

Friday, 6th March, 1942

# COUNCIL OF STATE DEBATES

(OFFICIAL REPORT)

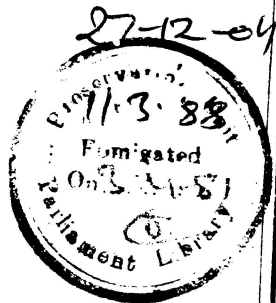
VOLUME I, 1942

*(18th February to 2nd April, 1942)*

## ELEVENTH SESSION

OF THE

# FOURTH COUNCIL OF STATE, 1942



PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI  
PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, NEW DELHI  
1943

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# COUNCIL OF STATE.

*Friday, 6th March, 1942.*

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.

### AUTOMOBILE ASSEMBLY PLANT IN SIND.

95. THE HONOURABLE MR. V. V. KALIKAR\* : (a) Is it a fact that Government have given permission to an American Company to start an automobile assembly plant in Sind ? If so, on what conditions ?

(b) Does the American Company propose to employ Indian technical personnel needed for it ? If not, why not ?

(c) Is the whole or part of the capital invested by the company Indian or American ?

(d) Did Government make inquiries from Indian companies about the feasibility of starting the plant run by Indian interests and Indian capital before granting permission to the American company ? If not, why not ?

THE HONOURABLE SIR ALAN LLOYD : (a) No.

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

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : It was stated in a recent communiqué that an American company had been allowed to set up an assembly plant in Sind.

THE HONOURABLE SIR ALAN LLOYD : May I suggest, Sir, that it would be easier to deal with this in reply to the Honourable Mr. Dalal's question No. 103.

### NUMBER OF PEOPLE WHO HAVE VACATED CALCUTTA, ETC., SINCE THE WAR WITH JAPAN.

96. THE HONOURABLE MR. G. S. MOTILAL : How many people have so far vacated Calcutta, Madras, Rangoon, Bombay and Assam since the Japanese War ?

THE HONOURABLE MR. E. RAGHAVENDRA RAO : The Government of India have no information and as such evacuation as has taken place has been purely voluntary and has not been conducted in connection with any pre-arranged and controlled scheme, it is not likely that Provincial Governments would have any accurate information.

### NUMBER OF LOCOMOTIVES AND WAGONS SENT OUT OF INDIA SINCE THE BEGINNING OF THE WAR.

97. THE HONOURABLE MR. G. S. MOTILAL : How many wagons and locomotives have been sent outside India since the beginning of the war ?

THE HONOURABLE MR. S. N. ROY : Government consider that it is not in the public interest to publish this information.

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\*Question put by the Hon. Pandit Hirday Nath Kunzru.

## STEPS TAKEN TO COUNTERACT JAPANESE PROPAGANDA.

98. THE HONOURABLE MR. G. S. MOTILAL : (a) What were the alluring promises of Japan referred to in the appeal of the Honourable Member of the Government for Civil Defence issued from Delhi on the 6th of February, 1942 ?

(b) What efforts have been made by the authorities to counteract the same ?

THE HONOURABLE MALIK SIR FIROZ KHAN NOON : (a) The Honourable Member for Civil Defence referred, of course, to the notorious Japanese propaganda regarding a co-prosperity sphere in Asia under Japanese tutelage. The reality of this and the various other false promises can best be gauged from the utterances of those who have had bitter experience of actual Japanese oppression in China, Manchuria, Korea and elsewhere. I would ask the Honourable Member to read what Madame Chiang is reported to have said to the All-India Women's Conference on the 12th of February particularly the account which appeared in the *Hindustan Times* on the 17th of February.

(b) Government has taken and will take every step to provide the Press and the publicity organisations in this country with well authenticated evidence of what Japanese aggression has meant to the people of the Far East. Here again the Chinese themselves are the best witnesses. In the address, which I have just mentioned, Madame Chiang said, "They (the Japanese) will say to you 'We come to liberate you'. But that is a lie." Speaking to the Press Conference in Delhi on February the 14th, Dr. Hollington Tong, Vice-Minister of Information in the Chungking Government said, "At first the Japanese always use sweet words and say 'Friends, brothers and sisters we have come to rescue you from the fire and hell, and when they come they bring hell with them; that has been our experience during the last four and half years. . . . . It is not a message of brotherhood or friendship that they bring; it is a message of death, chilled death; it is barbarity and everything cruel".

## ADVERTISEMENT FOR A LADY STENOGRAPHER BY HEADQUARTERS, EASTERN COMMAND.

99. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : (a) Has the attention of Government been drawn to an advertisement published in the *Pioneer*, dated the 27th December, 1941 (Dak edition) over the signature of the Establishment Officer, Headquarters, Eastern Command, Naini Tal, inviting applications for a "First Class Lady Stenographer" in a military office, pay Rs. 200—15—260 per mensem ?

(b) Why the services of a lady stenographer are needed; and why the intending candidates are required to send recent photograph as mentioned in the advertisement ?

THE HONOURABLE MR. A. DEC. WILLIAMS (on behalf of His Excellency the Commander-in-Chief) : (a) I lay on the table a copy of the full advertisement, only parts of which have been quoted by the Honourable Member.

(b) The lady stenographer was required for an important clerical post at Headquarters, Eastern Command, and it was considered that in conjunction with particulars of previous experience and testimonials, a recent photograph would provide a useful indication as to the suitability of the applicant, thus avoiding the calling up for interview at Government expense, of a number of candidates who might have proved unsuitable.

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WANTED immediately first class lady stenographer able to take charge of a section in a military office. Previous office experience essential. Pay Rs. 200—15—260 per mensem. Apply in writing with testimonials and recent photograph, full details of family, religion; if married, whereabouts of husband. Successful candidate will receive travelling allowance (second class), free medical attention and free quarters, if available. Probationary period one month, thereafter required to sign for minimum of six months. Further details on application. Address applications to Establishment Officer, H. Q., Eastern Command, Naini Tal.

RECOMMENDATIONS MADE BY THE MINISTRY OF SUPPLY MISSION.

100. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH: Will Government state the result of the recommendations made by the Ministry of Supply Mission which visited India in the autumn of 1940, so far as the production of ammunition and other war materials are concerned?

THE HONOURABLE MR. A. DE C. WILLIAMS: The Ministry of Supply Mission recommended the expansion of certain existing factories and the establishment of certain new factories. The Mission's projects after modification in some cases by His Majesty's Government in the United Kingdom, to whom the expenditure is charged, have all been satisfactorily launched. They will result in a considerable increase in India's production of munitions in 1942.

WAR SUPPLIES RECEIVED FROM THE U.S.A.

101. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH: Will Government state the total value of orders placed by the Indian Purchasing Mission in the United States of America up to date?

THE HONOURABLE MR. A. DE C. WILLIAMS: The Honourable Member will appreciate the undesirability on general grounds of entering into any detail regarding war supplies received from the U.S.A. or any other source.

On the actual point of his question it is not possible in any case to give any figure since the I. P. M. handles not only direct demands from this country but allocations to India of bulk requirements concentrated through the United Kingdom and in regard to these no figures are available.

RECALL OF INDIAN TROOPS SERVING OVERSEAS.

102. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH: In view of the grave menace to India due to war, do Government propose to bring back all Indian soldiers now serving outside this country to India for the effective defence of their homeland.

THE HONOURABLE MR. A. DE C. WILLIAMS (on behalf of His Excellency the Commander-in-Chief): I would refer the Honourable Member to the reply given by me to parts (b) and (c) of the Honourable Mr. M. N. Dalal's question No. 64, on February 24th, 1942.

AUTOMOBILE ASSEMBLY PLANT IN SIND.

103. THE HONOURABLE MR. M. N. DALAL: (a) Are Government aware of the press report, dated January 11th, stating the Government of the U. S. A. are allowed to set up an assembling plant in Sind to supply automobiles to Russia, and the plant will be removed when the need for the supply to Russia ceases?

(b) How far are the Government of India interested in this venture by way of aid, protection, facility or subsidy?

(c) Have Government considered the reaction of such an enterprise under non-Indian ownership, management and control on the indigenous Indian enterprise in the same field, if and when Government see their way to assist and promote it?

(d) Will Government consider the advisability of buying up this plant for the manufacture of automobiles in this country after the need for the supply to Russia ceases?

THE HONOURABLE SIR ALAN LLOYD: (a) Government have seen a press report to this effect.

(b), (c) and (d). This is not a commercial project and no manufacture of vehicles is proposed. These questions therefore do not arise. A copy of a Press Note, dated 30th January, 1942, which gives the facts is placed on the table.

**THE HONOURABLE MR. HOSSAIN IMAM :** Will Government please state whether it is a fact that it is only an assembly plant for Russian cars ?

**THE HONOURABLE SIR ALAN LLOYD :** It is an assembly plant, Sir, for American cars.

**THE HONOURABLE MR. HOSSAIN IMAM :** To be sent to Russia only or other theatres of war as well ?

**THE HONOURABLE SIR ALAN LLOYD :** In the Press Note I have laid on the table there is quoted the statement made by the Secretary of State in the House of Commons, and in that statement he referred to the scheme as being for the purpose of enabling supplies from America to ourselves and Russia to be effectively used.

**THE HONOURABLE SIR SHANTIDAS ASKURAN :** Will cars from this factory also be supplied for Indian defence ?

**THE HONOURABLE SIR ALAN LLOYD :** That is possible, Sir.

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*Press Note.*

#### AUTOMOBILE INDUSTRY SCHEME.

##### GOVERNMENT NOT INFLUENCED BY VESTED INTERESTS.

Reply to Pandit Jawaharlal.

