeating those quotations. Sir Philip Chetwode said in 1934 that there was no sacredness about the ratio. After that when I moved my Resolution in 1937 Sir Robert Cassels, the then Commander-in-Chief, said in reply to me that there was no scheme at that time under consideration of the Government of India for the development of local naval defence organisation and therefore he could not give effect to my Resolution. Now, Sir, after the outbreak of the war, there is development and that

scheme, I believe, has been put into practice. If that is so, why is the ratio of one to two maintained? I need not repeat what Sir Philip Chetwode and Sir Robert Cassels said about the suitability of young Indians for entering naval service. Sir Robert Cassels in 1937 when replying to me said that he agreed with me that he could get a large number of young men who are quite suitable for naval service in India. If that is so, Sir,—and I hope that that is also the experience of the present naval authorities and His Excellency the Commander-in-Chief,—I should like to know from the Government why the ratio has been kept intact? In answer to the question of my Honourable friend Pandit Kunzru, our colleague Mr. Williams said that the ratio is still there, there has been no change. If you can get suitable youths to serve in the navy, if you want Indian youths to enter this service not only for the defence of India but also for other parts of the British Empire, if you want to enlist the sympathy of the youths of India for war purposes, I see no ground whatever for keeping that ratio intact. Sir, there are important questions to be discussed today in this House and as the question has been so ably and fully dealt with by my Honourable friend Mr. Kunzru, I do not want to dilate on that point further. But I must register my protest against the policy, if it is being followed, of keeping the ratio intact. I wish that His Excellency the Commander-in-Chief will take into consideration the view that has been expressed so many times on the floor of this House that Indians must be given a chance of serving in the defence services of India and also of other parts of the Empire. Indian youths should be taken in as large numbers as possible and this ratio should be changed.

Sir, with these words, I support the Resolution of my Honourable friend Mr. Kunzru.

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern : Non-Muhammadian) : Sir, as we have important business, I should like to cooperate with you and not make a long speech. It is, however, necessary for me to indicate my full support of the Resolution which has been so eloquently and ably moved by Dr. Kunzru. He has traced the history of the question of the Indian Navy. There was a Bill in 1928 which was rejected and then we passed the Indian Navy Bill in 1934 and when the Bill was before this House and the other place assurances were given that efforts would be made to accelerate the pace of Indianization. We were told, when Mr. Kalikar moved his Resolution to the acceleration of the pace of Indianization; that young Indian officers in the Navy had rendered a good account of themselves by Sir Robert Cassels who was the then Commander-in-Chief. Well, Sir, we are in 1941 and we are in the midst of a great war. We are now thinking in terms of a free India and a free India must have a Navy of its own, officered by her own men; an air force of her own, officered by her own men; an army of her own, officered by her own men. Therefore, this question of the Indian Navy is intimately connected with the constitutional issue. When we pressed in this House the question of Indianization of the officer ranks, we were told that it was impossible to get good Indian officers, and yet this war has shown that Government can get good material. Government have been able considerably to expand the army, not only the inferior ranks but they have also been able to expand the officer ranks and they have been able to get good material for the officer ranks in this country. As a matter of fact the complaint is that Government have rejected far too many men who ought not to have been rejected. But even as it is a large number of Indians have found their way into the Indian Army. Therefore, I do not think that there is any force in the argument that Government cannot get a suitable supply of Indians. You have only to look round, you have to go the proper way, and you will find

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plenty of good material in this country of 400 million people. The fact of the matter is that Britain has looked upon these questions from a particular point of view. She has wanted to dominate the life of this country. It is time she gave up the idea of domination. She says she is fighting for freedom; she must practise freedom in her own empire. Therefore, this question of the Indianization of the Navy is from our point of view an important question. I hope that His Excellency will be able to give a satisfactory reply and that he will be pleased to accept the Resolution which has been moved by Dr. Kunzru. I do not wish to go into the figures. I have unfortunately no head for figures. I support all the arguments that were employed by Dr. Kunzru; I hope His Excellency will also be able to throw light on the questions raised by Dr. Kunzru about the replies which were given by the Honourable Mr. Williams yesterday.

I do not wish, Sir, to take more time of this House as we have got a very heavy agenda and want to discuss the Resolution which the Honourable Mr. Kalikar is moving on the Atlantic Charter. Therefore, with these words, I give this Resolution my cordial support.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : I welcome the opportunity afforded to me by the Resolution put forward by my Honourable friend Pandit Kunzru as it will enable me to explain the present position of Government with regard to the recruitment of officers in the Indian Navy. I should like to begin by taking this opportunity of paying a tribute to the very fine work that has already been accomplished by the Indian Navy in this war. (Applause.) Ships of the Indian Navy have taken part in many operations. For instance, they were very prominent in the capture of Massawa, the important Italian naval port in the Red Sea. (Applause.) They played a large part in mine-sweeping in the Red Sea, keeping open that vital line of communication. Recently a ship of the Royal Indian Navy played a very valuable part in the capture of certain Axis ships at the Persian port of Bandar Shahpur and two ships of the Royal Indian Navy have taken part in the Battle of the Atlantic. (Applause.) Those ships are now doing work in the Red Sea and in the Mediterranean. These are only some examples of the work which the greatly expanded Royal Indian Navy is doing every day. As you will realise, there has been and is still continuing a very great expansion of the Indian Navy and they are acquiring a very considerable number of vessels and some of those are of very valuable types. As I stated in answer to a question previously, we have a large building programme going on at present in Indian ship-building yards, the value of the current programme being over £1 million sterling. To turn to the question of recruitment of officers, the position, of course, has very materially changed on account of the outbreak of war. We had to expand our Naval forces very considerably and we have been able to take in a very much larger number of officers. I would begin by explaining the categories in which these officers are recruited. There are three categories. First of all, officers of the regular Royal Indian Navy. Secondly, there are officers of the Royal Indian Naval Reserve. These are men who have had actual experience in the mercantile shipping firms and who have volunteered to join the Navy. The third category is the Royal Indian Naval Volunteer Reserve. These are men who, though they have had no previous experience of the sea, officially at any rate, have volunteered for service in the Navy. These three categories correspond exactly with those of the British Royal Navy and the term "Reserve" is rather misleading, in that the officers who join the Royal Indian Naval Reserve, or the Volunteer Reserve, during the war are at once employed on active service. They are in no sense reserve officers, it is simply

a matter of nomenclature, and they correspond exactly to the Emergency Commission officers of the Army. As a matter of general policy and following exactly the same practice as in the British Services and in the other Services, the Army and Air Force, both in Great Britain and in India, it has been decided that during the war no direct permanent commission will be given in the Royal Indian Navy, except for cadets, to which I will refer to in a moment. The reason for that is that we are uncertain what the strength of the Navy will be at the end of the war and we do not want to have an unnecessarily large number of officers on our hands holding permanent commissions. That is the result of experience of the last war. A very large number of permanent commissions were given during the war in the British Services and then at the end, when the Services had to be reduced, we had to face the very difficult problem of providing for those officers. It has, therefore, been decided that during the present war permanent commissions will not be given except on a very small scale. Now as far as the Royal Indian Navy is concerned, we have continued to select suitable candidates as cadets to meet the wastage in the pre-war establishment of the Navy. We know—we are quite certain—that whatever happens, the Navy at the end of the war will certainly be not smaller than it was at its commencement and we, therefore, continue to give permanent commissions sufficient to fill up the normal rate of wastage in our pre-war establishment. These are the only permanent commissions given and recruitment for them is made in two ways. The Federal Public Service Commission hold an open competitive examination and there is also a special examination, which is held only for cadets from the Mercantile Marine Training Ship "Dufferin," and a certain number of vacancies are advertised each year as available for those two classes. I am afraid that our experience with regard to these examinations has not been a very happy one in the last few years. The numbers presenting themselves for examination have been small; the number who qualified at those examinations has been quite small. A considerable proportion of those coming forward failed in the examination and of those who eventually appeared for interview at the Board only a small proportion were found suitable. Reports from the Federal Public Service Commission indicate that candidates showing preference for the Navy among candidates who were eligible for other combatant services were few and there is at present no sign of an increase in the number of that type who show any interest in the Navy as a career. It is possible that the attractions of the other Defence services are greater, but until there is a much greater increase of interest in the Navy and a larger number of candidates come forward to compete for these posts no useful purpose can be served by increasing the number of cadetships offered for the commissioned ranks of the Royal Indian Navy. We have at present been unable to fill all those vacancies that have been offered. I shall welcome every opportunity to popularise the service and I think a good deal can be done by arranging lectures to University students at large educational centres and by other means which are at present under the consideration of my Department, and I hope to be able to take some practical steps in this direction in the near future.

But, while the number of Indians taken in the Royal Indian Navy for cadetships is small, we have taken a considerable number of Indians for the officer ranks in the Royal Indian Naval Reserve and in the Royal Indian Naval Volunteer Reserve. As regards the Royal Indian Naval Reserve, our main field for recruitment is the personnel of the Indian Mercantile Marine, but it would of course have been unwise to deprive the merchant service of all its experienced officers. For the Royal Indian Naval Reserve, we received 67 applications from Indians and of these 59 were accepted and these officers

[His Excellency the Commander-in-Chief.]

are now in active service. The reasons for the rejection of the few others who offered themselves were either the inability of the shipping company concerned to spare them or due to the candidate's failure to pass the medical test. The Indian Mercantile Marine is of comparatively small size and its capacity to produce the required number of experienced men is, therefore, limited. As I said, we cannot afford to cripple the merchant shipping service by depriving it of all its officers. As Honourable Members will have noted, we took all except eight out of the 67 who offered. We have, in addition, taken 85 Indians as warrant officers, a total thus of 144 Indians. The number of Europeans taken in the R. I. N. R. is 112. Our need for officers was, and continues to be, great and we have had, therefore, to go to the open market to select suitable material which could be trained for the officer ranks. Such selected candidates are, after training, given commissions in the R. I. N. V. R. One hundred and one Indians have been accepted so far and have been given commissions. The number who applied was of course very large, in fact about 4,000, but a great majority of these had to be rejected because when the recruitment opened a large number of candidates came forward who had no idea whatever of the nature and conditions of service and who were quite obviously unsuitable. A great number of those considered suitable also failed to pass the somewhat high standard of medical fitness which is required for the Navy, especially in the matter of good sight.

Recruitment is still open and Government are prepared to accept all suitable Indians who come forward for employment in the officer ranks of the Royal Indian Navy. As I have already observed, we have perhaps failed in the past to secure sufficient publicity among the right kind of people though we have to a large extent used the public press. Steps are now being taken to improve our publicity and I would welcome the assistance of Universities and educational institutions and of all Honourable Members of this House who carry great weight in their constituencies and whose appeal and advice would encourage such recruitment.

On the question of proportion, I cannot give you the exact figures, but the figures for officers and warrant officers is something like this. In the Royal Indian Navy the proportion is one to two. In the Royal Indian Naval Reserve, there are a larger number of Indians than of Europeans. In the Royal Indian Naval Volunteer Reserve, the proportion of Indians is at present one to three approximately. Rather more than one to three, but the proportion is changing almost every day as fresh candidates come forward. The reason for that proportion in the Royal Indian Naval Reserve is very largely because we have failed to secure sufficient suitable candidates. Taking it all round over the Royal Indian Navy, the Royal Indian Naval Reserve and the Royal Indian Naval Volunteer Reserve, the proportion is approximately three Indians to five Europeans.

