

26th August 1937

**THE
LEGISLATIVE ASSEMBLY DEBATES**

Official Report)

Volume IV, 1937

(23rd August to 1st September, 1937)

**SIXTH SESSION
OF THE
FIFTH LEGISLATIVE ASSEMBLY,
1937**



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Legislative Assembly.

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MR. M. GHASUDDIN, M.L.A.

MR. MATHURADAS VISSANJI, M.L.A.

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LEGISLATIVE ASSEMBLY.

Thursday, 26th August, 1937.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

RAILWAY REVENUES.

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

- (a) whether the railway revenue has improved in the course of the year ; and
- (b) the net deficit or surplus that he expects in the course of this year ?

Mr. B. M. Staig : (a) Yes.

(b) For the period 1st April to 20th August, 1937, the approximate gross earnings exceeded the actuals for the corresponding period of 1936-37 by Rs. 262 lakhs. It is too early reliably to estimate what the position will be at the end of this financial year.

Mr. T. S. Avinashilingam Chettiar : In view of the fact that the Wedgwood Committee had recommended to cut short expenses and increase revenue, do Government expect any additional revenues by putting that into force ?

Mr. B. M. Staig : The Honourable Member for Railways will make a statement in regard to what has been done and what is expected to be done when the Wedgwood Committee report is considered tomorrow.

Mr. S. Satyamurti : May I know if Government have made even approximately a rough calculation, on the present returns of railways, as to whether they will be able to get 13 crores in the course of this year with a view to enable the Government of India to make a grant to the Provinces under the Niemeyer award ?

Mr. B. M. Staig : As the House is aware, we ended last year with a surplus of 1.20 lakhs. The figure I have quoted is 142 lakhs in excess of that figure. We have therefore reasonable ground for hoping that the present year's surplus will exceed last year's. It is, however, very difficult to prophesy. Last year we had a very sudden and unexpected rise of receipts in November and December. This may or may not

recur. The peak period usually lasts from late January to the middle of March. I hope the Honourable Member will not press me to give any fixed figure for receipts of the present year.

Seth Govind Das : Are they going to use the surplus in giving grants to the Provinces ?

Mr. President (The Honourable Sir Abdur Rahim) : That question does not arise.

Mr. Lalchand Navalrai : Has there been any increase from fares ?

Mr. B. M. Staig : The increase from fares is about 80 or 85 lakhs and increase in goods traffic is about 175 lakhs.

Mr. T. S. Avinashilingam Chettiar : Do Government have any reason to think that this increase in revenue is due to temporary causes or that they are due to a recovery in trade ?

Mr. B. M. Staig : I should say that the increase is mainly due to recovery of trade. The increase falls mainly under grains, coal and general goods. There is actually a decrease under cotton and oil seeds.

Mr. K. Santhanam : Has the Sino-Japanese conflict had any effect upon the revenues ?

Mr. B. M. Staig : I cannot say.

Mr. Muhammad Azhar Ali : Are the Government prepared to accept the recommendation of the Wedgwood report and not purchase any more rolling stock and engines and things like these from the railway revenues ?

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

CONSTRUCTION OF THE NEW THIRD CLASS COMPARTMENTS.

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

(a) in what stage is the construction of the new third class compartments ; and

(b) when it is expected to be put upon the rails ?

The Honourable Sir Saiyid Sultan Ahmad : (a) and (b). The experimental third class coach referred to by the Honourable Member was completed in November, 1935, and has been in regular service on the Great Indian Peninsula Railway since 1936.

Pandit Lakshmi Kanta Maitra : How many such coaches have been made ?

The Honourable Sir Saiyid Sultan Ahmad : Twelve luggage brake and third class carriages with third class accommodation have been built by G. I. P. which have facilities equivalent to experimental third class coaches. These were placed in service last year.

Seth Govind Das : Are they going to increase the number ?

The Honourable Sir Saiyid Sultan Ahmad : I do not know.

Pandit Lakshmi Kanta Maitra : When were they last put into use ?

(No answer.)

Mr. Abdul Qaiyum : Is it proposed to introduce these carriages on the North Western Railway line ?

The Honourable Sir Saiyid Sultan Ahmad : I have no information about that.

Mr. Abdul Qaiyum : Will the Honourable Member kindly enquire about it ?

The Honourable Sir Saiyid Sultan Ahmad : That question does not arise from the answer I gave.

Mr. Lalchand Navalrai : How many such carriages have been constructed up to now ?

The Honourable Sir Saiyid Sultan Ahmad : I would refer the Honourable Member to my last answer.

Prof. N. G. Ranga : Are the Government satisfied with the experience of these carriages gained in G. I. P. line ?

The Honourable Sir Saiyid Sultan Ahmad : The experiment so far has been successful.

Prof. N. G. Ranga : Is there any proposal to introduce it on other lines ?

The Honourable Sir Saiyid Sultan Ahmad : I cannot give any further information.

Pandit Nilakantha Das : Is there any proposal to recondition all other cars on this new model ?

The Honourable Sir Saiyid Sultan Ahmad : I want notice.

Seth Govind Das : The Honourable Member has just said that the experiment has proved satisfactory on the G. I. P. line. Under these circumstances, will the Government consider the advisability of introducing this experiment on other lines as well.

The Honourable Sir Saiyid Sultan Ahmad : I cannot give any undertaking to that effect.

AIR-CONDITIONED COACHES ON RAILWAYS.

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

(a) when the new air-conditioned coaches will be put upon the rails ; and

(b) whether fares will be increased for travel in these coaches ?

The Honourable Sir Saiyid Sultan Ahmad : (a) The air-conditioned coaches are expected to be placed in service in October next.

(b) Yes.

Pandit Lakshmi Kanta Maitra : In which railways will they be tried first ?

The Honourable Sir Saiyid Sultan Ahmad : I am not sure ; but I think on the G. I. P. and E. I. R.

Mr. Badri Dutt Pande : What is the cost of a single coach ?

The Honourable Sir Saiyid Sultan Ahmad : I have not got the figures.

Prof. N. G. Ranga : In view of the fact that the Wedgwood Committee has condemned this particular proposal, will the Government consider the advisability of stopping their orders if possible and preventing the introduction of these very costly coaches ?

The Honourable Sir Saiyid Sultan Ahmad : That is a matter of opinion.

Mr. N. M. Joshi : May I ask whether these air-conditioned coaches are of the first class, second class or third class ?

The Honourable Sir Saiyid Sultan Ahmad : First class.

Mr. N. M. Joshi : May I ask whether the Wedgwood Committee has not commented in its report that the Railway Board gives more attention to first class traffic when in fact first class does not pay while neglecting third class traffic when it does pay much better than first class ?

Mr. President (The Honourable Sir Abdur Rahim) : That is a question of policy.

Sir Muhammad Yakub : Is it not a fact that the recommendations of the Wedgwood Committee are not worth the paper on which they are printed ? ("Hear, hear" from the Congress Party Benches.)

TRAIN ROBBERIES.

115. ***Mr. Ram Narayan Singh :** Will the Honourable the Railway Member be pleased to state the number of train robberies committed all over India particularly in Bihar in the last three years as well as in the current year and also the number of cases instituted in this connection with their results ?

The Honourable Sir Saiyid Sultan Ahmad : The information is not available but Government will consider calling for it if its compilation will not involve an amount of time and expenditure incommensurate with the use to which it could be put.

DIVERSION OF CERTAIN TRAINS TO ENABLE THEM TO TOUCH BENARES AND ALLAHABAD.

116. ***Mr. Sri Prakasa :** Will the Honourable Member for Commerce and Railways state if it is a fact that fast moving trains cannot be run on the Janghai-Phaphamau Section of the East Indian Railway ? If so, do Government intend to strengthen the track with a view to diverting trains like the Bombay-Calcutta Up and Down Mails to enable them to touch such important places as Benares and Allahabad ?

The Honourable Sir Saiyid Sultan Ahmad : The track on the Janghai-Phaphamau Section is not up to the standard for fast main line traffic. There is no present intention of strengthening the track on this section for the purpose suggested.

Mr. Sri Prakasa : In view of the fact that the Calcutta-Bombay mails avoid two important stations of Benares and Allahabad which are

connected with it by shuttle trains, will Government consider the desirability of recommending to the authorities concerned to strengthen this particular track in order that these mails could pass over them ?

The Honourable Sir Saiyid Sultan Ahmad : My answer was :

“ There is no present intention of strengthening the track on this section for the purpose suggested.”

Mr. Sri Prakasa : Will Government reconsider their decision on the subject, regard being had to the great importance of these particular mails ?

The Honourable Sir Saiyid Sultan Ahmad : It is a question of policy, but we will examine it once again.

Mr. S. Satyamurti : What are the reasons for which Government have come to the conclusion that they will not carry out the suggestion of strengthening the track ?

The Honourable Sir Saiyid Sultan Ahmad : The reasons are that the expenses will be unnecessarily great and there is no inconvenience felt at present by these trains not running on that line.

Mr. Mohan Lal Saksena : What will be the extra amount of expenditure ?

The Honourable Sir Saiyid Sultan Ahmad : I cannot say at present as I have not got the figures. I hope Honourable Members will not ask me to give figures in supplementary questions.

Mr. Sri Prakasa : In view of the fact that the citizens both of Benares and Allahabad have been agitating for this for a long time, will Government consider this matter carefully and will the Honourable Member,—who I understand is a very strong man in whom the department has caught a regular Tartar (Laughter),—tell the Agent that he would like this track to be strengthened ?

The Honourable Sir Saiyid Sultan Ahmad : I am neither a Tartar nor anything like it. I am here to serve the House and serve the country. If it is the desire of the House that I should further look into the matter I shall do so with pleasure.

Mr. S. Satyamurti : What are the figures on which the Honourable Member based his answer that the strengthening of this track will be expensive ? Has he got any data ?

Mr. President (The Honourable Sir Abdur Rahim) : He said he has no figures with him.

Pandit Lakshmi Kanta Maitra : Will you kindly forward these questions and answers.....

Mr. S. Satyamurti : Sir, when Government say that the scheme will be too expensive, surely they must be prepared to give the figures.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member says he has not got the exact figures.

Mr. Sri Prakasa : This is the first time we have got satisfactory answers on the subject.

DENIAL OF FACILITY TO HOLDERS OF INTERMEDIATE CLASS RETURN TICKETS TO TRAVEL TO KALKA FROM BENARES CANTONMENT EITHER *via* DELHI OR *via* SAHARANPUR.

117. ***Mr. Sri Prakasa** : Will the Honourable Member for Commerce and Railways state :

- (a) if it is a fact that while return journeys on first and second class return tickets between Benares Cantonment (East Indian Railway) and Kalka (North Western Railway) can be performed either *via* Delhi or *via* Saharanpur on the payment of a small extra charge, holders of intermediate class return tickets have not the same facility ; if so, why ; and
- (b) whether the route between Benares Cantonment and Kalka *via* Delhi is longer than the one *via* Saharanpur ? If so, why is an extra charge levied when passengers holding tickets *via* Delhi decide to travel *via* Saharanpur ?

The Honourable Sir Saiyid Sultan Ahmad : (a) It is a fact that, under the present Rules, holders of intermediate class return tickets cannot, on payment of an extra charge, travel between Benares and Kalka either *via* Delhi or *via* Saharanpur. Government are not aware of the reasons for this restriction, but they are making enquiries.

(b) Yes, the route *via* Delhi from Kalka to Benares is longer than *via* Saharanpur. As the fare *via* Delhi would ordinarily be higher than *via* Saharanpur, return tickets issued by the Delhi route would be available *via* Saharanpur without payment of any extra charge.

Mr. Sri Prakasa : May I ask if the Honourable Member has instructed the railway authorities in accordance with the answer he has given or whether he is stating a fact ? My own experience is that they charge extra on tickets *via* Delhi, even if the holder thereof travels *via* Saharanpur. I have had that experience myself last year.

The Honourable Sir Saiyid Sultan Ahmad : The East Indian Railway rule undoubtedly is somewhat confusing and refers to travelling by both routes ; that is, holders of *via* Saharanpur tickets travelling *via* Delhi and holders of *via* Delhi tickets travelling *via* Saharanpur, and states that this can be done on payment of the difference in fares. But the difference only arises ordinarily when the holder of a *via* Saharanpur ticket requires to travel *via* Delhi. There may, however, be some exceptions, though I cannot at the moment say how they would arise, which is why the answer has been given in the form in which I did give it. But I will make further inquiries about it.

Mr. Sri Prakasa : May I state this fact that holders of tickets from Benares to Kalka, *via* Delhi, which is the longer route, cannot travel *via* Saharanpur, which is the shorter route, unless they pay an extra charge ? What I want the Honourable Member to do is to put this anomaly in order ; I speak from personal experience.

The Honourable Sir Saiyid Sultan Ahmad : I said that the rule is confusing and perhaps that is the reason why this has been done. I will give the necessary instructions on the point.

Mr. Sri Prakasa : Thank you, Sir ; you are very accommodating. (Laughter.)

ATTACHÉ CASES CARRIED FREE OF CHARGE BY FIRST AND SECOND CLASS PASSENGERS ON THE EAST INDIAN RAILWAY.

118. ***Mr. Sri Prakasa** : Will the Honourable Member for Commerce and Railways state :

- (a) if it is a fact that while attaché cases are allowed free to first and second class passengers on the East Indian Railway, they are weighed for the purpose of levying a charge on extra luggage, when in possession of third and intermediate class passengers ;
- (b) if so, what is the purpose of this differentiation ; and
- (c) how many attaché cases each first and second class passenger can carry with him free, and what is the average weight and size of such attaché cases as envisaged by the railway ?

The Honourable Sir Saiyid Sultan Ahmad : (a), (b) and (c). I would invite the Honourable Member's attention to the reply given by the Honourable Sir Muhammad Zafrullah Khan to Mr. Mohan Lal Saksena's starred question No. 372 on the 14th September, 1936.

Mr. Sri Prakasa : Is the Honourable Member aware that Mr. Mohan Lal Saksena himself got in trouble at Lucknow station because he was carrying an unbooked attaché case ? In any case, what is the reply to parts (b) and (c) of the question ?

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member is referring to a particular incident which is not in the question itself, and I do not think the Honourable Member can ask it.

Mr. Sri Prakasa : That was only by the way (Laughter), I am now asking for a reply to parts (b) and (c).

The Honourable Sir Saiyid Sultan Ahmad : Parts (b) and (c) were answered by Sir Muhammad Zafrullah Khan in reply to the question I have referred to.

Mr. N. M. Joshi : May I ask whether this discrimination against third class passengers is not in accordance with the policy of the Government of India ?

The Honourable Sir Saiyid Sultan Ahmad : I do not understand that.

Mr. Sri Prakasa : With reference to part (c), Sir Muhammad Zafrullah did not, so far as I can remember, give us the number of attaché cases that can be carried by first and second class passengers free nor their average weight. Will the Honourable Member give the information now ?

The Honourable Sir Saiyid Sultan Ahmad : I will give all the answers which were given by Sir Muhammad Zafrullah Khan.

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

†119* to 121.*

†For questions Nos. 119—121 and replies thereto, see pages 602—04 of these debates.

PROPOSAL TO SET UP A CENTRAL STATISTICAL ORGANISATION.

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

- (a) whether there is a proposal to set up a Central Statistical organisation in India ;
- (b) if so, when it is likely to be given effect to, and what its functions will be ; and
- (c) whether, before setting up that body, relevant commercial opinion will be invited and taken into consideration ?

The Honourable Sir Saiyid Sultan Ahmad : (a) Yes.

(b) I would invite the attention of the Honourable Member to pages 124—126 of the Proceedings of the meeting of the Standing Finance Committee held on the 11th February, 1937, which give the required information. A copy of the Proceedings is in the Library. I may add that the Central Statistical Organisation is expected to be set up in April, 1938, provided that all the necessary arrangements for the printing of the statistical publications in the Government of India Press, New Delhi, can be completed before then.

(c) No, Sir. In this connection I may mention that the Central Statistical Organisation will only take over *en bloc* the work of statistical compilation which is at present done by the statistical side of the Commercial Intelligence and Statistics Department at Calcutta, without any immediate change in the existing method and scope of the work.

Mr. S. Satyamurti : May I know whether Government have come to any conclusion, with regard to the personnel or expenditure to be incurred on the organisation ?

The Honourable Sir Saiyid Sultan Ahmad : I cannot answer off-hand without notice about the cost.

Mr. S. Satyamurti : Have Government come to any conclusion as to the personnel ?

The Honourable Sir Saiyid Sultan Ahmad : I cannot give any information.

Mr. S. Satyamurti : May I know where this statistical organisation is going to be located ?

The Honourable Sir Saiyid Sultan Ahmad : I do not find anything about it in the question itself, but I shall make inquiries and let the Honourable Member know about it.

Mr. T. S. Avinashilingam Chettiar : Will this organisation do what is at present being done at Calcutta or will it collect and publish further statistics ?

The Honourable Sir Saiyid Sultan Ahmad : I have said that there will be no immediate change in the existing method and scope of the work.

Prof. N. G. Ranga : What is the object of creating this special organisation if it is not to discharge any additional work ?

The Honourable Sir Saiyid Sultan Ahmad : I submit, Sir, that I have given the answer. I can give the Honourable Member further information if he gives notice.

Mr. S. Satyamurti : May I know whether the organisation will deal with and publish statistics of internal trade in this country ?

The Honourable Sir Saiyid Sultan Ahmad : I really cannot answer that question off hand.

Mr. T. S. Avinashilingam Chettiar : May I know if.....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member has said that he is not in a position to give any further information.

Mr. S. Satyamurti : Sir, the Honourable Member may not be able to answer, but as regards these points, will he give us a note or memorandum later on ?

Mr. President (The Honourable Sir Abdur Rahim) : If specific answers on specific points are wanted they ought to be specified. The Honourable Member has said that he is not in a position to answer questions which are not on the agenda paper.

Mr. S. Satyamurti : I am only suggesting, Sir, that you should ask Government to consider whether in cases where supplementary questions are covered by the main question already put in, they should not give us the information in some form.

Mr. President (The Honourable Sir Abdur Rahim) : It is almost impossible to decide that in the case of a supplementary question. I have allowed supplementary questions which are not strictly covered by the main question. It depends upon the Government to give further information in such a case or not.

SELECTION OF REPRESENTATIVES OF INDIA AT THE IMPERIAL CONFERENCE.

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

- (a) how the representatives of India at the recent Imperial Conference were selected ; and
- (b) whether Sir Muhammad Zafrullah Khan will be requested to place copies of all his speeches on the table of the House for the information of the House ?