A statement which has appeared in the Press purporting to have been issued by Pandit Jawaharlal Nehru as Chairman of the National Planning Committee contains the following passages :—

- (1) " The Eastern Group Conference still apparently thinks in terms of India chiefly supplying raw materials and agricultural products and big industries being concentrated in other countries. "
- (2) " Probably the most remarkable instance of Government's policy in the industrial field has been the veto on development of Indian automobile industry. The reasons advanced are the most purile imaginable. For years past efforts had been made by the Indian industrialists to start a motor industry in India. At last everything was settled, contracts were made, capital was forthcoming and all that was necessary was Government's consent. One would have thought that under the stress of war requirements any Government would have welcomed the development. Not so the British Government in India. It is stated they were influenced by vested interests of American motor-car industry who did not want India to develop her own automobile industry. "
- (3) " Now it appears that the American authorities are starting some kind of motor plant somewhere in Sind. Objections previously raised as to the diversion of labour, etc., become now still more absurd. The whole thing is a fantastic illustration of the hold of foreign vested interests. "

These statements are entirely incorrect. The Eastern Group Supply Council which was founded as a result of the Eastern Group Conference does not purchase from India or arrange supply from India of raw materials. It is concerned, save in a very few special cases, entirely with processed or manufactured goods.

With regard to the second part of the statement, the consent of the Government of India to the establishment of an automobile industry was not required. What the promoters of the scheme asked for from the Government of India was a guarantee of interest on the capital three crores invested in regard to a scheme for the gradual assembly and later part manufacture of automobiles, a contract for which had been entered into by the promoters with an American automobile company.

The Government was prepared to consider the granting of certain assurances such as the levy of import duties on motor cars and rebates of the duty paid on certain imported parts, but although the Bombay Ministry had before the war provisionally offered to guarantee interest on the capital invested for a period of 10 years, subject to certain very important stipulations, the Government of that Province did not find itself able, after the war had broken out, to confirm this offer unless the scheme could be described as a contribution to the war effort. This, they were informed by the Government of India, could not be stated for reasons which have already been repeatedly given publicly.

#### THE SIND SCHEME

It may be added that at the time the details of the contract entered into by the promoter with the American company were not placed before the public and the prospective shareholders. A later proposal for the granting of dollar facilities for import of machinery in connection with the same scheme depended upon the placing of orders by the Government of India for vehicles of a type which the Military did not at the time wish to introduce into the Army.

With particular reference to the statement that the Government of India was influenced by vested interests of the American motor-car industry in any of these decisions, it may be pointed out that the very contract to which reference has been made in this statement was with an American Automobile company whose types of cars were intended to be put on the market either after assembly or part manufacture.

No commercial automobile plant of any kind is being established in Sind. The position as regards a certain proposed installation in that Province was fully explained by the Secretary of State in a recent reply to a question in Parliament; he said:—"I presume Mr. Ammon is referring to the plant which the United States authorities are to establish and operate in India on the lease and lend basis. The purpose of this is solely to enable supplies from America to ourselves and Russia to be effectively used, and the manufacture of trucks, as distinct from their assembly and repair, is not in view. Thus in no sense can it be regarded as amounting to the establishment of an automobile industry and it has no bearing on the matter referred to in the latter part of the question. There are of course already several assembly plants in India."

#### DEPARTMENT OF COMMERCE.

New Delhi, January 30, 1942.

#### AUTOMOBILE ASSEMBLY PLANT IN SIND.

104. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH: (a) Is it a fact that American authorities are going to start motor plant and industry in Sind or elsewhere in India, and that Government have received instructions from His Majesty's Government to this effect?

(b) Is it a fact that American vested interests in the form of new industry are growing in India? Will Government give some details of these projects?

(c) Why do not Government encourage the manufacture of automobiles by Indians themselves?

THE HONOURABLE SIR ALAN LLOYD: (a) The Honourable Member's attention is invited to my replies to questions Nos. 95 and 103.

(b) No.

(c) Government are prepared to encourage by the grant of such facilities as they consider proper, the manufacture of automobiles, when a suitable opportunity occurs.

#### NUMBER OF INDIAN TROOPS SERVING OVERSEAS.

105. THE HONOURABLE MR. G. S. MOTILAL: (a) What is the number of Indian officers and soldiers so far sent out (1) to Middle East, (2) to Burma and (3) to Malay States, Singapore and other places in the East?

(b) How many of them have won distinctions?

(c) How many of them have been brought back and how many have been killed or wounded?

THE HONOURABLE MR. A. DEC. WILLIAMS (on behalf of His Excellency the Commander-in-Chief): (a) It is not in the public interest to reveal these figures.

(b) Awards have been bestowed on 251 Indian officers and soldiers.



(c) Total casualties officially reported to date amount to approximately 6,900 killed and wounded. These figures are exclusive of casualties in Hong Kong and Malaya full information regarding which has not yet been received.

Numbers of men have been brought back on leave or exchanged, but I regret I am not in a position to give exact figures.

NUMBER OF DOMINION TROOPS AND BRITISH TROOPS SERVING IN VARIOUS THEATRES OF WAR.

106. THE HONOURABLE MR. G. S. MOTILAL: How many South African, Australian and British forces are fighting in the various theatres of war?

THE HONOURABLE MR. A. DEC. WILLIAMS (on behalf of His Excellency the Commander-in-Chief): It is not in the public interest to give the information asked for by the Honourable Member.

VALUE OF PURCHASES MADE BY THE SUPPLY DEPARTMENT.

107. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH: Will Government state the approximate total value of orders placed in India by the Supply Department up to date; and the value of orders placed in the different Provinces separately?

THE HONOURABLE MR. A. DEC. WILLIAMS: A statement showing the value of purchases made by the Supply Department by Provinces between 1st September, 1939 and 31st December, 1941, is placed on the table.

*Statement showing value of purchases by Provinces during the period 1st September, 1939 to 31st December, 1941.*

	(All figures are in thousands.) Value in rupees.
Bengal . . . . .	79,74,78
Madras . . . . .	8,98,97
Bombay . . . . .	50,90,03
United Provinces . . . . .	35,03,24
Punjab . . . . .	19,36,99
Central Provinces . . . . .	1,52,62
Sind . . . . .	3,40,12
Bihar . . . . .	11,79,02
Orissa . . . . .	3,07
N. W. F. P. . . . .	43,53
Assam . . . . .	41,60
Delhi . . . . .	11,22,44
Ajmer-Merwara . . . . .	98
Andamans . . . . .	15,87
Coorg . . . . .	74
Baluchistan . . . . .	4,66
Indian States . . . . .	6,88,85
<b>Total</b> . . . . .	<b>2,29,97,51</b>

SAFE CUSTODY OF GOVERNMENT RECORDS.

108. THE HONOURABLE MR. G. S. MOTILAL: Do Government contemplate to make arrangements to remove fire-proof boxes, kept for the safe custody of records connected with the registration of documents and for documents deposited with Registration officers, from places of danger to safe places unlikely to be affected by enemy action?

THE HONOURABLE MR. E. RAGHAVENDRA RAO: The responsibility for the safe custody of such records is primarily a matter for Provincial Governments. The Government of India addressed Provincial Governments in December, 1940 regarding safe custody of records of great value and offered to assist Provinces if this was necessary. The replies indicated that Provincial Governments were able to make their own arrangements.

BRITISH CURRENCY IN TERRITORIES OCCUPIED BY JAPAN.

109. THE HONOURABLE MR. G. S. MOTILAL: Have Government obtained or received any information from places occupied by Japan, as to the action taken by it affecting the currency of those places? If so, what?

THE HONOURABLE MR. G. S. BOZMAN: Government have no information.

DISTURBANCES CAUSED IN BOMBAY BY SAILORS AND SOLDIERS.

110. THE HONOURABLE MR. G. S. MOTILAL: (a) Has Government's attention been drawn to the reports which have appeared in several vernacular papers of Bombay and other places of the molestations by some sailors and Australian and Anzac soldiers?

(b) What steps have Government taken to prevent such incidents?

(c) Have the soldiers concerned been punished for their misbehaviour?

(d) Why are the sailors and soldiers allowed to move out of military areas?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) to (d). Government have had their attention drawn to reports which have appeared in the public press from time to time of disturbances caused in Bombay and elsewhere by sailors and soldiers. They have issued instructions to all military authorities to take, in consultation and co-operation with local civil and police authorities, all the necessary steps to prevent the occurrence of such disturbances.

NUMBER OF AUSTRALIAN TROOPS IN INDIA.

111. THE HONOURABLE MR. G. S. MOTILAL: What is the number of Australian soldiers in India?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: None at present.

NUMBER OF INDIAN TROOPS IN MALAYA.

112. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: What was the total number of Indian troops in Malaya including Singapore? Were any of them evacuated before the fall of Singapore? If so, how many?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I regret I cannot supply the information as it is considered that it would not be in the public interest to do so.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** But we have been told through the newspapers of the total number of troops captured by the Japanese in Singapore.

**THE HONOURABLE THE PRESIDENT :** May I draw your attention to the Standing Order which says that there should be no arguments at the time of putting supplementary questions. If you have put any definite question and it has been answered I cannot allow any more questions.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** Are we not to be allowed to put supplementary questions ?

**THE HONOURABLE THE PRESIDENT :** I am bound by the Standing Orders

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** If that is so, Sir, I decline to put any further questions.

**THE HONOURABLE THE PRESIDENT :** No. 113, the Honourable Pandit Kunzru.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** I decline to put the question, Sir.

#### NUMBER OF CASUALTIES AMONG INDIAN TROOPS IN MALAYA.

**113. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** (a) What was the total number of Indian soldiers who were (a) killed and (b) wounded in Malaya including Singapore ?

(b) Have lists of Indian soldiers who died in Malaya been published in the Government Gazette ? If not, why not ?

**HIS EXCELLENCY THE COMMANDER-IN-CHIEF :** (a) and (b). Full information is not yet available, but such information as is received is being published from time to time.

#### ARRANGEMENTS MADE IN CONNECTION WITH EVACUATION OF INDIANS FROM MALAYA.

**114. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** What were the arrangements made to evacuate Indians from Malaya and what was the total number of Indian evacuees excluding Indian soldiers ?

**THE HONOURABLE MR. G. S. BOZMAN :** The Government of the Straits Settlements entrusted the issue of tickets to a local committee of Indians. So far as I am aware all available ships leaving for India were used for the purpose.

Information regarding the number of Indians, other than soldiers, evacuated from Malaya to India has been called for and a statement will be laid before the House when it has been obtained.

#### RACIAL DISCRIMINATION IN EVACUATION ARRANGEMENTS FROM PENANG.

**115. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** (a) Is it a fact that almost all Europeans in Penang were evacuated before its occupation by the Japanese ?