Sir, Government is in full sympathy with the Resolution moved by my Honourable friend Pandit Kunzru and I have great pleasure in accepting it.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Sir, I only wish to say that the conclusion of His Excellency the Commander-in-Chief's speech was surprising but nevertheless a very agreeable conclusion. In view of the readiness of His Excellency to accept my Resolution I do not want to go into some points raised by him which I might otherwise have replied to. It is enough for me that His Excellency has accepted this Resolution. I am sure that it will be implemented in the spirit in which it has been accepted.

THE HONOURABLE THE PRESIDENT : Resolution moved :—

“ This Council recommends to the Governor General in Council that full use be made of the material available in India for the recruitment of officers for the Royal Indian Navy with a view to its Indianization. ”

Question put and Motion adopted.

RESOLUTION *RE* APPOINTMENT OF NON-OFFICIAL VISITORS
CHOSEN FROM THE CENTRAL LEGISLATURE TO VISIT SE-
CURITY PRISONERS IN THE DEOLI DETENTION CAMP.

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern : Non-Muhammadan) : Sir, the Resolution that I desire to move runs as follows :—

“ This Council recommends to the Governor General in Council to institute a system by which non-official visitors selected from among members of the Central Legislature may be able to visit and report on jails and prisons in which political prisoners are kept in centres which are under the control of the Government of India. ”

Sir, it will be within the recollection of the House that I put a number of questions about the detenus this morning. The information that was supplied by the Honourable Mr. Conran-Smith was that they had 254 prisoners in Deoli, three political prisoners in Delhi and one detenu in Ajmer. The total number comes to 258.

Now, Sir, this is war time and the Defence of India Act is in operation.

1 P. M.

These detenus are being detained under section 26, I believe, of the Defence of India Act. Their cases have not been investigated, as was pointed out by the Honourable Mr. Conran-Smith in his reply this morning, by any judicial authority. Their cases have not been submitted to any judicial authority and they are being detained without the advice of any judicial authority. There is also no system by which their cases could be periodically reviewed by any judicial authority. Therefore they are being detained on suspicion in the interests of the State. They cannot, therefore, be looked upon as ordinary political prisoners and they are certainly entitled to considerate treatment. As a matter of fact the Italian prisoners of war are, I think, in many ways being treated better than these detenus. I think they get more diet money than these detenus. In Deoli we have two kinds of prisoners. The first class gets eleven annas per diem for diet and the second class I believe gets eight annas per day. The Honourable Mr. Conran-Smith will correct me if I am wrong, but I think those are the figures. Then the families of these detenus do not in all cases get any allowance. As Mr. Joshi's report shows, they have got grievances in regard to various other amenities which are denied to them. They get no adequate pocket money for purchasing such necessary articles for use as tooth brushes and hair washes and so on. And above all there is no system of inspection of the prisons and jails where these men are being detained. I was just reading in this morning's newspaper that in England, where there is the Defence of the Realm Act in operation, there is a move that something must be done for the internee. The internee must be brought to trial or there must be some method of proving his guilt. Well, why should there be a different kind of treatment reserved

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for the internee in this country? After all the internee is suffering for his political opinion. It may be political opinion which is not to our liking, but there is a difference between the ordinary prisoner and the political prisoner and we cannot get away from that fact. The political prisoner is entitled to considerate treatment and to humane treatment, and I do not agree with the view which was put forward by Sir Reginald Maxwell that because they have gone on hunger strike, therefore, their grievances must not be looked into.

THE HONOURABLE THE PRESIDENT: You are deviating from your Resolution.

THE HONOURABLE MR. P. N. SAPRU: I was just making some side remarks. I do not agree with that view. I think if they have got grievances then you must examine those grievances regardless of the fact whether they have gone on strike or whether they have not. A strike does not make the grievances genuine and the absence of a strike would not make the grievances unreal. Therefore there ought to be some system by which Members of the Legislature are enabled to know what exactly is happening in these detention camps. Our Group, Sir, is for the abolition of Deoli. I am assuming that Government is not abolishing Deoli. If they did abolish it we should be very glad; but assuming that Deoli is not abolished, there ought to be a system whereby Members of this House and the other place can be kept in touch with what is happening in these places. They ought to be able to go and see things for themselves, see the diet they get and the amenities with which they are provided, whether they get newspapers and books and the kinds of books and newspapers they are supplied with. They ought to be able to find out for themselves what the grievances of these men are and if responsible Members of this House and the other House go and have a talk with these men you will not probably have incidents of the character that you had the other day, I mean the letter of Jai Prakash Narayan which Government published the other day. Of course that was a very very regrettable incident. But all these things are possible because you have placed men of varying shades of extreme opinion, the communist, the revolutionary socialist, congress socialist, ex-journalists, in one place, and you do not provide any opportunity to responsible men to visit them. Deoli is in a far away place and it is not possible for the members of the families of these detenus to visit them. Therefore, the demand embodied in this Resolution is a very moderate one. Can you not trust some Members of this House? You may not trust me or Dr. Kunzru; but you can probably trust Sir David Devadoss and you can trust the Honourable Mr. Kalikar or some other Members. Can you not get some men to go and visit these places? We have a system of non-official visitors in provincial jails. I think that system has worked on the whole well. I am interested in the work of the Discharged Prisoners Society in my Province, and I know that the non-official visitor has proved to be on the whole a useful person. Therefore, what I say is, have some non-official visitors who can maintain contact with these detenus and through whom we can find out what exactly is happening in these detention camps. If you take nobody into your confidence, then adverse presumptions are drawn against you. If, on the other hand, you take some people into confidence, then those people can act as agents who will help you to disseminate correct information. Therefore, I do hope that the Honourable Mr. Conran-Smith will view this Resolution sympathetically. It is as much in his interest as in our interest that this problem of detenus should be viewed in a reasonable and rational spirit by this House.

THE HONOURABLE THE PRESIDENT : This will be a convenient time to adjourn the House.

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

The Council re-assembled after Lunch at Half Past Two of the Clock, the Honourable the President in the Chair.

THE HONOURABLE MR. E. CONRAN-SMITH (Home Secretary) : Sir, I have great respect for my Honourable friend who moved this Resolution, for his sober judgment and his fairness—although I do not always agree with him on the floor of this House—but I think on this occasion he has been rather less than fair to Government and to this House. The terms of his Resolution embodied a proposal that the Governor General in Council should appoint non-official visitors from among Members of the Central Legislature to visit political prisoners in jails in Centrally administered areas. When he came to speak on the Resolution, however, he confined himself entirely to security prisoners in Deoli. How little respect the Honourable Mover had himself for the terms of his Resolution is clear from the fact that at the very beginning he differentiated even between detenus and political prisoners, thus removing, if I understood him rightly, the only connection, or the only substantial connection, between the Resolution and the terms in which he commended it. I had rather more than a suspicion that he intended to take this line from the absence of any supplementary questions on the interpellation which he tabled this morning. I had, however, made it clear to him yesterday, in reply to a supplementary question, that there are security prisoners in other places than Deoli. The Honourable Member will remember that he asked me whether Deoli was the only camp for detenus, and I told him in reply that there are some security prisoners in jails in Centrally administered areas. I cannot avoid a suspicion that the Honourable Member desired to keep away from a point of which he himself was well aware, namely, that there are already non-official visitors to jails in Centrally administered areas. In view of the treatment which my Honourable friend Mr. Sapru gave to his own Resolution, I find a little difficulty in replying. I will, however, be as commendably brief as my Honourable friend was himself. As he has referred to political prisoners in general,—although apparently he did not mean that,—I think it is my duty to say, as has been said before on the floor of this House, that Government do not recognise the term “political prisoner” for the purpose of jail classification. In short, Government does not recognise motive as a criterion for classifying prisoners. Attempts were made on the floor of this House in 1937 to define the term “political prisoner” and it was contended that the term was quite intelligible,—even to the mean intelligence of Government,—but I cannot myself see that the difficulty of saying where a political prisoner ends and where an ordinary prisoner begins was ever really settled. However, as my Honourable friend was clearly not talking about political prisoners in general as he understands the term, there is really no need for me to deal with that point, but I should like to make it clear that the Resolution as worded could not be acceptable to Government. In the first place, as I have remarked before, there are already non-official visitors appointed to visit jails in Centrally administered areas. Those non-official visitors are selected in accordance with the recommendation of the Indian Jails Committee, of which my Honourable friend is no doubt aware, that is to say they are, as far as possible, persons with

[Mr. E. Conran-Smith.]

definite qualifications for this particular work, such as interest in prison administration and reform, ability or willingness to assist in finding work for prisoners on release and other kindred social work, and their selection, according to the Indian Jails Committee, should not be made solely on the ground of social position or of political influence, but on the basis of special fitness. Let me make myself quite clear; I am not suggesting for a moment that the Members of the Central Legislature would not make most admirable non-official visitors if they have the other qualifications laid down by the Indian Jails Committee. I suggest, however, to the Honourable the Mover that the term "non-official visitor"—at any rate in the accepted meaning of the term—is not appropriate to what he has in mind. In other words, again his Resolution does not, I think, say what he himself meant. The non-official visitor, who is considered suitable for the ordinary prisoner is not apparently suitable for the prisoners whom my Honourable friend classes as political prisoners. I take it, therefore, that what he has in mind is that a political prisoner should be visited only by a particular kind of visitor—one who has experience of the political field and a special sympathy for, and understanding of, the mentality of the political prisoner. That was how I understood the Honourable Member's Resolution but as he has made it clear in his speech that he had not that in mind but rather something quite different or at any rate something largely different, namely, the question whether non-official visitors selected from the Members of the Central Legislature should be appointed to visit security prisoners in Deoli, I will devote my few remaining remarks to that particular point. My Honourable friend said that the cost of maintenance of the security prisoners at Deoli was 11 annas and 8 annas and he asked me to correct him if he was wrong. He was wrong and I have pleasure in correcting him. The amount is 12 annas and 9 annas. But I think possibly my Honourable friend had in mind the figure in the United Provinces, which is, I understand, 11 and 8.

My Honourable friend Mr. Sapru made a rather coy reference to the Jai Prakash Narayan papers. He spoke about that "regrettable incident". Whether he meant the publication by Government was regrettable or the papers themselves were regrettable, I did not clearly understand. He apparently quoted that incident as a reason why Members of the Legislature should visit Deoli. Perhaps my Honourable friend will correct me if I am wrong but that is the impression I got. I can only say that it seemed to me that the case he quoted did not support his contention in any way. The fact that a security prisoner was planning to commit offences against the State seems to me a complete justification for the action of Government in restraining him. No doubt as I have said my Honourable friend will correct me if I am wrong, but that is the obvious inference to draw from the existence of those papers.

I think I have made it clear, Sir, that Government could not accept this Resolution in the form in which it stands. In the first place, it is, as I have shown, unnecessary, because so far as jails in the Centrally administered areas are concerned, there are already non-official visitors well qualified to visit the ordinary prisoner. In so far as my Honourable friend is asking me to anticipate the decision of Government on a matter affecting Deoli which as he and Honourable Members of this House are aware is under consideration by Government, equally I cannot accept it. I have made it clear in my answer to a question that the matter of permitting non-official visitors to Deoli was already under the consideration of the Government. If, therefore, my Honourable

friend is prepared to amend his Resolution to read something like the following :—

“ This Council recommends to the Governor General in Council to consider the proposal to appoint non-official visitors chosen from the Central Legislature to visit security prisoners in the Deoli Detention Camp ”,

I should have no objection to raise.

