

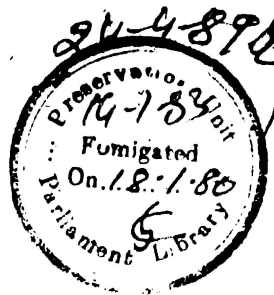
15th March 1944

THE
LEGISLATIVE ASSEMBLY DEBATES
Official Report

Volume II, 1944

(29th February to 27th March, 1944)

TWENTIETH SESSION
OF THE
FIFTH LEGISLATIVE ASSEMBLY
1944



LEGISLATIVE ASSEMBLY

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Mr. GOVIND V. DESHMUKH, M.L.A.

Sardar SANT SINGH, M.L.A.

Mr. N. M. JOSHI, M.L.A.

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LEGISLATIVE ASSEMBLY

Wednesday, 15th March, 1944

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

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS.

SUGGESTIONS FOR ENCOURAGEMENT TO STAFF OF CERTAIN NAVAL SHIPS.

420. *Mr. Govind V. Deshmukh: Will the War Secretary please state with reference to his answer to my starred question No. 165, put on the 23rd February, 1944, if the suggestions (i) to increase the number of petty officers, (ii) to increase the allowance of Rs. 10 a month to the boys of *H. M. I. S. Dilawar*; and (iii) to give a long service medal and a grant to a person serving for a long time in the navy, were made by any or all of the officers of the above mentioned *H. M. I. S. Bahadur, Dilawar, and Himalaya*? If so, do Government propose to carry out any of these suggestions?

Mr. C. M. Trivedi: The answer to the first part is in the affirmative. As regards the latter part, suggestions (i) and (iii) are under consideration and suggestion (ii) has been accepted.

SUGGESTIONS FOR STIMULATING RECRUITMENT OF INDIAN WOMEN TO W. A. C. (I).

421. *Mr. Govind V. Deshmukh: Will the Honourable Member for Information and Broadcasting please state if Begum Shah Nawaz made any suggestions to stimulate recruitment of Indian Women to W. A. C. (I), in her former capacity as a lady organiser of the National War Front or in her present capacity? If so, what were the suggestions, and to what extent were they carried out?

The Honourable Sir Sultan Ahmed: The Honourable Member is referred to part (c) of the reply given to his question No. 327 on 7th March, 1944, by the War Secretary. Recruitment to the W. A. C. (I) is a matter for the War Department.

Mr. Govind V. Deshmukh: If I mistake not, it was said in one of the answers to the previous questions that this lady had ceased to be a member of the National War Front and she is now working in another capacity. My question put to the War Secretary referred to a different matter.

The Honourable Sir Sultan Ahmed: No.

Mr. Govind V. Deshmukh: Yes. My question was whether she had made any suggestions to the Government regarding the recruitment. The answer was 'No'. I am asking whether as a member of the National War Front she made any efforts, because she was making contacts all over and addressing ladies' meetings? I want to know whether in the process of making these contacts she achieved anything?

The Honourable Sir Sultan Ahmed: The question is exactly the same, which was put to the War Secretary who was then asked whether this lady, when she was making contacts and speeches in several provinces of India, suggested any steps to stimulate the recruitment to W. A. C. (I). The answer then was 'No' and the answer today is also 'No'.

Mr. Govind V. Deshmukh: My question here is specifically whether before or after she made any suggestions?

The Honourable Sir Sultan Ahmed: My answer is that as a lady organiser of the National War Front or in her capacity as a member of the Department, in either case, she made no suggestions.

Mr. Govind V. Deshmukh: What were the other contacts which she was making?

The Honourable Sir Sultan Ahmed: I submit that is not the question. You wanted to know whether she had made any suggestions to stimulate recruitment of Indian women.

Mr. Lalchand Navalrai: May I know from the Honourable Member in which Department is she working—in the Broadcasting Department? If so, what is her salary?

The Honourable Sir Sultan Ahmed: She is working in the Information Department.

Mr. Lalchand Navalrai: What is the work given to her and what salary does she get?

The Honourable Sir Sultan Ahmed: I want notice of that question.

DETENTION OF PETITIONS OF LALA FERAZ CHAND.

422. *Mr. K. S. Gupta: (a) Is the Honourable Home Member aware that the Chief Secretary to the Government of the Punjab in his affidavit explained that petitions of Lala Feroz Chand, etc., were detained by Government because "at one time it was thought such petitions did not lie to this Court and later when it was realized that they did, Government withheld them pending the decision of another case by a bench of this Court"?

(b) Have the Government of India noted the following remark by the Chief Justice of the Lahore High Court: "There appears to be persistent endeavour on the part of the Executive these days not only to ignore and flout the Legislature, but even to interfere with and curtail the powers of the Judiciary as well. The judiciary have, therefore, got to be extra vigilant to preserve and maintain their authority and prestige intact"? If so, do the Government of India propose to issue necessary instructions and directives to the people connected and concerned in the various provinces to maintain the morale of the Judiciary in the country?

The Honourable Sir Reginald Maxwell: (a) Yes.

(b) The judgment of the Lahore High Court pronounced in respect of certain miscellaneous petitions in February has dealt with the legal aspect of the case and Government have nothing to add. The High Courts have ample powers to enforce their rights.

Mr. Govind V. Deshmukh: May I know if the Government will direct the executive not to interfere with judicial matters?

The Honourable Sir Reginald Maxwell: I think the High Courts are quite able to look after themselves.

Mr. Lalchand Navalrai: May I know if the Government has taken any steps after that incident to see that the executive should not come into clash with any orders of the High Court?

The Honourable Sir Reginald Maxwell: That is for the executive of the Province to see and not for the Central Government.

Pandit Lakshmi Kanta Maitra: May I know if the Honourable Member's attention was drawn to this observation of the Chief Justice of the Lahore High Court before he received notice of this question?