(b) Is it also a fact that not merely no facilities were allowed to Asiatics for evacuation, but that steps were taken to prevent them by force from boarding the ship meant for the evacuation of the Europeans ?

(c) Is it further a fact that the authorities refused to allow even Asiatic ladies to be evacuated in the ship referred to above ?

**THE HONOURABLE MR. G. S. BOZMAN :** (a) and (b). The Honourable Member will appreciate that it has been impossible to obtain any official information. Government have however seen press reports which tend to substantiate the suggestion in the question and a statement reported to have been made by the Governor of the Straits Settlements on the 20th December indicates that there was some breakdown in the civil administration. Reports received from evacuees from Singapore also go to confirm this.

(c) I have not received any specific complaints regarding the evacuation of women folk from Penang.

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**BILL PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.**

**SECRETARY OF THE COUNCIL :** Sir, in pursuance of rule 25 of the Indian Legislative Rules, I lay on the table copies of the Bill to extend the date up to which certain duties characterised as protective in the First Schedule to the Indian Tariff Act, 1934, shall have effect, which was passed by the Legislative Assembly at its meeting held on the 5th March, 1942.

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**RESOLUTION RE DISPOSAL OF HORSES UNFIT FOR MILITARY SERVICE.**

**\*THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN (United Provinces West : Muhammadan) :** Sir, I beg to move the following Resolution :—

“ That this Council recommends to the Governor General in Council that the horses in use of the military not required for their purposes be sold at a fixed price or by auction except such horses which are not serviceable for any purpose instead of being shot. ”

Sir, I am not going to make a very long speech on this subject. From whatever point of view you take this, it is advantageous both for the people, for the poor horses as well as for the Government. In military there are some horses which are quite young and they can serve anywhere else except in cavalry or infantry, because some of the horses do not stand in a line. Others are quite capable of giving service although they might not be quite fit for military service. If those horses were to be sold, it would fetch a considerable sum of money which might be utilised for war purposes. Moreover in the present condition they will be very useful for those people who cannot keep a motor car now because of petrol rationing and it may be that as we go on it may not be possible even to get sufficient petrol to keep a motor car battery in order. Therefore it is all the more necessary that all such horses that are not required for military purposes which are fit to give other service should be sold either by auction or by fixing a particular price. It is said that the horses are not properly treated by their owners if they are sold ; it is not proper that they should give any more service. In my Resolution I have put an exception “ except such horses which are not serviceable for any purpose ”. That category is covered by this exception. If there are horses which are not serviceable for any purpose, it is quite true that the destruction of those horses is quite proper.

With these few words, Sir, I beg to move this Resolution.

**HIS EXCELLENCY THE COMMANDER-IN-CHIEF :** Sir, the position of Government is this. A horse above the age of 15 is unfit for military service. Such horses are destroyed. Other horses rendered unfit for military service due to disease, accident, or viciousness are also destroyed. This latter class may be considered as

[His Excellency the Commander-in-Chief.]

unfit not only for military but for other uses as well. In the case of horses below 15 years of age which are rendered surplus to requirements and which are in fact fit for military service, they are not destroyed. They are utilised in services other than military ; for example, by sale to military officers, with a lien by Government to recall the horses if required ; by sale or gift to Provincial Mounted Police ; by issue on loan to Provincial Governments, by issue to certain Indian State Forces ; in the case of mares, by sale to horse and mule breeders in the breeding areas controlled by the Army Remount Department ; by maintaining them as a reserve to meet normal and war wastage, and so on. At present, the position is that there is no surplus of horses fit for military service, that is to say, there are no horses " in use of military not required for their purposes ". The matter, therefore, is of academic interest at present.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : I agree with His Excellency the Commander-in-Chief—after the statement made by him that there are no horses at the moment to which the provision of being shot can be applied—that this Resolution is of academic interest. I should like to know whether there is still a cavalry division maintained by the army ; because we were made to understand that all our cavalry has been mechanized as recently as the 28th of February when the Budget was being introduced. We had all this organisation in Sargoda district and other places of horse breeders for the army. What we were anxious about was that the supplies which are still coming from the breeders and not required in the army might be shut down. It is to avoid that contingency that this Resolution has been moved. I should like if possible some more light may be thrown on this subject.

THE HONOURABLE MALIK SIR FIROZ KHAN NOON (Leader of the House) : Will you please repeat the last sentence ? We did not catch it.

THE HONOURABLE MR. HOSSAIN IMAM : The first question is whether the horses which are being bred in the Punjab for the army are being utilised for the army or not ; secondly, if they are not being utilised, what happens to them ?

THE HONOURABLE MALIK SIR FIROZ KHAN NOON : The horse breeding colony in Sargoda has been abolished. Four thousand mares are no longer tied down under horse breeding conditions.

THE HONOURABLE THE PRESIDENT (to the Honourable Haji Syed Muhammad Husain) : Do you wish to press this Resolution to the vote ?

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN : No, Sir. In view of the statement of His Excellency the Commander-in-Chief I do not think it is necessary to press this Resolution. In fact I take it that the spirit of the Resolution is accepted.

The Resolution was, by leave of the Council, withdrawn.

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#### RESOLUTION *RE* SUPPLY OF HINDI AND URDU BOOKS TO THE HINDI SAHITYA SAMMELAN AND THE ANJUMAN TARAQQI-I-URDU.

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

" That this Council recommends to the Governor General in Council to take steps to so modify the law as to ensure that a copy of every work printed in the country in Hindi is supplied to the Library of the Hindi Sahitya Sammelan and of every printed work in Urdu to the Anjuman

Taraqqi-i-Urdu, in the same manner in which the works printed in Great Britain are presented to the Library of the British Museum, the Bodleian and the Cambridge University Library. ”

Sir, even in war time I think it is permissible to turn away from severely political subjects and devote one's self to subjects which promote the cultural development of the nation. Hindi and Urdu are the two principal languages of Northern India. They have vast literatures, growing literatures and they need development and encouragement and their cultural value cannot be ignored. These two institutions which I have mentioned, namely, the Hindi Sahitya Sammelan and the Anjuman Taraqqi-i-Urdu stand for the development of these two languages. The Hindi Sahitya Sammelan is an institution of an all-India character and it has been functioning for the past 30 years and has done much to promote the development of Hindi literature. It has behind it the personality of Babu Purshotamdas Tandon who was the Speaker of the United Provinces Legislative Assembly. It has the active support of Pandit Madan Mohan Malaviya and Pandit Madan Mohan Malaviya and Mahatma Gandhi are among its ex-Presidents. Seth Jammalal Bajaj was also one of its ex-Presidents. The other ex-Presidents of the body are Babu Rajendra Prasad, Pandit Shri Dhar Pathak, the great Hindi writer, Babu Sampuranand, Seth Govind Das, Shri Ajudhiasingh, Dr. Shamsunder Das, the great Hindi literary critic, Pandit Padamsingh Sharma, and it has the patronage and support of His Highness the Gaekwar of Baroda, His Highness the Maharaja Scindia and the Honourable the Maharajadhiraja of Darbhanga. His Highness the Maharaja of Indore opened its session which was recently held at Indore. The Sammelan is recognised by all literary Hindi men as the central organisation for the spread and progress of Hindi literature and its activities embrace the whole country. It conducts examinations and its endeavour has been to form the nucleus of a Hindi university. It has published many books of great value and in its examinations nearly 40,000 students sit every year. It has about 500 centres for its Hindi examinations all over the country and it celebrated its 30th anniversary at Abohar under the presidency of the Vice-Chancellor of the Allahabad University, Pandit Amarnath Jha.

I shall turn now, Sir, from the Hindi side to the other organisation named by me in my Resolution, the Anjuman Taraqqi-i-Urdu. This organisation, or this institution, the object of which is to popularise Urdu literature, was established somewhere in 1903. It has its headquarters in the imperial town of Delhi. It has an annual income of about Rs. 80,000 and it has a general reserve fund of about Rs. 50,000. I understand, Sir, that the Anjuman Taraqqi-i-Urdu has been given land by the Delhi Administration for building purposes. Its President is Sir Tej Bahadur Sapru and its Secretary is the most distinguished Urdu scholar living in this country, Dr. Abdul Haq. It has a library and it has the patronage of His Exalted Highness the Nizam of Hyderabad. It has affiliated to it some educational institutions in Bihar, Madras and, from the Urdu-speaking point of view, certain other backward parts of the country. It publishes books also.

Sir, recently it will be within the recollection of the House that the distinguished Vice-Chancellor of the Delhi University, Sir Maurice Gwyer and the Educational Commissioner with the Government of India, Mr. John Sargent, stressed that for the very purposes for which the democracies are fighting this war it is necessary that there should be planning in education, that there should be planning—if I may use that word—in culture and that money should not be stinted for cultural advancement and an advancement in education. Now, Sir, I am not asking Government here for a grant. What I am asking them to do is to follow the British example. Sir, in England under the Copyright Act of 1911—it was I think amended in 1932—section 15, the publisher of every book published in the United Kingdom is required within one month after the publication to deliver at his own expense a copy of the book to the Trustees of the British Museum, who have to give a written receipt for it. He has also, if a written demand is made before the expiration of twelve months after publication, to deliver within one month after receipt of that written demand a copy of every book published to the following other libraries, namely, the

[Mr. P. N. Saprū.]

Bodleian Library, which, as Members of the House know, is the great library of the Oxford University, the University Library, Cambridge, the Library of the Faculty of Advocates at Edinburgh and the Library of Trinity College, Dublin, and, subject to certain provisions of section 15 of the Copyright Act, the National Library of Wales.

Now, Sir, the Copyright Act section goes on to say that in the case of an encyclopaedia, newspaper, review, magazine or work published in a series of numbers or parts the written demand may include all numbers or parts of the work which may be subsequently published. I think, Sir, there was an amendment of this Act in 1932, but so far as this section is concerned it was not substantially amended and the position is that in England the writer or the publisher of a book is required to supply copies of the book for the benefit of the Bodleian Library, Oxford, the University Library, Cambridge, the Library of the Faculty of Advocates at Edinburgh, the Library of Trinity College, Dublin, and, subject to certain restrictions, the National Library of Wales.