THE HONOURABLE THE PRESIDENT (to the Honourable Mr. Sapru) : Are you prepared to accept that amendment ?

THE HONOURABLE MR. P. N. SAPRU : I shall be prepared to accept it, Sir. I have just a few words to say. Sir, my Honourable friend Mr. Conran-Smith is quite right in saying that I had the detenus, the security prisoners, in mind, when I drafted this Resolution. As a matter of fact, if he will just examine the words of my Resolution, he will find that I have made my meaning clear. I have said : “ to report on jails and prisons in which political prisoners are kept in centres ”, etc. I should have used the word “ detained ”. If I had used the word “ detained ”, perhaps the confusion which has been created in his mind would not have arisen. I think the whole difficulty is due to the fact that I used the word “ kept ” and not the word “ detained ”.

THE HONOURABLE MR. E. CONRAN-SMITH : I rise on a point of personal explanation, Sir. The Resolution refers to visiting and reporting on jails and prisons in centres within the control of the Government of India.

THE HONOURABLE THE PRESIDENT : I think it will help Members if you would please read again the Resolution as amended by you.

THE HONOURABLE MR. E. CONRAN-SMITH : I was explaining a rather different point, Sir. Mr. Sapru was answering my contention that his Resolution is in terms different from what he really had in mind.

THE HONOURABLE THE PRESIDENT : He will drop his point when once he knows the exact terms of your amended Resolution. He will not then press the point. Will you please read your Resolution as amended ?

THE HONOURABLE MR. E. CONRAN-SMITH : I am afraid I have not given any close attention to the actual drafting of it. The idea which I gave the Honourable Member was that the Resolution should read something in this manner :—

“ This Council recommends to the Governor General in Council that he should consider a system by which non-official visitors selected from among Members of the Central Legislature should visit security prisoners in the Deoli Detention Camp. ”

Will that meet the Honourable Member's point ?

THE HONOURABLE MR. P. N. SAPRU : Yes. I understand the meaning of my Honourable friend's amendment and, as a matter of fact, when I sent in this Resolution, I had in mind the Deoli Detention Camp.

THE HONOURABLE THE PRESIDENT : I agree with you. But let us be definite about the Resolution which is now before the Council before you begin your address. It will run thus :—

“ This Council recommends to the Governor General in Council that he should consider introducing a system by which non-official visitors selected from among Members of the Central Legislature may be able to visit security prisoners in the Deoli Detention Camp. ”

THE HONOURABLE MR. P. N. SAPRU : As I said, Sir, I had the security prisoners in mind, and the largest number of security prisoners are in Deoli, as the Honourable Mr. Conran-Smith said this morning. I think their number is 254. The Honourable Mr. Conran-Smith also said that Government did not recognise any classification of political prisoners. In their view, the question of motive is entirely irrelevant so far as the classification of prisoners is concerned. Well, we will agree to differ on that point. I think the question of motive is relevant and he thinks it is not relevant. I will not go into that question at this stage. All that I will say is that I do not agree with the view that political prisoners should be treated like other prisoners.

THE HONOURABLE THE PRESIDENT : He has already informed you there is no such classification.

THE HONOURABLE MR. P. N. SAPRU : I know, Sir. I am not going into it. We shall agree to differ. Then he referred to certain observations which I made in connection with the letter of Mr. Jai Prakash Narayan which was published by Government. What I meant to convey was that the herding of prisoners of various shades of political opinion was bound to have an injurious effect upon the minds of the prisoners. What you have done is to put communists, revolutionary socialists, congress socialists and ex-terrorists in one camp. Well, they have their differences. The history of extreme leftist movements shows that there are many internal jealousies among these leftist groups, and, therefore, it is not wise from a political point of view to herd men of varying shades of extreme political opinion together. You will have incidents of that character if you do this kind of thing. Therefore, I argued that Deoli should be abolished.

Now, Sir, I appreciate the difficulty of my friend in accepting the Resolution in its present form. He has told us that the question of the security prisoners and visitors for Deoli is under the consideration of the Government of India. I should like a decision to be taken at an early date because we are rather worried about this hunger strike at Deoli and the repercussions that any untoward incidents in Deoli may have on the political atmosphere of this country. I do not agree with the line which Government have taken with regard to the hunger strike at Deoli. However, as I am getting the substance of what I want, that is, an early consideration of the question of non-official visitors selected from among Members of the Legislature, I would not wish to press my original Resolution. I am prepared to accept the amendment of the Honourable Mr. Conran-Smith. I know that in Ajmer and in Delhi, which are the other Centrally administered areas where we have detenus there is a system of non-official visitors, and it was not my suggestion that they should be superseded by men drawn from the Central Legislature. I suggested the Central Legislature because I wanted men of political experience as visitors. They would not be men who would necessarily agree with the views of security prisoners, but they would be men with a political background and therefore I wanted the non-official visitors drawn from among Members of the Central Legislature.

Sir, with these words, I would like to indicate my desire to accept the amendment moved by my Honourable friend Mr. Conran-Smith.

THE HONOURABLE MR. E. CONRAN-SMITH : Sir, I do not feel I need take up the time of the House by saying anything in reply. I think it is unnecessary for Government to take any exception to the form of the amendment which I have commended to my Honourable friend and therefore I do not oppose it.

THE HONOURABLE THE PRESIDENT: The Resolution as amended reads as follows :—

“ This Council recommends to the Governor General in Council that he should consider introducing a system by which non-official visitors selected from among Members of the Central Legislature may be able to visit security prisoners in the Deoli Detention Camp.”

Question put and Motion adopted.

RESOLUTION *RE* ATLANTIC CHARTER.

THE HONOURABLE MR. V. V. KALIKAR (Central Provinces : General)
Sir, the Resolution which stands in my name runs thus :—

“ This Council recommends to the Governor General in Council to convey to His Majesty's Government the deep discontent of this House over the statement made by the Prime Minister of Great Britain about the non-application of the Atlantic Charter to India, which, in the opinion of the House, is likely to prejudice the war efforts of this country at this critical juncture.”

Sir, the President of the United States and the Prime Minister of Great Britain met at some place in the Atlantic and they drew up a joint Anglo-American Declaration setting out the objectives for which the Allies are fighting the war and laying down certain fundamental principles on which they want to base the post-war peace of the world. I propose to refer to three points in my speech that are embodied in the Declaration. The first point is, their countries seek no aggrandisement territorial or other ; secondly, they desire to see no territorial changes that do not accord with the freely expressed wishes of the people themselves ; and the third point, they respect the right of all people to choose the form of government under which they will live and they wish to see sovereign rights and self-government restored to those who have been forcibly deprived of them. Then they have referred to economic and other points which I do not propose to read. When the Declaration was made high hopes were entertained in some quarters which had some faith in British statesmanship and they thought that India's lot was going to be improved after the war. The Congress Party did not believe that the principles embodied in this joint Declaration would be applied to India, but other parties thought commonsense had dawned upon Britain and the help which India was giving to Britain would induce Britain to act up to the principles embodied in the Charter and apply them to India.

THE HONOURABLE THE PRESIDENT: I do not think you are quite accurate. Mr. Churchill distinctly stated that they had in
3 P.M. contemplation at the time only countries which were under the Nazi yoke.

THE HONOURABLE MR. V. V. KALIKAR: I am coming to that, Sir. Sir, it is not that we people misunderstood Mr. Churchill, but a big personality like Mr. Attlee, the Deputy Premier of Britain, seems to have misunderstood him. As I will show to the House, the statement he has made clearly shows that the Charter would be applicable not only to the countries that were deprived of their sovereignty but the Charter would apply to the whole world. In order to prove my statement, I want to read the exact words of Mr. Attlee in this connection. Mr. Attlee says :—

“ You will not find in the Declarations which have been made on behalf of the Government of this country on the war any suggestion that the freedom and social security for which we fight should be denied to any of the races of mankind.”

[Mr. V. V. Kalikar.]

"We the Labour Party have always been conscious of the wrongs done by the white races to races with darker skins. We have been glad to see how with the passing of years the old conception of colonies as places inhabited by inferior people, whose function was only to serve and produce wealth for the benefit of other people, has made way for juster and nobler ideas. Yesterday I was privileged to announce a declaration of principles which apply, I believe, to all the people of the world".

Sir, these words ought to be noted very carefully. He said :—

"I was privileged to announce a declaration of principles which apply, I believe, to all the peoples of the world".

I think, and he also thinks, that Indians are also people who inhabit India and who are in the world.

THE HONOURABLE THE PRESIDENT : Members of Parliament are also likely to make mistakes.

THE HONOURABLE MR. V. V. KALIKAR : This is not a statement by a Member of Parliament. This is a statement by the Deputy Premier of Great Britain. I can understand the position taken up by the Opposition members, but I cannot understand the position taken up by Mr. Attlee.

THE HONOURABLE THE PRESIDENT : Who is in a better position ? Mr. Churchill who discussed the matter actually with Mr. Roosevelt says differently, that it does not apply and that their intention was only to speak about the countries which were under the yoke of the Nazis.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : May I respectfully say that it is absolutely impossible for us to argue with the Chair. Non-official Members find themselves at a great disadvantage when the Chair uses its influence against them.

THE HONOURABLE THE PRESIDENT : I am only pointing out the inaccuracies.

THE HONOURABLE MR. P. N. SAPRU : Inaccuracies are just the other way about. I will point out later on.

THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA : Do you mean to imply, Sir,—

THE HONOURABLE THE PRESIDENT : Order, order. Mr. Kalikar, will you please proceed ?

THE HONOURABLE MR. V. V. KALIKAR : If you will allow me to continue, I will reply to all the points that you have just now raised. He further says :—

"Our enemies, the Nazis, have set up a monstrous and ridiculous racial doctrine. They declare themselves to be the master race to which the rest of us are inferior, and if they assert that claim in respect of Europeans, you may be quite assured that they are going to apply it to everyone else, Asiatics, Africans, and everyone.

"We are fighting this war not just for ourselves alone but for all people. We want to lift from all people those two great evils of fear of war and fear of want. I look for an ever-increasing measure of self-effort in Africa and for an ever-increasing standard of life for all peoples of Africa".