The Honourable Sir Nripendra Sircar : I am unable to reply to this question which should have been addressed to the representative of the Home Department, but I am able to add that they are ready to answer the question today.

Mr. B. F. Mudie : (a) The selection was made by agreement between the Secretary of State and the Governor General.

(b) A speech by Sir Muhammad Zafrullah Khan is printed at pages 69--71 of the publication entitled Imperial Conference, 1937. Summary

of Proceedings, Cmd. 5482, a copy of which is in the Library of the Legislature. The Government of India have no information regarding other speeches, if any, made by him.

Mr. S. Satyamurti : With regard to the answer to clause (a) of the question, may I know if the Governor General in Council came into the consultation at all ?

Mr. R. F. Mudie : The agreement was between the Secretary of State and the Governor General, and not with the Governor General in Council.

Mr. S. Satyamurti : I want to know whether, in coming to an agreement, the Governor General consulted the Governor General in Council.

Mr. R. F. Mudie : I cannot give any information as to how the agreement was arrived at.

Mr. S. Satyamurti : May I know if these representatives are sent to the Imperial Conference to represent Indian public opinion ?

Mr. R. F. Mudie : They are sent to represent India.

Mr. S. Satyamurti : May I know how these representatives are selected with a view to represent the people of India,—I don't mean the geographical entity, but the people of India ? I want to know whether any steps are taken by the Government to ascertain how far these representatives can speak at the Imperial Conference on behalf of the people of India.

Mr. R. F. Mudie : I have already answered that in reply to part (a) of the question.

Mr. S. Satyamurti : No, Sir, he has not answered it.

Mr. President (The Honourable Sir Abdur Rahim) : Is the Honourable Member suggesting any particular method of selecting these representatives ?

Mr. S. Satyamurti : I am asking for information, since I am not the Governor General,—I am asking my friend as to how these representatives are selected with a view to their representing the people of India. If he says he does not know it, let him say so.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member contends that these representatives do not represent the people of India, but they think they have done their duty.

Mr. S. Satyamurti : That is not the position, Sir. I am simply asking for information on this point as to whether any steps are taken to see that these representatives represent the people of India. My point is, that no steps are taken towards this end ; they are simply patronised.

Mr. President (The Honourable Sir Abdur Rahim) : In selecting men or in giving expression ?

Mr. S. Satyamurti : Both in selecting men and in giving expression. First, I want to know whether any steps are taken by the Government to ascertain whether these gentlemen who are sent to the Imperial Conference represent to any degree or in any manner the public opinion of India or of any section.

Mr. President (The Honourable Sir Abdur Rahim) : I do not know if the Honourable Member can answer that.

Mr. R. F. Mudie : I have already given the information.

Mr. S. Satyamurti : No, you have not given any information

Seth Govind Das : The Honourable Member says that the representative who is sent to the Imperial Conference represents India, what does he mean by India ?

Mr. President (The Honourable Sir Abdur Rahim) : I cannot allow that.

Mr. S. Satyamurti : He said representative of India..... ?

Mr. President (The Honourable Sir Abdur Rahim) : Surely everybody knows what India is.

Mr. S. Satyamurti : I do not know, Sir.

Mr. President (The Honourable Sir Abdur Rahim) : Surely Mr. Satyamurti knows it quite as well as anybody else.

Mr. S. Satyamurti : I want to know, Sir, what India he means ? I want an answer.

(No reply.)

Mr. Mohan Lal Saksena : Do these representatives represent the Government of India ?

(No reply.)

Mr. K. Santhanam : May I know, Sir, whether these representatives take instructions from the Government of India or they express opinions just as they please ?

Mr. R. F. Mudie : I believe they are given a brief.

Mr. S. Satyamurti : By whom is the brief given ?

Mr. President (The Honourable Sir Abdur Rahim) : I don't think the Honourable Member can be asked to answer that. He has already answered the question, and said he is unable to give any further information.

Mr. R. F. Mudie : They are supplied with a brief obviously by the Government of India.

Mr. Bhulabhai J. Desai : Is it obviously or it is a fact ?

Mr. R. F. Mudie : Both.

Mr. S. Satyamurti : A question has been put, and the Honourable Member owes it to you, Sir, that he should get up and say what he has to say. If he cannot answer the question, let him say so. What is the idea of sitting down and murmuring from his place ? It is very awkward. May I know, Sir, why they are called representatives, and how they are called representatives of the people of India ?

Mr. R. F. Mudie : Because they represent.

Mr. S. Satyamurti : I can't hear a word of what the Honourable Member says ; he simply murmurs. Even from this place, we can't hear a word of what he says.

Sardar Sant Singh : We do not hear what is said there.

PROPOSAL TO INCREASE RAILWAY FREIGHTS.

124. ***Mr. S. Satyamurti** : Will the Honourable the Railway Member be pleased to state :

- (a) whether there is any proposal to increase railway freights all round by five per cent. on the Indian Railways in the beginning of the financial year 1938-39 ;
- (b) whether, before Government make up their minds on this matter, they will consult the Chambers of Commerce—Indian and European—and all other relevant interests ; and
- (c) whether they propose to make careful calculations of the effect of such increase on railway finance, before they finally make up their minds in the matter ?

The Honourable Sir Saiyid Sultan Ahmad : (a) The question of improving the condition of railway finances by rate and fare adjustments is constantly under consideration and the feasibility of an all-round increase to meet the rising costs of operation due to the recent increase in commodity and coal prices is under examination.

(b) The suggestion of the Honourable Member will receive consideration if it is decided to proceed with the matter.

(c) Yes.

Mr. B. Das : Before enhancing the rates, will the Honourable the Commerce Member kindly consult the various Chambers of Commerce in India ?

The Honourable Sir Saiyid Sultan Ahmad : We will take all steps that we consider necessary in this connection.

Mr. B. Das : May I know if the Chambers of Commerce have been addressed so far in this matter ? Have any of the Chambers of Commerce been addressed so far ?

The Honourable Sir Saiyid Sultan Ahmad : I said that if it is decided to proceed with the matter, the suggestion will receive consideration.

Prof. N. G. Ranga : Will Government also give an opportunity to agricultural interests to express their opinion before taking any definite steps in this matter ?

The Honourable Sir Saiyid Sultan Ahmad : The question does not arise from the answer.

Prof. N. G. Ranga : Yes it does arise, Sir, because in part (b) it is asked whether, before Government make up their minds on this matter, they will consult the Chambers of Commerce—Indian and European,—and all other relevant interests. So I ask whether Government will be good enough to consult agricultural interests also in this matter ?

Mr. President (The Honourable Sir Abdur Rahim) : It is not in the question ; the Honourable Member cannot put that question which is not in the main question.

Mr. S. Satyamurti : Yes, Sir, it is there. It is said in the question "all other relevant interests", and relevant interests, include agricultural interests also.

The Honourable Sir Saiyid Sultan Ahmad : It will receive consideration.

Mr. K. Santhanam : May I know whether you will consult this House before taking action ?

The Honourable Sir Saiyid Sultan Ahmad : No.

Mr. T. S. Avinashilingam Chettiar : Why not ?

Mr. Mohan Lal Saksena : Will you consult the Standing Railway Finance Committee or the Central Railway Advisory Council ?

The Honourable Sir Saiyid Sultan Ahmad : That will receive consideration.

Mr. M. Ananthasayanam Ayyangar : May I know from the Honourable Member if the whole question of rates and fares is under consideration, or only the question of increasing the rates and fares is under consideration ?

The Honourable Sir Saiyid Sultan Ahmad : I submit this question does not arise either from the original question or from my answer. The question was whether there was any proposal to increase the railway freight by five per cent. and I have given my answer on that.

Mr. S. Satyamurti : The Honourable Member's answer was that the whole question of revising the rates and fares was engaging his attention.

The Honourable Sir Saiyid Sultan Ahmad : The whole question as put in part (a) of the question.

CREATION OF THE FEDERAL RAILWAY AUTHORITY.

125. ***Mr. S. Satyamurti :** Will the Honourable the Railway Member be pleased to state :

- (a) when the Federal Railway Authority will be created ;
- (b) whether any legislation will be placed before the Assembly in respect of this matter, and if not, why not ; and
- (c) where the office will be located, and what its cost will be ?

The Honourable Sir Saiyid Sultan Ahmad : (a) Government are unable at present to state a definite date.

(b) Government as at present advised consider that it is not necessary to introduce any legislation in the Legislative Assembly till such time as the Federal Railway Authority has been constituted.

(c) As regards the first part, the location of the office will be decided when the Federal Railway Authority is constituted. As regards the second part, information regarding the cost is not available as the details have not yet been settled.

Mr. S. Satyamurti : With reference to the answer to part (a) of the question, may I know whether the Government have come to a conclusion at least on this matter, that is to say, to create an authority, either before or after the Federation ?

The Honourable Sir Saiyid Sultan Ahmad : We have come to no definite conclusion about it.

Mr. S. Satyamurti : With reference to the answer to part (b) of the question, may I know whether the Government have examined this matter, from the point of view of all relevant powers and authorities for the administration of railways, and have come to the conclusion that, as the Government of India Act, 1935, stands, there is no need for any supplementary legislation at all by this House ?

The Honourable Sir Saiyid Sultan Ahmad : That is the present advice given to the Government of India.

Mr. B. Das : The Honourable Member has introduced in connection with the Federal Railway Authority a supplementary Bill to amend the Indian Railways Act giving power to fix the maxima and minima fares. But the Honourable Member just now said that no legislation is contemplated.

The Honourable Sir Saiyid Sultan Ahmad : I do not understand the question.

Mr. S. Satyamurti : May I know, in view of the answer he gave to my supplementary question to part (b) of the main question, the reasons why Government have introduced before the House a Bill with reference to the conferring of certain powers on the Federal Railway Authority ?

The Honourable Sir Saiyid Sultan Ahmad : As I told the House, this is the decision of the Government at present on the advice that has been given.

If there are other matters which have to be considered before the decision could be adhered to, we will take advice and act on it, but at present that is the advice that we have got.

Mr. S. Satyamurti : I am sorry I have not made myself understood. There is a Bill in the Honourable Member's name which is coming up. I do not know whether my Honourable friend is aware of it or not. Having regard to the answer which my Honourable friend has given, what are the reasons for bringing forward this Bill ?

The Honourable Sir Saiyid Sultan Ahmad : I think an answer will be given when that Bill comes up either tomorrow or next week as to the objects and reasons why we have brought forward that Bill.

Mr. S. Satyamurti : With reference to the answer to part (c) of the question, may I know that the answer means that this question of the location of the office will not be decided, until the Federal Railway Authority are constituted and themselves decide this matter ?

The Honourable Sir Saiyid Sultan Ahmad : All that I can say is that at present there has been no decision.

Mr. S. Satyamurti : I thought the answer was that the question will be decided by the Federal Railway Authority. Am I right so far ?

The Honourable Sir Saiyid Sultan Ahmad : As regards the first part, yes.

Mr. S. Satyamurti : May I take it, therefore, that the question of the location will be decided by the Federal Railway Authority ?

The Honourable Sir Saiyid Sultan Ahmad : Most likely.

Mr. S. Satyamurti : With regard to the second portion of part (c) of the question, may I know whether the Government have made no estimate at all, even approximately, of the cost of this Federal Railway Authority ?

The Honourable Sir Saiyid Sultan Ahmad : No.

BRITISH INDIAN TRADE RETURNS AND INDIA'S BALANCE OF TRADE.

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

- (a) what the British Indian Trade Returns are for the month of July ;
- (b) whether the balance of trade is becoming more and more favourable to India ; and
- (c) whether Government propose carefully to watch the situation and take steps to see that the position does not deteriorate, but increase ?

The Honourable Sir Saiyid Sultan Ahmad : (a) During the month of July, 1937, imports of merchandise amounted to Rs. 14,12 lakhs and exports to Rs. 17,36 lakhs.

(b) Yes.

(c) Government are always watching the course of India's export trade and are prepared to take any steps which, in their opinion, are necessary in its interests.

Mr. S. Satyamurti : With reference to the answer to part (a) of the question—I do not press him if he cannot give it—has my Honourable friend got any later figures than the end of July ?

The Honourable Sir Saiyid Sultan Ahmad : No. I have not got.

Prof. N. G. Ranga : Is this favourable balance of trade due to any increase in the exports of gold from India ?

The Honourable Sir Saiyid Sultan Ahmad : I have not got that information.

Mr. S. Satyamurti : Does this item ' merchandise ' include exports of gold ?

The Honourable Sir Saiyid Sultan Ahmad : As far as I understand, it is excluded.

Seth Govind Das : Will the Honourable Member state the reasons which he thinks are responsible for this increase in exports ?

The Honourable Sir Saiyid Sultan Ahmad : The answer that I have given is to the question that was put. This question does not arise from the answer. If my Honourable friend wants the reasons I will enquire.

Mr. S. Satyamurti : Has the Honourable Member got any figures with regard to the export of gold, up to the end of July this year ?

The Honourable Sir Saiyid Sultan Ahmad : No.

SALE OF UNAUTHORISED MEDICINES IN THIRD CLASS CARRIAGES.

127. ***Mr. Sham Lal :** Will the Honourable Member for Commerce and Railways be pleased to state :

- (a) whether Government are aware that medicine-vendors are sometimes found to be advertising their unauthorised medical preparations and selling them off to credulous passengers with the help of their glib tongue in third class carriages of travelling railway trains ;
- (b) if so, whether these medicine-vendors obtain proper licence from the Railway Administration for doing so on any of the Railways ; and
- (c) if not, whether any action is intended to be taken in this direction in the interest of public health ?

The Honourable Sir Saiyid Sultan Ahmad : (a) and (b). Government have no information.

(c) The Honourable Member's question and this reply will be brought to the notice of the Agents of Railways for such action as they deem fit.

Mr. T. S. Avinashilingam Chettiar : May I know whether under the Indian Railways Act any passenger who purchases a ticket can trade, sell or advertise things in the compartments ?

The Honourable Sir Saiyid Sultan Ahmad : I am not a lawyer at present. When I was, I used to be paid for the advice that I gave. (Laughter.)

Mr. Sri Prakasa : Is it not a fact that only those persons can carry on trade at railway platforms who have received a regular licence, and is it not a fact that a large number of persons are found selling these medical preparations, etc., without a licence ?

The Honourable Sir Saiyid Sultan Ahmad : As regards the first part, the answer is, yes. As regards the second, Government have no information.

Mr. Sri Prakasa : Surely, the Honourable Member is a constant traveller himself and he must know !

RAILWAY EMPLOYEES AND THEIR RELATIONS DETECTED TRAVELLING WITHOUT TICKETS OR PASSES.

128. ***Mr. Sham Lal :** Will the Honourable Member for Commerce and Railways be pleased to state :

- (a) the number of railway employees detected during the last financial year travelling without railway tickets or railway passes on different Indian Railways respectively ;

- (b) the number of relatives of railway employees doing the same in the same period ; and
- (c) the nature of punishments inflicted upon such people ?

The Honourable Sir Saiyid Sultan Ahmad : (a), (b) and (c). I would refer the Honourable Member to the reply given to his starred question No. 880 on the 27th February, 1936. The majority of Railways do not maintain any record of the number of such cases.

Mr. Sri Prakasa : Will the Honourable Member issue a sort of circular letter to the railway employees that even if they are travelling without tickets they may kindly make room for *bonâ fide* passengers and not spread their legs purposely whenever they find *bonâ fide* passengers coming in ? I speak from experience. (Laughter.)

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

PREFERENCE ACCORDED TO THE RELATIVES OF RAILWAY EMPLOYEES FOR APPOINTMENT IN THE RAILWAY SERVICES.

129. ***Mr. Sham Lal :** Will the Honourable Member for Commerce and Railways be pleased to state :

- (a) whether it is a fact that near relatives of railway employees are being accorded preferential treatment in the matter of appointment to various posts in different Railways, other qualifications of candidates being similar or equal ;
- (b) whether Government are aware that vested interests are being created in this way to the discontentment of many other youngmen in these days of unprecedented unemployment ; and
- (c) if so, whether any action is intended to be taken in the matter ?

The Honourable Sir Saiyid Sultan Ahmad : (a) The Honourable Member's attention is invited to rule 63 of the Rules for the recruitment and training of subordinate staff on State-managed Railways, a copy of which is in the Library of the House.

(b) This is a matter of opinion.

(c) Does not arise.

Mr. Sham Lal : Why should preference be given to relations of railway employees ?

The Honourable Sir Saiyid Sultan Ahmad : I again draw the attention of the Honourable Member to rule 63 of the Rules.

Mr. K. Santhanam : Will you consider a change of these rules ?

The Honourable Sir Saiyid Sultan Ahmad : No.

Mr. M. Ananthasayanam Ayyangar : May I know what is the maximum salary of the higher subordinate staff ?

Mr. President (The Honourable Sir Abdur Rahim) : That does not arise out of the question.

Pandit Nilakantha Das : Are there any regulations regulating this preference to relatives of the employees in the railways ?

The Honourable Sir Saiyid Sultan Ahmad : The rules are there.

EMBARGO ON THE IMPORT OF INDIAN GROUND-NUTS TO THE UNITED KINGDOM.

130. ***Mr. Badri Dutt Pande :** Will the Honourable Member for Commerce and Railways state :

- (a) if the United Kingdom has put an embargo on the import of Indian ground-nuts ;
- (b) if so, why ; and
- (c) what amount of ground-nuts used to be exported every year from India to the United Kingdom ?

The Honourable Sir Saiyid Sultan Ahmad : (a) Government have no information, and have no reason to believe that any such embargo has been proposed.

(b) Does not arise.

(c) Exports of ground-nuts from British India to the United Kingdom during the years 1935-36 and 1936-37 were 62,000 and 84,000 tons, respectively.

Mr. S. Satyamurti : With reference to clause (a) of the question, apart from the specific embargo, have Government any information whether any other preferential treatment is being withheld from ground-nuts ?

The Honourable Sir Saiyid Sultan Ahmad : No ground-nuts, as far as I know.

Mr. S. Satyamurti : Have the Government received any representation from the South Indian Chamber of Commerce, in regard to this matter ?

The Honourable Sir Saiyid Sultan Ahmad : Not as regards ground-nuts.

Mr. S. Satyamurti : Have the Government made any inquiries to find out whether there has been any fall in the exports of ground-nuts to the United Kingdom from India, since the beginning of this year ?

The Honourable Sir Saiyid Sultan Ahmad : I have no information.

COMMUNAL PROPORTION OF MUSLIMS IN RAILWAY SERVICES.