Now, Sir, I find that there is no similar provision in the Copyright Act of this country. The only provision which we have, I think, in the Indian law is in the Press and Registration of Books Act, and I will invite the attention of the House to section 9 of that Act :—

“ Printed or lithographed copies of the whole of every book which shall be printed or lithographed in British India after this Act shall come into force, together with all maps, prints or other engravings belonging thereto, finished and coloured in the same manner as the best copies of the same shall, notwithstanding any agreement (if the book be published) between the printer and publisher thereof, be delivered by the printer at such place and to such officer as the Local Government shall, by notification in the official Gazette, from time to time direct \* \* \* ”

This provision is not for cultural advancement. It is for, if I may use the word, political espionage. The object of my Resolution is that these two organisations, which are the principal institutions for the furtherance, progress and development of the two principal languages of modern India, languages which are understood almost throughout the length and breadth of this country, should be helped to be able to build up decent libraries. For this purpose, they should have available every book that is published in this country. The change of law in this direction will not impose any hardship on the publisher. He can surely spare one copy for libraries of this character.

It may be said that if the principle of this Resolution is accepted, then similar claims will be made by other organisations and institutions which are working for the promotion of other Indian languages. I would not deny to institutions or organisations working for the development of other languages the right which I am claiming for these two languages in which I as a person belonging to Northern India am particularly interested. We have had a remarkable development in these two languages during the last 20 or 25 years. Many books of scientific value have been published both in the Hindi and the Urdu languages. Their literatures have improved. I am not a student of Urdu. I happen to be acquainted with Hindi. I like to read Hindi occasionally and I find that in recent years we have produced some very fine writers of fiction, of poetry, of psychology, history, and so on. You have only to take up a Hindi magazine and see how varied are the subjects dealt with in that magazine. If we wish the culture which we have imbibed in our English schools and colleges to filter down to the masses, it is clear that we must work through the Indian languages and therefore this Resolution is intended for the development of Indian languages. I may mention that the idea of this Resolution was suggested to me by the address of Pandit Amarnath Jha as President of the Hindi Sahitya Sammelan. In his Presidential address he suggested that there was need for a change of the law on the lines of the British Copyright Act. The authority of these organisations is not open to dispute. They are the two leading organisations for the promotion of these two languages. There are other organisations, I know, and if the benefit of the Copyright Act amendment can be extended to them, I have no objection. These two organisations are the most authoritative organisations of

the two languages. Hindi writers look to the Sahitya Sammelan just as French writers—I do not say that we have reached the same stage of development as the French language—look to the French Academy. They look upon it as an institution whose approval of a work marks them a big writer.

With these words, Sir, I would commend this non-controversial Resolution in war time to the acceptance of the House.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : Mr. President, I have great pleasure in supporting the Resolution which has been moved by the Honourable Mr. Sapru. I do not think it is necessary for me to inflict a long speech on the House. But I do welcome this Resolution as it shows essential unity between the two languages of India. It is a welcome coincidence that the Presidents of both the organisations, one for Urdu and the other for Hindi, are Hindus and from the same city of Allahabad. The Anjuman Taraqqi-i-Urdu is under the distinguished Presidentship of the Right Honourable Sir Tej Bahadur Sapru and the Hindi Sahitya Sammelan under that of Dr. Amarnath Jha. Sir, the demand in this Resolution is one which would not cost the Government anything. They have only to make the necessary amendment in their Act in order to make it possible for these national organisations to receive the publications. The law as it stands at present is administered by the Provinces and it has no all-India effect. The copies that are published have to be delivered under the orders of the Local Government and they apply only to the locality of that particular Government. For instance, if the Delhi Administration were to pass an order that a copy of all publications in Urdu should be made over free of charge, it will have effect only in the Delhi area and it will not apply to other areas. It is, therefore, necessary that a comprehensive amendment should be made so that the Government of India may, by its action, make it compulsory for all the printers and publishers to make over a copy of the publication. In this connection I should like to remind the House that the Anjuman Taraqqi-i-Urdu, starting from a humble beginning 39 years ago, has now become a very extensive organisation. It has 232 branches, 64 night schools and it has published 170 books. It publishes three papers; one is a quarterly known as *Urdu* of 150 pages; the other is a monthly publication called "Science" of 64 pages; and the third *Hamari Zaban*, "My Language", a fortnightly publication. There are 18 members of this organisation which contains such distinguished people, in addition to the Right Honourable Sir Tej Bahadur Sapru, as Dewan Bahadur Raja Narendra Nath, the President of the Hindu Mahasabha, Punjab, Raja Sir Daya Kishen Kaul, Colonel Sir Kailashnath Haksar in addition to others like His Excellency Nawab Colonel Hafiz Ahmad Sayed, Khan Sahib of Chhittari the Prime Minister of Hyderabad. Sir, an organisation so distinguished and so honoured ought to get the moral support of the Government in whatever way they can possibly give it. I do hope the Government will see its way to accept this Resolution and give their help to this organisation if they require it and, when there is enough, to give money.

\*THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN (United Provinces West : Muhammadan) : Sir, the object of this Resolution is so good from the point of view of the languages and culture of India that it does not require a good deal of support. I am sure that every Member of this House would support this Resolution. To printers the sacrifice of a copy or two will not be too great. Besides, it will be useful to the writers as well as to the publishers. These two institutions not only merely encourage language which they support, but also they criticise publications and pass opinions on them, and I am quite certain that institutions like these which have such eminent scholars on them provide valuable criticism on publications and so help to improve the tone of the language which will in consequence be benefited. If we turn to section 9 which my Honourable friend has just read we find that a very slight amendment where it is written—

"There ought to be delivered by the printer at such place and to such officer as the Local Government shall, by notification in the Official Gazette, from time to time direct and free of expense to the Government".



[Haji Syed Muhammad Husain.]

made as follows—

THE HONOURABLE THE PRESIDENT : You had ample time ; why did you not give notice of an amendment ?

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN : It is not an amendment, Sir.

THE HONOURABLE THE PRESIDENT : You want to add a few words to this Resolution ?

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN : No, Sir. I only say that if, as is said in this Resolution, the Government were to improve this section in the Act the purpose of the Resolution will be served. Section 9 was read by my Honourable friend, who said that a similar provision to that which exists in England also exists in the Indian Act with a certain omission, namely, that certain Libraries are mentioned in the English provision and there is no such mention in our Act.

THE HONOURABLE THE PRESIDENT : You do not want to make any alteration in the Resolution ?

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN : No, Sir.

THE HONOURABLE THE PRESIDENT : You only want to bring this point to the attention of the Government Member ?

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN : Yes, Sir.

THE HONOURABLE MR. J. D. TYSON (Education, Health and Lands Secretary) : Sir, I shall be very brief. I have listened with interest, and I may say a good deal of sympathy, to what has been said by my Honourable friends Mr. Sapru and Mr. Hossain Imam and the Honourable Mr. Muhammad Husain in support of this Resolution. I may say at once that I agree, broadly speaking, with the statement of the law as it stands in England and in India which has been given by the Honourable Mr. Sapru and I would agree also with Mr. Hossain Imam that if we are going to have legislation on this subject it would be very desirable that it should be Central legislation. Otherwise the object might be defeated. I am not quite clear whether the Honourable mover of the Resolution intends that it should apply to newspapers. I am not sure that the English law applies to newspapers, but I should like him to indicate whether he intends his Resolution to cover the case of newspapers or only the case of books and pamphlets and maps and such like.

THE HONOURABLE MR. P. N. SAPRU : I would have monthly periodicals included but not daily newspapers.

THE HONOURABLE THE PRESIDENT : Will you draw the line at weeklies ?

THE HONOURABLE MR. HOSSAIN IMAM : Weeklies will be excluded, Sir ; only monthlies and quarterlies.

THE HONOURABLE MR. J. D. TYSON : I think I know what the Honourable Member is aiming at. Now Sir, it would be quite possible to have Central legislation on this subject under item 17 of the Concurrent List under the Government of India Act—"Newspapers, Books and Printing Presses". I think we can certainly amend the Press and Registration of Books Act. But of course our custom in legislating in matters that concern the Concurrent List, our invariable practice is to consult Provincial Governments first. The Provincial Governments would have to handle

the implementing of any legislation, and therefore there is a double reason why in a matter of this kind we should consult Provincial Governments before we commit ourselves to Central legislation. There is a further reason, Sir, why we should refer the matter, if the House passes the Resolution, to Provincial Governments. I do not doubt for one moment the status of the two societies mentioned by the Honourable mover. But I am apprehensive, as he foresaw, that a Resolution of this kind may give rise to other claims, certainly as regards other languages in India and other literatures, and even possibly there may be other claims as regards Hindi and Urdu. For that reason also a proposal for legislation should obviously be sent to Provinces for their opinions, so that if we have legislation it should be as far as possible comprehensive. That, Sir, is really all I have to say. The Resolution as it stands would commit us, if we accepted it, to modifying the law so as to ensure that a copy of every work was by law to be sent to these two associations. Therefore, Sir, I regret we cannot accept the Resolution as it stands; but we shall certainly not oppose the Resolution moved with such eloquence and moderation by my Honourable friend. So far as Government benches are concerned, we should leave it to a free vote, and if the Resolution is accepted by the House the course we shall adopt and which I have already indicated is that we shall immediately send it to the Provinces to see their reactions.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern : Non-Muhammadan) : Mr. President, I am glad to see that my Honourable friend the Education Secretary has been good enough not to oppose this Resolution, but I must confess that I found his reply very disappointing. There is no doubt that the formalities required by the division of India into several provinces have to be gone through by the Government of India and that the information that they require can be obtained only through the Provincial Administrations. But I had hoped that my Honourable friend will not merely refrain from opposing the Resolution but express his sympathy with the demand contained in it.

THE HONOURABLE MR. R. H. PARKER (Bengal Chamber of Commerce) : He said so.