Sir, after reading this statement of Mr. Attlee it will be perfectly clear to the House that Mr. Attlee as the Deputy Premier of Great Britain thought—and rightly thought—that the principles embodied in the Charter would be applicable to the whole world without making any distinction between vanquished and not vanquished people. Sir, after that Mr. Churchill who was scrupulously silent till then about making any declaration about the future of India after the war and who during his regime as the Prime Minister of England did not like to open his lips so far as India was concerned hastened to make the declaration that this Charter did not apply to India. The question that you put to me just now is whether the parties to the Charter could not rightly interpret the Declaration. Sir, it is a question on which there can be honest difference of opinion. However, I must submit that the authority in America kept discreetly silent after the statement made by Mr. Churchill. When there is a difference of opinion between two parties about the interpretation of a document, the document has to be interpreted by the court and not by the parties. Here the bar of world public opinion will have to take the correct interpretation of this Charter. The bar of public opinion in the world—keeping aside the views of certain sections in India—has rightly interpreted that this Charter is not limited in its application to certain countries in Europe, but it is applicable to all the countries of the world. Sir, Mr. Churchill has done the greatest harm to the war efforts in India. The anti-war mongers in India, the pacifists and other people who say that this is not our war, who want to preach to Indians that Indians should not take any part in the war efforts in India, have failed in their attempts and Mr. Churchill has come to their aid and he has whipped up, if I may say so, the efforts that they are making against the war efforts. It would have been in my opinion more statesmanlike for Mr. Churchill if he had not spoken at all on this point, because, Sir, his speech has not brought any comfort to those people who want to help the war effort or to those people who entertained some hope that India's lot would be improved after the war or added to the contentment of other parts of the British Empire. His blindness to the realities of the situation is really impenetrable but I think that though he may win the war, as a peace Prime Minister he will certainly fail if he adopts that attitude that he has taken up so far as India and other non-self-governing parts of the British Empire are concerned. Sir, he would do his best to restore the *status quo* with all its age-long inequalities, injustices and slavery. I am really surprised, Sir, to find that, after Mr. Churchill made his famous statement in the House of Commons, President Roosevelt, who is the leader of the Western democracy, should not have come forward with his interpretation of the Eight Points embodied in the Charter as he was the other party to it. President Roosevelt waxes eloquent on the four freedoms but it seems artificial when we consider the Churchill declaration that the Atlantic Charter was never intended to apply to India, Burma or any other part of the British Empire. After the joint Declaration was issued, President Roosevelt stated that he and Mr. Churchill had discussed the problem of every section of every continent. People naturally assume, after the statement made by Mr. Churchill in the House of Commons, that President Roosevelt thought that the problem of India, Burma and other non-self-governing parts of the British Empire should be left to the discretion of Britain. After the Declaration was made Mr. Churchill said in the House of Commons debate that—

¹ "It is a united Declaration and sets up a milestone or monument which needs only the stroke of a victory to become a permanent part of the history of human progress."

[Mr. V. V. Kalikar.]

But, in the same breath, Sir, he contradicts himself by saying that it will in no way alter the destinies of the fourth of the human race and that Britain will have the full right to deal with all the parts of the British Empire as she likes. Mr. Churchill said in the debate that at the Atlantic Charter meeting—

“ We had in mind primarily the extent of the sovereignty, self-government and national life of the States and nations of Europe now under the Nazi yoke and the principles which should govern any alterations in the territorial boundaries of countries which may have to be made. That is quite a separate problem from the progressive evolution of self-governing institutions in regions whose people owe allegiance to the British Crown ”.

Now, Sir, just a word how far this process of progressive evolution of self-governing institutions in regions whose people owe allegiance to the British Crown is going to be. We have been under British rule for over 150 years. We have not yet reached the goal.

THE HONOURABLE MR. P. N. SAPRU : We will never reach the goal !

THE HONOURABLE MR. V. V. KALIKAR : And if this tendency on the part of British statesmen continues we never hope to reach the goal, which they say that we shall reach if there is agreement amongst certain sections of the people. I do not want to dilate on the position of Indians in India and the relations that exist between the communities, but, Sir, I cannot resist the temptation of stating that if the situation in India is such that there cannot be any agreement between the parties, it is the third party, which rules India, who is responsible for bringing about that situation. I am perfectly sure in my mind that if the third party desires that the situation ought to improve there will certainly be an agreement between the various communities in India. Sir, before the War of Independence in America, there was no agreement amongst parties, but, after the War of Independence and when a personality like Washington came on the stage, the parties came to an agreement and the independence that they have gained is being continued without any disagreement. But, even apart from that, is there any country in the world where there is a hundred per cent. agreement among all the communities composing its population ? That is no ground for delaying the grant of self-government to India or Dominion status or freedom, whatever you may call it. Mr. Churchill says that “ we did not want to discuss the question of these parts of the Empire, which do not enjoy self-government, at the Atlantic meeting ”, but then, if that is to be the case then his view was, and I think it is still now, that nobody—neither America nor anybody else—has the right to bring pressure on the British Government to give self-government to India after the war. He wants to raise Europe to a very glorious position after the war by implementing the Eight Points in the Atlantic Charter, but he cannot be successful in that attempt unless the character of the British Empire is changed. He says that, according to the declaration, States, vanquished or victor, will have access to trade and to the raw material on equal terms. That is a very good principle, a very sound principle, enunciated by him and embodied in the Charter, but let us know how this principle is going to be implemented if Britain continues to claim that her Colonies are her exclusive concern. We know that when the Right Honourable Mr. Churchill was hard pressed he had to make a perpetual lease of Atlantic bases to America. This means that he can transfer the sovereignty of subject peoples to another power though they may owe allegiance to the British Crown. There is, therefore, no point in distinguishing between the

vanquished countries of Europe and the subject peoples of the Empire on the ground that the latter owe allegiance to the Crown and will not therefore come under the scope of the Charter.

Sir, I now want to address myself for a moment to the question of territorial adjustment amongst the various countries in Europe which have come under the Nazi yoke. If Mr. Churchill wants to implement the principle embodied in the Charter, he will have to restore the sovereign rights of Poland and at the same time take care that the freely expressed wishes—to use his own words—of the non-Polish minorities ought to be respected. I think, great man as he is, with the help of the other Allies and America he will be successful in that. As regards the integrity of Poland, how is he going to do it and at the same time respect and satisfy the claims of Czecho-Slovakia and Britain's new ally, Russia? I think he means business, and if he really means business, he will have to consider all these difficulties and restore parts of those countries which have been taken over by other States, satisfy the claims of those minorities who reside in those various countries and he will also have to help them in getting self-government—

THE HONOURABLE THE PRESIDENT : Is it necessary for you to refer to other countries?

THE HONOURABLE MR. V. V. KALIKAR : It is necessary for me to refer to other countries in this way. If he can do that miracle in Europe and if he has committed himself by the Declaration to implement those principles embodied in the Charter after the war, he can do the same thing in India. I am just pointing out to the House the difficulties that he will have to face there. He does not say that because there are minorities in those countries, those countries are not fit for self-government. If that is the case, then he should have no difficulty whatsoever in implementing those principles after the war so far as India is concerned and granting India self-government.

Sir, the settlement in Europe requires the shedding on the part of Britain of some of her special rights and privileges which she has been enjoying for long and to give the principles of nationality and self-determination universal scope. The joint Declaration means that America and Britain seek no territorial aggrandisement at all, and yet, when India's case has to be considered, the Prime Minister brings forward the plea that Britain cannot renounce her obligations arising out of certain responsibilities. Every impartial student of recent constitutional history in India knows that the claim that has been put forward by Mr. Churchill simply means that Britain does not want to give India self-government because it is in the interests of Britain not to loosen her hold on India. If Britain had not been interested in India, she would have acted otherwise. Sir, you said when I was just beginning my speech that it is Mr. Churchill who has to interpret the implications of the Charter. But I want to say in support of my argument that other people also have the right to interpret it. After the Charter was published, Reuter's Parliamentary Correspondent said :—

“They have drawn up the basis of a people's charter of liberty wherein right shall be might and the powers of aggression and despotism shall cease to have perpetual impunity”.

This is quite clear and plain language, and Reuter's Correspondent is expected to know better how to interpret this Charter in the proper manner.

THE HONOURABLE THE PRESIDENT : You have already exceeded your time limit.

THE HONOURABLE MR. V. V. KALIKAR: Sir, you always show indulgence to certain Members of my Party and I hope you will show me the same indulgence this time.

I now come to the point as to why the Charter should be made applicable to India. The Atlantic Charter is not a gift of the two countries but a compensatory award for the assistance given by the world in their humanitarian struggle against the monstrosities of Hitlerism. We in India have supported Britain to a very great extent in their war effort. We sent our Army to France, and various other theatres of war. We expected that after the war the destinies of India would undergo some radical change in the interests of India, but after the statement of Mr. Churchill one need not be very hopeful about it. I think Mr. Churchill has done the greatest harm to his own cause in India and not to any other cause. In this view of mine many people agree with me. I shall cite the statement made by the Honourable Mr. Sarkar after he was appointed to the Executive Council but before he took over charge at Calcutta about Mr. Churchill's statement. He said :—

" I cannot consider the latest speech of Mr. Churchill in the British Parliament to be helpful at such a time. I am rather inclined to think that it will prove unhelpful so far as war efforts are concerned. The Atlantic Charter was a statement by two parties. An interpretation of it by one of the parties only is not quite the proper thing. In the circumstances it is my feeling that it was really not necessary that one party should seek to put its own interpretation on this joint statement. At this time when Britain admittedly requires all the help that India can give this sort of statement had not better been made at all. Such words coming from a position of Mr. Churchill's eminence tends to damp the enthusiasm of even those of us who sincerely wish to do our best to help Great Britain in this crisis ".

I am referring specially to this statement in view of the attitude taken by the Government in the other House. I submit that the Government of India and especially the Indian Members are not there only to transfer our debate and convey our sentiments to the Prime Minister. It is their duty also to pass a right judgment on this interpretation of Mr. Churchill and to tell the British Government what they think about this interpretation. I would therefore submit that the view expressed by the Honourable Mr. Sarkar would help them in forming a correct judgment on this controversial point and they will also support the Indian demand that the principles of the Charter should also be applied to India after the war.

Sir, as my time is up I will finish within three minutes. The statement made by Mr. Churchill that the Charter is not applicable to India is not only harmful to the war efforts of India but will also affect the good relations of India with Britain. If Mr. Churchill and His Majesty's Government wish to retain the Indian connection they should seriously consider the effects produced by his interpretation and see that his past attitude is changed in view of the circumstances obtaining in India. The British Government should make a clear and unequivocal declaration that India will also be included in the Charter. In the House of Commons' debate two or three members of the Labour Party, while discussing the Bill about the postponement of election, clearly stated that the Charter must be made applicable to India. In America, responsible people have clearly stated that India's case cannot be ignored. In view of these statements made by responsible people I think it is the duty of the British Government to see that India is not in any way affected by the interpretation put upon the Charter by Mr. Churchill. I therefore request the House to support my Resolution and convey to His Majesty's Government the wish of this House that they do not agree with the interpretation that Mr. Churchill has put on the Eight Points embodied in the Charter.

With these words, Sir, I move the Resolution.

THE HONOURABLE MR. M. N. DALAL (Bombay : Non-Muhammadan) : Mr. President, as my Resolution immediately following the Resolution of my Honourable friend Mr. Kaliker is barred under the Standing Orders, being on the same subject, I should like to speak at this stage on the Resolution of my Honourable friend. In supporting this Resolution I must state that on the 14th August, 1941 it was announced that a joint Eight Point Declaration was signed by the Prime Minister of England and the President of the United States of America, whereby they deem it right to make known certain common principles in the national policies of their respective countries for a better future in the world. Article 3 of this Charter reads :—

“ They respect the right of all peoples to choose the form of government under which they will live, and they wish sovereign rights and self-government restored to those who have been forcibly deprived of them ”.