131. ***Bhai Parma Nand :** (a) Will the Honourable the Railway Member please state if it is a fact that the circular given below was issued last year :

“ Some difficulty has been experienced by certain Loco-Foremen in the booking of cleaners as Firemen with a view to observing communal proportions. As such the following order is ruled for adoption in sheds when making such appointments up to the number of ten ; this very order being followed for making every successive

ten appointments :

Two Muslims

One Hindu

One Muslim

One Sikh, Indian Christian and Parsi

One Muslim

One Hindu

One Muslim

One Domiciled European and Anglo-Indian

One Muslim."

(b) Is it not a fact that this order will adversely affect the promotions of persons in service which is against the intention of the Government Order fixing the communal proportion for recruitment only ?

(c) What is the communal proportion of Muslims in Railway Services ? How is it that six out of ten appointments go to Muslims and only two to Hindus ?

The Honourable Sir Saiyid Sultan Ahmad : (a) Government have not seen any such circular as mentioned by the Honourable Member.

(b) No. I may add for the information of the Honourable Member that according to paragraph 5 (b) of the memorandum of supplementary instructions connected with the orders contained in the Government of India, Home Department, Resolution No. F. 14|17-B.33-Ests., dated the 4th July, 1934—a copy of which is in the Library of the House—an inferior railway servant, if appointed to a post in the subordinate service, is treated as a direct recruit. Cleaners are in inferior service and firemen are in subordinate service.

(c) The Honourable Member is referred to Government of India, Railway Board's letter No. E-34-C. M.-113, dated the 12th December, 1934, regarding the representation of Muslims and other minority communities in the railway subordinate services, addressed to the Agents, North Western and Eastern Bengal Railways, a copy of which is in the Library of the House.

Sardar Sant Singh : Now that this circular has been in force for the last three years, are the Government prepared to examine the effect on the recruitment of minorities in view of the fact that the Sikhs are given very low place in the Punjab ?

The Honourable Sir Saiyid Sultan Ahmad : I am not prepared to answer this question. If my Honourable friend has any grievance, he can bring the matter up by means of a Resolution or otherwise.

Sardar Sant Singh : Can I not bring it to the notice of the Government at this time ?

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member has not got the information.

Sardar Sant Singh : Are the Government prepared to examine the effect of the circular during the last three years in which it has been in force ?

The Honourable Sir Saiyid Sultan Ahmad : We examine this matter almost every year.

Sardar Sant Singh : May I know what conclusions the Government have reached as regards Sikhs in the railway services ?

The Honourable Sir Saiyid Sultan Ahmad : No inquiry is contemplated yet.

Dr. Ziauddin Ahmad : Also as regards Muslims ?

Bhai Parma Nand : May I know, if a man is promoted from the subordinate service to the superior service, it is considered a new recruitment ?

The Honourable Sir Saiyid Sultan Ahmad : I have said : an inferior railway servant, if appointed to a post in the subordinate service, is treated as a direct recruit.

Mr. Sri Prakasa : May I know how the Government find out the exact religion of an individual ? Do Government subject every individual to some sort of physical, moral or mental examination ? (Laughter.)

VACANCIES OF RELIEF CLERKS ON THE NORTH WESTERN RAILWAY.

132. ***Bhai Parma Nand** : Will the Honourable Member for Railways be pleased to state :

- (a) if it is a fact that according to an advertisement in the *Civil and Military Gazette*, Lahore, dated the 15th July, 1937, 25 vacancies of Relief Clerks in the North Western Railway are to be filled up ;
- (b) is it a fact that the Number-Takers have been promised by the Agent, North Western Railway, in his letters No. 5228|1, dated the 26th June, 1935, 16th February, 1931 and 19th November, 1932, that their cases would be considered for such vacancies ;
- (c) is it a fact that for the above vacancies their claim is being overlooked on the plea of being over age ? If so, how can this plea hold good in the case of men already in service ?

The Honourable Sir Saiyid Sultan Ahmad : (a) Yes.

(b) and (c). These are matters of detailed administration within the competence of the Agent, North Western Railway, to whom a copy of the question has been sent for such action as he may consider necessary.

NOMINATION OF OFFICIAL MEMBERS FROM THE PROVINCES TO THE INDIAN LEGISLATIVE ASSEMBLY.

133. ***Sardar Mangal Singh** : Will the Honourable the Leader of the House please state whether or not it is a fact that the Government of

India have asked all the Provincial Governments to recommend their officials for nomination to the Central Assembly on the condition that they would obey the Whip of the Central Government ?

The Honourable Sir Nripendra Sircar : The Provincial Governments of all Provinces from which officials were made available for nomination to the Assembly under the old régime were given a free option between—

- (1) continuing to make officials available for nomination on the basis that they would be subject in respect of speech and vote to the control of the Central Government, and
- (2) ceasing to make officials available for nomination.

NOMINATION OF OFFICIAL MEMBERS FROM THE PROVINCES TO THE INDIAN LEGISLATIVE ASSEMBLY.

134. ***Sardar Mangal Singh :** Will the Honourable the Leader of the House please state :

- (a) which Provincial Governments have agreed to recommend their officials for the nomination of the Central Assembly ;
- (b) which Provincial Governments have agreed to instruct their members to take their instructions from the Honourable the Leader of the House ; and
- (c) whether or not it is a fact that the Punjab Government have allowed its official to be nominated on the proposition that he would generally obey the instructions of the Leader of the House ?

The Honourable Sir Nripendra Sircar : (a), (b) and (c). The option given to Provincial Governments being between making officials available on the basis of control by the Central Government and not making officials available at all, agreement on the point mentioned in part (a) carries with it agreement on the point mentioned in part (b). The Provincial Governments exercising their option in favour of the first named alternative were the Governments of Bengal, the Punjab, and Assam and, in respect of the current Session only, the Governments of Madras and Sind. I should add that in the case of the Madras Government the exception in favour of the current Session was made by the Congress Ministry owing to their reluctance to disturb an arrangement entered into by the preceding Ministry.

Mr. Lalchand Navalrai : May I know from the Honourable Member what are the reasons for some Local Governments not sending their men to be nominated here ?

The Honourable Sir Nripendra Sircar : They were given a free choice and they were asked to choose one of two alternatives. What worked upon their mind is a matter for them, I cannot answer for them.

Mr. Lalchand Navalrai : Have the Government of India inquired what are the reasons for not doing so ?

The Honourable Sir Nripendra Sircar : No, Sir. They do not want to.

Mr. Lalchand Navalrai : Why not ?

The Honourable Sir Nripendra Sircar : It will be wholly unnecessary and also impertinent.

Mr. Muhammad Azhar Ali : May I know whether it is a fact that the Leader of the House instructs them as to their votes ?

The Honourable Sir Nripendra Sircar : I don't know how that arises as a supplementary question out of this.

Mr. S. Satyamurti : Part (b) of the question says : which Provincial Governments have agreed to instruct their members to take their instructions from the Honourable the Leader of the House ? This question has been admitted by you, and my friend Mr. Azhar Ali's question arises out of this.

The Honourable Sir Nripendra Sircar : The matter has been correctly admitted and therefore no supplementaries are necessary.

Mr. S. Satyamurti : Do Government intend to continue the present arrangement, so long as the present Legislature lasts ?

The Honourable Sir Nripendra Sircar : I cannot undertake to express an opinion as to what we shall do in future. We retain the liberty of changing our opinion every day.

Mr. Bhulabhai J. Desai : Does that opinion change in the right direction ?

The Honourable Sir Nripendra Sircar : Always.

Mr. S. Satyamurti : Never !

Mr. Mohan Lal Saksena : May I know what will be the functions of the representatives of these Provincial Governments here if they cannot represent the views of their Governments ?

The Honourable Sir Nripendra Sircar : Have I got to answer ?

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

RECRUITMENT OF AN EXPERT TO SERVE AS THE COMMERCIAL ADVISER TO THE RAILWAY BOARD.

135. ***Sardar Mangal Singh :** Will the Honourable Member for Commerce and Railways please state :

- (a) whether it is a fact that in consequence of the recommendations made by the Wedgwood Enquiry Committee the Government of India intend to recruit an expert to serve as the Commercial Adviser to the Railway Board ;
- (b) whether that expert is to be an Indian or he is to be imported from some foreign country ;
- (c) whether he is to come from England or the United States of America ;
- (d) whether the commercial Indian opinion has been sounded in this matter ; and
- (e) whether Government is prepared to appoint an Indian of requisite qualifications to this post ? If not, why not ?

The Honourable Sir Saiyid Sultan Ahmad : (a) to (e). The recommendations made by the Wedgwood Enquiry Committee are still under consideration of the Government of India and statements in this connection will be made by me tomorrow.

CREATION OF THE FEDERAL RAILWAY AUTHORITY.

136. ***Sardar Mangal Singh :** Will the Honourable Member for Commerce and Railways please state :

- (a) when the Railway Authority is to be constituted ; and
- (b) whether this House would be consulted in this matter ?

The Honourable Sir Saiyid Sultan Ahmad : (a) I would refer the Honourable Member to the reply given by me to part (a) of starred question No. 125, asked by Mr. Satyamurti today.

(b) I regret that I am unable to commit Government to any definite course of action at this stage.

Mr. S. Satyamurti : May I know whether Government have considered this matter at all, that is to say, the matter of consulting this House before they make up their minds as to when this authority will be constituted ?

The Honourable Sir Saiyid Sultan Ahmad : Yes.

REDUCTION OF FREIGHT ON SUGAR ON THE NORTH WESTERN RAILWAY.

137. ***Sardar Mangal Singh :** Will the Honourable Member for Commerce and Railways please state :

- (a) from what stations the freight rate on sugar has been reduced and how much ;
- (b) whether Government propose to reduce the freight rate on sugar produced in mills on the North Western Railway also ; and
- (c) whether the freight rate on sugar from ports is also to be reduced ?

The Honourable Sir Saiyid Sultan Ahmad : (a) Details of the reduced rates quoted for sugar are contained in the Goods Tariffs of the different Railways. A very large number of such rates are quoted and to compile a list of them all and to show by how much each had been reduced would involve expenditure of considerable time and labour not commensurate with the object to be attained.

(b) The matter is within the competence of the Agent, North Western Railway, and Government are not advised beforehand of the intentions of Railways to manipulate rates within the maxima and minima in particular cases. The Honourable Member's question and this answer will be sent to the Agent.

(c) There is no general proposal to reduce rates for sugar from the ports.

Mr. Sami Vencatachalam Chetty : Is the Honourable Member aware that the recent reductions in the freightage on sugar has affected the local market of Madras ?

The Honourable Sir Saiyid Sultan Ahmad : I have no such information.

REDUCTION OF FREIGHT FOR THE TRANSPORT OF CATTLE FROM DELHI TO MADRAS.

138. ***Mr. C. N. Muthuranga Mudaliar :** (a) Will the Honourable Member for Commerce and Railways be pleased to state if it is a fact that milch cattle, cows and buffaloes are imported into Madras from certain parts from among other places in Delhi ?

(b) What is the freight rate for the transport of such cattle (to be stated separately for cows and buffaloes) from Delhi to Madras ?

(c) Are Government prepared to consider the desirability of reducing the existing freight rates by 50 per cent. or considerably ?

The Honourable Sir Saiyid Sultan Ahmad : (a) Government have no details of the points of origin of imports of milch cattle, cows and buffaloes, into Madras.

(b) The freight rate for cows and buffaloes from Delhi to Madras is Rs. 360 per 4-wheel wagon, which covers ten cows or buffaloes without calves.

(c) The matter is within the competence of the Agents of the Railways concerned, viz., Great Indian Peninsula Railway, His Exalted Highness the Nizam's Railway and the Madras and Southern Mahratta Railway. The rate is already low (four annas per wagon mile), but the Honourable Member's question and this reply will be sent to the Agents concerned for consideration.

(b) WRITTEN ANSWERS.

EXTENSION OF THE ASSAM BENGAL RAILWAY LINES TO CERTAIN CENTRES.

119. ***Maulvi Abdur Rasheed Chandhury :** (a) Will the Honourable Member in charge of Railways please state whether a survey was made to find the suitability of connections (1) Maulvibazar with Srimangal and Kulaura (2) Chatak with Sylhet (3) Sunamganj with Sylhet and, if so, with what result ?

(b) Are Government aware that Chatak is a very important commercial centre and both Maulvibazar and Sunamganj are important administrative centres and that there is a great demand for connecting these centres with the Assam Bengal Railway system ? Are Government prepared to undertake an enquiry with a view to extending Assam Bengal Railway lines to these centres ?

The Honourable Sir Saiyid Sultan Ahmad : (a) Surveys have been made, at various times, of the Srimangal-Maulvibazar-Kulaura and Sylhet-Chatak projects, but they have not been found to be financially justifiable. No special survey appears to have been made of the section beyond Chatak to Sunamganj which has been proposed to be served by a road.

(b) Government have no doubt that the facts are as stated, but in view of the position as explained above, they do not consider that further enquiries are justified.

PLACING OF CHITTAGONG AND DACCA DIVISIONS UNDER THE ASSAM BENGAL RAILWAY.

120. *Maulvi Abdur Rasheed Chaudhury : (a) Will the Honourable Member in charge of Railways please state why Chittagong and Dacca Divisions of the Province of Bengal have been placed under the Assam Bengal Railway, although these divisions do not form part of Assam ?

(b) Are Government aware that the fares and freights of Assam Bengal Railway are much higher than those of Eastern Bengal Railway and consequently people of Chittagong and Dacca Divisions have got to pay more for fare and freight than their brethren in other parts of Bengal ?

The Honourable Sir Saiyid Sultan Ahmad : (a) The A. B. Railway, as its title indicates, is not organised on a Provincial (Assam) basis and the sections of line in the Chittagong and Dacca divisions of the Bengal Presidency are integral parts of the A. B. Railway system.

(b) The scale of passenger fares on different Railways has been determined generally by each Administration after consideration of the financial and other conditions of their systems.

The basis of goods rates is generally the same on the A. B. and E. B. Railways, though rates below the maxima may vary depending upon the necessity for each Railway to reduce rates to meet different, including competitive, conditions.

The average rate per mile for goods and passengers in 1935-36 charged by the A. B. and E. B. Railway (Metre gauge section) compares as follows :

	Average rate charged per ton per mile goods.	Average rate charged per passenger per mile.
Assam Bengal Railway	7.33 pies.	3.69 pies.
Eastern Bengal Railway (metre gauge)	8.25 pies.	3.24 pies.

FARE BETWEEN SYLHET AND CHANDPUR AND INTRODUCTION OF RETURN TICKET SYSTEM BETWEEN CERTAIN STATIONS ON THE ASSAM BENGAL RAILWAY.

121. *Maulvi Abdur Rasheed Chaudhury : (a) Will the Honourable Member in charge of Railways please state the distance between Sylhet and Chandpur of the Assam Bengal Railway, the third, intermediate and upper class fare between Sylhet and Chandpur and compare these fares for a similar distance in the Eastern Bengal Railway and the East Indian Railway ?

(b) Will Government please state why the fare is higher for this distance in the Assam Bengal Railway ?

(c) Will Government please state why there is no return ticket system between Sylhet and Chandpur, between Sylhet and Chittagong, between Sylhet and Dacca, and Sylhet and Mymensingh? Are Government prepared to take steps to instruct the Assam Bengal Railway authorities to introduce return ticket system between these and other places as is the system in the Eastern Bengal Railway and East Indian Railway and other Railways?

The Honourable Sir Saiyid Sultan Ahmad : (a) The distance between Sylhet and Chandpur on the A. B. Railway is 186 miles. The fares between these stations compare as follows with the ordinary fares for a similar distance on the Eastern Bengal Railway and East Indian Railway :

	A. B. Railway.	E. B. Railway.	E. I. Railway.
	Rs. A. P.	Rs. A. P.	Rs. A. P.
Upper class	17 7 0
1st class	22 2 0	21 7 0
2nd class	13 9 6	10 12 0
Inter class	4 0 0	4 13 6	5 1 0
Third class	3 0 0	3 6 3	2 14 0

(b) The fares on different Railways are fixed by the Administrations having regard to financial and other considerations.

(c) Many return tickets are issued over the A. B. Railway, as will be seen from pages 75 to 81 of the Assam Bengal Railway Time Table. The question of return tickets to be issued by this Railway is for the Administration to consider, and Government are not prepared to issue instructions on the matter, but a copy of the Honourable Member's question and this reply will be forwarded to the Agent of the Railway for consideration.

UNSTARRED QUESTIONS AND ANSWERS.

EXPLOSION OF GUNPOWDER AT THE TAXILA RAILWAY STATION.

16. **Mr. Badri Dutt Pande :** (a) Will the Honourable Member in charge of Commerce and Railways be pleased to state what was the cause of a serious explosion of gunpowder that occurred at the Taxila Railway Station on June 27, 1937?

(b) How many persons were killed, and were the coolies employed by a contractor or by the Railway Department?

(c) Has any enquiry been made and compensation given to the families of the poor victims?

The Honourable Sir Thomas Stewart : The question does not concern the Honourable Member in charge of Commerce and Railways but concerns me :

- (a) The accident occurred not in Taxila railway station but in a private gunpowder factory situated at about a quarter of a mile from the railway station premises. The accident is reported to have been caused by a spark from an over-heated grindstone igniting the gunpowder dust in the air.
- (b) Twelve persons were killed. They were in the employ of the owner of the factory.
- (c) An enquiry into the accident was made by the Inspector of Explosives and also by the police. I have no information whether any compensation has been paid to the families of the deceased persons.

NEW OFFICES LOCATED IN NEW AND OLD DELHI AND REPORT OF THE DEPARTMENTAL COMMITTEE APPOINTED TO CONSIDER THE QUESTION OF ACCOMMODATION IN SIMLA FOR THE FEDERAL GOVERNMENT.

17. **Mr. Badri Dutt Pande :** (a) Will the Leader of the House state what new offices are being located in New and Old Delhi ?

(b) Will Government lay on the table of the House the report of the Departmental Committee appointed to consider the question of accommodation in Simla for the Federal Government or give the House a gist of the recommendations made ?

The Honourable Sir Nripendra Sircar : The first part of the question should have been addressed to the Honourable Member in charge of the Home Department and the second part to the Honourable Member in charge of Industries and Labour. I have, however, ascertained with reference to part (b) of the question that the Committee referred to has not yet reported.

CONSTRUCTION OF THE SIND-BOMBAY RAILWAY.

18. **Mr. Badri Dutt Pande :** (a) Will the Honourable Member in charge of Commerce and Railways state if he has received a representation from the Indian Mercantile Community of Karachi regarding the construction of the Sind-Bombay Railway ?