THE HONOURABLE MR. J. D. TYSON : If I may recall, Sir, my opening words were that I had listened with interest and with a good deal of sympathy.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : I confess when I took that in relation with what he said at the end and what he said in the course of his speech I felt that that was merely a formal assurance. He will pardon me if I am doing him an injustice, but the whole trend of his speech seemed to me to be non-committal. For instance, he referred to other associations that might exist in other provinces and which might ask for a right similar to that which this Resolution proposes to confer on the Hindi Sahitya Sammelan and the Anjuman Taraqqi-i-Urdu. There are undoubtedly associations connected with the development of Indian literatures in various parts of India, in Maharashtra, in the Canarese-speaking areas, in the Tamil-speaking areas, in the Telugu-speaking areas, in Bengal, and so on. Now, if an important institution connected with each language asks that it should be allowed the same facilities which this Resolution proposes that the two institutions connected with Hindi and Urdu should enjoy, I do not see how the position of the Government of India would become more difficult. If my Honourable friend is in sympathy with the demand made in this Resolution, if he is in accord with the principle underlying it, he should be prepared to treat other important organisations in the same way in connection with books dealing with the literatures which they represent. I think it is one of the most important signs of the national awakening in India at the present time that a great deal of attention is being paid to the cultural development of the people through their own languages. When I visit any province I always make it a point to find out whether there is any association there whose object it is to standardise and develop the language and

[ Pandit Hirday Nath Kunzru.]

persuade the people to adopt one form of speech which all cultured people and the people in general might equally use. Sir, I will not do my Honourable friend the injustice of supposing that he can be opposed at heart to such a Resolution or can have no sympathy with it ; but he has spoken to us purely as an official when I should have thought that as a man belonging to a country which has done great work for the development of its language he would adopt a bolder and more sympathetic attitude. I am sure that my Honourable friend Mr. Sapru will be glad that he has received even such support as he has from the official side and we shall all hope that, as a result of the inquiries which the Government of India propose to make they will be able to modify the existing legislation in the direction suggested by my Honourable friend Mr. Sapru.

THE HONOURABLE MR. J. D. TYSON : On a point of explanation, Sir. May I say that we cannot accept this Resolution—

THE HONOURABLE THE PRESIDENT : You will have another chance of reply if you will kindly wait till Mr. Sapru has finished.

THE HONOURABLE MR. P. N. SAPRU : Sir, the Honourable Dr. Kunzru has dealt with the speech of my esteemed friend the Honourable Mr. Tyson. He has no doubt intimated that he has a good deal of sympathy with the Resolution but he is not prepared to accept the principle of this Resolution without reference to Provincial Governments. That is the position that he has taken up. I think, Sir, that a lead in this matter ought to be given by the Central Government. If you want uniformity in this matter there should be Central legislation ; and after all we have certain advisory bodies, the Central Advisory Board of Education, and we have, though it is not directly under governmental control, we have the Inter-universities Board. Therefore there ought to be no difficulty in ascertaining what the views of the Provincial Governments are. So far as the status of these organisations are concerned, there is no doubt about that. So far as the Hindi Sahitya Sammelan is concerned, some of the most eminent names in Hindi literature are connected with it. Swami Shraddanand was connected with it and it has, as I pointed out, the patronage of many Ruling Princes and that its Secretary is probably the most eminent living Urdu scholar in this land, Dr. Abdul Haq. A difficulty pointed out by Mr. Tyson was this that we have in this country a number of other languages and they may have similar associations and they will also claim similar rights. I would like those rights to be extended to those associations also and suitable provisions can be made in the law as was pointed out by Mr. Muhammad Husain. I mean very simple amendments in the law will meet the requirements of the situation.

Sir, I should like the House to treat this as a cultural Resolution and I should like the House to express its sympathy with those who are working in the fields of Indian languages and therefore I should like this Resolution to be put to the vote. I should like to feel that the Council of State has expressed its sympathy with Indian literatures and with those who are working in the fields of Indian literatures. Literature, Sir, interprets life and it interprets life, I think, even in war time. I should like every Member to feel that he is doing his duty by the literatures of this country by voting for this Resolution. Therefore I should like this Resolution to be put to the vote of the House.

THE HONOURABLE SIR A. P. PATRO (Nominated Non-Official) : Do you include such ancient institutions like the Telugu Academy and the Tamil Academy in the scope of your Resolution ?

THE HONOURABLE MR. P. N. SAPRU : I do not know if they are ancient but I will accept my Honourable friend's word and I should be willing to give them my support just as he would be willing, I am sure, to give me his support.

**THE HONOURABLE MR. J. D. TYSON** (Education, Health and Lands Secretary) : I should perhaps make it clear, in view of what has fallen from Pandit Kunzru, that we do not as a matter of fact legislate in the Concurrent List without consulting the Provinces. If we accept this Resolution we commit ourselves to legislating in the Concurrent List without the necessary reference to the Provinces. Secondly, we should be confining our legislation to Hindi and Urdu literature. Why should my Honourable friend consider me so poor and apathetic a Bengali that I should deny my own Province the privilege of sharing in the benefits of legislation of this kind ? We in Bengal are very proud of our own language, so why should Bengal not share in anything of this kind that is going ?

**THE HONOURABLE THE PRESIDENT** : It is not necessary to read this Resolution a second time. I will put it to the vote.

Question put and Motion adopted.

### INDIAN COMPANIES (AMENDMENT) BILL.

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

“ That the Bill further to amend the Indian Companies Act, 1913, be taken into consideration. ”

I was unofficially accused yesterday by an official Member of the House of having exceeded my postcard size in speeches. Well, I will try not to do so today. I want to draw particular attention to a few points that there are in the Statement of Objects and Reasons. At the bottom of the first paragraph it says :—

“ . . . . . it is now possible for a company to carry out a scheme for the transfer of the whole of its assets and undertaking and for dissolution by proceedings under section 153, which require a far less stringent majority than is required by section 54, the relatively less important matter of consolidation or sub-division of the capital of a company can only be effected through the machinery of the latter section ”.

Well, I have spent about ten years or rather more of my life being a doctor of sick companies and you do find that there are cases where a particular provision of this nature stops you from doing something which is entirely for the good of everybody. This Bill in effect proposes to introduce what is really a democratic principle. As the provisions of the Act now stand those people who do not vote at all have really more power than the people who vote and you get into this ridiculous position that you might get 74 per cent. of the shares being represented for a Resolution and 26 per cent. not voting at all and the 26 per cent. will be able to carry the day as opposed to the 74 per cent. who definitely believe that a certain thing ought to be done. That, I think, is rather a ridiculous situation and it was considered so by the Greene Committee. Sir Wilfrid Greene, the Chairman of the Committee, was probably the ablest Chancery lawyer of our time and I think what he thought was right and that we can reasonably support.

Sir, I move.

**THE HONOURABLE SARDAR BAHADUR SOBHA SINGH** (Nominated Non-Official) : I have great pleasure in supporting the Honourable Mr. Parker's Motion that the Bill to amend the Indian Companies Act be taken into consideration. The object of this Bill is to facilitate the reorganisation of the companies. It is quite a simple thing as Mr. Parker has explained. Under the existing Act it often becomes very difficult to make even a little change. One has to go to the shareholders and 26 per cent. of them may be absent or silent, and you cannot do anything. While the proposed Bill softens the existing provision it has the merit of not making reorganisation too easy. Such a measure is of great help to the companies at the present juncture when increased industrial and commercial activities call for some kind of rearrangement. Further, the English law has also been

[Sardar Bahadur Sobha Singh.]

amended to suit the present-day requirements and the proposed amendment is on the same lines. As the Honourable Mr. Parker has explained there is nothing underneath the Bill. The amendment proposed is very much desirable and I give my full support to it.

**THE HONOURABLE MR. M. N. DALAL** (Bombay : Non-Muhammadan) : Sir, I rise to support this Motion. As the law stands, section 54 and section 153 are overlapping and to clarify the law I think the best thing to do would be to drop section 54. This has been done in England when the Companies Act was consolidated in 1929, and I am surprised that the Indian Companies Act still retains the archaic and impracticable section 54 on the Statute-book. I say impracticable because three-fourths majority of all the shareholders of a given class, no matter whether they are present or absent at a meeting, is in fact impossible of attainment. I therefore support the Motion.

**THE HONOURABLE MR. P. N. SAPRU** (United Provinces Southern : Non-Muhammadan) : Sir, on behalf of our party I desire to support this amendment. I think it is a healthy amendment. It will improve the Companies Act and it will bring it into line with the recommendations of the Greene Committee and with the law as it is in England. Three-fourths majority of a class is an impossible requirement and it is very difficult under the present section 54 for companies to reconstruct themselves. I desire to accord my support to this.

**THE HONOURABLE SIR ALAN LLOYD** (Commerce Secretary) : In view of the speeches that have already been made I do not wish to make any statement on behalf of Government on this Bill.

**THE HONOURABLE THE PRESIDENT** : Motion moved :—

“ That the Bill further to amend the Indian Companies Act, 1913, be taken into consideration. ”

Question put and Motion adopted.

**THE HONOURABLE MR. M. N. DALAL** : Sir, I move :—

“ That in clause 2 of the Bill, for the word ‘ deleted ’ the word ‘ omitted ’ be substituted. ”

This is merely a formal amendment.

Sir, I move.

Question put and Motion adopted.

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

**THE HONOURABLE MR. M. N. DALAL** : Sir, I move :—

“ That in clause 3 of the Bill after the word ‘ substituted ’ the word ‘ namely ’ be inserted. ”

This again is merely a formal amendment.

Sir, I move.

Question put and Motion adopted.

Clause 3, as amended, was 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 amended, be passed. ”

Question put and Motion adopted.

(The Honourable Mr. Hossain Imam, in whose name stood the next Motion, was absent when called.)

### RESOLUTION *RE* FORMATION OF A HOME GUARD.

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

“ That this Council recommends to the Governor General in Council that in view of the seriousness of the situation immediate steps be taken to form a Home Guard for the defence of the country and that it should be trained on the same lines as the British Home Guard. ”

With your permission, Sir, I should like to delete the words “ those of ” in the last line of the Resolution as printed.