It has been declared that they have drawn up this Charter to serve as a basis for securing the liberty of all peoples of the world wherein right shall be might and the powers of despotism shall cease to have perpetual impunity. On the 9th September, 1941 the Prime Minister said :—

“ At the Atlantic meeting, we had in mind primarily the extension of the sovereignty, self-government and national life of the States and nations of Europe, now under the Nazi yoke, and the principles which would govern any alterations in territorial boundaries of the countries which may have to be made. This is quite a separate problem from the progressive evolution of self-governing institutions in regions whose peoples owe allegiance to the British Crown ”.

Sir, there is much in these words which give rise to the profoundest misgivings in this country. The Prime Minister says while drawing up this Charter they were primarily concerned with those countries which had lost their freedom through Nazi aggression. What does this word “ primarily ” mean ? If it means anything at all it means that the signatories to the Charter were aware of those countries like ours which were not free though not directly through Nazi aggression, and if they were aware of those countries like ours, why did they lay down Article 3 so definitely and categorically without modification or qualification ? Why did they not insert a saving clause in Article 3 as they have in Article 4 regarding post-war economic reconstruction ? Or is it, Sir, a piece of British diplomacy *vis-a-vis* the American President, whose unstinted help they need so badly that they could not afford to displease him, and therefore wriggle out by this interpretation, thereby getting round the essence of the leading principle of a joint Declaration to which the Prime Minister himself was a party ? I am the more alarmed at this possible aspect of the problem for without naming India he speaks of the evolution of self-governing institutions owing allegiance to the British Crown. These words carefully read confound India with those Crown Colonies which extend from Ceylon and East Indies all over the globe. Is this the importance attached to India by responsible British statesmen ? Is this the treatment India is to receive at the end of the war ? Is this to be her place and destiny in the new order of the world, the basic principles of whose reconstruction have been laid down in this Charter,—to be a mere British colony ? In another part of the same speech Mr. Churchill says :—

“ We have pledged by the Declaration of August, 1940, to help India to obtain free and equal partnership in the British Commonwealth of races, subject, of course to the fulfilment of the obligations arising from our long connection with India and our responsibilities to its many creeds, races and interests ”.

These words read in conjunction with those already quoted give us cause for the utmost anxiety. It has been said sometimes that the Declaration of August,

[Mr. M. N. Dalal.]

1941 is a similar charter of liberty already granted to India. But, Sir, it must be remembered that in that Declaration there is no time limit and it is hedged in by so many conditions.

Now, what does this condition about the fulfilment of the obligations mean? As a humble member of the smallest community in this country, I am fully aware of the handicaps of democracy, especially if it means the rule of the majority, and therefore the inevitability of safeguards. But, Sir, I feel it is a total bankruptcy of sound logic and good judgment to suggest that no constitutional advance is possible because of the existence of minorities.

The Indian people are entitled to know what is to happen if they produce an agreed constitution within a reasonable time. Will the British Government then say, as some eminent British statesmen have said during the debates of the Round Table Conference, that their commitments and obligations incurred during the course of a couple of centuries of Indo-British connection preclude them from giving effect to that constitution?

This country has witnessed much political upheaval, not to mention one of the worst economic depressions in the history of India. Outside this country there have been momentous changes in the constitution and governance of many other countries, which have had their repercussions everywhere, and today the most important countries of the world are engaged in a life and death struggle. Notwithstanding this cataclysmic changes all round them, a section of the British Die-hard Conservatives led by Mr. Churchill, who opposed India's demand for national autonomy in 1934-35, are again frustrating India's legitimate aspirations.

Judging from this analogy and precedent, would we be wrong if we draw the inference that at the end of the war when the actual task of formulating a constitution is taken in hand, Britain would take her own time and put her own interpretations on such joint international declarations and would not care for what America or any other country may have to say after that?

Such an interpretation capable of diverse readings from time to time as it suits the convenience of British statesmen is unjustifiable and full of pitfalls for the unwary and disappointment for the optimists. Those Indians who are doing their utmost to help Britain in this war are thoroughly disappointed by this statement. This statement has created in the minds of moderate Indian politicians a feeling of helplessness. If chaos must come as a result of self-government, it will come some day and India alone will have to bear its consequences. But that is a prospect for her far less grim than the desperate sense of frustration she feels with England's unbending attitude towards her.

There is no question, Sir, that the undivided and unqualified sympathy of all responsible Indians is with Britain in this struggle. We love to be able to help to our fullest in this struggle for liberty, but, Sir, we desire freedom for India also. Many of us recognise that there is between the maintenance of British power and Indian liberty a connection, which ought not to be transformed into an inherent contradiction.

This is an opportunity to test the honesty of British professions. It is an acid test to their willingness not only to make grandiloquent promises, but also for their full performance. Let them not hedge by any reference to "obligations" incurred during a couple of centuries of Indo-British connection, not circumvent by talking about "internal agreement", nor evade by sophisticated allusions to the demands of "allegiance to the British Crown". Let them

declare clearly and facilitate the implementation of such a declaration courageously. And then I have no doubt, Sir, Government will realise, and the world at large will be amazed at what India can do in a fight for her own freedom as an equal partner with Britain and the Dominions. Will the British Government have this foresight, this courage and this honesty?

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern : Non-Muhammadan) : Mr. President, the Resolution which my Honourable friend Mr. Kalikar has moved is perhaps the most important that this Council has ever been called upon to consider. There was a demand for clarification of the peace aims and I think I would be right in saying that it was in response to that widespread feeling in progressive circles in England and the United States that President Roosevelt and Mr. Churchill met and the outcome of their meeting was the Atlantic Charter. Now, the first question that we have to ask ourselves is : Was India considered by President Roosevelt and Mr. Churchill? There is internal evidence in Mr. Churchill's speech that the question of India did come up for discussion between President Roosevelt and Mr. Churchill. Mr. Churchill speaks of the countries which had been the subject of aggression being primarily the concern of the Atlantic Charter. The word "primarily" suggests that secondarily at all events India did come up for discussion between President Roosevelt and Mr. Churchill. There is further internal evidence in the statement of the Prime Minister. Mr. Churchill wants to make out that the principles of the Declaration of August 8th are consistent with the principles of the Atlantic Charter. He says the question of India is a separate problem, but if you will read the Declaration of August 8th you will find that the principles enunciated in it are in harmony with principles of freedom and justice and they are also consistent with the principles of the Atlantic Charter. Therefore, I am right in saying that there is internal evidence in the speech of Mr. Churchill that India did come up for discussion between President Roosevelt and Mr. Churchill. Immediately after the declaration was made, it will be within the recollection of the House that Mr. Cordell Hull, the Secretary of State, made a statement that the principles of the Atlantic Charter were intended to be applied universally, were capable of universal application. Immediately after the statement of Mr. Cordell Hull came a speech of Mr. Attlee and Mr. Attlee is the Deputy Prime Minister and Leader of the Labour Party. He made his position clear. He said he was speaking as Leader of the Labour Party—he was not speaking as a member of the Cabinet—but he said that the democracies could not exclude Asiatic and African countries from the application of the Atlantic Charter. He talked of the injury, of the wrongs, that Imperialism had done in its extensive processes and he went on to say that the Atlantic Charter would be applied to Asiatic and African countries also. My friend is quite wrong. Mr. Attlee did say this.

Now, why is it that Mr. Churchill broke his silence over the Indian issue? He got a little alarmed. He thought that India must not be made to feel that the freedom for which Indians were being asked to fight would be theirs after the war. Well, our British friends are always talking of aggression. I hate Nazism and Fascism just as much as they do, but if you are fighting aggression then you must be prepared to give up the gains of aggression also and you must be prepared to apply in your own Empire that principle for which you say that you are fighting in Europe. Why should the Indian take any interest in this war if the freedom for which this war is being fought is not going to be theirs after the war? I am not interested directly in the freedom of Czechoslovakia. I am not directly interested in the freedom of Poland. I am interested, as an internationalist, in the freedom of these countries, but I am interested principally in the freedom of my country and if you do not make me feel that I shall

[Mr. P. N. Saprú.]

have freedom it does not matter to me what happens to this world. That is the attitude of the sensible, of the patriotic, Indian and I think it is the right attitude and there can be no compromise on the question of Indian freedom.

Then I should like, with your permission, Mr. President, to say a few words about the Declaration of August 8th. I think that Declaration is imits conception, Machiavellian in its character. It is even worse than the Declaration of 1917. The Declaration of 1917 talked of progressive realisation of responsible government. It visualised a time when India would be a fully self-governing country. This Declaration talks of free and equal partnership in the British Commonwealth of Nations, subject to the due fulfilment of Britain's obligations towards her numerous races, creeds and interests. Mark the word "interests". Well, when are these obligations to be liquidated, if ever? There is no time within which, no time which we can humanly foresee within which these obligations will be liquidated. If you have obligations towards certain interests, if you have obligations towards certain creeds, if you have obligations towards certain races, then you must be in a position to implement your obligations and the logic of this Declaration is this: the position of the Governor General in India under an Indian constitution will never correspond with the position of the Governor General in a British Dominion. You cannot impose certain obligations upon the Governor General and then deny to him the opportunity of implementing those obligations. That means that what you want to give India is really some sort of self-government within an imperialistic structure. Let me make the position of Indian nationalism perfectly clear. There can be, there will be, there must be no compromise, whatever the sacrifice, on the question of the right of India to live her own life independently, freely, just as freely as Australia can live her life, as Canada can live her own life, as Britain can live her own life. Therefore, even this small measure of self-government, which we shall get, will depend upon Britain's interpretation of her obligations and we know how narrow that interpretation is. We can find that interpretation for ourselves if we care to read the numerous safeguards in the Government of India Act, but even this limited self-government will not be conceded to this country unless all the communities and interests agree among themselves as to the constitution that they want.

Now, let me examine the position a little further here. First of all, these divergent interests, communities and creeds must agree among themselves as to the character of the body that will frame the constitution. Now, so far as the initiative is concerned it rests in British hands. It will be for them to decide whether they look upon me as representative of Hindu India or whether they look upon Sir Rahimtoola Chinoy as representative of Muslim India, that is to say, men selected by them first as representative of India must agree among themselves as to the character of the body that they want to frame the Indian constitution. When the body comes into existence, then the body must agree on certain general principles and all the divergent interests in the body must come to a common agreement and only then there will be any further advance. I do not think even Satan could have invented a more subtle device for perpetuating communal discord, for perpetuating the domination of one race by another, than Mr. Amery, the Indian Secretary of State, has done by his August declaration. Let me make it perfectly clear that we have no love for the August declaration at all. We think that that declaration is a direct negation of everything Britain is fighting for. Now, if I am right in saying that President Roosevelt and Mr. Churchill did discuss India, how is it that President Roosevelt has not repudiated Mr. Churchill? In the first place, I am not sure

that he has not repudiated Mr. Churchill. If you read his speech at the International Labour Conference carefully you will find that he has emphasised once again that the principles of the Atlantic Charter are applicable to all countries. He says that there must be no privilege for any nation or individual in the world of tomorrow. He has said this over and over again in his speech at the International Labour Conference. I look upon it as a reply to Mr. Churchill. In the second place I think there is a very good reason why President Roosevelt should hesitate to say anything which would appear to be a criticism of Mr. Churchill at this juncture. Those of us who are interested in international politics know that the Isolationist Party in the United States is strong. The Neutrality Act was carried by only 18 votes in the American House of Representatives. President Roosevelt's opponents are rather strong in the United States and President Roosevelt, good Democrat, decent Liberal, that he is, realises that the supreme task before humanity is at the moment the defeat of Nazism, of Hitlerism, of Fascism. Therefore, he does not want in his own country to be too critical of Britain. If he were to say that Mr. Churchill has gone back on his word or that the Atlantic Charter was intended to be applied

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to India and Mr. Churchill is not applying the Atlantic Charter to India, ex-President Hoover, Mr. John Lewis, Senator Taft and all the other isolationist leaders will seize upon this statement and say that Britain is fighting an imperialist war, Britain is fighting merely for the preservation of her own Empire, and therefore America must concentrate on the defence of the Western Hemisphere and not bother about Britain at all. He will find his position weakened. Therefore, at this moment, President Roosevelt cannot say anything. But let our British friends remember that the time of reckoning will come and I venture to make a prophesy and it is this. Whatever happens, the British Empire, unless it is prepared to reorganise itself as a real free commonwealth of nations, cannot survive this war. Britain has the chance given to her of assuming the moral, spiritual and political leadership of the world. It is for her to decide whether she wishes to cling to imperialistic power with all the tenacity of which she is capable or whether she wishes to be the leader of a free and democratic world. So far as the Conservative Party of which Mr. Churchill is the Leader is concerned, we cannot expect anything from him—

THE HONOURABLE THE PRESIDENT : You have already exceeded your time limit. I have already allowed you seven minutes more.