(b) If so, what are the prospects of this connection being constructed in the near future ?

(c) What would be the approximate cost ?

(d) Has it been considered whether this connection will be a success commercially ?

The Honourable Sir Saiyid Sultan Ahmad : (a) Government have received a number of representations from the Karachi Indian Merchants' Association and the Buyers and Shippers Chamber of Karachi recommending the construction of the Sind-Bombay Railway.

(b) and (d). The prospects of this line being a success commercially have been carefully examined but its construction cannot be justified financially.

(c) Rs. 533 lakhs.

JAMALPUR STATION ON THE EAST INDIAN RAILWAY.

19. **Mr. Suryya Kumar Som** : (a) Will the Honourable Member for Commerce and Railways please state whether Jamalpur on the East Indian Railway is a District or Sub-divisional town and what its population is exclusive of the railway servants ?

(b) What is the volume of passenger and goods traffic at this station ?

(c) Is it a European and Eurasian colony of the East Indian Railway ?

The Honourable Sir Saiyid Sultan Ahmad : (a) The Census of India, 1931, shows Jamalpur as a town in the Sadr Sub-division of Monghyr District with a total population of 30,346. The number of railway servants is not known.

(b) Information is being obtained from the Railway Administration and will be laid on the table in due course.

(c) Not exclusively. There is a large workshop colony of all communities at Jamalpur.

EXPENDITURE ON THE CONSTRUCTION OF LUCKNOW AND CAWNPORE RAILWAY STATIONS.

20. **Mr. Suryya Kumar Som** : Will the Honourable Member for Commerce and Railways please state the total expenditure incurred in building the Lucknow and Cawnpore stations ?

The Honourable Sir Saiyid Sultan Ahmad :

		Lakhs.
		Rs.
Lucknow	..	63.27
Cawnpore	..	75.25.

REBUILDING OF THE JAMALPUR RAILWAY STATION.

21. **Mr. Suryya Kumar Som** : Will the Honourable Member for Commerce and Railways please state whether the Jamalpur station was rebuilt recently ? If so, when and at what expense ?

The Honourable Sir Saiyid Sultan Ahmad : The rebuilding of Jamalpur station is in hand. It is estimated to cost Rs. 12.24 lakhs.

REBUILDING OF THE JAMALPUR RAILWAY STATION.

22. **Mr. Suryya Kumar Som** : (a) Will the Honourable Member for Commerce and Railways please state whether sanction of the Railway Board was taken for rebuilding the Jamalpur station and staff quarters ?

(b) What was the estimated cost sanctioned by the Railway Board and what was the actual expenditure ?

The Honourable Sir Saiyid Sultan Ahmad : (a) and (b). The following estimates have been sanctioned by the Railway Board :

	Lakhs.
	Rs.
For rebuilding Jamalpur station and buildings	12.24
For rebuilding staff quarters	11.78

Government have not yet received a report of the actual expenditure incurred.

TOLLS CHARGED ON THE EAST INDIAN RAILWAY BRIDGE ON THE KOSI BETWEEN RAMPUR AND MORADABAD.

23. Mr. Mohan Lal Saksena : (a) Will the Honourable Member in charge of Commerce and Railways state if it is a fact that the rate of tolls charged on the East Indian Railway bridge on the Kosi between Rampur and Moradabad is Rs. 2 per car either way ?

(b) Are Government aware that on the Public Works Department and District Board ferries and bridges no toll is charged on the return journey if made the same day ? If so, why is not similar concession allowed on the aforesaid bridge ?

The Honourable Sir Saiyid Sultan Ahmad : Sir, with your permission I shall answer questions Nos. 23 and 24 together. The Kosi Bridge was opened in 1894. The figure of its original cost is not readily available. The amount recovered annually from tolls levied on road traffic using the bridge is believed to be about Rs. 6,000. but in the time available it has not been possible to verify this figure. The position in regard to the toll was explained in the reply given in this House to Sir Muhammad Yakub's starred question No. 301 on the 18th February, 1935. The revenue from tolls assists the Railway Department in meeting the maintenance charges of the roadway across the bridge. The Railway Department feel that these charges are not properly debitable to their revenues and that so long as they bear them, the toll is justified. Were the Local Government, who are responsible for the cost of road communications, to accept liability for these charges, it would be for them to decide whether the toll should continue or not.

TOLLS CHARGED ON THE EAST INDIAN RAILWAY BRIDGE ON THE KOSI BETWEEN RAMPUR AND MORADABAD.

†24. Mr. Mohan Lal Saksena : (a) Will the Honourable Member in charge of Commerce and Railways state when the bridge on the Kosi between Rampur and Moradabad was constructed and what was its total cost ?

(b) How much money has been realised from the contract money for this bridge ?

†For answer to this question, see answer to unstarred question No. 23.

(c) Is it a fact that no toll is levied on the Phaphamau and the Jamna Railway bridges in Allahabad and the Kashi bridge in Benares ?

(d) Why is toll at all levied on the aforesaid railway bridge and free use not allowed like the bridges referred to in part (c) ?

ACTION TAKEN ON RESOLUTIONS PASSED BY THE INDIAN LEGISLATIVE ASSEMBLY.

25. **Mr. Mohan Lal Saksena** : Will the Honourable the Leader of the House be pleased to lay on the table a statement showing the action taken by Government on the various Resolutions passed by the Legislative Assembly ?

The Honourable Sir Nripendra Sircar : The information is being collected and will be laid on the table in due course.

MOTIONS FOR ADJOURNMENT.

HUNGER-STRIKE OF THE ANDAMANS POLITICAL PRISONERS.

Mr. President (The Honourable Sir Abdur Rahim) : Order, order. There is an adjournment motion in the name of Professor Ranga, who wants to move " the adjournment of the business of the House to discuss a matter of urgent public importance, namely, the grave situation caused by the continued mass hunger-strike of the political prisoners in the Cellular Jail, Andamans. This motion is now barred.

There is also another adjournment motion in the name of Mr. Lakshmi Kanta Maitra on the same subject, and that is also now barred.

CHANGE IN THE PROSPECTUS OF THE TRAINING SHIP " DUFFERIN ".

Mr. President (The Honourable Sir Abdur Rahim) : After that, there is a motion standing in the name of Sir Muhammad Yakub. He wishes to discuss " a definite and urgent matter of public importance, namely, the change in the prospectus of the I. M. M. T. S. " Dufferin " introduced recently by the Government of India, which aims at changing the character of the institution which was to train boys for a sea career into that of an ordinary educational institution to train boys for ordinary vocations ". What is " I. M. M. T. S. " ?

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Indian Mercantile Marine Training Ship.

Mr. President (The Honourable Sir Abdur Rahim) : Is there any objection ?

The Honourable Sir Saiyid Sultan Ahmad (Member for Commerce and Railways) : Sir, I object to this on two grounds, firstly, on the ground that it is not a matter of urgent public importance. The Government announced publicly in the Council of State on the 25th February, 1937, their definite decision to make the amendments and they also published the text of the amendments, which were laid on the table of the House. This was on the 25th February, 1937, and the Assembly, as you will remember, Sir, was then sitting, so that long before the Assembly broke up, my friend had ample time and opportunity to

raise the matter during the last Session. So far as this House is concerned, it was published on the 25th February, 1937.

Mr. President (The Honourable Sir Abdur Rahim) : Published in the Gazette ?

The Honourable Sir Saiyid Sultan Ahmad : No. Since then, Government have taken no steps whatsoever to change the decision. This was the subject-matter of interpellations in the Council of State and statements were made definitely by the Secretary, Mr. Dow, at the time and he placed the whole of this changed prospectus or amendments proposed on the table.

Mr. President (The Honourable Sir Abdur Rahim) : When was that ?

The Honourable Sir Saiyid Sultan Ahmad : This was on the 25th February, 1937, and it was definitely stated that the Government were going to make these amendments and questions were put and answers given on the 25th February, 1937.

Mr. President (The Honourable Sir Abdur Rahim) : No further amendments have been made ?

The Honourable Sir Saiyid Sultan Ahmad : No, Sir, not one word. There is one other reason why I think it is barred. You will see, Sir, from page 85 of the Manual that under Rule 12, clause (iv), that "the motion must not anticipate a matter which has been previously appointed for consideration". A Resolution has been put up for discussion in the House and we find that it is fourth on the list balloted for already.

Mr. President (The Honourable Sir Abdur Rahim) : What place has it found ?

The Honourable Sir Saiyid Sultan Ahmad : Fourth place.

Mr. President (The Honourable Sir Abdur Rahim) : On the next Resolution day ?

The Honourable Sir Saiyid Sultan Ahmad : Yes.

Sir Muhammad Yakub : Sir, two objections have been raised by the Honourable the Railway Member to my motion for adjournment. I am at a loss to understand how my Honourable friend could say that this was not a matter of urgent public importance. He could very well have raised legal quibbles and objections to my motion but he could not say that it was not a matter of urgent public importance.

Mr. President (The Honourable Sir Abdur Rahim) : The matter was known to the public, and it ought to have been known to every Member of this House when it was published on the 25th February, 1937.

Sir Muhammad Yakub : It is quite true that not only in the Council of State but in the Legislative Assembly also the question was agitating the minds of the Members not only from February last but from a long time since they came to understand that this mischievous game of changing the prospectus of the "Dufferin" was under contemplation. Resolutions were moved in the Council of State and no doubt the Government said that they had decided to change the rules, but the rules were not changed. The rules were changed afterwards and the

[Sir Muhammad Yakub.]

first information about the definite changing of these rules was given to the Governing Body of which I am a member in April last, after the Assembly had dispersed (Hear, hear.). Sir, I have got the authority of the Secretary of the "Dufferin" with me. In his letter he said that the amended rules were sent to the members of the Governing Body by his letter, dated the 27th June, 1937. I admit that they may have decided within their house or they may have announced it in the Council of State.

Mr. President (The Honourable Sir Abdur Rahim) : I understood that the amendments were placed before the Council of State.

Sir Muhammad Yakub : The amendments were not placed before the Council of State, but they said that they intended
12 NOON. to make such amendments. Actually, the printed amendments were not sent to the Governing Body until June and the fact that they had actually made the amendments was communicated to the Governing Body in April last after the Assembly had dispersed. So, before that the Assembly had no occasion to move a motion of adjournment. If we had a motion of adjournment in the last Session they could very well say that they had not made those amendments actually. They might have said : " We contemplate to make those amendments but we might change our minds afterwards ", as the Honourable the Leader of the House said just now that the Government can change their opinions every minute or every day. Therefore, I submit that these objections are not valid.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member must meet the objections taken. The Honourable Member stated that in the Council of State the Government had decided to make particular amendments which were then announced.

Sir Muhammad Yakub : Even if the amendments were placed in the Council of State, they would not take effect until they were published according to the rules.

Mr. President (The Honourable Sir Abdur Rahim) : They had given their decision.

Sir Muhammad Yakub : I forgot to answer the second objection raised by the Honourable Member for Commerce and Railways. My Resolution is quite different from the motion of adjournment. The motion of adjournment relates to the change in the prospectus while my Resolution relates to the non-employment of *ex-cadets* of the "Dufferin" So, both these subjects are quite apart from each other. The change in the prospectus is different from the question of non-employment. Therefore, my Resolution does not bar this motion.

Mr. K. Santhanam (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : Sir, I wish to make a statement on the first point. Even after the 25th of February, 1937, there were lots of questions in the Assembly and there was a lot of dispute about it. As a result of that dispute it was expected that the Government would change their view in this matter.

Mr. President (The Honourable Sir Abdur Rahim) : An adjournment motion might or might not have been more effective at that time.

From the statement made by the Honourable Member representing the Commerce and Railway Departments it is quite clear that the Government announced their decision in the Council of State that they will make certain amendments in the rules relating to the "Dufferin", and I am also informed by the Honourable Member that no further amendments have been made. Therefore, there had been ample time to bring up the question before the Assembly if it was so advised by means of a motion of adjournment. I hold that the motion is out of order.

INADEQUATE REPRESENTATION OF MUSSALMANS IN CERTAIN PROVINCIAL CABINETS.

Mr. President (The Honourable Sir Abdur Rahim) : The next motion is by Maulvi Zafar Ali Khan to discuss "the grave constitutional crisis that has arisen as regards the ineffective and inadequate representation of the Mussalmans in the Cabinets of those Provinces where they happen to be in a hopeless minority and where their rights of representation which have been guaranteed by clause (c), section 12 of the Government of India Act of 1935 have been jeopardised by the refusal of the Governor to safeguard them". I have to inform the House that this motion has been disallowed by the Governor General on the ground that the motion relates to a matter which is not primarily the concern of the Governor General in Council.

MR. MUDIE'S ENQUIRY REPORT INTO THE BENGAL NAGPUR RAILWAY AFFAIRS.

Mr. President (The Honourable Sir Abdur Rahim) : The next motion for adjournment is in the name of Mr. Mohan Lal Saksena. He wants to discuss a definite and specific matter of urgent public importance of recent occurrence, namely, Mr. Mudie's Enquiry Report into the Bengal Nagpur Railway affairs. I suppose he does not want to move it.

Mr. Mohan Lal Saksena (Lucknow Division : Non-Muhammadan Rural) : No, Sir.

Mr. President (The Honourable Sir Abdur Rahim) : There is another motion of adjournment in the name of Mr. Mohan Lal Saksena relating to the Andamans. That is barred.

Mr. Mohan Lal Saksena : As regards the Mudie Committee report, I understand that copies of the report have not been supplied to the Honourable Members and I would like my motion of adjournment to stand over till Monday.

The Honourable Sir Saiyid Sultan Ahmad : I object to it.

Mr. President (The Honourable Sir Abdur Rahim) : If the Government object to it, I cannot help in the matter. The point may be raised at the time of the discussion.....

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : Will you please ask the House to give its leave ?

Mr. President (The Honourable Sir Abdur Rahim) : I do not know if any decision of mine is necessary as regards the date for the discussion of the Mudie Committee Report. But I thought that the Honourable Member (Mr. Mohan Lal Saksena) did not want to move his motion of adjournment regarding the report of the Mudie Committee.

Mr. Mohan Lal Saksena¹ : When I said I do not want to move it, I thought that you were referring to my motion of adjournment regarding the Andamans.

Mr. President (The Honourable Sir Abdur Rahim) : Do you want to move it ?

Mr. Mohan Lal Saksena : Yes, Sir. But as the copies of the report have not been supplied, it is no use moving it today. I will see that it is moved later on by putting a short notice question.

Maulana Zafar Ali Khan (East Central Punjab : Muhammadan) : Sir, we have got a grievance on this side of the House. Nobody can hear anything. Will you please ask those Honourable Members who want to speak to get up and speak in a loud voice.

Mr. President (The Honourable Sir Abdur Rahim) : Order, order : The motion of Mr. Mohan Lal Saksena is that he wishes to discuss a definite and specific matter of urgent public importance of recent occurrence, namely, Mr. Mudie's Enquiry Report into the Bengal Nagpur Railway affairs. I understand he wants to move it.

Mr. Mohan Lal Saksena : I do not want to move it today, because the report is not available.

Mr. S. Satyamurti : We want to move it, but I am sure several Honourable Members have not yet got the copies of the report. I got my copy only yesterday, and the Leader of my party got it the day before. We request you to hold it over until the copies of the report are available to the House.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions : Muhammadan Rural) : This very morning I asked Mr. Mudie about the report and he told me that the report has been published and Members will not be supplied with copies. That is the state of affairs.

The Honourable Sir Nripendra Sircar (Leader of the House) : Sir, I do not wish to make any submission about the merits of the motion. I only wish to speak on the technical point as to whether it can stand over till Monday. The whole thing was published in the press.

Mr. S. Satyamurti : Not the whole thing. Only the extracts were published.

The Honourable Sir Nripendra Sircar : It was published in May last and copies of it were handed over yesterday. My Honourable friend, Mr. Mohan Lal Saksena, has been supplied with a copy yesterday.

Mr. Muhammad Azhar Ali : I asked for a copy today and I was told that it could not be supplied.

The Honourable Sir Nripendra Sircar : I did not say that Mr. Muhammad Azhar Ali has got a copy. I said that Mr. Mohan Lal Saksena got a copy yesterday. If he does not want to move the adjournment motion today, it cannot stand over. He can give fresh notice and then we shall see what objection there will be for that motion.

Mr. President (The Honourable Sir Abdur Rahim) : Have copies been supplied to all Honourable Members ?

The Honourable Sir Nripendra Sircar : If it is going to be the rule that whenever a motion for adjournment is moved on any document every one of the Honourable Members must have a copy, then, Sir, on various adjournment motions which were raised, for instance, on newspaper publications and so on, we do not each one of us receive a copy from the Mover of the adjournment motion. I submit that to insist on supplying copies to every Member will be setting up an unworkable and impractical procedure.

Mr. President (The Honourable Sir Abdur Rahim) : The Mover of the motion has to make himself responsible for stating the facts correctly before the House, he must be ready with all the facts before he makes his motion.

The Honourable Sir Nripendra Sircar : The Mover, Mr. Mohan Lal Saksena, has got a copy.

Mr. S. Satyamurti : May I make one submission ? The whole report was not published in the Press. Only certain extracts were published in the newspapers. My second submission is this. When a motion is made and admitted by you, the motion is discussed by the whole House. It is not discussed by one Member alone. Every Member has got to make up his mind, how to speak and how to vote on that motion. My next submission is that this motion is not based on any newspaper publication. It is based on a publication made by the Government of India. If it was based on a newspaper publication, I can quite understand that nobody can say that every Member of the House should be supplied with copies of such publication. In the present instance, this is a publication of the Government. On a matter of such great importance, when a notice of motion for adjournment is given, in order to enable the whole House to have a useful and informed discussion, every Member should be supplied with a copy.

Mr. President (The Honourable Sir Abdur Rahim) : Has any date been fixed by Government for the discussion of this report ?

Mr. S. Satyamurti : No date has been fixed with regard to this report. It is only in regard to the Wedgwood report, that a day has been allotted. This is a matter which is agitating the minds of a number of people. This report questions the *bona fides* of an *ex-Member* of this House, who is now occupying the position of a responsible Minister in Madras.

Mr. President (The Honourable Sir Abdur Rahim) : Do the Government refuse to supply any more copies ?

Mr. S. Satyamurti : The Government did not supply any copy, until it was asked for. Yesterday my Leader got a copy. Today, my Honourable friend, Mr. Muhammad Azhar Ali, says that he asked for a copy but he was refused.