**THE HONOURABLE THE PRESIDENT :** Very well.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** Mr. President, this Resolution speaks of the seriousness of the situation and urges that as one ground for taking the step recommended in it in order to strengthen the defences of the country. No words are needed from me, Sir, to depict the difficult situation in which we find ourselves at the present time. Japan has become master today not merely of the Malaya Peninsula but also of Singapore and the Malayan Archipelago. It is trying to extend its conquests both in the East and the West. There are three countries which it is devoting particular attention to at the present time, namely, Java, the Phillipines and Burma. If Java and the Phillipine Islands pass under its control, its position, at least for the time being, will be rendered secure in the South West Pacific, and it will be free to turn its attention to the Bay of Bengal and the Indian Ocean. Should it achieve more success than it has done in Burma, the consequences to India will be even more serious than those of the victories it has already obtained. We feel already that the enemy is at the gate and that we should take all possible measures to prepare the people to defend their country. Sir, the dangers which threaten India will not affect her only. To any student of the political and broad military issues which arise out of the present war it must be clear that any weakening or disorganisation in India will have serious repercussions on the Middle East front, and should the supply of men and material from India to the Middle East cease or slacken, it seems to a layman that it will be exceedingly difficult, if not impossible, for the Allied armies then to maintain their positions. In such a case, there will be a serious danger of our enemies from the East and the West joining hands and thus making the position of India virtually hopeless. Apart from this, Sir, we may be exposed to further dangers by the advances made by Japan towards the Southern or Eastern coast of India. One has only to mention Ceylon in order to realise that at the present moment we are faced with grave dangers from nearly all sides.

Sir, the other day, His Excellency the Commander-in-Chief, replying to a question in this House, admitted that the Japanese might use their command of the sea and air at the present time to attack us in various ways.

“ We must be prepared ”, he said, “ for attacks on our shipping on the seas ; and we must be prepared for attacks on this land of India from the air and by bombardment from the sea, and we may have to face the possibility of a landing ”.

No words of mine can better bring home to us the seriousness of the present situation than the words of His Excellency the Commander-in-Chief which I have quoted. Now, it is necessary when serious dangers threaten us that we should ask ourselves whether we can take any special steps at the present time to meet them.

[Pandit Hirday Nath Kunzru.]

That we are in an exceedingly difficult position is no reason why we should sit with folded hands or adopt an attitude of defeatism. On the other hand, I feel, and feel in every fibre of my being, that the hour of danger is one which ought to test our manhood most, and it is at such a time that we should show that we can prove equal to any emergency. The position so far as India is concerned and broadly speaking so far as the East is concerned, is the same as the position created in the West by the collapse of France in June, 1940. The position of England was an exceedingly perilous one at the time. England was at that time short not merely of trained men but also of modern weapons. It had lost a great deal of equipment in France, and Mr. Churchill in a frank speech—unlike the replies which the representatives of the Government of India delight in in this House—told the nation the danger that confronted it and appealed to all men, to men belonging to all ranks of life to come forward to defend their country. It was at a time like this that the Home Guard was formed in England. What more natural than that we should at a time when the situation is so grave should ask that a similar step should be taken to strengthen our position in our country.

Now what is the character of the Home Guard which my Resolution urges the authorities to establish? Before I answer this question I should like briefly to point out what the duties of the Home Guard are and why it was necessary to have such a force and not some other kind of force, for instance the Volunteers and the Militia which existed formerly, to meet the danger with which England was threatened. It is a commonplace today to say that totalitarian warfare must be dealt with by totalitarian methods of defence. That applies to the situation that existed in England in July, 1940 and the danger that England may still have to face. The situation was somewhat as follows. The Nazis have adopted a new method of achieving their purpose. They do not depend merely on their armies. They first try to weaken the morale of the populations concerned. For this purpose they try to have men in sympathy with them in every part of the country which they wish to subjugate. Now these men who are called Quislings or fifth columnists may be found not merely in bigger towns but also in the smaller towns and the villages. It is thus clear that this is a danger which England had to be prepared to face everywhere. Similarly the Nazis have used another method, the method popularly known as that of infiltration, in order to create disorganisation in the country which they wished to attack. They try to drop parachutists at different places so that the soldiers who are thus dropped from aeroplanes may, after getting into touch with the Quislings in the civil population, create a situation in which troops sent by troop carrying planes can be landed. Now this again is a danger which may have to be faced throughout the country. It is thus clear that a professional army which has to be maintained at certain points cannot deal with a danger that is ubiquitous. If we are threatened with danger at every point, it is necessary for us to organise a method of defence which will be effective at every point. Now the object of establishing the Home Guard was to provide a force which, unlike the army, could make itself felt everywhere. It consists not of soldiers but of civilians, who although trained by the military authorities become a part of the regular forces only when actually on duty. It is clear from what I have said that if an attempt had been made to raise regular troops to deal with a situation in which every part of the country might be supposed to be in the front line very few men would have been left to produce those supplies without which the army cannot work. It was necessary therefore to train men who would normally do the work required of civilians and at the same time prepare themselves to do a soldier's job when actual danger threatened the particular place where they happened to be.

From the explanation that I have given, Sir, it must be clear to the House why the Home Guard was created in England and what its duties and character are. As a writer on the Home Guard has put it, the Home Guard is a means of connecting the army with the people at large. It is in fact the people's army. The members of the Home Guard imbued with intense feelings of nationalism and knowing that the

safety of their country is at stake are organised in small groups under the control of the military authorities to render such service as men in their position can. They are not expected to take on large forces. That is the business of the regular army. But they can even without being able directly to oppose large enemy forces render valuable services. My Honourable friend Mr. Mahtha asks me what is the difference between Civic Guard and the Home Guard. My Honourable friend Mr. Sapru says that the difference is that between chalk and cheese and I entirely agree with him. Mr. Sapru yesterday in his speech explained the position of the Civic Guard. It is an auxiliary to the police force, while the Home Guard is an auxiliary to the regular forces, the army, the navy and the air force. It is, as one writer has put it, practically a fourth arm of defence.

Sir, the House would doubtless like to know what are the specific duties that are assigned to the Home Guard. Their main duties are four in number. They are required to protect important points from sabotage and attack. They have to act as observers reporting the time and place of any enemy landings that may take place. Then again one of their duties is to deliver immediate attacks on parties of enemy troops landed not in overwhelming numbers. They are given such training as would enable them to deal with small enemy groups. And lastly, Sir, in the event of their being unable to face the enemy directly because of his strength or because of his being heavily armed, their task is to withdraw to previously prepared positions, that is fortified posts, and thus in every conceivable way harass the enemy, delay his progress and make it impossible for him to get the food and rest that even he must need. These are, Sir, the main duties of the Home Guard. This description will have enabled my friend Mr. Mahtha to understand clearly the difference between the Civic Guard and the Home Guard. Now, Sir, it is obvious that duties so important as those which are entrusted to the Home Guard require previous training for their proper performance. The members of the Home Guard therefore receive a training suited to their positions and their responsibilities in England. They are not trained in the same way as the regular troops. They are not, for instance, drilled in the same way. But they are certainly taught to shoot. The rifle is their principal weapon. But it must not be supposed that the Home Guard in England came into existence at a time when it was possible to provide each member of it with a rifle. As I have already said it was created at a time when England was in no little difficulty in respect of equipment.

Having, Sir, described the position of the Home Guard, I shall now deal with the latter part of my Resolution in which I ask that a Home Guard should be established in India and that it should be trained on the same lines as the British Home Guard. In asking that a Home Guard should be established here and that it should receive the same training as the British Home Guard does, I am not unaware of the differences between our position and that of England. I am aware that it may not be possible for us to give our Home Guard all at once that training which the British Home Guard receives at the present time. But the training given to the British Home Guard was not always what it is today. When it was commenced it was more elementary than it is today. It was slowly developed. I ask that the same thing should be done here. I realise that we cannot all at once create a Home Guard which will be as well trained as the British Home Guard and which will be provided with all those arrangements for the defence of the country which the British authorities have in course of time been able to provide for the defence of England, for instance, fortified posts, road blocks, and so on. I am aware of these difficulties but I see no reason why a beginning, and a large beginning, should not be made even at the present time. Now I shall be told, Sir, that there is serious dearth of equipment in this country. Sir, the Dominions Secretary, speaking in the House of Lords the other day, drew the attention of the critics of Government to the shortage of equipment in this country and said :—

“ It was not right to assume that the million men who at present compose the Indian Army were armed and fully trained. Every man who was fully armed was being used. Equipment was a difficult part of the problem ”.



[Pandit Hirday Nath Kunzru.]

Sir, a shiver ran down the spine of my Honourable friend Sir Firoz Khan Noon yesterday when Mr. Sapru referred to the shortage of rifles in this country. I wonder whether he had read the statement of the Dominions Secretary before he got up and asked my Honourable friend to reserve his remarks with regard to the shortage of equipment for the secret session which he expected would soon be held.

Sir, England being a free country does not follow the hush-hush policy that always commends itself to the authorities here. I asked a simple question this morning about the number of troops, Indian troops, captured by the Japanese in Malaya and Singapore. We are vitally interested in the matter and yet the answer that we received from His Excellency the Commander-in-Chief was that he could supply us with no information on the point. We are to send our soldiers to every possible theatre of war outside the country but we are to take no interest in their welfare. We are not to be told what has happened to them. We are not even to be told how many of them have fallen into the hands of the enemy. It is known, Sir, that the British Prime Minister, or his Deputy in the House of Commons, has promised to give full information regarding the circumstances connected with the fall of Singapore and the capture of Allied troops by the Japanese as soon as the necessary reports are received from such people as can send them, but, even with this knowledge, His Excellency the Commander-in-Chief thought that he would be giving out a very valuable secret if he told us what the number of Indian troops captured in Malaya was. Can this information be of the slightest use to the enemy? The enemy knows it already. Unless, therefore, Government thinks that the Indians are all enemies of the Government, that they are greater enemies of the Government than the Japanese, there was no point, Sir, in denying us the simple information that was asked for in my question. This is, Sir, the attitude of the Government of India, and it contrasts painfully with the attitude adopted by the British authorities in England, because while England is a free country India is not. It is unhappily still a slave country.