The Honourable Sir Reginald Maxwell: I require notice of that.

Pandit Lakshmi Kanta Maitra: I want to know if the Honourable Member's Department receives these things as a matter of course.

Mr. President (The Honourable Sir Abdur Rahim): He has given the answer. He wants notice of this question.

Pandit Lakshmi Kanta Maitra: May I know whether it is the practice to call for these reports from the High Courts or has the Honourable Member got any agency of the Central Government in the Provinces?

The Honourable Sir Reginald Maxwell: My Department has nothing to do with the High Courts directly. The High Courts are provincial institutions and deal with the Provincial Governments.

Mr. Govind V. Deshmukh: When did this matter come to the notice of the Government?

The Honourable Sir Reginald Maxwell: I think it only came officially to notice when the question was asked. I saw reports in the Press but we don't take action on Press reports.

ILLNESS OF PANDIT RAVI SHANKAR SHUKLA.

423. *Sardar Mangal Singh: Will the Honourable the Home Member please state:

(a) whether it is a fact that Pandit Ravi Shankar Shukla, *ex*-Premier, Central Provinces, has been suffering from Ethmoiditis and Anthrelgia for a long time;

(b) how many times he has been operated upon since his detention;

(c) whether it is a fact that after several operations the disease has not been cured, and the doctors realising any further operation dangerous, have started palliative treatment only;

(d) whether it is a fact that puss drips out from his nose, and that it is feared that it is being absorbed in his blood (system) which may poison his body; and

(e) whether it is a fact that Pandit Ravi Shankar Shukla gets slight fever, headache and pains in his joints and, that he shows signs of weakening memory?

The Honourable Sir Reginald Maxwell: Sir, with your permission, I will reply to questions Nos. 423 and 424 together.

Pandit Ravi Shankar Shukla is a Provincial Government prisoner and I have no information regarding his case.

Mr. Govind V. Deshmukh: Could not the information be secured? The Honourable Member may not have the information but there was sufficient time to secure information on this matter.

The Honourable Sir Reginald Maxwell: I may inform the Honourable Member that on receipt of notice of this question we did make an inquiry from the Central Provinces Government but we have not had a reply.

ILLNESS OF PANDIT RAVI SHANKAR SHUKLA.

424. *Sardar Mangal Singh: (a) Will the Honourable the Home Member please state whether it is a fact that Pandit Ravi Shankar Shukla has sent a letter to Government requesting that he may be allowed to be treated by his private doctor;

(b) what reply Government have given to his request; and the reasons therefor; and

(c) whether Government realise that it may be too late in his case if Government release him too late?

DETENUS AND POLITICAL CONVICTS IN JAILS.

425. *Sardar Mangal Singh: Will the Honourable the Home Member please state:

(a) the number of detenus and political convicts now confined in jails, provincewise;

(b) how many have been released as a result of the recent review of their cases; and

(c) whether Government are satisfied that the policy of gradual releases is desirable and is not attended with any risks from their point of view?

The Honourable Sir Reginald Maxwell: (a) I place on the table a statement showing the number of security prisoners in detention in each Province and the number of convicted persons undergoing imprisonment in connection with the Congress Movement in each Province as on January 1st, 1944—the last date for which figures are available.

(b) There has been no particular recent review, the results of which can be stated as a whole. Out of about 21,000 detention orders made since the beginning of the war nearly 13,400 have been cancelled up to the 1st January last.

(c) It is the policy of Government not to detain anyone who can safely be released and they have no reason to be dissatisfied with the results of this policy.

	<i>Statement</i> Persons in detention.	Persons undergoing imprisonment in connection with Congress Movement.
Madras	357	1151
Bombay	1437	790
Bengal	1335	64
United Provinces	1361	4540
Punjab	491	175
Bihar	496	5300
Central Provinces	438	890
Assam	208	333
North-West Frontier Province	152	127
Orissa	373	490
Sind	955	54
Coorg	3	4
Delhi	50	213
Ajmer-Merwara	19	4
Baluchistan	Nil	Nil
Centre	44	..
Total	7719	14135

ILLNESS AND DEATH OF MRS. GANDHI.

426. *Pandit Lalshmi Kanta Maitra: Does the Honourable the Home Member propose to make a full statement with regard to:

(i) the circumstances under which Mrs. Kasturabai Gandhi met her death in detention;

(ii) the facilities offered by Government for her treatment;

(iii) the facilities, if any, offered by Government to non-official or private medical practitioners for her treatment;

(iv) the facilities offered by Government for interview by her friends and relations in the detention camp during the later stages of her illness; and

(v) the facilities for the performance of her funeral rites?

The Honourable Sir Reginald Maxwell: (i) The Honourable Member is referred to the reply to Mr. Govind V. Deshmukh's question No. 32 on February 8th. The immediate cause of death was, I understand, Pneumonia.

(ii) The Government doctors concerned with the case were Col. Bhandari, I.M.S., and Col. Shah, I.M.S. Col. Advani, I.M.S., acted for Col. Bhandari for a short time. In addition to such ordinary treatment as is possible in the case of an elderly patient suffering from chronic heart weakness, special measures such as the taking of cardiograms were employed when necessary and, as a last resort, a course of penicillin treatment was flown to Poona from Calcutta. A relative, Miss Manu Gandhi, was brought into the Palace to help in looking after Mrs. Gandhi after the release of Mrs. Sarojini Naidu in March, 1943. Trained nurses were made available for a short period in December, 1943; and after that Government agreed to allow Mrs. Jai Prakash Narain and Mr. Gandhi's grand-nephew, Kanu Gandhi, to live in the Palace to help in nursing her.

(iii) Dr. Sushila Nayyar was in the Aga Khan's Palace throughout; Dr. Gilder was also there from February 1943 onwards. During her last illness Mrs. Gandhi was also treated by Dr. Dinshaw Mehta and there was a consultation with Dr. Jivaraj Mehta. For a short period in February she was treated, at her own request and that of Mr. Gandhi, by a well-known Ayurvedic physician of Lahore, Dr. Sharma.