Mr. President (The Honourable Sir Abdur Rahim) : You want this adjournment motion to be postponed till tomorrow on the ground that Government did not supply copies of the report to Honourable Members. But are the Government bound to supply copies to every Member ?

Mr. S. Satyamurti : I submit they are morally bound, whether they are legally bound, I do not know. There is no law. But, surely, if the Government treat the House with the respect due to it, they must supply copies. The subject-matter of the motion, namely, railway disputes, and, so on, have come before the House so often. The Government themselves appointed a committee to enquire into these disputes. In view of the suggestions made now, I submit the Government are morally bound to supply copies.

Mr. President (The Honourable Sir Abdur Rahim) : Supposing I take it up tomorrow, how does the matter stand ? They may not supply all the Members with copies.

Mr. S. Satyamurti : I suggest that it be taken up on Monday next. In the meantime, I request the Government to supply copies to all Honourable Members. You have a right to see that the business of the House is conducted intelligently and carefully ; and, from that point of view, you can certainly tell the Government that they must supply copies of the report to all Honourable Members. I suggest it may be taken up on Monday morning. All Honourable Members can read the report in the meanwhile, and then can make useful contributions to the discussion. On the merits of the motion there can be no objection. It is a technical matter. It is in your hands to waive the objection on the ground of urgency. You, yourself, Sir, have waived the objection of urgency, on one or two occasions before.

Mr. President (The Honourable Sir Abdur Rahim) : But that was on the ground that some particular information was not readily available at the time when the motion for adjournment was made.

Mr. S. Satyamurti : Similarly on this occasion, the information contained in this report is not available to all Honourable Members of this House, as it ought to be. Therefore, my submission to you is this.

Mr. President (The Honourable Sir Abdur Rahim) : When was the notice of this motion given ?

Mr. S. Satyamurti : I believe on the 23rd August.

The Honourable Sir Nripendra Sircar : I will not enter into any further arguments. We have no more copies available to be supplied. We do not propose to supply and we cannot supply any more copies even if the matter is allowed to stand over till Monday.

Mr. Mohan Lal Saksena : I am prepared to supply extracts from this report on Monday morning to all Honourable Members.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member ought to have done that before.

Mr. Mohan Lal Saksena : How could I have done it without reading the report ?

Mr. President (The Honourable Sir Abdur Rahim) : Then how did you happen to give notice of this motion if you had not read the report ?

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhammadan Rural) : Because we saw short extracts of the report in the newspapers.

Mr. President (The Honourable Sir Abdur Rahim) : I think this cannot stand over till tomorrow or till Monday next.

Mr. Mohan Lal Saksena : In that case, I will move it today.

The Honourable Sir Saiyid Sultan Ahmad : Sir, I have another objection to raise with regard to this motion. The House is now asked to consider Mr. Mudie's report with respect to the B. N. railway affairs. So far as the Government are concerned, there is no motion condemning their action. The report was submitted by Mr. Mudie as he was appointed to consider whether after the settlement of a certain strike in the Bengal Nagpur Railway, the settlement had been implemented by the Agent of that railway. He has submitted his report and it has been published. The report is in the hands of Honourable Members.

Some Honourable Members : No, no.

The Honourable Sir Saiyid Sultan Ahmad : Sixty-five copies have already been made over to Honourable Members.

Some Honourable Members : Not to the non-official Members. Perhaps they were handed over to Government Members.

Mr. President (The Honourable Sir Abdur Rahim) : To whom were the copies distributed ?

The Honourable Sir Saiyid Sultan Ahmad : I am sorry I made a mistake. These copies were sent to the Press as well as to some of the Members.

Mr. President (The Honourable Sir Abdur Rahim) : How many copies were actually distributed ?

The Honourable Sir Saiyid Sultan Ahmad : Every one who asked for a copy was supplied with one.

Prof. N. G. Ranga (Guntur *cum* Nellore : Non-Muhammadan Rural) : Myself and my Honourable friend, Mr. Gadgil, asked for copies. We were not supplied. Just now my Honourable friend, Mr. Muhammad Azhar Ali, said that he too was not supplied with a copy when he asked for the same.

Mr. President (The Honourable Sir Abdur Rahim) : I want to know the number of copies that has been supplied.

The Honourable Sir Saiyid Sultan Ahmad : Some copies were supplied. My other objection is this. It is not suggested in the motion for adjournment as to why this report is to be considered by the House. If it is to pass a vote of censure upon the Government for any action that they have done, it should have been mentioned in the notice. No mention is made of it in the motion at all.

Mr. President (The Honourable Sir Abdur Rahim) : Is there any precedent for a motion of this sort ? Was there any adjournment motion to consider the report of an enquiry like this ?

The Honourable Sir Nripendra Sircar : Not that I know of.

Mr. President (The Honourable Sir Abdur Rahim) : I want to know from the Honourable Member, Mr. Mohan Lal Saksena, what answer he has for the objections raised. Is there any precedent for such a motion ?

Mr. Mohan Lal Saksena : I think there was a motion for adjournment relating to the Otto Niemeyer enquiry report. There was also a motion for adjournment regarding the findings of the Amery tribunal, if I remember aright.

Mr. N. M. Joshi (Nominated Non-Official) : May I rise to a point of order ? This officer, Mr. Mudie, was appointed by the Government of India to enquire into certain allegations made by the President of the Bengal Nagpur Railway Labour Union. When an officer was appointed to enquire into the allegations, the Labour Union expected that certain of their grievances would be removed by the Government of India after the report was received. These grievances were not redressed....

Mr. President (The Honourable Sir Abdur Rahim) : But that is not mentioned in the notice.

Mr. N. M. Joshi : But the report deals with all those grievances.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member can give fresh notice of an adjournment motion covering those points, if he likes. This is the first time within my knowledge that a report of an inquiry of this nature is sought to be considered by the House on an adjournment motion. There is no mention of any specific recommendation which has been accepted by Government and which is considered to be wrong by the Honourable Member who has given notice of this motion ; but it is a sort of roving discussion that is sought by this motion, covering the entire report. I have not been supplied with any precedent for such motion and, so far as I am concerned, I do not know of any. I, therefore, rule that this motion is out of order. At the same time I think Government might consider whether time could not be found for the purpose of enabling the House to discuss this report.

OPERATIONS ON THE NORTH-WEST FRONTIER.

Mr. President (The Honourable Sir Abdur Rahim) : The next motion stands in the name of Mr. Satyamurti who wants to discuss " the recent costly and futile operations on the North-West Frontier ". This has been disallowed on the ground that it cannot be moved without detriment to the public interest.

There is another motion of the same kind in the name of Mr. Abdul Qaiyum who wants to discuss " the continuance of the North-West Frontier military operations, with the aid of aerial bombing, involving loss of life and property, and heavy and futile cost to the Indian exchequer ". This has also been disallowed by the Governor General on the ground that it cannot be moved without detriment to the public interest.

PAUCITY OF MUSLIM MINISTERS IN CERTAIN PROVINCES.

Mr. President (The Honourable Sir Abdur Rahim) : The next motion in the name of Sir Muhammad Yakub wants to discuss " the failure of

the Government to carry out the Government of India Act, 1935, in its spirit by approving the appointment of Muslim Ministers in the United Provinces, Bihar, Bombay, Central Provinces and Madras who do not represent the political views of the Muslim community in general and who do not command their confidence, and for taking no action in Orissa where no Muslim Minister was appointed in spite of the earnest demand of the Muslims of that province". This has been disallowed by the Governor General on the ground that the motion relates to a matter which is not primarily the concern of the Governor General in Council.

REPORT OF THE ROYAL COMMISSION ON PALESTINE.

Mr. President (The Honourable Sir Abdur Rahim) : The next motion also is in the name of Sir Muhammad Yakub who wants to discuss "the failure of the Government of India to represent and place before the League of Nations the strong views of the people of this country on the report of the Royal Commission on Palestine, particularly their recommendation for the partition of the Holy Land which has created so much resentment among the Muslims of the whole world including India. The failure of the Government of India came to the knowledge of the House only this morning" (i.e., 24th August) "through a reply given by the Honourable the Home Secretary in the House". This has been disallowed by the Governor General on the ground that the motion relates to a matter which is not primarily the concern of the Governor General in Council.

Maulana Zafar Ali Khan : Then, whose concern are these affairs ?

THE FEDERAL COURT BILL.

Mr. President (The Honourable Sir Abdur Rahim) : The House will now take up consideration of the motion :

"That the Bill to empower the Federal Court to make rules for regulating the service of processes issued by the Court be taken into consideration."

Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhamadan Rural) : On account of the failure to move their motions on the part of two such friends, good and true, as Seth Govind Das and Mr. Ananthasayanam Ayyangar, from whom I expected elucidative speeches on the subject, I feel it my painful but imperative duty to oppose this Bill. I shall try to speak with as little passion as possible. From the speeches delivered yesterday on another subject, I feel that there is no room for passion in this cold atmosphere where perhaps we are all Kantian philosophers who must only depend on intellect and never indulge in emotion. When, Sir, hunger-strikers could be allowed to....

Mr. President (The Honourable Sir Abdur Rahim) : There is nothing about hunger-strikers in this Bill. The Honourable Member must confine himself to the Bill before the House.

Mr. Sri Prakasa : I was only trying to explain....

Mr. President (The Honourable Sir Abdur Rahim) : I do not think the House wants any such explanation. (Laughter.)

Mr. Sri Prakasa : Sir, every speech or literary production must have some introduction.

Mr. President (The Honourable Sir Abdur Rahim) : I think we have had enough of introduction already.

Mr. Sri Prakasa : Well, Sir, I will make one statement of fact which I hope you will be pleased to regard as relevant and that is that I have had learned lawyers coming to me since yesterday trying to explain to me the implications of this Bill and trying to dissuade me from opposing it. For their sake as well as for the sake of this House I want to make a confession which I have been wanting to do for some time, and that is that I am no fool. (Laughter.) I understand the constitutional and legal implications of such things ; and I want to confess straightaway that I am not here to help Government to get over the constitutional discrepancies of their own creation. I understand, Sir, that when so-called autonomy has been given to the Provinces, situations may arise where one Province has some difference with another Province, and a third party has to be found to adjudge the difference. I also understand that some sort of a federal court has to be set up under the new Act ; but, Sir, I am not here to find out what difficulties the Government may experience in the future and to help it to tide over those difficulties by accepting something which we have rejected in principle. So far as I know, Sir, the federal structure of the Government of India Act has been rejected by the Indian people ; and as such, anything that savours directly or indirectly of federation, anything which requires direct or indirect support of this House in the matter of federation, must have our opposition whatever may happen. Yesterday, Sir, in connection with another Bill it was said that if the Bill were not passed there would be chaos. I asked again and again where the chaos was between the 1st April when the new Act came into force and the 25th of August when we were discussing that Bill ; but there was no reply. In connection with this Bill also I shall be told that if we do not pass this measure, there will be chaos. The Government has a habit always of telling us that unless we agree to a proposal which Government brings forward, there will be chaos ; but really no chaos comes about, much as we wish it would. Somewhere in the Government of India Act there will be found sufficient provisions by the Government's lawyers which would enable all so-called chaos to be avoided ; which would enable those who have forced the federal structure upon us, those who have already forced a Federal Court upon us, to find out how the processes of those Courts will be served in the various provinces. The sole purpose of this Bill, Sir, to me it seems, is just this, that the processes of this Federal Court should be properly served in the Provinces. What do I care whether these processes are properly served or not ; what do I care what the Federal Court does or not ; what do I care whether a Federal Court functions at all or not ? We are here against the whole scheme of Federation and all that is envisaged by it. With the help of this Bill, as with the help of another Bill yesterday, Government is merely trying to get our consent indirectly to its scheme of Federation ; and I am sorry to find that various persons who really ought to know better, are being caught in the net. I ask my Honourable friends on this side : let us throw out this Bill ; let the Government stew its own juice ; let them do what they like.

It is the first time that I came to know through the Statement of Objects and Reasons attached to this Bill, that we were a Federal League.

lature. I had no idea, Sir, that on some dark midnight I was suddenly transformed from a Member of the Indian Legislative Assembly to which I was legitimately elected, into a Member of a Federal Assembly, of which I have no knowledge, and for the membership of which I never stood. Where is the law that has transformed this honest Assembly into a Federal Legislature against which we have always been fighting? Surely my old friend, Mr. Mudje, who has known me for 17 years, as he started his official life in my city of Benares, should have told me that my position was being transformed from that of a legitimate Member of this House into an illegitimate member of another House. If I had been informed of that in time, I should certainly have considered my position. I must consider it even today with the help of my Leader, because I have no idea of continuing as a member of the Federal Assembly under the new Act; and if the Act makes this a Federal Legislature, I really have no desire to continue here. I hope, Sir, that there is some flaw somewhere; and that the same will be remedied. I should think that it is the duty of the Government to consider the desirability of taking the consent of the Members of this House as to whether they want to continue to be members of the Federal Assembly or not before turning them into such. It is a most surprising thing that section 215 of the Government of India Act of 1935 should be referred to in the Statement of Objects and Reasons attached to this Bill saying that the said section provides for the Federal Legislature to make provision about certain things. Are we that Federal Legislature? Where is the law that makes us so? The Federal Court was not established with our consent; the Judges were not appointed with our consent, and, so far as I know, Sir, this Federal Court is hanging somewhere in the air without anything to do. A large amount of money is being spent on the Judges and the Court without our consent and without their having any work to do. They are there evidently for something to turn up so that they may justify their existence. When the country and that part of the House which represents it, are against the whole scheme of Federation, how can we directly or indirectly give our support to Federation or to a Federal Court? After we pass this Bill, the Government can always come forward and tell us: "Now that you have passed a Bill for the proper service of processes of the Federal Court, you have naturally accepted the Federal Court, and since you have accepted the Federal Court, you have also accepted Federation with all its liabilities and implications". Sir, I do not want to be caught in that net; and I hope some one will save me from it.

Then, Sir, personally, as I have often expressed in this House, I am always very suspicious of courts and their processes. It is not, Sir, quarrels that create courts; but it is the courts that create quarrels. The larger the number of courts, the larger the number of lawyers; and the larger the number of lawyers, the larger the number of quarrels. If any proof of that were needed, it is implied in the Bill itself. There is no quarrel between Province and Province. They are all happy. You want to establish a Federal Court lest there should be quarrel. Then it will be in the interest of lawyers to create quarrels; and Provinces will begin to quarrel; and the Federal Court will begin to function. Sir, it is said that a famous High Court Judge of Calcutta after giving Letters of Administration for an estate and after signing his judgment said: "Well, I believe this estate too like many others will now be divided among the

[Mr. Sri Prakasa.]

attorneys". (Laughter.) So, Sir, while so long they were satisfied with dividing among themselves the estates of private individuals,—and I myself was able to save my own estate by the skin of my teeth,—I believe they will now be dividing up the Provinces.....

Mr. S. C. Sen (Government of India : Nominated Official) : Did my friend get the help of a lawyer ?

Mr. Sri Prakasa : I for my part feel perfectly justified in trying to nip in the bud all possibilities of mischief. If we now throw out this Bill, we throw out all possible processes of the Federal Court ; and when we throw out all possible processes of the Federal Court, we shut out all inter-provincial quarrels ; and the Federal Court itself cannot function. When it cannot do so, the Federation itself cannot come ; and we shall be saved from a great disaster.

Sir, I can understand the impatience of my friend, Mr. Sen. I have had something to do with him also. I am sure, Sir, he regards the profession he represents as very noble.

Sardar Sant Singh (West Punjab : Sikh) : Of course it is.

Mr. Sri Prakasa : And the I. C. S. gentlemen regard their service also as very noble. No wonder, Sir, that I too begin to regard landlordism as very, very noble indeed. I strongly oppose this Bill. I oppose it on the definite principle that accepting this Bill means at the same time, whether you like it or not, accepting the scheme of Federation ; and as soon as we accept that we throw to the four winds all our talk and argument of many years past against Federation and against all that it implies. If we pass this Bill, no Member on this side of the House will be able to come forward—and I warn my friends who are sitting on this side of the House and who may also be under the influence of law and lawyers—no one of us will be able to come forward before the public and say : we are against Federation. This Bill will be thrown in our faces. We shall be told : " When there was a Bill about the service of the processes of the Federal Court, you supported it. That means you supported the Federal Court. That means you supported Federation ". Well, I know that lawyers can be on one side on one day and on another side on another day. It is possible that they will find some arguments against what I am saying. But as an honest, straight man—and that is all that I claim for myself—as an honest, straight man, I shall never be able to stand before any one and say : " I am against Federation ", if I were to give my vote in favour of this Bill. I speak as an honest, simple man. The Honourable the Law Member contested the other day my statement that I was only a simple villager ; and asked me if I was that, what was he ? My answer is that if I was a simple villager, he is a complicated lawyer. (Laughter.) That is all that I can say. As a simple man, I say that the moment I vote for this Bill I vote for Federation ; and as I am against Federation I shall certainly not vote for this Bill. Mr. Satyamurti wants me to see some treatises that he has got in his hand. I am not going to look at them. I am a simple man and I speak of simple things, straight and honest ; and as soon as I vote for this Bill I feel that I have cut off my hands ; and I shall never be able to speak against Federation again. That is the principle which I want to put before this House.

Then I want to speak of the practical effects that will follow, the other may be regarded as only a theory. The practical effect is that we are also supporting the methods that may be adopted by the Federal Court in sending out their processes ; and in forcing Provincial Governments and provincial authorities to serve those processes. I do not see any reason why Provincial Governments and provincial authorities should be forced to play second fiddle to the orders of the Federal Court, and help in getting their summonses and their processes served. Why should they ? If they are autonomous provinces, they may just as well say : " We are not going to do anything of the sort ". If they want to serve these processes they may do so, but if they do not want it, why should they be forced to do it ; and why should we, by the backdoor of this legislation, compel Provincial Governments to do things that they may not want to do ? I, therefore, on every ground that I can think of—moral, political, material—cannot find one argument in support of this Bill ; and I hope that this House will give due consideration to the point of view that I have ventured to put forward before it. Let it throw out this Bill, and let Government do what it likes in order to fulfil its own nefarious purpose in regard to Federation, Federal Court and the autonomous provinces.