**THE HONOURABLE THE PRESIDENT :** Will you please bring your remarks to a close as you have already exceeded your time?

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** Sir, I have already said that I shall be told that there is a shortage of equipment in this country and that it is obviously impossible at such a time to create another force which will make the demand on our equipment even heavier than it is. Sir, while I do not minimise the force of this objection, I cannot admit that it is conclusive and that we can do nothing at the present time but just wait on events. We may not have an abundance of modern rifles but rifles of all kinds can be found in the country. Why should it be necessary to arm the Home Guard with up to date rifles? If they could be had it would be an excellent thing but if they cannot be had why should we not use any old rifles that the Government of India may have. Secondly, Sir, there must be in the possession of the people a certain number of firearms and they can be useful at this juncture, even though they may be obsolete. Firearms not of military specifications are being used in Australia. If the Government call them in by appealing to the patriotic sentiments of their holders I have no doubt that they would receive every help from the people concerned. Then again, Sir,—

**THE HONOURABLE THE PRESIDENT :** Please bring your remarks to an end. You have already exceeded your time.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU—**perhaps the States will be able to come to our aid. They may have supplies of rifles, whether old or new, which would be extremely useful to us, rifles which the military authorities have scrapped but which the Home Guard nonetheless may be able to make good use of.

Apart from this, Sir, there are other kinds of weapons that may be used ; for instance, hand grenades or even such things as " Molotov cocktails ". " Molotov cocktails " may be useful in dealing with the enemy armoured cars and vehicles and as their manufacture is not complicated as they consist, broadly speaking, of a glass bottle about a pint in size containing an inflammable liquid, it should not be very difficult to produce them in this country. In these, and in other ways, Sir, I venture to submit that the Government of India can still do something. Besides the Home Guard has exceedingly important duties to perform which do not require the use of rifles. This is an additional reason for creating a body of the kind mentioned in my Resolution. Sir, the position is a difficult one. We must, therefore, be prepared to brush aside objections, to overcome difficulties, and do whatever we can at this juncture to meet a situation of exceptional gravity. If such a Resolution had been moved two or three years ago it might have been legitimate for the Government to say that they did not possess the necessary equipment. Today such a reply would not be enough. It would convict the Government of India of a desire not to do anything. If they trust the people, if they are prepared to appeal to the patriotic sentiments of Indians, and if, taking their courage in both hands, they are willing to come forward and create a people's army, I am sure that in spite of the serious disadvantages we are suffering from a strong Home Guard can be established at the present time, which may be able to render great services to the country.

**THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA (Bihar : Non-Muhammadan) :** Sir, I shall be very brief. I just rise to express my support to the Resolution so ably moved by the Honourable Dr. Kunzru. The only criticism that appears to me of this Resolution is that perhaps we are considering this question a little too late, when the enemy is already at our doors—

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** Not at all. It was created at such a time of danger in England.

**THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA :** What I feel is that Government ought to have been thinking of creating a Home Guard much earlier. But have we not seen in this House, only a few months ago, Resolutions like the raising of the University Training Corps being opposed by the Government ? Naturally, therefore, a Government which even when the war was on did not think of training the students in the Universities how to make themselves useful in a situation like the present one could never have felt that it was their duty to create a Home Guard in this country.

I am thankful to the Honourable Dr. Kunzru for having cleared my doubts with regard to the difference between the Home Guards and the Civic Guards. I have seen something of these Civic Guards in my province and I can say that they are not likely to prove of much use in times of approaching dangers which we may have to face. I have also noticed that in many places, where Government fixed a limit of, say, 60 Civic Guards in a district, the district officers have not been able to recruit more than 20 or 30. In my own district where the Government of Bihar fixed a limit, I think, of about 60 or 70, we still have not got more than about 40 Civic Guards and these as well of not a very commendable type. The reason for this is not distant to seek. The reason is inherent in the distinction between the Home Guards and the Civic Guards and this is also what prevents the type of people whom you want to come forward and join the Civic Guards from coming forward to do so. The Civic Guards are, as was pointed out by Dr. Kunzru, an adjunct to the police force. You want them to march under the orders of ordinary jamadars in the police thanas. You cannot expect people who come from respectable classes to take orders from illiterate jamadars. Therefore, what is essential is not to flatter yourself, not to feel complacent that you are doing enough for the safety of the country by the creation of Civic Guards but to take upon yourself the task of the formation of these Home Guards on proper lines which will be of some use to us during the time of need.

[Rai Bahadur Sri Narain Mahtha.]

There is also one very important thing which is rather of a psycho-political character. The Indian so far has not been made to feel that he is called upon to defend his home, to defend his country or to defend his independence which will be his today or tomorrow. The Indian naturally at the present time feels that he is being called upon to defend his chains, his present servitude and that *status quo* is what you want to maintain in future. Unless the Government come forward with a bold declaration that Indians are free and that they are being called upon to defend their home and their independence and not to defend their chains, you will never find in this country response for anything. You must always remember this and also that Civic Guards are no use. You must have Home Guards. Train them properly on the British lines, as pointed out by the Honourable Dr. Kunzru and make the Indians feel that it is of importance to them as free men and women to resist the enemy and not as slaves to whom it may really mean only a change of masters. I wanted to tell the Government very plainly these things and that is the only reason for my intervention in this debate. Before I sit down I would like to ask one question which the Government Member may reply to, and it is this. I would like to know what time it takes in England to train these Home Guards. That was one point which the Honourable Dr. Kunzru did not touch upon.

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern : Non-Muhammadan) : I will be very, very brief, Sir. I should like to lend my support to the Resolution which has been moved by my Honourable friend Dr. Kunzru. He has pointed out that we are placed in the same situation which faced England after the collapse of France and that Home Guards were instituted in England after that collapse. He has explained the nature of the duties of these Home Guards. I do not think I should be adding usefully to the discussion in the Council if I were to state over again what has been stated by him so eloquently. I would, however, like just to say one word by way of criticism of the attitude of Government Members towards war questions on the part of the Opposition. The Honourable the Leader of the House—I hope, Sir, he will some day be the Leader of the Opposition here—yesterday and today reminded us that this was war time and questions can only be answered in secret session—

THE HONOURABLE MALIK SIR FIROZ KHAN NOON (Leader of the House) : I did not say that.

THE HONOURABLE MR. P. N. SAPRU— or that we should expect even very obvious criticisms to be answered only in secret session.

THE HONOURABLE MALIK SIR FIROZ KHAN NOON : No, no.

THE HONOURABLE THE PRESIDENT : He said that you can conveniently reserve your remarks for that session. That is all.

THE HONOURABLE MR. P. N. SAPRU : I know that in the British House of Commons they have had some secret sessions. But I like to read whenever I can the copy of my *Hansard* and I claim to be a fairly close student of international affairs. I find that much more plain speaking is done in the British House of Commons than is done in the Indian Legislature. I would like to remind him of the speech which was delivered by an ex-Premier of England, Mr. Lloyd George, after the fall of Narvik. I would like him to read the speeches today of Mr. Hore Belisha who was a Minister of the Crown and who held the responsible post of Secretary of State for War. I should like to refer him to the speeches of Mr. Shinwell, who was Secretary for Mines. He may be an extreme Labourite but there is another extreme Labourite in the Cabinet today.

THE HONOURABLE MALIK SIR FIROZ KHAN NOON : Your standard is higher,

**THE HONOURABLE MR. P. N. SAPRU :** Our standard in every respect, including that of the Executive Council, is lower. We like to live in a world of absolute unreality and we have created for ourselves a world which has no relation to the larger world of which we are a part. The British official, the Indian official, the Government Benches, the Opposition Benches, all like to live in the Fifth Century B. C. They cannot get away from the Fifth Century B. C. I think in some parts of the world there was more progress in that era than there is today in the Government of India. That is what I feel, and I have been provoked to make these remarks by the Honourable the Leader of the House, for whom I have personally very great esteem.

Well, Sir, I find that a man like Sir George Schuster, who is fairly conservative, has been making some very pungent criticisms about the Government's production programme. He made the other day I think a speech in Leeds in which he said that the production programme of the Government of Mr. Churchill was all wrong, that they had messed things up, that the profit motive was not working properly in industry, that the system of control was not right. All these things are being said by English politicians and our Leader of the House does not lecture to them but he lectures to us for asking very obvious and simple questions.

**THE HONOURABLE THE PRESIDENT :** Will you please discuss the Resolution?

**THE HONOURABLE MR. P. N. SAPRU :** What is the number of prisoners in Malaya? Surely the Japanese know exactly the number of Indians captured by them and you will not be helping them by telling us the number of Indians captured in Singapore. Sir, all this is not the way to enlist our co-operation. If you wish to enlist the wholehearted co-operation of this country you must, even at this late hour, change your ways; because it is my firm conviction that England can win this war and will win this war if she de-imperialises herself. That I think is the basic issue. The basic issue is political. If you can settle the political issue you will be able to have Home Guards—

**THE HONOURABLE MALIK SIR FIROZ KHAN NOON :** On a point of order, Sir. The Honourable Member has been taking us to task for not answering a certain question. If he will kindly read what was asked in that question, he will find it was the number of troops in Malaya and not the number of prisoners that he wanted to know.

**THE HONOURABLE MR. P. N. SAPRU :** Sir, I am rather surprised at the statement of the Honourable the Leader of the House. It has been given out that 73,000 troops surrendered in Singapore. I am not giving out any war secret. Some figures were also given of Indian troops and Australian troops. If he were the Leader of the House in the Australian Cabinet and he had refused to tell the Australian people what the number of men who had suffered in Singapore was I doubt if the Australian Parliament would have tolerated him for a minute.

**THE HONOURABLE THE PRESIDENT :** Order, order. The Honourable Pandit Kunzru was entitled to deal and he dealt in his speech with reference to this matter; but I am not going to allow every Member to go outside this Resolution and discuss matters which are entirely foreign to this Resolution.