(iv) From the beginning of December, 1943, when her last illness started, relatives were allowed to visit Mrs. Gandhi and a considerable number of them did so.

(v) Mr. Gandhi expressed the wish either that there should be a public funeral, in which case he would not attend the ceremony himself, or that the funeral rites should be performed in the grounds of the Aga Khan's Palace, in

which case relations and close friends should be allowed to be present. The latter alternative was adopted and the funeral took place accordingly in the presence of about 100 friends and relatives.

Mr. Badri Dutt Pande: In view of the fact that Mahatma Gandhi has lost two of his nearest and dearest life partners, one his Secretary and the other his wife, is it the intention of the Government to remove him to another place for he must be feeling very lonely where he is at present?

The Honourable Sir Reginald Maxwell: That will be considered.

Pandit Lakshmi Kanta Maitra: Is it not a fact that both the Doctors, Dr. Nayyar and Dr. Gilder, were detained in the same place with Mahatma Gandhi and there was no case for having private practitioners for consultation?

The Honourable Sir Reginald Maxwell: As I said, Dr. Sushila Nayyar was in the Aga Khan's Palace throughout from the very first day of his detention. Dr. Gilder was there from February 1943 onwards.

Pandit Lakshmi Kanta Maitra: Was not Dr. Jivraj Mehta also a detainee in the same place?

The Honourable Sir Reginald Maxwell: No, Sir.

Mr. Govind V. Deshmukh: But he is a detenu although he may not be in the same place.

The Honourable Sir Reginald Maxwell: I think so; I am not quite sure.

Pandit Lakshmi Kanta Maitra: What I wanted to know from the Honourable Member was whether any private practitioner, who was not a guest of His Majesty's penitentiary, allowed to call on her?

The Honourable Sir Reginald Maxwell: I have already said that Dr. Sharma was allowed to attend Mrs. Gandhi at Mr. Gandhi's request.

Pandit Lakshmi Kanta Maitra: Was he sent at the instance of the Government of India?

The Honourable Sir Reginald Maxwell: No; at the request of Mrs. Gandhi and Mr. Gandhi.

Mr. Badri Dutt Pande: Why was not Dr. Bepin Chandra Roy, in whom both of them have great confidence, allowed to see Mrs. Gandhi?

The Honourable Sir Reginald Maxwell: I do not think any specific request was made for him.

CONDOLENCE MESSAGES TO MAHATMA GANDHI.

427. ***Pandit Lakshmi Kanta Maitra:** (a) Will the Honourable the Home Member be pleased to state if Mahatma Gandhi has been permitted to receive messages of condolence sent to him from all parts of the country and outside? Have the Government of India sent any such message to the Mahatma?

(b) Have Government given him permission and facilities for replying to any such messages, if considered necessary, by him?

The Honourable Sir Reginald Maxwell: (a) The answer to the first part of the question is in the affirmative and to the second part in the negative.

(b) Mr. Gandhi has been allowed to reply to condolence messages from his relatives but not to those from others. Government have, however, offered, in any case where he wished this to be done, to inform the sender that the message had been conveyed to him.

Pandit Lakshmi Kanta Maitra: Do I take it that if Mahatma Gandhi wanted to reply to any of the messages, he would first have to take permission from Government?

The Honourable Sir Reginald Maxwell: Not in reply to condolence messages from his relatives.

Pandit Lakshmi Kanta Maitra: Was he given to understand that in case he wanted to reply to his condolence messages he was free to do that without reference to this Government?

The Honourable Sir Reginald Maxwell: I have already answered that part of the question.

Pandit Lakshmi Kanta Maitra: The Honourable Member simply said that so far as the replies to messages coming from his relatives were concerned, he

was given free permission. I want to know whether he was given free permission to reply to any messages other than those from his relatives without any previous reference being made to Government?

The Honourable Sir Reginald Maxwell: I have already said that Mr. Gandhi was not allowed to reply to condolence messages from persons other than his relatives but that Government had offered, if he so desired, to inform the senders of the messages that they had been conveyed to him.

Mr. K. C. Neogy: Does that reply cover messages of condolence, which are reported to have been sent by the present Viceroy and also by Lord Halifax?

The Honourable Sir Reginald Maxwell: I am afraid I know nothing about that.

STATEMENT IN AMERICA BY INDIA'S AGENT GENERAL CONCERNING MRS. GANDHI'S DETENTION AND DEATH.

428. *Pandit Lakshmi Kanta Maitra: (a) Will the Honourable the Home Member be pleased to say if he is aware that a statement to the following effect was made by Sir Girja Shankar Bajpai, the Agent General of India in the United States of America, before the American public soon after the death of Mrs. Kasturabai Gandhi: "At various times the Government of India considered her release from detention for health reasons, but she wished to remain with her husband and her wishes were respected"?

(b) Was this statement made with the knowledge and authority of the Government of India?

(c) On what occasions did the Government of India consider her release from detention for health reasons? On how many occasions was offer for her release from detention made to her and she declined?

(d) Has the attention of Government been drawn to the following part of the Press statement, dated February 28th, issued by Mr. Devadas Gandhi from Allahabad in which he said:

"Would her release from prison during the last serious stage of her illness have helped? . . . But the fact remains that she never had the benefit even of the psychological aspect of an offer of release, except the last merciful one from the maker. I was, therefore, shocked and amazed to find that the Agent of the Government of India in America has made a statement to the effect that the Government of India had wished on several occasions to release her but she had refused to avail herself of the offer. This is even contrary to the official announcements made on the point in India and I have seen no explanation so far for the different version put out in America"?