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : This is the first time, that I rise in a somewhat anomalous position. Nobody on these Benches speaks against a point made by another Honourable friend, especially by an esteemed friend of mine like my friend, Mr. Sri Prakasa. There is one point that ought to be made clear. If this Bill is passed by this House, it cannot, and it does not, mean a vote in favour of the Federation. I am entirely at one with my Honourable friend, Mr. Sri Prakasa, as all Congressmen are bound to be and I hope as all Muslim Leaguers are bound to be also, when he says that we are all against this unheard-of Federation. I do not want to make the slightest reservation about it. But I want to invite his attention, if I may, to one or two sections. I may also claim to be as simple as he is, except that I sometimes read Acts and he does not. Section 204 of the Government of India Act, 1935, provides :

" Subject to the provisions of this Act, the Federal Court shall, to the exclusion of any other court, have an original jurisdiction in any dispute between any two or more of the following parties, that is to say, the Federation, any of the Provinces or any of the Federated States, if and in so far as the dispute involves any question (whether of law or fact) on which the existence or extent of a legal right depends."

Therefore, omit the word " Federation ", omit the words " Federated States ", and then it will read, in all disputes between the Provinces, the Federal Court has an exclusive jurisdiction. We cannot wipe out the Provinces. We are governing six Provinces and we are hoping to govern another Province before the end of the month, and before the year is out, we hope that we shall be governing all the eleven Provinces. Between these eleven Provinces there may be inter-provincial disputes, and you do want a Federal Court, because the Act provides that that Court shall have exclusive jurisdiction to the exclusion of any other Court.

Mr. Sri Prakasa : Do you accept the Act ?

Mr. S. Satyamurti : We accept the Act to some extent, and that is why we have Ministers in the Provinces to that extent.

Mr. Sri Prakasa : I am not, thank God !

Mr. S. Satyamurti : Nor am I. But we discuss public questions on the merits of those questions, and not whether you or I administer the Act or not. I do not want to be offensive to my Honourable friend. We are such good friends, and I want that we should pull together always. There is no need for emotion or misunderstanding between us. The law is there, and, if tomorrow two Provinces go before the Court, how are the summonses to be served ? That is the simple point. If my Honourable friend wants the Federation to go, I want it also to go. Does my friend want to say that, in inter-provincial disputes, the Federal Court shall not have its summonses served ?

Mr. Sri Prakasa : I want independent provinces.

Mr. S. Satyamurti : I do not want independent provinces. This country is already being split up into various provinces. We want a united, strong, self-governing India, to face the rest of the world. I trust that I shall not be tempted to say anything in temper, because, after all, it is very important that we should discuss this question, purely from the point of view of construing the law and not import any irrelevant considerations. I have risen, Mr. President, simply to make our attitude clear. A vote for this Bill does not mean a vote for Federation. It only means that we recognise the existence of the Federal Court for inter-provincial disputes, and we feel that it must serve its summonses through the existing agencies. That is all. It does not mean a vote for the Federation. The passing of this Bill does not mean, I may assure my Honourable friend, Mr. Sri Prakasa, that we are acquiescing, either directly or indirectly, expressly or impliedly, wholly or partially, in any scheme of Federation. We do not want it, we want it to go, but this vote simply means that in inter-provincial disputes the only Court which has got sole jurisdiction under the existing Act,—till not merely this section but the whole Act is repealed or amended—should have power to direct the High Courts to serve its processes. That is our attitude.

Maulana Zafar Ali Khan (East Central Punjab : Muhammadan) : I feel very strongly on the subject which is being discussed in connection with this Bill. I want this Bill to be thrown out. Speaking on behalf of nine crores of Muslims on whose pulse my finger has been for the last thirty years, I think I am justified in claiming that I represent their views when I say that they do not want this Government of India Act. They are against the Act, much less the Federation. Where is this Federation ? The Mover of this Bill presupposes its existence. It is nowhere. When there is no Federation, why should there be a Federal Court and why has this trouble come over us. It is all the doing of the National Congress. The National Congress declared from the house tops that they were out to wreck this constitution. ' We want to have a Constituent Assembly which will make its own constitution. We will free India from the clutches of the foreigner. We will emancipate India and have our own law '.

Mr. B. F. Mudie (Government of India : Nominated Official) : May I ask, Sir, how all this is relevant to the Bill ?

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member is opposing the Bill on the ground that it means sanctioning Federation, which he is entitled to do.

Maulana Zafar Ali Khan : I have known gentlemen of the National Congress declaring in so many words that they will have no part or lot

in this Constitution. When India was ringing with this cry, suddenly there came a *volte face* and they said "So far as the provinces are concerned, we accept this Act and we are prepared to work this Constitution within the four corners of the Constitution provided that the Governor gives an assurance that he will not interfere in our day to day work". Then office acceptance came. There was a large section of my fellow countrymen who are deadly against this principle of accepting offices under this British Government. Controversy raged for some time, and, later on, all their ideas of liberty and independence bowed before the superior wisdom of Mahatma Gandhi who laid down a certain law and everybody bowed before him. So, they accepted Provincial Autonomy, became Ministers and began to rule in the six Provinces.

Mr. Sham Lal (Ambala Division : Non-Muhammadan) : You want Mussalman ministers ?

Maulana Zafar Ali Khan : I am not talking of Mussalmans. Only the other day, the President of the Congress said that anybody who supports Federation is a traitor to the country. But now, I am startled to find Mr. Satyamurti saying "We accept the principle of Federation".

Mr. S. Satyamurti : I beg your pardon. On a point of personal explanation. I made it perfectly clear that I am against Federation root and branch. I say that the Federal Court has got jurisdiction under the Act in inter-provincial matters and it must have power to serve summonses in matters relating to disputes between Provinces. I am as much against Federation, as my friend is.

Maulana Zafar Ali Khan : Today the idea of Federation is accepted in some form or other. (*Cries of "No, no"*.)

Mr. S. Satyamurti : If you cannot learn, I cannot teach you.

Maulana Zafar Ali Khan : You have accepted a part of the Government of India Act in so far as it concerns the Provinces. The time will come when you will accept this idea of Federation and accept the Federal Court. So far as the Mussalmans of India are concerned, they have gained very little by this Act and we know how they have been treated. They have been very shabbily treated and we know to our cost this law of the majority ruling the minority and the weaker going to the wall. I expressed my resentment in very mild language, as my Honourable friend, the Leader of the House, assured me. When I was out of the Council, I used very vitriolic language but when I came here he was surprised to find that I was milk and water. So, the Mussalmans find that they are under the rule of the majority. There is no place for them. Let all the world know through this House that we, Mussalmans, are a distinct nation in India. We are a self-sufficient nation. We have got certain traits.

Mr. Brojendra Narayan Chaudhury (Surma Valley *cum* Shillong : Non-Muhammadan) : On a point of order. Is this relevant ?

Maulana Zafar Ali Khan : The National Congress represents the Hindu nation. We are a nation by ourselves. In all matters affecting the honour of this country, affecting the emancipation and independence of this country, we are prepared to co-operate with them loyally, but if they have taken it for granted that we will merge our identity with theirs, they are wrong, they are mistaken. As a nation, we stand for complete independence. My people stand for complete independence, and I find

[Maulana Zafar Ali Khan.]

that those who indulge in tall talk about complete independence do not mean what they say.

Mr. President (The Honourable Sir Abdur Rahim) : I do not think the Honourable Member ought to go on in that strain. I understood that his theme was that, if this Bill is passed, it would be sanctioning Federation by implication, to which he was opposed, and I do not think he ought to go into other extraneous matters as he is doing.

Maulana Zafar Ali Khan : All right. Federation will come in only when the third part of India, which is called Native India, accepts this principle of Federation and hitherto I am not sure whether the Native States accept this principle of Federation and intend to join it. There are people, I am told, who are firm in the conviction that some of the Native States will not join this Federation. So, unless the Native States join it, how can you presuppose the existence of an institution which is still in the dreamland. So, the Bill is premature and, therefore, to discuss it and make speeches on it is inconsistent and irrelevant. Therefore, I must declare my firm resolve to oppose this Bill, tooth and nail, and I trust it will be thrown out.

Sardar Sant Singh : I had no intention to intervene in this debate, because when I read the Bill I thought it was a non-controversial sort of thing. At the same time, it is difficult to imagine how this Bill is connected with what is known as Federation which is yet to come. One cannot ignore the fact that the Federal Court is in existence. Judges of that Court have been appointed and the Court will begin to function from October next. The Bill relates only to this much, to help them in their functioning. That is all. When my friend, Mr. Sri Prakasa, made a confession today that he was not a fool, I thought he was speaking the truth but by this day's speech he has set me seriously thinking. Really, he has preached a sermon to the lawyers, he has preached a sermon, he says, to those who are putting up quarrels amongst people and thus making money. I really could not understand what has that to do with the serving of processes which have to be issued from the Federal Court in order that it may function.

Mr. Sri Prakasa : May I ask my friend whether these processes
1 P.M. will not be the result of the quarrels that they will have created ? I am not such a fool as he thinks.

Sardar Sant Singh : Still one is unable to understand the plea. There is the Government of India Act. That is a fact in itself, it is on the Statute-book till it is repealed. Under that Act certain Provinces have been given autonomy. Supposing there is a difference of opinion as to the interpretation of the powers between Province and Province, who is to decide that difference of opinion ? One Premier cannot go to the Premier of another Province and ask him to settle the matter there and then.

Mr. Sri Prakasa : They must settle things as members of a family ; settle things amongst themselves. They can set up arbitration.

Sardar Sant Singh : Power should quite logically be given to the Federal Court to come in between and decide the matter in issue. In that case supposing my friend's Province, the United Provinces, finds itself in conflict with the Punjab. Well, in that case will Sir Sikandar go to our

friend, Pandit Govind Ballabh Pant, and ask him to settle the matter with him ?

Mr. Sri Prakasa : Why should he not ?

Sardar Sant Singh : And if they do not do this, is my friend, Mr. Sri Prakasa, to be sent for to intervene and decide the matter ?

Mr. Sri Prakasa : That would be better than briefing you !

Sardar Sant Singh : At any rate I cannot understand the connection between the two. My friend is obsessed with the idea that when he goes to the public, he will not be able to wax eloquent that because he has given his consent or vote to legislation providing for service of process by the Federal Court, therefore, he could no longer go and say to the public that he is against Federation. Is that logic ?

Mr. Sri Prakasa : I have read logic.

Sardar Sant Singh : My submission is that this simple Bill does not require much argument for our consent being given to its passage.

Several Honourable Members : I move that the question be now put.

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

“ That the question be now put.”

The motion was adopted.

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

“ That the Bill to empower the Federal Court to make rules for regulating the service of processes issued by the Court be taken into consideration.”

The motion was adopted.

Clauses 2 and 1 were added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. B. F. Mudie : Sir, I move :

“ That the Bill be passed.”

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

“ That the Bill be passed.”

Mr. Sri Prakasa : Sir, I am sorry if I should appear to be making myself the butt of ridicule. (*Voices : “ No ”, “ no.”*) I am not afraid of that. I have weathered through many storms and shall weather through this as well. If my friend, Sardar Sant Singh, despite the greyness of his beard, which should have taught him more wisdom and better manners, thinks that I am a fool, I have no objection and he is welcome to that opinion.....

Sardar Sant Singh : I never said that.

Mr. Sri Prakasa : Sir, if I know English aright—and I claim in all humility to have some acquaintance with it—there can never be two meanings to the statement of his that though he took me at my word when I said I was no fool, my speech gave him the contrary conviction. If anyone in this House or outside can find a different meaning, I shall bow

[Mr. Sri Prakasa.]

to that judgment. Sir, I am willing to admit that I am a fool ; but I will say just this that I am an honest fool. I have absolutely no objection to anybody thinking anything about me. I come to this place, Sir, from a simple city. I represent in this House a rural constituency ; and I am a humble servant of the Congress. I am bound to interpret, according to my own little knowledge and experience, the orders given to me by that great national organization ; and I am also bound to interpret in this House, even if my own Leaders were against me, the feelings and wishes of the simple villager whom I represent. I come from a constituency consisting entirely of villagers. My own livelihood depends mostly on the work that these villagers do for me. I am ashamed that I should wax both eloquent and fat, at the expense of two thousand men, women and children, who work in my fields, winter and summer and rain, in death, disease and in suffering ; and the least service I can do to them in return is to say something whenever I have the opportunity of saying it, which may conduce to their welfare and to their freedom. I feel that nothing has harmed this country—and you will permit me to say this even if you should in your wisdom think that I was irrelevant—nothing has harmed this country so much and no worse gift has come to us from England than what is called “ law ” : and while formerly there was scarcely a villager who could be found to be speaking the untruth, today you find scarcely a villager who speaks the truth. It is all due to the complicated system of laws that have been introduced into our country, whereby simple villagers have got caught in the clutches of lawyers, who have ruined both them and their hearths and homes. Our people have forgotten the simple system of arbitration and prefer the excitement of the law court and the possibility of turning falsehoods into truths there with the help of perjured witnesses and scheming lawyers. The harm that these law courts have been doing in the districts is now sought to be extended to the whole country by the establishment of a super-court called the Federal Court. Not satisfied with all the powers that have been given under the Act to this Federal Court ; not satisfied with the shutting out of discussions in this House and elsewhere regarding this Federal Court ; not satisfied with making the judges immune from all criticism ;—the Government comes to this House and wants our active support in helping them to serve the processes of this Court in the Provinces through provincial officers. I do not understand where we shall stand after this Bill has been passed. I bow to the superior wisdom of my friend, Mr. Satyamurti. I will confess to this House and I will admit before all that I have great affection and great regard for him. I have known him since 1919 ; and have stood shoulder to shoulder with him in many a battle, if the fights that we have waged may be regarded by the Benches opposite as battles. But I am bound to put forward my own point of view. I want to warn this House and through it the world at large of the dangers that are lurking in the Bills that this Government is introducing in this House on the sly. They are introducing technical Bills, through which they are wanting a vote of this House in favour of the Federation that they have up their sleeves. I may tell all the most intricate, the most learned, the most cunning Indian lawyers here or outside that an ordinary, simple, even foolish looking Indian Civil Servant that comes out to this country, is cleverer than all of them combined. We may be deceived into thinking that we are making fools of him ; but really speak-

ing he is making a fool of us all the time. Though my friends may satisfy themselves with the thought that they had definitely declared in this House, when this Bill was being discussed, that because of their vote here they would not be precluded from opposing the Federation outside, what will the simple villager think and ask? Will he not say: "Did you not support the Federal Court? Did you not support the processes of that Federal Court? Did you not facilitate the service of these processes? When you have supported all this, then surely it does not lie in your mouth now to speak against Federation." All the legal technicalities that my friends may be able to put forward, and all the learning that they may be able to shower in the course of their arguments, will not take away this simple doubt and suspicion from the mind of an unsophisticated listener to their speeches, that they actually did support Federation through the Federal Court, because they facilitated the service of the processes of that Federal Court with the help of officers in the Provinces. Sir, that is all I have to say and I hope that my friends, when they join the Government in their cries of 'Aye', will remember that this is not the last day of judgment for them; that there are persons outside who are authorised, under the constitution of the Indian National Congress, to ask them questions, and before that forum they must be able to explain themselves. There no technicalities will be of any avail; there no legal learning will be allowed to come to their assistance; there no quotation from the Government of India Act of 1935, which I burnt long ago, will be of any use. There they will have to answer this simple question: 'Did you or did you not support this Bill? Did the words "Federal Court" appear therein or not? Did you or did you not facilitate the service of the processes of this Federal Court over the heads of the so-called autonomous provinces? Did you or did you not make it incumbent upon the officers of the Provincial Governments to help in the work of this Federal Court?' These will be the simple questions that would be asked; and they will have to give straight answers in simple language which these simple people may be able to understand. If they are satisfied that their answers will carry conviction, they are welcome to their opinions; but if they are not so satisfied, let them then think over the matter during the lunch interval to which I have carried the House. Let them ponder carefully over the implications of what they are doing; and I have no doubt they will come to the decision that this Bill has to be thrown out absolutely and immediately.

Several Honourable Members : The question be now put.

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

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

Mr. R. F. Mudie : Sir, I hardly think it necessary for me to say much in reply to the debate. I had hoped to get this Bill through in the twinkling of Mr. Sri Prakasa's eye, but I am sorry I was forced to the conclusion that Mr. Sri Prakasa's eyes have ceased to twinkle.

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

“ That the Bill to empower the Federal Court to make rules for regulating the service of processes issued by the Court be passed.”

The motion was adopted.

THE INDIAN NATURALIZATION (AMENDMENT) BILL.

Mr. R. F. Mudie (Government of India : Nominated Official) : I move :

“ That the Bill further to amend the Indian Naturalization Act, 1926, for a certain purpose, be taken into consideration.”

Sir, this Bill is slightly more complicated than the last Bill and slightly, I am afraid, more controversial. The subject of naturalisation is rather a complicated one, as it is governed by two Acts, one a British Act and the other an Act of this House. The British Act was passed in 1914 and applies not only to the British Isles, but also to India. Under that Act the Government of India is empowered to naturalise any one for the whole of the British Empire, practically speaking, any one who is eligible for naturalisation under that Act. There are various people, however, who cannot be naturalised. But for the present purpose, the only thing that I wish to point out is that before any one can be naturalised under the British Act, he must have a certain knowledge of English. So there are a certain number of persons who come and reside for five years in British India cannot be naturalised under the British Act because they do not know enough English. The Indian Act which was passed in 1926 only confers the status of British subject in India because the Indian Legislature has no power to pass laws valid outside India. But it is sufficient for naturalisation of any person under the Indian Act that he has sufficient knowledge of one of the main languages of India. That is the position. Naturalisation under the British Act also confers all the rights and privileges and imposes all the duties of a natural born British subject, and practically the same is true of the Indian Act except that the scope is limited to India. Now, this Act which was passed in 1926 has given rise to certain difficulties and it is primarily to remove these difficulties that the present Bill is brought before this House. The first difficulty that has arisen is this, that it is impossible to naturalise a subject of a European State under the Indian Act. The relevant clause is as follows :

“ The Central Government may grant a certificate of naturalisation to any person who makes an application in this behalf and satisfies the Central Government that he is neither a British subject nor a subject of any State in Europe or America.....”.