THE HONOURABLE MR. P. N. SAPRU : Mr. President, there is much that one could say about this Atlantic Charter. It raises fundamental issues, issues which challenge one's creed. But, as you have reminded me, my time is up. I should like our British friends who say, "Oh! please compose your differences" to recognise their own responsibilities, partial at all events, for the communal trouble in this country. I could trace the history of the communal question from the year 1857, and I could point out how on every critical occasion Britain has come out with some statement which has made the communal settlement more difficult. Therefore, I say that our future is bound up with the victory of progressive radical forces of mankind. I have faith in the Atlantic Charter. I think that so far as President Roosevelt is concerned, he at all events is progressive. Mr. Churchill is not and we need not bother about him at all.

With these words, Sir, I support the Resolution.

THE HONOURABLE SIR A. P. PATRO (Nominated Non-Official) : Sir, if I rise to speak on this subject for a few minutes it is only in order to explain the position with regard to these declarations and statements. The House is

[Sir A. P. Patro.]

aware of the long statements and declarations made by individual statesmen and politicians from time to time. What further declaration do you want than that of August 8, 1940? To my mind, that Declaration is very comprehensive, nationalistic in aim, and is really a charter given for India's freedom. If I use the word "freedom" it is because of the observations contained in that Declaration that the future constitution of India is to be framed in India and by the Indians themselves. That is a very important privilege given to India. What else do you want at present? What are the Resolutions of the Party conferences and non-Party conferences for? We want that independence and freedom to prepare our own agreed constitution under which we want to live, and have our own political being. That right has been given to us subject only to this condition that the long standing obligations of Britain in India with reference to the minority communities and Indian States have to be safeguarded in preparing any constitution for India. It is very easy theoretically to frame a constitution looking at either the United States or other countries. But the real point is this. Our country unfortunately has been so far divided by races and communities warring against each other. It is a vast country, not limited to one province or state, but containing so many individual states. Therefore, it is necessary that there should be reconciliation of the various conflicting elements in this country and there should be protection of the interests of the weak who cannot assert themselves. For instance, how are you going to protect the rights and liberties of the vast population in what is known as the agency tracts and the vast population of the backward tracts? Further, you have got the vast population of scheduled classes or untouchables, and then the Indian States forming a large part of India. All these parts of India have to be safeguarded, because they cannot protect themselves. Besides, India is inhabited by very strong races, namely, the Mussulmans. The Mussulmans have been here for centuries and ruled this country and they are in a minority at present. The Hindus are in the majority. Indian nationalism does not mean nationalism of the majority only. Nationalism does not mean the protection of the interests of the majority people only. The interests of all the minorities should be protected. On account of these obligations which the British have in India, it is necessary that there should be that clause for safeguarding other interests. But the whole of the constitution should be framed by representative Indians and presented to the British Government which they are bound to accept. That is one great thing that has been said in the Declaration of August 8, 1940. All that is wanted now is not so much a Declaration under the Atlantic Charter that India is included in the democracies. In effect, the Declaration of August 8 gives us that right. In the case that was presented so vehemently by the Honourable Member, he said that free and equal partnership should be granted to India. He further observed that unless there is a free commonwealth of nations established by Britain, Britain's power may not last long. He is entitled to prophesy because he is a Brahmin, but at the same time the principle of that prophesy can hardly be accepted. What is the position? In the declaration of August 10th it is clearly stated that after the war India's position as a free and equal partner in the Commonwealth of Nations would be declared. This has been sanctioned by Parliament and approved and it has been repeated by the Secretary of State in Parliament. Therefore, you have got two distinct declarations made both in India and in Great Britain that after the war the question of taking India into free and equal partnership in the Commonwealth of Nations would be considered. These are the two points in the Declaration of August 10th. The first is that we have got a free right of preparing the constitution in which we wish to live. Secondly, that consideration would be taken up after the war

of the free and equal partnership of our country. That Mr. Churchill or Mr. Roosevelt did not make any clear statement with regard to India is not a serious error at all, is not such an omission that we should feel so strongly and resentfully about it. On the next day immediately after the August Declaration, without waiting to examine its effects or to analyse it to see how far it had gone to meet the wishes of India, there was wholesale criticism and at once the whole of the Declaration was rejected. That is the most disappointing feature, that it was rejected summarily. It was stated that Mr. Churchill has not included India in the Declaration, and therefore we have to ask him to revise his statement. He may indeed revise it. We must see then how far that revision will be useful and effective. There have been declarations all the time. As the Honourable Member has pointed out, there was a Declaration in 1916 of progressive realisation of self-government for India. Now what became of that Declaration? And previous to that there was a Declaration of Queen Victoria of blessed memory. All these declarations have been made from time to time. Individual statesmen have been making statements and declarations in favour of India all along. But the whole question is, unless we ourselves unite and agree and make an internal effort to get together, Hindus and Mussulmans and concede to the Mussulmans and other minorities what they demand and deserve, their rights and their place in the national life of India, nothing can be done. Let us get together in the meanwhile and agree on a scheme. As soon as the Muslims put forward one theory, there is the Hindu Mahasabha condemning everything that is suggested. The Mahasabha has even condemned the Congress because that takes a somewhat wider view than the Mahasabha. What is this Mahasabha in Indian polity? We want things done without having any union among ourselves, without bringing together the two great leaders, Ghandhiji and Mr. Jinnah, to sit together with the representatives of the people to work out a scheme for India's constitution, without making the least effort in that direction we want declarations. Political orphans may hold conferences, but how far will these conferences in Bombay or Poona help the people to frame a constitution. Therefore it seems to me that to cry down Mr. Churchill or to say that the omission of India in that Atlantic Declaration is a great crime, conveys no meaning to me. If, on the other hand, we seriously and sincerely work out the Declaration of August 10th, facilities are provided then there is great scope for Indian unity. That is the only way in which the present deadlock can be solved, by union and mutual understanding, not by declarations.

THE HONOURABLE SIR MUHAMMAD YAKUB (Nominated Non-Official) : Mr. President, Mr. Churchill's statement about the Atlantic Charter has been assailed by the Honourable Mover of the Resolution, that is, the statement made by Mr. Churchill that the Charter would not apply to India. By making this statement, he says, that Mr. Churchill has done wrong to India as well as to England, because the result of the statement would be that the war efforts in India would be frustrated. Sir, I thought that in making this allegation the Honourable Mover will give statistics and will show to the House what sort of help these political parties, who now cry against Mr. Churchill's statement, have rendered up to this time in war efforts. Mr. Churchill's statement was made only in August last and the war has been in progress for the last two years. I would like any Honourable Member of the House to tell me what help any of the so-called political parties in India have given in the war efforts?

Sir, it was said that we have sent our armies to fight for England, we have done this and we have done that; but was it with the consent of the political parties that our armies were sent overseas? Is it not a fact that every time

[Sir Muhammad Yakub.]

they came to know that an army was being sent overseas a protest was made in this House, in the other House, and in the press, that our people should not be sent overseas to fight in this war. Then to say that we have sent an army to help the British, I think is the height of hypocrisy. Among Indians who is it who has helped in the war? Well, in the first place it is the Indian States; then come the big zemindars and the fighting races of the Punjab and other tracts of the country. Was any encouragement or any help given by our politicians to those people before this Declaration was made? It is all bosh to say that this Declaration has hindered the help which India is giving. Sir, when non-co-operation was started it was being said that it was not meant to harass the Government in the prosecution of the war. The people who make such declarations are either idiots or they think the whole world can be fooled and that it will not really understand what they are after, when they come out and tell the people not to help the Government in the prosecution of the war and at the same time say "We do not want to harass the Government in the prosecution of the war". Therefore I say that it is simply futile to say that Mr. Churchill's statement that the Atlantic Charter would not apply to India has in any way done harm to the country or its war effort. On the other hand, Sir, if Mr. Churchill had not made that statement he would have done harm to India and he would have done harm to England and he would have done harm to the war efforts in this country. When this Atlantic declaration was made and nothing was mentioned about the protection of different interests in different countries there was a great agitation and misgiving in the minds of the Indian States, and in the minds of those who hold stakes in the country and who have helped the war with men and money, and it was therefore incumbent upon Mr. Churchill, practical politician as he is, to explain what he said. In the first place, if you read the whole paragraph (III) of the Charter, you will find that it was never meant to apply to India. It says:—

"They respect the right of all free peoples to choose the form of government under which they will live; and they wish to see sovereign rights and self-government restored to those who have been forcibly deprived of them".

If we read the whole paragraph it is quite clear that it never applied to India; but in order to remove the misgivings of those who were helping the Government I think it was just and proper for Mr. Churchill to make the statement which he made.

Sir, in the first place I must make it clear again, as we had made it clear on several occasions, that the Mussulmans do not consider themselves a minority community. We may be numerically small in this country; but Mussulmans in India are a part and parcel of the mighty big Muslim nation which exists in the world and which has taken a great part in framing the destinies of the world and is taking a great part in the prosecution of the war and in framing the destinies of Europe even today in this war, and therefore it would be suicidal on the part of any Empire or any Government to ignore the feelings of the Mussulmans in whatever part of the world they may live. Sir, we have made it quite clear that the Western type of democracy is not suitable to India. Nay, I go further and say that the Western type of democracy is not suitable for any part of the world and I think—

THE HONOURABLE MR. P. N. SAPRU: You want Nazi rule?

THE HONOURABLE SIR MUHAMMAD YAKUB: I think, Sir, Hitler is one in Germany; we do not want his rule, but unfortunately there are more

than one Hitler in this country who want their own domination against the will of the people of the country and we, Sir, hate our internal Hitlers as much as we hate the Hitler in Germany. Sir, we have tasted—

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Are you now speaking on behalf of the Muslim community ?

THE HONOURABLE SIR MUHAMMAD YAKUB : It is not for you to ask me.