(e) If the answer to (d) is in the affirmative, is the Honourable Member in a position to contradict the statement that no release offer was ever made to her at any time?

(f) If the statement of the Agent General is inaccurate, does he propose to issue a contradiction of it? If not, why not?

The Honourable Sir Reginald Maxwell: (a) and (b). The Honourable Member is referred to the replies given by the Foreign Secretary to questions Nos. 381 and 382 on March 13th.

(c) The question of releasing Mrs. Gandhi was first considered in September, 1942, when she had her first heart attack after detention. It was again considered when she had further attacks after Mr. Gandhi's fast and also during her last illness. On all these occasions, for the reasons already made public, it was decided not to release her. The second part of the question does not arise.

(d) Yes, but as already stated in answer to questions in this House, the Agent General made no such statement.

(e) I have already made it clear that there was no offer of release.

(f) This reply and the replies given by the Foreign Secretary on March 13th should be sufficient to remove any misunderstanding that may have arisen.

Pandit Lakshmi Kanta Maitra: What steps do Government propose to take to remove the misunderstanding created in America by this report?

The Honourable Sir Reginald Maxwell: Government can do nothing to remove misunderstandings in other people's minds.

EXTERMENT OF STUDENTS OF BENARES HINDU UNIVERSITY.

429. *Mr. Lalchand Navalrai: (a) Will the Honourable the Home Member be pleased to state if some students of the Benares Hindu University were externed from Benares district at the time of 1942 disturbances at Benares? If so, was any period fixed for which they were externed? If not, why not?

(b) What was the number of students so externed, and to which places did they belong?

(c) What was the crime committed by them, and was any enquiry made with regard to it? If so, who made that enquiry, and was any evidence recorded?

(d) Do Government propose to remove the ban imposed on these students? If not, why not?

The Honourable Sir Reginald Maxwell: (a), (b) and (c). No action of this nature was taken by the Government of India.

(d) If any such orders were made by the Provincial Government, it will be for that Government to decide whether, and if so, when, circumstances allow of their relaxation.

Mr. Lalchand Navalrai: Are we not entitled to get information as to what is happening in the other Provinces from the Central Government?

The Honourable Sir Reginald Maxwell: No, Sir, not in all cases. We cannot be a universal encyclopædia.

Mr. Lalchand Navalrai: Did the Honourable Member make any attempt to get this information to be given to the House?

The Honourable Sir Reginald Maxwell: Yes, Sir, I did, but I have not got it.

DISSATISFACTION OVER REQUISITIONING OF PRIVATE HOUSES.

430. *Mr. Lalchand Navalrai: (a) Will the Honourable the Defence Member be pleased to state if there is a general cry and dissatisfaction in the country on the working of the Defence of India Rules with respect to the exercise of rule 75-A by which people are deprived of their houses and the same are let out to Government's civil servants on the ground that they render service for the military?

(b) What is the policy of the Government of India in such cases?

Sir Charles Ogilvie: (a) and (b). In a small number of cases, accommodation has been requisitioned for Government servants in civil employment, not on the ground that they render service to the military, but on the ground that it is essential that they should be enabled to live in the station where they have to work, and accommodation cannot be found otherwise. Government are aware that there has been some criticism, but it will be appreciated that it is as important to provide for the essential requirements of civil Government organisations that cannot be moved elsewhere as it is to provide for military organisations.

Mr. Lalchand Navalrai: Is the Honourable Member aware that, in Madras a house belonging to a gentleman, who was living in it with his family and who had recently purchased it, was evacuated for the District Magistrate of that place?

Sir Charles Ogilvie: I have not heard of that particular case.

Mr. President (The Honourable Sir Abdur Rahim): I disallowed that question.

Mr. Lalchand Navalrai: Will the Honourable Member make inquiries and let us know whether the houses of those persons who are living in them with their families for a long time can also be evacuated under the Defence of India Act?

Sir Charles Ogilvie: I am afraid I cannot guarantee that.

Sardar Sant Singh: Is the Honourable Member aware that houses are being requisitioned for purposes other than military and for private employees?

Sir Charles Ogilvie: No, Sir; I am not so aware.

Sardar Sant Singh: Is the Honourable Member aware that in this very town a house has been requisitioned for the employees of the *Statesman*?

Sir Charles Ogilvie: I am not so aware.

Sardar Sant Singh: Will the Honourable Member kindly make an inquiry in the matter?

Sir Charles Ogilvie: Yes, Sir.

REMOVAL OF MR. J. NIGAM AND MR. RIAZUDDIN AHMAD KHAN FROM THEIR SERVICES.

431. *Pandit Lakshmi Kanta Maitra: (a) Will the Honourable the Home Member be pleased to state if it is a fact that Mr. J. Nigam, I.C.S., Magistrate and Collector, and Mr. Riazuddin Ahmad Khan, Superintendent of Police, have been removed from the Indian Civil Service and the Indian Police Service respectively?

(b) When were they placed under suspension? Where were they posted at the time of their suspension?

(c) What were the charges against them? Who brought the charges?

(d) Was any judicial enquiry held in connection with their cases? If so, what are the findings?

(e) What opportunities, if any, were given to them to explain the charges against them?

(f) How long had they been in Government service?

(g) What was the scale of salaries drawn by them at the time of their suspension?

(h) Are these dismissed officers entitled to any pension for their past service? If so, what are the amounts of such pension?

(i) What pay, if any, are they entitled to for the period of their suspension?

The Honourable Sir Reginald Maxwell: (a) Yes.

(b) On the 13th and the 30th November, 1942, respectively, while they were on leave.

(c) It will not be in the public interest to disclose the information. The charges were brought against those officers by the Government of the United Provinces.

(d) and (e). The enquiry was a departmental one held in accordance with the procedure laid down in rule 55 of the Civil Services (Classification, Control and Appeal) Rules. Full opportunity to defend themselves was given as required by that Rule.