I have been asked by some Honourable Members why a British subject cannot be naturalised. The answer of course is because the object of naturalisation is to confer the status of a British subject, which he has already. Now, a Portuguese subject or a French subject in Goa or Pondicherry is a subject of a State in Europe. There is naturally a good deal of migration between these foreign possessions and British India and a good many subjects of these States who do not know English settle down in British India and they want to be naturalised. One

answer is, we are very sorry that under the Act you cannot as you are a subject of France or Portugal. That is one of the practical difficulties which have arisen mostly in Bombay, I can see no reason why that bar against them should remain. Presumably the idea in not bringing naturalisation of a subject of European State under the Indian Act was that it was assumed that they could speak English. If they came from Europe and lived in India for about five years, it is almost certain that they would have acquired a reasonable knowledge of English and the same is the case with regard to American subjects. It was I think overlooked that there were a large number of French and Portuguese subjects who would naturally wish to be naturalised and who would not be able to speak English. That was an oversight. The second difficulty that has arisen was about the interpretation of the phrase 'a State in Europe'. It arose particularly as regards Russia and Turkey. The greater part of Russia is in Asia, but the capital and most of the large towns are in Europe. It was generally taken to be a European State. So that though the Act allows a subject of Tibet to come down from the Himalayas to Darjeeling and settle down in Darjeeling and be naturalised, a Russian subject coming down from the Pamirs could not be naturalised. This seems illogical.

The other difficulty was with regard to Turkey. Was Turkey a European State or was it not? When the capital was Constantinople and a large part of Europe was included in the Turkish State it would probably have been admitted by every one that Turkey was a European State on the analogy of Russia. But when Turkey's capital was shifted from Constantinople to Ankora and only a very small portion of Turkey remained in Europe, an extremely difficult point arose and the provisional decision taken was that we should interpret "European State" as including Russia and not including Turkey. That was the second difficulty that arose.

It seems logical to extend the right of naturalisation to French and Portuguese subjects being not only in the possessions of these States in India but also in other possessions of these powers in Asia. Logically it is difficult to understand how a subject of China, Japan or the Raja of Sarawak can be naturalised in India, but a subject of Java or the Portuguese possessions in the East Indies cannot be naturalised in India simply because Java belongs to the Dutch. The opportunity was taken, therefore, of completing the process and making it logical. The real difficulty arose because of foreign possessions in India. The solution proposed is that, apart from the States in America, which question is not at all pressing, it should be the domicile of origin of the person who wishes to be naturalised and not the State to which he is subject which ought to be the criterion. That is to say, that a Russian subject whose domicile of origin, which to all intents and purposes means birthplace, was in Asia can be naturalised under the Indian Naturalisation Act; a Turk from Constantinople would need to come under the British Act. These are the three points for the consideration of this House. One is the extension of the right of naturalisation to the foreign possessions of other powers in India. That was one difficulty which arose. The other was the difficulty of interpreting the expression "State in Europe". To get over this we propose to have the right of naturalisation on domicile in Asia. The

[Mr. R. F. Mudie.]

third point is the extension of the Act to include not only the possessions of foreign powers in India but in other parts of Asia.

In conclusion, I only wish to say that this Bill only applies to persons who cannot speak English and that there is no automatic right of naturalisation. Each case will come up and be treated on its merits. There is one other point. When any of these foreigners comes and settles in India and is not naturalised, his children born in India are nevertheless British subjects by birth.

Sir, I move.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Motion moved :

“ That the Bill further to amend the Indian Naturalization Act, 1926, for a certain purpose, be taken into consideration.”

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, I move :

“ That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1937.”

Sir, India has been the home of wandering Jews, Parsis, Iranians, Syrians, etc., India has never denied shelter to anybody. It should not be thought that in sending this Bill for circulation I am opposed to naturalisation of any Asiatic who does not find a home and wants to make India his home. But the question is, why has this wisdom dawned on the Home Department now and why did it not dawn on them in 1923 and 1926 ? Sir, when Sir Alexander Muddiman moved this Bill in 1926, in the Statement of Objects and Reasons it was stated :

“ The Indian Naturalisation Act of 1852 has become obsolete in view of the recent developments in the law of naturalisation, and the Government of India decided after consulting Local Governments ”—

I want my Honourable friend, Mr. Mudie, to note this :

“ after consulting Local Governments that it should be repealed and be replaced by a new and consolidated enactment on the general lines of the British Nationality and Status of Aliens Act, 1914.”

Sir, that Bill was referred to a Select Committee. When it was brought before this House there was only one amendment that was accepted by the then Government and the House. Fortunately, that emanated from me, and although my Honourable friend, Mr. Mudie, wants to amend the very section 3 (1) (b), he still has the courtesy to retain that bit of amendment which I introduced then. Sir, the question is, where were these French subjects and Portuguese subjects of India at that time ? Why did they not seek naturalisation so far ? What were the representations of the Bombay Government, the Government of Bengal, and the Government of Madras then ? How is it that in 1937 the Home Department suddenly find out that such an amendment is necessary ?

Those of us who have accepted the hospitality of the Bombay Presidency know that there is a Portuguese territory called Goa which is famous for three things. It is famous for its sweet wines, sweet music

and sweet cooks. Indians make trips to Goa to enjoy those sweet wines and enjoy happy hours of music in the dance halls. But to make us enjoy the benefit of the services of the Goanese cooks, the people of Goa migrate every year to British India and find themselves employed in Bombay. They find employment under Indians but, as far as I know of their habits, they retain their Portuguese characteristics. They never identify themselves with Indian interests, Indian nationalism and Indian sentiments. Today, my impression is that there are 30 to 40 thousand Goanese servants working in the Bombay Presidency. I am not talking of the musicians and the dancing girls ; they come to Bombay, make their fortune and go back to Goa. My Honourable friend, Mr. Mudie, wants that these 30 or 40 thousand Goanese Christians will be naturalised. What will be its effect on the Indian Christian community ? That is a pertinent question, and I do want that the opinion of the Indian Christian community of the Bombay Presidency should be ascertained. Further, I want the opinions of the different Local Governments,—now that the so-called and much-vaunted Provincial Autonomy is at work. These 30 or 40 thousand Goanese will create an economic disturbance and an economic factor will be introduced which requires to be closely examined. Not that I am opposed to their naturalisation. But why has this wisdom dawned on the Home Department now ? Why was the Bombay Government sleeping so far ? My Honourable friend, Mr. Mudie, was not a member of the Home Department then, but why is it that when Sir Henry Craik introduced the amendment of this Act in 1935, he did not bring out this particular matter in one consolidated Bill ?

Sir, I see some nefarious design behind it. What that design is, I do not know, but I want that the subject should be examined, and the opinions of the Indian Christian community of the Bombay presidency, may, of the whole of India, should be ascertained. I have not yet met a Goanese who has told me that he is an Indian. He always says he is a Goanese or Portuguese or an Anglo-Indian. Sir, there are already too many complicated factors in our economic problems of life, and I do not want these Goanese to suddenly become or to be made into 40,000 Indian Christians or Anglo-Indians, and their children to be made Anglo-Indian children to be competitors in the bread problem, for whom my friend, Mr. Gidney, the brother of my old friend, Colonel Gidney, stands here, because those children will soon compete with our children and the children of the Indian Christian community. It is a problem that ought to be examined. It is not so easy a thing as my friend, Mr. Mudie, suggested. Mr. Mudie wanted us to believe, as Sir Alexander Muddiman also asked us to believe, why this Bill was passed. I want the House to understand what was in the mind of Sir Alexander Muddiman when this Bill was passed on the last occasion. At that time there was no thought of naturalising thousands and thousands of Portuguese or French citizens. It was a case of a few stray Asiatics who had made their homes in India, and Sir Alexander Muddiman in his inimitable style described the difficulties of those people. This is what he said then :

“ The class of persons we do desire to assist are mainly Asiatic traders from other parts of Asia who come here and settle down and desire very often, not having any definite nationality at all, to get some form of naturalization which may be useful to them, and which we have in fact been giving them for many years.”

[Mr. B. Das.]

Then he talks of the case of a Tibetan, and says this :

“ Take the case of a Tibetan in Darjeeling. He came and settled down in Darjeeling and married a hill girl of the place. He carried on rather an expensive curious business and became a man of considerable wealth. He desired to make his home in British India.”

How is it that after 15 or 20 years of close examination, the then Home Member came to the conclusion that the Bill would only apply to such cases as Tibetans or Kashgar citizens who will come and settle down in India.

Of course, my friend has tried to make a difference between a Turk and a European subject. Turkey was so long recognised as a European country, and the Europeans enjoyed the advantage of getting naturalised in India under the British Naturalisation Act, over which we have no control, the House cannot even control or stop an European from being naturalised. Even we cannot kick out a South Africander, however disgusting he may be to India, because such naturalisation is governed by the British Naturalisation and Alien Act, but this subtle difference my friend tried to make, because Turkey has maintained its integrity and sovereignty by having established her capital in Asia Minor, and not in Constantinople. So the present Home Department thinks it is better to give a dig to Turkish subjects and disown them as Europeans. Very few Turks settle down in India,—that is a small affair,—I am not interested in it at all. But what I am vitally interested in is that this Bill must be circulated not only to Provincial Governments, but the Assembly Department should see that it is circulated to all the recognised organizations of the Indian Christian community, because they are vitally affected by this measure.

Sir, we are proud of the Indian Christian community. There are good patriots in them, most of them have worked hand in hand with us. That community has produced great patriots like the late Madhu Sudhan Das, *ex-Minister*, Mr. S. K. Dutta, who was an honoured and very respected Member of this House, and many others. The Indian Christian community never demanded special terms of communal representation,—rather they opposed it, before the Round Table Conferences. They have common interests with us. Their ladies wear *saries* just as our ladies wear, but I have not seen a Goanese lady wearing a *sari*. Rather when these Goanese leave Bombay, they pretend to be Anglo-Indians. These are points that require examination. It is not at all a small issue. When a Goanese comes to Orissa or to Bengal or Bihar, he claims to be an Anglo-Indian, though they are discriminated from other Anglo-Indians. We do not want this kind of back door influence by which a certain community which has no love for India, whose interests are not identical to those of other Indian races or Indian interests should get such an advantage. Therefore, Sir, I do suggest that when the Legislative Assembly Department circulates this Bill for opinion, the necessary references that were made by Sir Alexander Muddiman in this House in 1926 should also be forwarded to the Provincial Governments so that they may know all the implications as to why the Naturalization Act was passed. With these remarks, I commend my motion to the House.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Motion moved :

“ That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1937.”

Mr. K. Santhanam (Tanjore cum Trichinopoly : Non-Muhamadan Rural) : Sir, I rise to support this motion for circulation. First of all, Sir, I feel that this Bill is very badly drafted. According to the Statement of Objects and Reasons, it is stated that it is chiefly meant to enable Local Governments to grant Naturalization Certificates under the Indian Naturalization Act to certain Portuguese subjects, but as the Bill is drafted, it not only enables Portuguese Indians to be naturalized, but it also enables large numbers of outsiders as well to be naturalized. For instance, all the Asiatic subjects of European States who do not now come under the Indian Naturalization Act can come under this Bill. I do not see why this Bill has been framed to cover such large numbers of people who are not included in the Statement of Objects and Reasons.

Mr. B. F. Mudie : The Honourable Member should read the last sentence in the Statement of Objects and Reasons.

Mr. K. Santhanam : Besides this technical point, Sir, I consider that the present law of naturalization itself requires over-hauling. It is framed more or less on racial lines. It says you shall naturalise only Asiatic or African subjects, and you shall have no power to naturalise subjects of European States. I do not see why in India we should not have the right to naturalise anybody we like.

The whole Act is framed on racial lines and we want this Act to be overhauled completely. This piecemeal legislation won't do.

3 P.M. Though the present motion is only for the circulation of the Bill, I suggest to the Government of India they should bring in a comprehensive amendment of the entire Act. I submit that the present Bill is unsatisfactory. It carries in it the stigma that the European subjects are superior people and they ought not to be allowed to be naturalized as British Indian subjects. Can you give me a single valid reason why we should be able to naturalize the people of Asiatic Russia and not of European Russia, of Asiatic Turkey and not the people of European Turkey? I think the basis of the Act itself is that the white people should not be allowed to become regular Indian subjects. Now, the racial issue is carried even further. This Bill says that though one may be the subject of a European State, if he has got his domicile in any part of the world outside Europe, then he can be naturalized. Though the present motion is only for circulation I hope the Government will seriously consider the question of withdrawing this Bill altogether and bringing in a more rational and a more reasonable measure.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor : Non-Muhamadan Rural) : I would like to say a few words on this matter. My Honourable friend, Mr. Santhanam, said that there is racial discrimination involved in the Bill. I apprehend a greater danger than that. The previous Act, as well as this Bill, have been framed with a view to give absolute control to the British Government as to what kind of persons should be naturalized and what kind should not be in India. I protest against that principle, namely, that the British Government should dictate to us as to whom we should naturalize and

[Mr. M. Ananthasayanam Ayyangar.]

against whom we should shut our doors. That is the principle which is embodied both in the previous Act and in this Bill. Whatever loopholes have arisen by inadvertence or otherwise in the previous Act, those loopholes are sought to be made up and those inaccuracies are intended to be patched up by this Bill. The real object is not to save a few Goanese cooks or merchants who have come down to Bombay and who wish to be naturalized and who would not be naturalized for want of an adequate knowledge of English under the British Act. People of European Russia or European Turkey, by inadvertence, do not come within the control of the previous Act. What I mean is this. Under the previous Act no subject of any State in Europe or America shall be naturalized in India. If Russia and Turkey do not come in within the term of a State in Europe, it is open to us to naturalize an European subject of Russia or an European subject of Turkey. That right is now allowed to us under the inadvertent or mistaken draftsmanship of the previous Act. Why should we not be allowed to do so? If we are in friendly relations with Russia or Turkey, why should we not naturalize them if they can choose one of our 220 or so languages in this country and live here for five years? Why should not this country have the inherent right of naturalizing any person whom it likes? It may be in friendly relations with Turkey or any other country, and let it be open to us to naturalize those who are in friendly relations with us and shut out those who are not in friendly relations with us. If this Bill is passed, take, for instance, the people of Turkey or Russia. They will have to become British subjects and then indirectly they will have all the rights and privileges of Indian subjects also. There is another disadvantage. They may make certain people British subjects and give them all the rights in India—those whom we do not like to have in India. For instance, in America, a highly civilised country, when Dr. Rabindranath Tagore, one of the revered sons of India, went there, he was put to all sorts of humiliation as if he was a member of a criminal tribe. His thumb impressions were taken, photographs were required and his place of residence had to be notified and he was put to all sorts of inconvenience. We would naturally not like to naturalize any American. But any subject of the United States may easily become a British subject and have all the rights and privileges of a naturalised Indian. Thus, as the law stands at present, it is open to the British Government to thrust indirectly upon us any persons whom we do not want, of those countries which treat us as slaves, as dark men, as untouchables, and give them all the rights and privileges which domiciled Indians have in this country. In the case of a State which is not in the coterie of those countries which are absolutely hand in glove with the British Government, even, if that State has a friendly or soft corner for us, merely because that State happens to be in Europe, the British Government wants to have absolute control over the question of naturalization of those people in this country. We should have independent dealings with those countries. The ostensible object is to save the poor cooks of Goa. But I submit that they can take care of themselves. They can naturalize themselves by becoming British subjects. If under the British Act they naturalize these Goanese people, they will have the status of British subjects. But they do not want those persons, the Asiatics and Africans who have dark colour, to have the status of a British subject; they want to reserve their nationality to the white men. But if they want to naturalize the dark men, they will

dump them on this country and have another community in addition to the several communities that we have here, to fight against India's freedom, say, in one corner of Bombay. My Province is not left alone. We have got some trouble, some menace from Pondicherry, where the Governor would not tolerate a Gandhi cap. All round India we are surrounded by foreign territories, on this side, Pondicherry, Karikal, Yenam and Chandernagore, and on the west Goa. As I have submitted before, there is a political principle behind this. I should like to support my Honourable friend, Mr. Santhanam's appeal that the Bill should be withdrawn and a new Bill brought in, giving us absolute right to naturalize. We must be masters in our home to naturalize such persons as are friendly with us and close the doors against those who are not so. It is on that principle that I support this motion for circulation. I should have been more glad if this Bill had been thrown out, but inasmuch as a Member of our Party has moved for circulation, let us wait and see what response it has among the various Governments in this country. I support the motion for circulation.

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : I do not know if there is any brain behind the Government of India ; certainly there is none behind the Legislative Department of the Government of India, because I find these bits of legislation are thrown at our heads piecemeal, without any attempt at studying the whole subject from a comprehensive point of view. There is no doubt whatever, Mr. Deputy President, that naturalization is one of the bigger functions of any self-governing country. It is the right of the citizens of any country to say who among those who are not born in their own country shall be their fellow citizens. Every country in the world recognises that right, but, unfortunately, for us, we are a subordinate Government in more senses than one.

Then, let us look at this Bill which Mr. Mudie has moved. He wants to substitute a new clause for clause (b) of sub-section (1) of section 3 of the Indian Naturalization Act. That section reads as follows :

“ The Local Government may grant a certificate of naturalization to any person who makes an application in this behalf and satisfies the Local Government (*the other clauses are not relevant*) (b) that he is neither a British subject nor a subject of any State in Europe or America or of any State of which an Indian British subject is prevented by or under any law from becoming a subject by naturalization.”

Now, Sir, this clause differs from the similar clause in the British Naturalization and Status of Aliens Act, 1914, in very material particulars. Section 2 of the British Act says :

“ The Secretary of State may grant a certificate of naturalization to an alien who makes an application for the purpose, and satisfies the Secretary of State

- (a) that he has either resided in His Majesty's dominions for a period of not less than five years in the manner required by this section, or been in the service of the Crown for not less than five years within the last eight years before the application ; and
- (b) that he is of good character and has an adequate knowledge of the English language ; and
- (c) that he intends if his application is granted either to reside in His Majesty's dominions or to enter or continue in the service of the Crown.”

Those are the three conditions. The latter two conditions are reproduced here, that is, that he is of good character and that he has adequate

[Mr. S. Satyamurti.]

knowledge of an Indian language and that he intends to reside here but the exceptions are not found in the British Act, that is, that he is neither a British subject nor a subject of any State in Europe or America. That is because the British Act has treated India in that step-motherly manner, in which practically all British Statutes treat us. The later section, section 9 of the Act says :

“ This Part of this Act shall not, nor shall any certificate of naturalization granted thereunder, have effect within any of the Dominions specified in the First Schedule to this Act, unless the Legislature of that Dominion adopts this Part of this Act.”

And what are these Dominions—the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, South Africa and Newfoundland ? India is not found there. Every other Dominion can legislate, as it decides in its legislature, to have either this Act applied to it or not. The result of that is that when once a citizen acquires the status of a British citizen under this Act he becomes *ipso facto* an Indian citizen. It seems to me that, if there is anything in the new claim that India has attained a new status under the Government of India Act, they should certainly persuade the British Parliament to amend that Act, so as to put India in the first Schedule of the British Act, so that we, in this country, may decide, whatever Britishers may do or may not do, whether we shall accept them as citizens or not.