**THE HONOURABLE MR. P. N. SAPRU :** Thank you, Sir, for reminding me that I have to speak on this Resolution.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** May I say in all fairness to this side of the House that my Honourable friend the Leader of the House got up and tried to make things worse by saying that we asked for information not with regard to the troops captured in Malaya but the number of troops in Malaya. Does he mean to say that there are any troops in Malaya which are under the control of His Majesty's Government or the Government of India? What is the difference

[Pandit Hirday Nath Kunzru.]

between the troops in Malaya and the troops captured in Malaya ? I can only say that if this is the level of intelligence of the Members of the Executive Council the country cannot congratulate itself on its Executive Council.

**THE HONOURABLE MALIK SIR FIROZ KHAN NOON :** The Honourable Member has forgotten his question. He asked us how many troops had been evacuated from Malaya. How can we tell him that ?

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** That was the second question. The Honourable Member should read my questions first.

**THE HONOURABLE MR. P. N. SAPRU :** Sir, the Home Guards provide a force that, unlike the army, should make itself felt, and the Home Guards become part of the army only when they become regulars. The principal function of these Home Guards is to guard the country against a certain technique which has been developed by Nazi Germany. She has been relying not only upon her superior military forces ; she has also been relying upon fifth column activities and she tries to organize a strong fifth column in every country she intends to overcome. We do not want this fifth column activity to flourish in any shape or form in this country because we are clear in our ideology. I am not quite sure that the so-called loyalists of the Government are so clear in their ideology as we are. I was talking to the chauffeur of a gentleman who was a great pillar of the British Raj after the collapse of France. He said, "What is happening, Sir, in France ?" He was worried. He assumed that Britain would be defeated, but he said, "So far as I am concerned, my job is quite safe. My boss has done very well under the British Government. He has got titles, he has got honours and contracts and so many other things from the British Government, and when Hitler comes here I am quite sure he will be the first to visit him and he will garland Hitler and say, 'I am very sorry, the British forced me to help them, but now I will help you'." That is the loyalty of the loyalist class in this country. So far as the educated and thinking classes are concerned, they have certain loyalties because they believe in certain ideals, the ideals of freedom, of democracy and social justice. And therefore, Sir, I would like this war to be converted into a peoples' war, and if you have institutions like the Home Guards you will be converting this war into a peoples' war. For that reason, Sir, I support this Resolution.

**HIS EXCELLENCY THE COMMANDER-IN-CHIEF :** Sir, I am not sure if the exact position of the Home Guard in the United Kingdom is realised by Honourable Members. The Home Guard in the United Kingdom is a military organisation which is under the War Office and is armed and trained under its supervision and control. It is called the Home Guard, but it might just as well be called the Territorial Army. In pre-war days we had a Territorial Army in the United Kingdom which was originally intended for home defence. At the outbreak of this war the territorial army was incorporated into the regular army and assumed full liabilities for service in any part of the world. Its place in the home organisation has been taken by this Home Guard and the Home Guard is just the same as the old territorial army. Much the same thing has happened in India. We had a territorial force at the beginning of this war and now a very vast majority of the officers and men of our original territorial force have become regular units and what remains of them, for certain legal reasons I understand, remains only in name. If it was possible for us to re-raise it as a territorial force or Home Guard, we should be very glad to do so. But here my Honourable friend the mover of the Resolution has anticipated very correctly what I am going to say. We are extremely short both of equipment and instructors and we need all we have got and all that we can see coming forward for the expansion of the regular army and in the term "equipment" I include rifles about a plethora of which there has been a very great deal of misapprehension. We are very short of rifles, so much so that a part of the military units are at the present moment using

captured Italian rifles. What we are doing in brief is we are raising our new formations as rapidly as we can train them, arm them and equip them and in our assumption the Home Guard of India is its regular army which is growing every day and which is being joined by large classes all over the country who were not previously enlisted. I would like to say that the only difference between the Home Guard in the United Kingdom and the old pre-territorial force is that men are taken into the Home Guard who are often much older than the normal military age. That is because man-power in England is very short and we are compelled there to use anybody who is sufficiently fit physically for local defence. Those conditions do not at present obtain in India and while we have considerable quantities—large quantities of young men—there is no need for us to enlist old ones. In view of the explanation I have given, Sir, perhaps the Honourable Member will withdraw his Resolution; if not, I must oppose it.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU:** Mr. President, His Excellency the Commander-in-Chief has given the answer that I expected and which anyone could expect from the general character of the Government of India. The answer to every demand of ours is either that the time for it has not come or that it must not be conceded because the situation in this country is different from that of England. His Excellency the Commander-in-Chief dealt very briefly with the position of the Home Guard in England. I wonder whether I said anything tending to show that the Home Guard was under the control of the civil authorities. I think everyone among us knows that the Home Guard is under the control of the War Office but it is different from the regular army and from the descriptions of the Home Guard that have been given in books and by responsible British public men it does not appear that they are just the territorials under another name as His Excellency has said.

Sir, His Excellency the Commander-in-Chief has told us today that there is a serious shortage of rifles in this country. But I wonder whether the situation in respect of equipment in England in June and July, 1940 was a very hopeful one. I do not know what the exact situation was, but judging from what was said in the press it seems to me that it was pretty nearly as bad as the position in India today. If in spite of these difficulties England created a Home Guard and directed all its energies to the manufacture of the necessary equipment, I see no reason why the Government of India should adopt a purely obstructive—I may say a defeatist—attitude and tell us that nothing more can be done than is being done by the authorities at the present time. If the Government of India cannot do any more, why should they make appeals daily to the civilian population to come forward to help them? How is the civilian population to help them, how is its morale to be strengthened, how is it to help in making the defences of the country stronger? I should have thought that bearing in mind that an organisation like the Home Guard has had to be established not merely in England but in some other freedom-loving countries and taking advantage of the experience of these countries the authorities be ready to establish such a force in this country also. But evidently they are not prepared to abandon their old policy of distrust. His Excellency the Commander-in-Chief said to us in his closing observations that in India the expanding army should be regarded as its Home Guard. It would be a stroke of temerity on my part to question the soundness of His Excellency's view. Nevertheless, I venture to point out that the reason for the creation of the Home Guard is that no army, however large, can take the place of the Home Guard. Yet His Excellency the Commander-in-Chief doubtless knowing fully the circumstances in which the British Home Guard was created and the reasons which led to its creation asks us to accept the view that when an army is sufficiently large it may be regarded as the country's Home Guard. Sir, however large the Indian Army may be, it can never take the place of an Indian Home Guard, because the regular soldiers cannot be present in every town and in every village to meet danger in the various forms in which it may make its appearance. How can the regular forces, for instance, deal with the fifth columnists who may be carrying on their propaganda in subtle ways everywhere? This is at least a thing which can be done only by members of the civil population

[ Pandit Hirday Nath Kunzru. ]

who alone are in a position to defend their national interests against the machinations of those who have decided to throw in their lot with the enemy.

Sir, I do not think that the reason given by His Excellency the Commander-in-Chief, namely, the shortage of equipment, is cogent enough to warrant his opposition to my Resolution. It seems, Sir, that realising that the Home Guard, which has been called a " People's Army " can be created only when the people are given the feeling that they are fighting for their own country, he is not prepared to create such a body in India where the existing form of government is far from being national. The reasons, the real reasons, it seems to me, for opposition to my Resolution are therefore political and not military.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : No, no.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Had the Government been in sympathy with our national demand (*An Honourable Member* : They are.) The Honourable Member is very credulous. Had it been prepared to take a lead in stimulating the national consciousness of the people I am sure that it would have welcomed my Resolution and indeed been anxious to accept it, but it is obvious, Sir, that so long as the political outlook of the British authorities continues to be what it is, so long as they regard India as their estate, so long as they consider their own interests to be of greater importance than the interests of the people of this country, there is no chance of their accepting any Resolution of the kind that I have moved. If there is shortage of equipment today it is due to their own past policy. If what is published in newspapers is correct, they have not even fully carried out the recommendations of the Roger Commission. At any rate, they were guilty of a great deal of delay in executing such of the projects as have been set on foot. One would have thought that realising their own responsibility for the present state of things, realising that their own past policy had placed India in a perilous situation, they would join hands with the people in taking all possible steps to make them feel that the interests of the Government were the same as those of the people of the country and strengthening the defences of the country, but the attitude of His Excellency the Commander-in-Chief shows that the outlook of the British authorities has not changed during the last quarter of a century, or I might say during the last half a century. It is obvious, therefore, Sir, that my Resolution cannot commend itself to the authorities, but I cannot oblige His Excellency the Commander-in-Chief by withdrawing it. I know that it will be defeated but I must ask you, Sir, to put it to the vote to mark our protest against the attitude adopted by the authorities.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : Sir, I do not deny the desirability of a Home Guard, but I have tried to make clear what is at the present moment a deciding factor, and that is lack of equipment and lack of instructors, all of which are required for the raising of our new formations which at the present moment, I consider, take the place of any Home Guard (*Hear, hear*) and surely the Honourable Member does not wish us to divert those instructors and that equipment from the troops which we are now raising. When and if our military needs have been satisfied I for one would most certainly not oppose the formation of a Home Guard. (*Hear, hear.*) At the present moment it is physically not possible to do it.

THE HONOURABLE THE PRESIDENT : Resolution moved :—

" This Council recommends to the Governor General in Council that in view of the seriousness of the situation immediate steps be taken to form a Home Guard for the defence of the country and that it should be trained on the same lines as the British Home Guard. "

Question put and Motion negatived.

(The Honourable Mr. G. S. Motilal was not present to move the Resolution against his name.)

## STATEMENT OF BUSINESS.

THE HONOURABLE MAJIK SIR FIROZ KHAN NOON (Leader of the House) :  
Sir, I suggest that we meet next on Tuesday, the 10th, to consider and pass the following four Bills :—

1. A Bill further to amend the Indian Penal Code ;
2. A Bill further to amend the Cotton Ginning and Pressing Factories Act, 1925 ;
3. A Bill to provide for the extension of the time limited by or under the Indian Patents and Designs Act, 1911, for the doing of acts thereunder ;  
and
4. A Bill to extend the date up to which certain duties characterised as protective in the First Schedule to the Indian Tariff Act, 1934, shall have effect.

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The Council then adjourned till Eleven of the Clock on Tuesday, the 10th March, 1942.

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