(f) 18 years, 2 months and 5 days and 30 years, 6 months and 25 days, respectively.

(g) Rs. 1,900 a month and Rs. 1,000 a month, respectively.

(h) No, but they have been granted compassionate allowances equivalent to two thirds of the invalid pension which they would have received had they been retired on medical certificates. The amounts are Rs. 4,266-10-8 a year with a minimum of £400 a year, if the allowance is drawn in England, in the case of Mr. Nigam, and Rs. 333-5-0 a month in the case of Mr. Khan.

(i) They are entitled to subsistence grants as follows:

Mr. Nigam—Rs. 666 a month.

Mr. Khan—At such rate as the suspending authority may direct, but not exceeding one-fourth of his pay.

Pandit Lakshmi Kanta Maitra: May I know if these officers were removed with the concurrence of the Secretary of State for India?

The Honourable Sir Reginald Maxwell: They were removed by the Secretary of State.

Pandit Lakshmi Kanta Maitra: Was the departmental enquiry held at the instance of the Honourable the Home Member?

The Honourable Sir Reginald Maxwell: No, Sir.

DETENTION OF CERTAIN SIKH WORKERS.

432. *Sardar Sant Singh: (a) Will the Honourable the Home Member please state if the following Sikh workers have been detained in jails under rule 26 of the Defence of India Rules:

(1) Jathedar Udham Singh Negote, (2) Sardar Ishar Singh, Mughel, (3) Sardar Darshan Singh, Pheruman, (4) Sardar Partap Singh, M.L.A. (Punjab),

(5) Sardar Chanan Singh, M.L.A. (Punjab), (6) Giani Gurmukh Singh Musafir, (7) Sardar Sohan Singh, Jalal Usma, (8) Sardar Narinjan Singh, Talib, (9) Sardar Mehar Singh, (10) Sardar Avtar Singh, Sidhu, (11) Master Mota Singh, (12) Master Sohan Singh, (13) Sardar Satwan Singh, (14) Master Kabul Singh, M.L.A. (Punjab), (15) Giani Shankar Singh, (16) Sardar Waryam Singh, Sultanwind. (17) Master Ram Singh, (18) Sardar Ajit Singh, Bhusa, (19) Sardar Jagjit Singh, Wereman, (20) Sardar Darshan Singh, Sultanwind, (21) Sardar Janmeja Singh, Sultanwind, (22) Sardar Bhagat Singh, Khaparkheri, (23) Sardar Bachint Singh, Rurka Kalan, (24) Sardar Surain Singh, Shahid, (25) Sardar Nazir Singh, (26) Sardar Shiv Singh, Buraj, (27) Sardar Jagindra Singh, Shaut, (28) Sardar Uttam Singh, Khatra Kalan, (29) Sardar Mota Singh, Jagdev. (30) Sardar Harnam Singh, Pheruman, (31) Sardar Harnam Singh, Khojaki Pur, (32) Giani Surendra Singh, (33) Giani Kartar Singh, Tarantaran (34) Sardar Sadhu Singh, Sangar, (35) Sardar Kartar Singh, Chaha, (36) Sardar Hukam Singh, Akel Gadda, (37) Sardar Sodagar Singh, Jora, (38) Sardar Jodh Singh, Khara, (39) Sardar Teja Singh, Thathikhara, (40) Sardar Khem Singh, Sorh, (41) Sardar Gurbakhsh Singh, Pheruman, (42) Baba Makhn Singh, Werka, (43) Sardar Amar Singh, Dehriwala, and (44) Sardar Banta Singh, Dhurka? If so, how many of them have been so detained under the orders of the Central Government and how many under the Provincial Government?

(b) When were their cases reviewed last?

(c) Have they been served with charge sheet under the amended rule 26 of the Defence of India Rules? If so, have their replies been received? If so, when will the decision be taken?

(d) Is it a fact that many persons detained under rule 26 of the Defence of India Rules have been released under the orders of the Central Government or the Provincial Government during the last six months? How many of the released persons have been Sikhs?

The Honourable Sir Reginald Maxwell: (a) Of the persons mentioned only six appear to have been detained under the orders of the Central Government, but owing to the similarity of Sikh names, it is impossible to be certain unless further details can be given. I have no information about the remainder.

(b) and (c). I can only answer for Central Government Security Prisoners. All of these have been informed of the grounds for their detention and their representations are being considered when received. All decisions will be taken before July 15th which is the date on which the present orders against them will expire unless specifically extended.

(d) Yes. I have no information about the number of Sikhs released by the provinces. 3 Sikhs have been released by the Central Government or by the Chief Commissioner during the last six months.

Sardar Sant Singh: After a long service of over thirty years in this country, the Honourable Member ought to be familiar with Sikh names. However, may I ask the Honourable Member if he will make enquiries from the Provincial Governments as to the nature of the detention order passed against them and as to the percentage of Sikh prisoners released as compared with the number of Hindu and Muslim prisoners released?

The Honourable Sir Reginald Maxwell: There is no principle of communal representation in regard to the prisoners detained or released.

Mr. N. M. Joshi: With reference to part (b) may I ask who reviews these cases?

The Honourable Sir Reginald Maxwell: They are being reviewed by the Central Government or the Provincial Government, as the case may be: it depends upon the authority which ordered the detention.

Mr. N. M. Joshi: May I ask whether it is the same authority which detained them which reviews cases or the Government of India try to get some fresh light thrown on these cases in review?

The Honourable Sir Reginald Maxwell: No, Sir. It is for the authority which passed the detention order to review cases. The Central Government has no revisional power in the matter.

Sardar Sant Singh: May I know who are the Sikh prisoners out of this list who have been detained under the orders of the Government of India?