THE HONOURABLE MR. P. N. SAPRU : Do you condemn Mr. Jinnah ?

THE HONOURABLE SIR MUHAMMAD YAKUB : I think Mr. Jinnah has done a good deal for the Muslims. Whatever wrong he may have done, he has saved the Mussulmans from the clutches of the Congress. Sir, we have tasted the fruits of the Western type of democracy for two years in the Provinces which were governed by the Congress and we know what the Western type of democracy, although it was limited and restricted, means for those people who happen to be in a minority or who happen to be weak in a Province and I think it was a blessing in disguise that the Congress Governments were withdrawn from the Provinces. I am sure that if Congress Governments were in office today India would not have been able to render a one-hundredth part of the help which she has given or which she has been giving in the war today and I am sure that if Congress Governments were in power again in the Provinces it would become impossible for the British Government to get any sort of help in the prosecution of the war from this country. Well, Sir, the Honourable Mover of the Resolution has said that the third party is responsible for creating differences between Hindus and Mussulmans. This is also a very old stunt. As I have just said, what sort of fruit have we tasted during the Congress regime in the country ? I can say that it is not the third party. It is not the English or the British, who are responsible for creating differences between the two great communities, but it is that class of politicians who like Hitler and Mussolini want their domination over the whole country, may be over the Mussulmans or over the hundreds and thousands of what they call scheduled classes, the real inhabitants of the country. It is that class of politicians who want to usurp the whole power and keep it in their own hands and it is they and they alone who are responsible for creating cleavage between the communities, and it is my firm belief that as long as politicians have their sway over the public opinion in this country and as long as Government would only listen to these professional politicians, there is never going to be any harmony and peace in the country. Do away with politicians, ask the reasonable people who do not want any domination, do not ask the Hitlers and Mussolinis of India, but ask the people who have love for everybody, if they come and sit together, I am sure they will come to a settlement and there will be no communal disharmony in this country.

I repeat again that Mr. Churchill was very right in saying that the principles of the Western type of democracy will not apply to India and I think that every sensible man, to whatever party he may belong, will agree with me that the calamity of the world war which we are now fighting is, mostly, due to the application of the Western type of democracy in which there is no respect for the weak, and I therefore oppose the Resolution.

THE RIGHT HONOURABLE SIB AKBAR HYDARI (Leader of the House) : Sir, I have listened to all the speeches that have been made this evening from different sides of this House with great interest, and I hope it will induce

[Sir Akbar Hydari.]

a cooler atmosphere if I at the outset make clear the attitude which we here propose to take towards the Resolution. Every opportunity has been afforded today to make known the feelings and sentiments entertained by different sections of the Indian people with regard to the Atlantic Charter and the pronouncements that have been made with regard to it by different Members of His Majesty's Government. These as expressed in this House will be reported and the authorities will be kept fully informed about them. So far as the Resolution itself is concerned, we the officials will remain neutral and leave it to the Members of this House to vote or abstain from voting as they like. So far as the main question is concerned, namely, the Atlantic Charter and Mr. Churchill's pronouncement on its applicability or otherwise to India, I find myself honestly in some difficulty. I have been trying to read and re-read these various pronouncements and I have failed to discover any word which specifically says that the Charter *did* not apply to India—apply in the sense that whatever is in the Atlantic Charter was not in previous announcements about India—I would refer to the statements made by the Secretary of State that the Atlantic Charter introduced no new principle on which His Majesty's Government had not already taken the lead in relation to India, and also to his reiteration of His Majesty's Government's desire to see India attain free and equal partnership in the British Commonwealth with the least possible delay after the war, under a constitution framed by agreement amongst Indians themselves. So far as I have been able to see, Mr. Churchill himself said that the Joint Declaration did not try to explain *how* the broad principles proclaimed by it were to be applied to each and every case. At the same time he added that it did not qualify in any way the various statements of policy which had been made from time to time about the development of constitutional government in India. Above all, Mr. Churchill ended by saying with regard to these declarations about India that they would be found to be entirely in harmony with the conception of freedom and justice which inspired the Joint Declaration. Therefore, Mr. Churchill himself said, that the principles of the Atlantic Charter stood and were embodied in the declarations which had been previously made by His Majesty's Government. On this account I feel that if the Atlantic Charter is, as I believe it is, a charter of freedom for the whole world, Mr. Churchill would be the last person to take away his own credit, and also President Roosevelt's, in framing such an epoch-making document if he dissociated India from the principle declared in that Charter. Really speaking, whether Mr. Churchill has associated India with the Charter or not is to me a matter of not such great importance as that other matter which depends entirely upon us, Indians, who hold India as our motherland, to whose interests we all must, as equals, devote ourselves, to make it a happy and united country. If we all devote ourselves to this, if all the gentlemen representing the different Parties here present in this House and Parties that are outside this House, if they come together and try and find out how they can inspire it with a common purpose, a common object, a common method of composing differences to make every one feel sure that he, to whatever creed he belongs, to whatever party he belongs, will be able to live securely in this land of ours; to try and come together and bring forward an agreed constitution—agreed to the extent that it is possible to agree in any particular country, or it is possible to evolve any human institution carrying such an agreement. If we all come together and lay our heads together, bring our hearts together in this spirit, and if, further with the help that we, Members of Government, who also come from different parts of India, who represent different interests—though we may not have the backing which you gentlemen have of organised Parties—and who claim that they are inspired by the same aims and objects which you have in

view—and I give credit to all of you for full sincerity—if with such help as we can give we can evolve in an agreed manner a constitution or some scheme and could go and present it before His Excellency the Viceroy, who, I know, is as anxious to do justice and to do all that is possible for India so as to leave his Viceroyalty as a landmark in Indian history and to give India the freedom for which he laboured for so many years at the Round Table Conference, I am quite sure, whether Mr. Churchill says that the Atlantic Charter applies to India or not, we would have achieved something great. We have to compose our differences; we have to reassure each other who live here that we are all brothers of one family and that all that we have in view is one object. We should then see that the institutions that we propose to create are meant to bring about and to continue permanently those feelings and to make India a great country within that great Empire which is now fighting the battle of freedom. If we all do that, then gentlemen I feel that we shall have done our duty and not left it to our children to say that we had great opportunities which we missed and that we had left to them the task of bringing about peace and order in this country of ours which we ourselves might have been able to effect. (Applause.)

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern : Non-Muhammadan) : Mr. President, I do not propose to concern myself in the few minutes that I intend to speak to deal with the speeches of those Members whose only business in this House is to run down their own countrymen. I shall concern myself only with the speech of the Right Honourable Sir Akbar Hydari. It is a pleasure to me, Sir, to see him and my Honourable friends, Sir Firoz Khan Noon and Dr. Raghavendra Rao on those benches. For, it is an indication to us that political orphans though we may be, our efforts are more significant than the aspersions cast on their own countrymen by the hangers-on of the authorities. The presence of these Ministers here is an indication, Sir, of the forces that we can generate if we work single-mindedly for the uplift of our country. If even now, when we are disunited, we can, if we represent the hope and desire for constructive work in this country, compel the authorities to make an advance, I have no doubt whatsoever that with the co-operation of the new Indian Members of the Executive Council, and other sections of our countrymen who see the result of honest effort, however unsatisfying it may be, we may soon be able to make much greater progress. I hope, Sir, that notwithstanding the opposition of those who regard difficulties not as things to be overcome but as excuses for impeding our advance, India will soon be able to order her own affairs and to call her soul her own.

Sir, the Right Honourable Sir Akbar Hydari wondered why we objected to the statement made by Mr. Churchill. For his own part, he saw no difference between the statement and the earlier declaration of policy made on behalf of the British Government in August, 1940. It is his misfortune, I think, to have had to speak today on behalf of Government. I feel certain, considering the views that he has expressed in the past and the liberalism for which he is known in the country, that had he been free to give expression to his own views, he would have acknowledged that there was a world of difference between the declarations contained in the Atlantic Charter and the announcement of August 8th, 1940. Mr. Churchill and President Roosevelt were, it is obvious, in response to the advanced opinion of the world, trying to make an appeal to all that is best in other countries to come to the rescue of the democracies. The Atlantic Charter was nothing if not an appeal to the world to uphold the cause of those who stood for world freedom. ° Suppose it had been expressly

[Pandit Hirday Nath Kunzru.]

stated that India was excluded from the Atlantic Charter. Would the declaration have produced the moral effect that it did? Would the world have been prepared to fight on the side of President Roosevelt and Mr. Churchill if it had felt that they were not speaking to them in support of universalism? Would not even the Allies of Great Britain have regarded the declaration as a hypocritical document? The world can not be expected to sacrifice all that it has in defence of the country that Mr. Churchill stands for, if it is told that Mr. Churchill thinks that while the rule of his country over other countries is a blessing, that of other countries opposed to Britain is a curse. This simple consideration should enable any thoughtful person to realise that morally speaking, Mr. Roosevelt and Mr. Churchill could not have afforded to ignore India and exclude her from the operation of the Atlantic Charter.

Sir, our Right Honourable friend Sir Akbar Hydari, the Leader of the House, has spoken of the need for unity in this country. I entirely agree with him in the sentiments that he expressed with regard to the importance of co-operation between all sections of the people of this country. I shall be the last person to under-rate the moral and practical value of unity. I feel humiliated—intensely humiliated—by the differences that divide the citizens of this ancient land. But, however much we may deplore the present situation, we have nevertheless to look at things in their proper perspective and to ask ourselves what are those circumstances in which the problems that baffle us at the present time may be most effectively solved. Would a greater rapprochement between the various classes be possible; would the differences that unfortunately divide us be obliterated if the Government continued to say that so long as complete unity did not prevail in the country, no constitutional advance could be made? To make such a step would be the surest way of perpetuating disunion and of keeping brothers apart for ever. Our difficulty and the difficulty of the whole world is that people in their search for immediate benefits do not think of those large principles on which their own ultimate welfare and that of the world depends. Our divisions in this country are, I believe, in the last analysis due to the low plane on which we live, the low plane, political, economic and educational, on which unfortunately we have to pass our daily lives. If we want that our differences should be healed we must place before our countrymen a prospect in sight of which their present differences will seem as nothing to them. The greatest liberating force in the world, Sir, I think is hope, and the greatest exhilaration is produced by the prospect of co-operating with others in constructive work. The British Government, if it wants to be regarded as the benefactor of India and as one of the moral leaders of the world must inspire India with the hope that victory in the present war would lead to her own freedom and should make her feel that the Britishers would co-operate with Indians in order to give them those great opportunities of constructively solving their immense problems which they unfortunately lack at the present time. If Indians feel that their country can be free, that they can combine among themselves to bring the light of knowledge into every home and to provide food for every hungry mouth and to raise the moral level of their own countrymen, is it possible that they should allow the differences that now divide them to stand in the way of a co-operative effort for the good of their country. Sir, with the good of their country and the hope of making a contribution to the solutions of the world will I am sure make an appeal to the best that is in them and will make them ashamed of the petty difficulties which they are unable to surmount at present. Sir, I have I believe given expression to the views which every Indian, be he Hindu or Mussulman, cherishes in his heart of hearts. I believe,

humble though I am, that in speaking as I do I am giving expression to the hopes and aspirations of all sections of my countrymen and that my voice today is the authentic voice of nationalist India. And I am glad to feel that enlightened Britishers too are co-operating with us in our effort to secure the freedom of our country. A book has recently appeared which contains the lectures delivered by Professor Laski and some others before the Fabian Society. These lectures have been published under the title of *Programme for Victory*. Professor Laski referring to India has made the following remarks, to which I would invite the attention of all sections of this House and particularly of its European members. After referring to the claims of the minorities and the political difficulties in this country, he says :—

“ But I say with all the emphasis I can that no party in Great Britain has yet genuinely sought a full accommodation with India, that every offer made has been accompanied with reservations and restrictions, the purpose of which has always been to keep the keys of Indian power in London, that this policy sooner or later will lead to catastrophe in India and that this catastrophe will reflect so grievously upon our international standing as to destroy our power of leadership in Europe. A free India in voluntary association with the British Commonwealth of Nations would immensely strengthen us both in the war itself and the years of peace beyond ”.