I will take the case of South Africa. In South Africa, even today, our Indian fellow-citizens do not have the franchise. I do not see why because a South African gets the status of a British naturalized subject, he should *ipso facto* become an Indian naturalized subject. Why should not the Government of India take up this matter when dealing with this Bill ? Why should they accept these things as settled facts ?

Then, Sir, you will notice that, in that particular Act, they only want three conditions—residence in His Majesty's Dominions for a period of not less than five years, knowledge of the English language, and intention in the future to reside or serve under the Crown. But in India they have omitted British subjects, British subjects including not only British-born subjects but anybody who can get a naturalization certificate under that Act. Then, Sir, they have got the words ‘ nor a subject of any state in Europe or America ’. What is the idea of that ? Are Europe and America superior states ? Which of the kingdoms there are such that the people there should not apply to India for being naturalized and that we should be compelled by force of a British Statute to accept them as Indian subjects because they become British subjects, whatever the reason may be for British-born subjects ? It is because they have conquered us. I can see that with regard to British-born subjects, although I do not agree with that, but I want to know why every European, be he a fellow-countryman of Mussolini, the international robber, or be he the countryman of any other state, whether at peace or at war with England, should automatically get Indian status, because he gets it in Great Britain. I do suggest, Mr. Deputy President, when this Bill goes into circulation—and I hope that Government will not resist this motion for circulation—that Government will consider whether at least these words ‘ a subject of a state in Europe or America ’ may not go out of this clause altogether. Secondly, I suggest that they ought to approach the British Government

and ask them to include India in the First Schedule of the British Naturalization Act.

Then, Sir, the amendment which my friend wants is this :

“ that he is not a British subject, or a subject of any State in America.”

The original clause was ‘ of any state in Europe or America ’ and he wants to add ‘ or a subject of and having his domicile of origin in the European territories of any State situated wholly or partly in Europe ’. In the Statement of Objects and Reasons, my friend has explained :

“ It has also been found that the expression ‘ a subject of any State in Europe or America ’ used in section 3 (1) (b) of the Indian Act is virtually incapable of a satisfactory construction where such ‘ bi-continental ’ States as Turkey and Russia are concerned.”

May I ask for some light being thrown on this matter ? What is the difficulty ? May I suggest one reason for this anxiety on their part ? They want to keep up in this country two kinds of citizenship based on race, that is to say, British citizenship which carries with it by statutory implication the rights and privileges of Indian citizenship for all Europeans properly so-called or Americans. They will have certain special rights provided for them. My friends know that even today in the Criminal Procedure Code and in some other statutes there are special provisions for Europeans and Americans. They want to keep it up separately. Because Russia and Turkey have got some territories in Asia, they want to amend this Act by saying ‘ and having his domicile of origin in the European territories of any State situated wholly or partly in Europe ’. What is the basis of this distinction ? Why should not these people have the benefit, if you think that that is the proper thing, of applying for British citizenship and coming here and why should you make a distinction based on the geographical accident of their domicile being either in Europe or in Asia ?

Then, Sir, the first part of the Statement of Objects and Reasons says “ this avenue to naturalization would rule out a good number on the requirement of section 2 (1) (b) that the applicant ‘ has an adequate knowledge of the English language ’,” and, therefore, they want to make this provision. Then, I say the straightforward solution is to amend the earlier Act, and instead of keeping ‘ either a British subject or a subject of any state in Europe or America ’ they should say ‘ that he has got adequate knowledge of the English language or of any recognised Indian language ’, and it seems to me that that will meet all the relevant points of view. If, of course, you feel that you are helpless as against the British Government, and that they will insist upon their own Statutes and apply them automatically to us, then I suggest that this Bill ought to be withdrawn altogether, and pressure brought to bear on the British Government to agree to their Act being amended so as to include India in the First Schedule, and allow us to make our own Statute just as we consider appropriate and suitable, for conferring citizenship on people who are not born in India. Then, Sir, incidentally I would point out, if I may, that this earlier Act of 1926 confers the right to give or to revoke these naturalization certificates on Local Governments whose decisions shall be final. Now, Sir, I do not want to say anything which will offend any provincial sentiment, but I believe that I am expressing the feelings of all far-seeing Indians when I say that one of the many dangers of this Federation is

[Mr. S. Satyamurti.]

that it may encourage centrifugal as against centripetal forces. In a huge country like India, there are forces at work which may prevent the development of a strong, united, self-respecting Indian citizenship, and I do not want this large question of Indian citizenship to be in the absolute discretion of Local Governments. You will notice, Sir, that section 5 sub-section (3) of this earlier Act says :

“ The grant of a certificate of naturalization shall be in the absolute discretion of the Local Government, and no appeal shall lie from any refusal to grant any such certificate or to include in any such grant any particular right, privilege or capacity.”

Similarly section 8 says :

“ Where the Local Government of the province in which a person to whom a certificate of naturalization has been granted under this Act resides. . . . is satisfied that the certificate was obtained by a false representation or fraud or by concealment of material circumstances, or that the person to whom the certificate has been granted has shown himself by act or speech to be disaffected or disloyal to His Majesty, the Local Government shall, by order in writing, revoke the certificate.”

Now there may be reasons—perhaps there are reasons—for conferring on any Government the right to revoke a certificate of naturalization on certain well-defined grounds. I want to put it to my friends whether this right ought not to be exercised by the Government of India as a whole in consultation undoubtedly with the Local Governments concerned, and whether we can contemplate with equanimity different standards being set up by the various Provincial Governments. When this Act was enacted in 1926, nobody thought of Provincial Governments in the sense in which we are thinking of them today. Provincial Governments are today autonomous, and the Government of India, as such, have no control over them whatever, and it does seem to me that this point deserves a very careful examination, *viz.*, whether in view of the altered circumstances, this right of giving or revoking certificates of naturalization ought not to be brought under some kind of general control consistent with the scheme of Provincial Autonomy. I, therefore, suggest, Mr. Deputy President, that this Bill seeks to perpetuate the inferior status of India under the British Naturalization Act, that it seeks to perpetuate a racial distinction in citizenship, that is, between British citizenship which can be conferred upon Europeans and Americans and Indian citizenship to be conferred under this Statute purely on Asiatics, except people of Europe and America, and, as my Leader points out, I do not see the reasonableness of this distinction between Europe and America on the one hand and the rest of the globe on the other, except the conscious racial superiority complex that after all Europe and America represent the best on God's earth, and they cannot be expected to come to the humble Legislature of India, and that they must apply to Britain for it but that if Turkey or some other part of a country happens to be in Asia, they must come into line with us. The last point I want to make is this. This Act contemplates Local Governments being the complete masters in this matter. I do suggest that this matter deserves a very careful examination. In view of the new status of Provincial Autonomy, we must see whether it is right and expedient that each Local Government should make its own conventions and laws, with regard to the granting or revoking of these naturalization certificates. All these matters deserve a very careful consideration. I do hope that this Bill will be circulated for public opinion to all Local Governments and to all authorities concerned, and that it will also be sent to the President of the

Republic of Turkey and to the President of the Soviet so as to get their opinions as to how they look upon this Bill, and when all these opinions are collected, I suggest that the Government should apply some brains to it and bring forward a measure which will remove the inferior status of our country, place it on the same status as the Dominions of the British Commonwealth, and also give us a uniform all-India law of naturalization which will help the development, as I said, of a real self-governing and self-respecting India. I, therefore, support this motion for circulation.

Maulana Zafar Ali Khan (East Central Punjab : Muhammadan) : Sir, I will only add one sentence to what my friends over there have said. This Bill is superfluous, because no one can imagine that any citizen of the United States of America or any citizen of Europe or any free-born member of a dominant race would care to come to India and apply for naturalization. No self-respecting European or American would care to become a subject in India, which is a dependency of Britain,—in India which is a slave country. Therefore, this Bill is superfluous. Talking of Turkey, there are two parts in Turkey, Turkey in Europe and Turkey in Asia. Well any inhabitant of that part of Turkey which is situated in Europe *ipso facto* according to the logic employed here would not be accepted as a naturalized Indian but that unfortunate portion of Turkey which happens to be situated in Asia might come under this Act. For these obvious reasons I think my friend, Mr. Mudie, the Mover of this Bill, should expunge the proposed provision altogether from the Indian Naturalization Act.

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhammadan Rural) : Mr. Deputy President, I cannot allow this opportunity to pass without raising what appears to me to be a question of great national importance. It would appear that a Bill like this sometimes passes by the minds of many unless its implications are fully understood. It is not a question of any difference of opinion as between myself and those on this side of the House and even the representatives of the Government. It is a much larger question which even at the risk of repetition and perhaps in a less technical manner I wish to bring before this House, and which in fact my Honourable friend, Mr. Satyamurti, has already done. The really large question is this. Irrespective of the question whether Parliament has a sovereign and supreme right of legislation for this country or not, and without trenching upon it, if in the English Act the rights of citizenship in the Dominions is left to be created by the legislatures of the Dominions themselves, it does not offend against the right of this sovereign legislature at all if by introducing India in that schedule a similar right is conferred upon this country. It appears to me that the point, therefore, is not so much as the present amending Bill as the earlier Acts which were passed dealing with this matter, where, either by reason of oversight or by reason of the state of mind which then characterized our representatives, a position was accepted which is now becoming more and more pronounced and which should not be accepted or tolerated any longer. It is not even a question of a sovereign legislature for India. It is not necessary to wait for that period in order, at all events, to assert a nationality of our own which others, if they care to, might adopt by naturalization. It appears to me, therefore, that apart from and without reference to the smaller amendment that is now sought to be made and which also involves, unconsciously

[Mr. Bhulabhai J. Desai.]

it may be though, I am not prepared to accept that it is unconscious having regard to the language which I shall presently examine, some difficulty. I quite agree that none of us need, by repetition, contend against your view of the matter that this superiority complex of yours should disappear. I think it is up to us to shed our inferiority complex and refuse to recognise your superiority. That is the true approach to these problems. Therefore, whenever you make any attempt to impose your superiority complex by making that distinction, I think every Member of this House ought to resist it and it is that which is sought to be made by this amendment. It does not matter tuppence to me whether the Goanese are naturalized or not. That is a trivial matter. The issue is, in addition to the first bigger issue, that it is the duty of this Government to see—and, in fact, it surprised me that when the Act of 1935 was passed and when it was pretended that we were being raised to a higher status approaching self-government or on the road to it—that our citizenship should be put on the same footing as the citizenship of other self-governing parts of the Empire, the Dominions. It is a question which ought to have been taken up and even though it might have been omitted in the considerable amount of struggle that went on over other issues probably this matter was lost sight of. But it is not too late at all for us now to consider, as our attention has been drawn to the matter, that the primary point which the Government of India ought immediately to take up is the inclusion of India in the Schedule to the British Naturalization Act. I hope I won't be told ' We have done our best and failed ' because that is a formula which does them little credit though they sometimes get rattled when we tell them that they have not done their best and, therefore, they deserve a certain amount of expression of dissatisfaction. They try to deprive us even of that little satisfaction by resorting to all sorts of methods with which this House has now become familiar. Therefore, the first point which I wish to press again and again on the Government of India is to take advantage of this occasion and withdraw this Bill and press for the inclusion of India in the Schedule and bring the Indian Statute in line with the British Statute, so that any person of whatever nationality if he wants to become by naturalization an Indian citizen has got to bring himself within the Indian Statute. That is our first demand and inasmuch as I see the greatest importance of this measure from that point that I have occupied the time of the House. It is a thing which I cannot allow to be passed when we have got an occasion of this nature. It is a thing which requires no modification of the supreme sovereignty of British inasmuch as they have recognised that other parts of the British Commonwealth may have their own citizenship under their own laws.

Coming to the amendment proposed. If it were not a part of the Bill and if it were not in this House, stronger language could easily be used though I am told that even if I used it here it won't be unparliamentary. But I prefer not to use it. Now, let us see what is sought to be introduced. " That he is not a British subject " because that is part of the old Act, and being a British subject he has acquired the rights of Indian citizenship incidentally. Then it says : " or a subject of any State in America ". I do not see why these words are needed at all for the very good reason that I concede and I realise that a subject of a State in America may, by obtaining a certificate under the English Act, avoid

the necessity of getting a certificate under our Act, but nonetheless why is it necessary that we should be debarred from naturalizing. Supposing there is an American—and I hope a day might easily come ; you may not imagine it to be possible but we do—who says : “ I do not want to be a British subject, but nonetheless I want to be an Indian citizen.” The result of those words is to debar him from becoming the Indian citizen without becoming a British citizen. I do not see any justification for that at all unless the idea is, as I shall presently point out by a clear examination, to have Africa and Asia on the one side and Europe and America on the other. I have no objection to your doing so but you must remember that the more constantly you emphasise this matter the more difficult you make it for yourself for the kind of goodwill that Europe and America in a short time would be expected to demand from the rest of the globe notwithstanding its partition as your properties. Remember, therefore, that what you are doing now is not even respecting yourselves. You are really emphasising what it is time you realised it is not necessary nor is it wise to emphasise. Take the next : “ or a subject of and having his domicile of origin in the Europe territories ”. In other words, you may have what you may call a State having its territories in more than one continent, but the citizens of that State in so far as they have their domicile of origin in the European portion of it can acquire Indian citizenship only by becoming British citizens. But those of the subjects of the double State as I call it, a double continent State, who are and who have their domicile of origin in Africa or in Asia, to them alone this particular Bill is to be applied. Therefore, it is perfectly obvious, if you carefully examine it, what the object of this statute is. The object of the statute is that whereas an African or an Asiatic has to be of any of the European States, any of the States which might have their territories both in Europe or even in America for the matter of that as well as in Asia or in Africa, it is only the non-European and the non-American subjects who at all can acquire the right of naturalization under this statute. What I object to is not so much the fact that only the Asiatics and the Africans can apply as the fact that it should still occur to Indian Legislature in proposing an amendment that they should perpetuate this distinction even in the case of the subjects of the same State. You must remember that it may be any State. It happens to be Russia ; it may happen to be Turkey ; it may now happen to be Italy with the recognition of Abyssinia under the bullying tactics to which you have to submit and which they would try to perform here in a smaller way. But you must remember that the bully who has bullied in one place cannot continue to bully others for quite a long time. You must, therefore, remember that this Bill, innocent though it may appear, has such an extremely vicious principle behind it, such a vicious distinction behind it, that you will only respect yourselves by withdrawing it and it is quite unnecessary that it should be circulated at all.

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

And the only point that the Government of India should take up is that the British Government should include India in the Schedule of the British Nationality and Status of Aliens Act along with other Dominions which I have mentioned. That is the last thing that the Government could decently do in the circumstances of this character.

Mr. R. F. Mudie : Sir, in the course of the debate I have come to the conclusion that a little reflection would not be a bad thing for some Members of this House. I, therefore, propose to agree to circulation. But before sitting down, I should like to make a few remarks on some of the more prominent points taken in the debate.

Mr. Das' objection was practical. He is afraid that India is swamped by Goanese cooks who presumably will penetrate even to Orissa. He has no qualms at all about the dangerous Kabuli moneylender whom he is perfectly prepared to naturalise, but the Goanese cook is apparently something that he is really afraid of, a kind of bugbear.

Mr. B. Das : Because he is not patriotic.

Mr. R. F. Mudie : The Kabuli moneylender may not be either. Anyhow his objection was practical. He does not want Goanese cooks.

As regards the rest of the debate, I find it extremely difficult to follow.

Mr. Bhulabhai J. Desai : I am very extremely sorry for you. We explained it as clearly as possible. It is hardly any reflection on us.

Mr. S. Satyamurti : Why don't you leave the Bill to some one who can follow ?

Mr. R. F. Mudie : One Honourable Member seems to consider that the object of this Bill was to prevent the Government of India naturalising Europeans. That seems to be the opinion even of the Leader of the Opposition. I can only point out that there is no prohibition whatever against the Government of India naturalising Europeans. As I pointed out while introducing the Bill—the Leader of the Opposition also knows this—there are two Acts that govern naturalisation, the British Act and the Indian Act. I cannot exactly tell why the Indian Act of 1926 excluded Europeans and Americans. I was not in the House then, but I did look through the whole proceedings and found that the point was never taken there even by Mr. Das.

Mr. B. Das : That point was taken up by my Honourable friend, Mr. Aney, in 1925.

Mr. R. F. Mudie : Perhaps I missed it then. But I did offer a suggestion, that because the Indian Government have the power to naturalise any one under the other Act and it was assumed that Europeans and Americans would be able to come under the other Act. If that has been the objection of the Opposition to this Bill, they were at perfect liberty to move an amendment which could be duly considered. But I think it would have been an unnecessary amendment. I would call the attention of Mr. Bhulabhai Desai to section 8 (1) of the British Act. Mr. Desai is very angry because India is not mentioned in Schedule.

Mr. Bhulabhai J. Desai : I was not angry.

Mr. R. F. Mudie : Then he pretended to be angry. Under section 8, the powers of the British Government are expressly conferred on the Indian Government. In 1914, I think it was only natural, and probably the only possible course, that a measure enabling the Government of India to confer the status of a British subject not only in India but in Great Britain should be passed by the British Parliament of Great Britain.

If the Government of, say, South Africa is prepared to accept the position held by the Government of India under this Act, and to adopt Part II, then they can confer the status of a British subject anywhere in the British Empire. If they adopt their own Act, they have less power than the British Act gives to the Government of India.

Mr. Satyamurti waxed eloquent about Dominion Status.....

Mr. S. Satyamurti : I was talking of independence. Keep the Dominion Status to yourself !

Mr. R. F. Mudie : Yes. I know you don't want it. I meant Provincial Autonomy—and the stupidity of those behind the Government of India. He regretted one—in fact both are objectionable to him—He thought it dangerous that each autonomous Provincial Government should have the right to naturalise aliens and he considered that they might not all adopt the same standard.

The Government of India may have very little brains but they would hesitate to make a speech on naturalisation without reading the Act. If Mr. Satyamurti will look at the Government of India Act, List I, Schedule VII, Item 49, he will find that naturalisation is one of the functions of the Government of India.

Mr. S. Satyamurti : But have you amended the Act ?

Mr. R. F. Mudie : If he will look at the adaptation order made to bring the adaptation clause under the existing Indian Acts into line with the Government of India Act, he will find that the words ' Local Government ' in this Act have been omitted and the words ' Central Government ' substituted.

I hope that next time Mr. Satyamurti talks about the brains behind the Government of India he will make sure of his facts.

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

“ That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1937.”

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Friday, the 27th August, 1937.