The Honourable Sir Reginald Maxwell: Those who appear to have been detained under the orders of the Government of India are named:

(1) Jathedar Udham Singh, Negote (2) Sardar Narinjan Singh, Talib (3) Sardar Waryam Singh, Sultanwind (4) Sardar Sadhu Singh, Sangar (5) Sardar Teja Singh, Thathikara and (6) Sardar Amar Singh, Dheriwala.

Sardar Sant Singh: May I know when the cases of these six prisoners were reviewed by the Government of India?

The Honourable Sir Reginald Maxwell: I did not say that they have all been reviewed. I said their representations are being considered when received. I think some have been received and some not received.

Mr. Lalchand Navalrai: May I know if there is any fixed rule prescribing which persons can be detained by the Central Government and which by the Provincial Government?

The Honourable Sir Reginald Maxwell: I may refer the Honourable Member to the Defence of India Rules.

Mr. N. M. Joshi: May I know whether the Government of India will consider the advisability of securing a review of all these cases by some authority independent of the authority which detained these people?

The Honourable Sir Reginald Maxwell: That is a question of policy, to which I cannot reply in answer to a supplementary question.

GOVERNMENT COUNSEL AT COURTS MARTIAL.

433. *Sardar Sant Singh: Will the War Secretary please state the number of Advocates-General employed by the Defence Department for conducting proceedings before the courts martial constituted under the Army Act? How many of them are B.A., LL.B.'s, or Barristers of any of the Inns of Court?

Mr. C. M. Trivedi: The only legal Department of the Army is the Department of the Judge Advocate General consisting of 51 officers. In important court-martial cases an officer of this Department sits with the Court as adviser on law and procedure. Officers of this Department are either regular officers who have specialised in Military Law or Emergency Commissioned Officers with legal qualifications.

No separate establishment of officers is maintained for conducting proceedings before courts-martial, either for the prosecution or the defence. On the staff of larger formations there are, however, Staff Officers with legal experience, who are concerned solely with court-martial work. The conduct of prosecutions in important cases is entrusted to such officers or in rare cases to an officer of the Judge Advocate General's Department. In other cases an officer is always employed to conduct the prosecution and an officer is available in every case to represent the accused.

Sardar Sant Singh: May I know what is the legal training which these officers have got, whether they have been trained in any University or in any of the Inns of England?

Mr. C. M. Trivedi: I have said that the officers of the Judge Advocate General's Department are either regular officers who have specialised in Military Law or Emergency Commissioned Officers with legal qualifications, obtained either in India or in England, i.e., either LL.B.'s or Barristers-at-Law.

Sardar Sant Singh: May I know how many of them are Barristers and how many of them have legal training in any of the Universities in India?

Mr. C. M. Trivedi: I have not got the information readily available.

Sardar Sant Singh: The question is asked how many of them are B.A.'s, LL.B.'s or Barristers of any of the Inns of Court?

Mr. C. M. Trivedi: I will try to get the information.

RETENTION OF SECOND DIVISION CLERKS IN POLITICAL AND RAILWAY DEPARTMENTS.

434. *Bhai Parma Nand: Will the Honourable the Home Member be pleased to state:

(a) if it is a fact that the Political and the Railway Departments were excluded from the operation of the Maxwell Report;

(b) if it is a fact that in other civil Departments of the Government of India, Second Division has been abolished, but in the above-mentioned Departments it is still maintained;

(c) if the replies to (a) and (b) are in the affirmative, the number in each of the Departments, separately, of the Third Division Clerks who are governed by the Rs. 60—2—80—3—125 scale;

(d) if it is a fact that some Third Division Clerks who have been officiating in the Second Division in these Departments for more than two years, have not been confirmed in that Division, in spite of some permanent vacancies having occurred in their respective Departments; and

(e) if the Honourable Member is prepared to issue clear instructions to these Departments to confirm the deserving Third Division Clerks governed by the Rs. 60—2—80—3—125 scale, in the Second Division; if not, why not?

The Honourable Sir Reginald Maxwell: (a) The Railway Department was at first excluded from the scope of the Report of the Government of India Committee on Secretariat Organisation and Procedure but the scheme suggested therein was subsequently adopted by that Department. The Political Department is not a Department of the Government of India and the question of applying the Report to the Political Department does not therefore arise.

(b) The Second Division is in process of abolition in the various Departments of the Government of India including the Railway Department.

(c) There are 4 clerks in the Railway Department drawing pay in the scale of Rs. 60—2—80—3—125.

(d) No.

(e) Instructions have already been issued that deserving Third Division Clerks on Rs. 60—125 scale should be considered for promotion to the Second Division.

STATEMENT IN AMERICA BY INDIA'S AGENT GENERAL CONCERNING MRS. GANDHI'S DETENTION AND DEATH.

435. *Sardar Mangal Singh: Will the Honourable the Home Member please state:

(a) whether the attention of Government has been drawn to the press statement made by Sir Girja Shankar Bajpai, Agent General in the United States of America, immediately after the death of the late Mata Kasturba Gandhi wherein he is reported to have said "At various times the Government considered her release from detention for health reasons but she wished to remain with her husband and her wishes were respected";

(b) whether Government ever made any offer of release to her, and what her reactions were to such offer or offers; and

(c) whether these offers were conditional, and what reply she gave to Government regarding these offers?

The Honourable Sir Reginald Maxwell: The Honourable Member is referred to my answer to question No. 428 by Pandit Lakshmi Kanta Maitra and also to the replies given by the Foreign Secretary on March 13th to questions Nos. 381 and 382.

Sardar Mangal Singh: May I know whether the reports of her illness were sent to the Secretary of State from time to time?

The Honourable Sir Reginald Maxwell: So far as I recollect, yes, Sir. Questions have also been answered in Parliament on this subject.

DESIRABILITY OF CLASSIFYING DELHI AS AREA 'A' FOR DEARNESS ALLOWANCE PURPOSES.