I hope therefore that the Government of India will leave the British Government in no doubt that if it wants the whole-hearted support of the people of this country in this war it must make them feel that it is being fought for their freedom and that soon after the termination of the war India would enjoy a status of equality not merely with the self-governing Dominions but with England herself. And the best way in which England can give proof of her sincerity, of her desire to respect our freedom is to change immediately the character of the Central Government in so far as the present constitution allows. I think, as the Bombay and Poona conferences have pointed out, that the Viceroy's Executive Council should consist wholly of non-official Indians and that such important portfolios as those of Defence and Finance should be placed in Indian hands. If this is done, then, even though no further constitutional changes may be made during the war, I have no doubt that the action of the British Government would appeal strikingly to the imagination of my countrymen and that they, forgetting the past, would regard Englishmen as brothers and co-operate with them to make the world safe for freedom and democracy.

THE HONOURABLE MR. V. V. KALIKAR : Sir, I have nothing further to add to what has been said by my Honourable friend Mr. Kunzru and I do not want to discuss the arguments that have been advanced on this side of the House in opposition to my Resolution. However, I cannot resist myself the temptation of stating that though we all desire unity among the warring sections of India we cannot accept unity on the point that India is to be divided and dissected. We cannot accept unity on the point that Pakistan is to be given to a particular community. Every nationalist in India, whether he is a Hindu, a Mussulman, a Parsi or a Sikh, will resist the attempt to divide India into two nations. If unity is to be achieved on that ground, we cannot agree to it. I desire and I wish that there ought to be unity amongst us but the Muslim community which for a very long time regarded themselves as a minority community now says that they are not a minority community but they are a nation in themselves. If they are a nation in themselves and if they owe allegiance to somebody else outside, then they cannot expect, and the British Government cannot expect, any unity amongst the warring communities. I agree with the Leader of the House that there ought

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[Mr. V. V. Kalikar.]

to be unity, but no unity is possible if the demand is for the division of India. Sir, under these circumstances it is better for a third party if she is partially responsible for the jarring sentiment to try her hand, and if it is not possible for Great Britain to try her hand in this affair, she must come forward and say unequivocally that she will never allow the dissection of India or she will never encourage the Pakistan scheme. If unity is possible on reasonable and just grounds, the majority party has to agree to reasonable and just demands; but if unity is desired only on the question of dissection of India that unity will never come. But that does not mean that Great Britain should block the constitutional progress of India by giving a right of veto to the minority community—as I still call it a minority community—and impede the progress of India.

Sir, with these words, I recommend my Resolution for the acceptance of the House.

THE HONOURABLE THE PRESIDENT: Resolution moved:—

“This Council recommends to the Governor General in Council to convey to His Majesty's Government the deep discontent of this House over the statement made by the Prime Minister of Great Britain about the non-application of the Atlantic Charter to India, which, in the opinion of the House, is likely to prejudice the war efforts of this country at this critical juncture.”

Question put: the Council divided:—

AYES—10.

Askuran, Hon. Mr. Shantidas.
Chettiyar, Hon. Mr. Chidambaram.
Dalal, Hon. Mr. M. N.
Das, Hon. Mr. N. K.
Kalikar, Hon. Mr. V. V.
Kunzru, Hon. Pandit Hirday Nath.

Mantha, Hon. Rai Bahadur Sri Narain.
Sapru, Hon. Mr. P. N.
Sinha, Hon. Kumar Nripendra Narayan.
Yuveraj Dutta Singh, Hon. Raja.

NOES—6.

Devadoss, Hon. Sir David.
Haddow, Hon. Mr. R. R.
Khurshid Ali Khan, Hon. Nawabzada.

Menon, Hon. Sir Ramunni.
Muhammad Yakub, Hon. Sir.
Parker, Hon. Mr. R. H.

The Motion was adopted.

PROFESSIONS TAX LIMITATION BILL.

THE HONOURABLE MR. R. H. PARKER (Bombay Chamber of Commerce):
Sir, I move:—

“That the Bill to limit to a maximum of Rs. 50 per annum the amount payable in respect of any person by way of tax on professions, trades, callings or employments, as passed by the Legislative Assembly be taken into consideration.”

This Bill which was recently passed by the Lower House is, I understand, the result of many years of agitation in the Province of Madras. By section 142A of the Government of India Act, 1935, which was inserted in that Act by the India and Burma (Miscellaneous Amendments) Act, 1940, Parliament's intentions regarding item 46 (Taxes on professions, trades, callings and employments) in the Provincial Legislative List in Schedule VII of the Government of India Act, 1935, are clarified. The new section, while continuing

the right of Provinces to impose a tax on professions, trades, callings and employments, limits the incidence of that tax in respect of any one person to a maximum of Rs. 50 per annum, save in the case of those Provinces in which a tax on professions, trades, callings and employments was levied at a higher rate prior to 31st March, 1939. In such cases exemption is granted from the operation of the limit of Rs. 50.

The result of this is therefore that, whereas in most Provinces taxes on professions, trades, callings and employments are limited to the maximum of Rs. 50 per annum in respect of any one person, in the Madras Presidency the maximum rate is as high as Rs. 1,000 per annum in the city of Madras and Rs. 550 per annum in the districts outside the city.

There is a widespread demand in the Madras Presidency that the profession tax, which is levied by municipalities and local boards under Provincial legislation, and is based solely on income, should be subject to the maximum of Rs. 50 per annum. This Bill sought to give effect to that demand and extended the limit now laid down in sub-section (1) of section 142A of the Government of India Act, 1935, to those Provinces in which, owing to the proviso to sub-section (2) of section 142A the limit of Rs. 50 does not now apply.

The Bill was circulated for public opinion and the majority of Provincial Governments either supported the Bill or raised no objection to it or supported it on the understanding that it did not affect certain taxes in their own Provinces. Bengal was opposed to the Bill because it did, as drafted, affect certain taxes levied under the Calcutta Municipal Act, 1923, and the Bengal Municipal Act, 1932.

In the Select Committee all these objections were met by two main amendments. In the first place the words "duties, cesses or fees" which appear in the original Bill have been removed. This seems to make it clear that the Bill does not affect the licence fees levied under the Bombay Abkari Act, 1878, and the fees levied for licence under the Bombay Race Course Licensing Act, 1912.

The other amendment was to exclude from the operation of the Bill certain taxes which Provincial Governments wished to have excluded and which are enumerated in a schedule. This schedule contains the taxes on professions, trades, callings, etc., levied under the Calcutta and Bengal Municipal Acts, certain taxes levied under the United Provinces Municipalities Act, and certain taxes which are or might be levied under the Central Provinces Municipalities Act.

With regard to the other Provinces they have already been prevented by section 142 of the Government of India Act which was passed by Parliament in 1940 from levying any tax on professions, trades, callings and employments beyond the incidence in respect of any one person of Rs. 50 per annum. If this Bill passes this House the position will be that all Provinces will be on exactly the same basis except for the taxes enumerated in the schedule to the Bill.

As Honourable Members will see from the Opinions received on the Bill, the Madras Government, who are probably more affected by it in its present form than anybody else so far as it reduces powers hitherto exercised, have expressed what I would regard as a very statesmanlike view recognising as they do that the tax is in the nature of one on income and thus an encroachment on the Central field of taxation. They not only support the Bill but they propose to compensate local bodies for the reduction of their income from this tax. I have more than once expressed the view that where there is a

[Mr. R. H. Parker.]

bad tax the proper course is to substitute a sound one for it. I think we must all agree that this is the spirit in which difficulties of interpretation of the respective rights of the Centre and the Provinces should be solved and I confidently commend the Bill to the favourable consideration of Honourable Members and ask that they will support the Motion now before them.

Sir, I move.

The Motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. R. H. PARKER : Sir, I move :—

“ That the Bill, as passed by the Legislative Assembly, be passed. ”

The Motion was adopted.

FEDERAL COURT BILL.

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern Non-Muhammadan): Sir, I move :—

“ That the Bill to empower the Federal Court to make rules for regulating the presentation of appeals lying to that Court, as passed by the Legislative Assembly, be taken into consideration. ”

Sir, the Bill is self-explanatory and the objects are explained in the Statement of Objects and Reasons. I commend the Bill to the acceptance of the House.

The Motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. P. N. SAPRU : Sir, I move :—

“ That the Bill, as passed by the Legislative Assembly, be passed. ”

The Motion was adopted.

INDIAN MERCHANT SHIPPING (AMENDMENT) BILL.

THE HONOURABLE SIR MUHAMMAD YAKUB (Nominated Non-Official): Sir, I beg to move :—

“ That the Bill further to amend the Indian Merchant Shipping Act, 1923, as passed by the Legislative Assembly, be taken into consideration. ”

Sir, the object of the Bill is clearly stated in the Statement of Objects and Reasons. There has for a long time been a great complaint that the space allotted to each pilgrim on the pilgrim ship is too small and it makes their life miserable. I have myself seen a pilgrim ship at Bombay and I found that the space allotted to each pilgrim was really very small for the needs of a living man, and hence disease and illness which we often have on pilgrim

ships. I think this misery is due to the fact that the pilgrims do not get sufficient space to rest and to sleep. Therefore this small amendment is really very desirable and necessary.

With these words, Sir, I commend my Bill.

THE HONOURABLE MR. G. S. BOZMAN (Secretary, Indians Overseas Department): Sir, I do not wish to detain the House at all. I think I may state the Government attitude on this Bill. They have no desire to oppose the Bill. Anything that will improve the lot of the pilgrims has our sympathy. We are not convinced that this measure is definitely going to improve the lot of pilgrims but we do not wish to prevent any opportunity being taken. I must however make it clear that owing to the shipping position during the war Government will not be able to give effect to this Bill, as far as they can see, until the war is over.

THE HONOURABLE THE PRESIDENT: Motion moved :—

“That the Bill further to amend the Indian Merchant Shipping Act 1923, as passed by the Legislative Assembly, be taken into consideration.”

Question put and Motion adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE SIR MUHAMMAD YAKUB: Sir, I beg to move :—

“That the Bill, as passed by the Legislative Assembly, be passed.”

Sir, I do not claim that the Bill should be given effect to immediately. I know the war difficulties. But we will be satisfied if the Bill is on the Statute-book and effect is given to it after the war.

With these words, Sir, I move the Motion.

The Motion was adopted.

The Council then adjourned till Eleven of the Clock on Wednesday, the 19th November, 1941.