436. *Mr. Lalchand Navalrai: Will the Honourable the Finance Member be pleased to state:

(a) whether Calcutta, Bombay and Cawnpore have been classed as Area A for the purpose of determining the amount of dearness allowance granted to Central Government servants;

(b) whether Delhi has been placed in Area B for the same purpose;

(c) whether Delhi is considered less expensive than Cawnpore; if so, in what respects;

(d) the factors which determine the classification of a city into a particular Area;

(e) whether Government are aware that the population of Delhi has increased from three lakhs in the pre-war days to nearly ten lakhs as disclosed by the recent census taken by the Delhi Rationing Authorities;

(f) whether Government are aware that the cost of living in Delhi has enormously increased owing to the great number of troops, British, Indian, American and other United Nations, having been stationed there;

(g) whether Government are aware that Delhi is now-a-days considered as more costly in every respect than even Bombay and Calcutta;

(h) whether Government have got an organisation to work out the cost of living index for the Presidency towns and other big towns like Delhi;

(i) if the answer to (h) be in the affirmative, the pre-war and the present cost of living index of Bombay, Calcutta, Cawnpore and Delhi; and

(j) whether Government are prepared to consider the advisability of placing Delhi in Area A like Bombay and Calcutta for the purpose of Dearness Allowance; if not, why not?

The Honourable Sir Jeremy Raisman: (a), (b) and (c). There is no difference in classification between Delhi and Cawnpore for the purpose of dearness allowance to Central Government servants. Both towns are in area B. Calcutta and Bombay are in area A.

(d) When in August, 1942, the Central Government framed an All-India scheme of dearness allowance for Central Government servants, they adopted the basis of classification already in use for the fixation of pay in the Department of Posts and Telegraphs considering that it reflected generally the relative expensiveness of living in the respective areas. Slight modifications in this basis have been made for the purpose of dearness allowance from time to time.

(e) and (f). Yes.

(g) No.

(h) The Governments of Madras, Bombay and Bengal have an organisation to work out the cost of living index for the Presidency towns. The Government of India have recently set up machinery for the framing of indices for certain other major towns in the country.

(i) A statement is placed on the table showing the required figures in respect of Bombay, Calcutta and Cawnpore; but no index has so far been constructed for Delhi. In furnishing this information I should add that it is inadvisable to rely on the existing provincial series for an inter-provincial comparison of the fluctuation of the cost of living, since the compilation of the index number, the collection of price data and the family budget enquiries on which they are based differ considerably from province to province.

(j) Government are not satisfied that on the merits the reclassification suggested is warranted.

Statement showing cost of living indices

Place.	Base of the index.	Index for August 1939.	Latest figure available.
1. Bombay	Average for the year ending June 1934-100	105	247 for December 1943.
2. Calcutta	August 1939	100	258 for October 1943.
3. Cawnpore	August 1939	100	309 for December 1943.

Mr. Lalchand Navalrai: What is the difference in classification between Bombay, Calcutta and Delhi based upon?

The Honourable Sir Jeremy Raisman: It is based on the relative cost of living.

Mr. Lalchand Navalrai: Is the cost of living in Delhi lower than in Bombay and Calcutta?

The Honourable Sir Jeremy Raisman: That is the ground of the differentiation.

Mr. Lalchand Navalrai: Has the Honourable Member made inquiries to that effect and found out that that is the distinction?

The Honourable Sir Jeremy Raisman: Yes, Sir.

PROGRAMME FOR EXPANSION OF ALL-INDIA RADIO.

437. *Mr. T. T. Krishnamachari: Will the Honourable Member for Information and Broadcasting be pleased to state:

(a) whether his Department has drawn up any programme for expansion of the All-India Radio as soon as circumstances will permit; and

(b) whether such plans, if any, include the stimulation of the Radio industry in this country?

The Honourable Sir Sultan Ahmed: The matters referred to by the Honourable Member are at present under the consideration of the Government of India.

Pandit Lakshmi Kanta Maitra: Is it not a fact that some time ago research was undertaken in the Honourable Member's Department for the manufacture of cheap radio sets and it was given up for want of funds?

The Honourable Sir Sultan Ahmed: Not in my Department. The question of manufacture of cheap receivers in India was taken up by the Radio Research Committee of the Board of Scientific and Industrial Research under the Department of Industries and Civil Supplies. Their report is under examination in that Department.

Pandit Lakshmi Kanta Maitra: Have Government provided free radio sets to the countryside?

The Honourable Sir Sultan Ahmed: As many as were available have been provided.

Pandit Lakshmi Kanta Maitra: My question is, apart from the Province of Delhi have the Government of India been able to provide free radio sets to other Provinces, particularly the countryside?

The Honourable Sir Sultan Ahmed: I shall require notice of that question.

STATEMENT IN AMERICA BY INDIA'S AGENT GENERAL CONCERNING MRS. GANDHI'S DETENTION AND DEATH.

438. *Mr. K. O. Neogy: Will the Honourable the Home Member be pleased to state whether there is any truth in the statement reported to have been made by the Agent-General of the Government of India in America to the effect that Government had wished on several occasions to release the late Mrs. Gandhi but that she had refused to avail herself of the offer?

The Honourable Sir Reginald Maxwell: The Honourable Member is referred to my answer to question No. 428 by Pandit Lakshmi Kanta Maitra and also to the replies given by the Foreign Secretary on March 13th to questions Nos. 381 and 382.

DETENTION OF MR. SATYANARAYAN SARAF OF HISSAR.

439. *Mr. Ananga Mohan Dam: Will the Honourable the Home Member please state:

(a) if he is aware of the fact that Mr. Satyanarayan Saraf, B.A., LL.B., Pleader of Hissar, who belonged to the Anti-Fascist Front of the Radical Democratic Party had been detained on the 9th August, 1942, under Rule 129 of the Defence of India Rules, which was subsequently changed on the 15th August to Rule 26 of the Defence of India Rules which has been declared *ultra vires* by the Federal Court of India and High-Courts of Provinces;

(b) if the answer to (a) be in the affirmative, whether his application to the High Court of Lahore under Section 491, Criminal Procedure Code, on the 20th October, 1942, was taken into consideration, and if similar applications made to the Chief Secretary, Government of the Punjab in October, 1942, and to the

Honourable Premier, Punjab, on the 5th December, 1942, had also been considered;

(c) if he proposes to enquire about his case and find out if his statements in the applications are correct, in which he has emphasised the fact that all his activities were for the support of war efforts and against Fascism; and

(d) in case his submission be substantiated, whether the Honourable Member proposes to recommend his release without delay?

The Honourable Sir Reginald Maxwell: Sir, with your permission I will answer questions Nos. 439 and 440 together.

Mr. Satyanarayan Saraf appears to have been detained by the Punjab Government. I have no information regarding his case which is a matter for the Provincial Government.

DETENTION OF MR. SATYANARAYAN SARAF OF HISSAR.

†440. ***Mr. Ananga Mohan Dām:** Will the Honourable the Home Member be pleased to state:

(a) why Mr. Satyanarayan Saraf was not released on parole when his father was seriously ill and his uncle died; and

(b) why his family was not given maintenance allowance as is required, on account of which they had to live by selling his furniture and valuable law books and the education of his eldest son and of the younger dependent brother had to be stopped?

OPERATION OF PUNJAB URBAN RENT RESTRICTION ACT IN DELHI.

441. ***Mr. Kallash Bihari Lall:** Will the Honourable the Home Member be pleased to state:

(a) if the House Rent Control Order is applicable to all the parts of Old Delhi; if not, what parts or Mohallas are subject to its application;

(b) if the Punjab Urban Rent Restriction Act, 1939, is applicable to Delhi;

(c) if it is not a fact that under the Punjab Urban Rent Restriction Act no landlord can enhance the rent or eject a tenant except only when he requires the holding for his own use;

(d) if Government are aware that landlords in Delhi have got the rent enhanced on the threat of ejection under the pretext of personal use of the holding;

(e) if it is a fact that since the application of the Punjab Urban Rent Restriction Act, 1939, to the Delhi area, the number of ejection suits have gone very high;

(f) the comparative figures of the number of ejection suits for the period before and after the application of the said law in Delhi, separately;

(g) if Government are aware that landlords are harassing the tenants in all possible ways for vacating the holdings, and in some cases information of cognizable offences has been lodged by the tenants before the police; and

(h) if Government are aware that landlords in Delhi are charging exorbitant rents from new tenants, and that there is no effect of any law on them nor do they grant any receipt for high abnormal rents?

The Honourable Sir Reginald Maxwell: The question should have been addressed to the Honourable the Labour Member.

EXPORT SURPLUS SINCE FREEZING OF DOLLAR RESOURCES IN INDIAN HANDS.

442. ***Mr. T. T. Krishnamachari:** Will the Honourable the Finance Member be pleased to state:

(a) the total amount of export surplus that accrued to India from the date when dollar resources in Indian hands were frozen, viz., 23rd September, 1941, till the end of 1943, arising out of trade with the Empire countries (other than United Kingdom) and foreign countries;

(b) how these surpluses were disposed of, and whether they were converted into sterling; and

(c) if the answer to (b) is in the affirmative, whether these sums are included in the weekly statements of the Reserve Bank of India showing its sterling assets?

The Honourable Sir Jeremy Raisman: (a) I would invite the attention of the Honourable Member to the published monthly Accounts relating to the Seaborne Trade and Navigation of British India.

(b) In the case of difficult currencies, such as U. S. A. dollars, the procedure is as I explained in reply to parts (b) and (c) of the Honourable Member's question No. 297 on the 2nd March, 1944. Any surplus arising from a favourable balance of trade in the course of a year would be credited to India in sterling. In cases where India's trade balance with a difficult currency country is unfavourable the requisite currency is supplied from the Empire pool and recovered from India in sterling.

(c) All accruals to India of sterling in England from whatever source are eventually reflected in the sterling balances of the Reserve Bank.

LETTER OF TAJ COMPANY OF LAHORE TO MAULANA ABUL KALAM AZAD.

443. *Maulana Zafar Ali Khan: Will the Honourable the Home Member please state:

(a) whether it is a fact that the Taj Company Limited, a Muslim publishing firm of Lahore, recently addressed a letter to Maulana Abul Kalam Azad at present under detention and requested the Honourable Member to transmit the letter to the Maulana;

(b) whether it is also a fact that the letter was of a purely business nature and only asked permission from Maulana Abul Kalam Azad to print and publish a popular edition of his Exegesis of the Holy Quran which has become so rare that its price, Rs. 7, has shot up to Rs. 30;

(c) whether it is further a fact that the Home Department refused to forward the letter, in question, to Maulana Abul Kalam Azad; and

(d) if the answer to (c) of the question is in the affirmative, the reasons for refusing to forward a purely business letter to the Maulana?

The Honourable Sir Reginald Maxwell: (a) to (c). Yes.

(d) The letter was withheld in accordance with the rule under which correspondence with members of the Congress Working Committee is restricted to private and domestic matters with members of their families.

Mr. Govind V. Deshmukh: With reference to part (b), was permission refused to the publication of the Holy Quran as was sought in the letter?

The Honourable Sir Reginald Maxwell: It is not a case of giving or refusing sanction to the publication of the Holy Quran but of passing a certain communication of a business nature.

Mr. Govind V. Deshmukh: Could not an inquiry be made from Maulana Azad about this request as to whether he would allow the publication of the Holy Quran as was asked for in the letter?

The Honourable Sir Reginald Maxwell: I have explained that members of the Working Committee who are under detention are not allowed to have correspondence or dealings with members of the general public. Their dealings are restricted to private and domestic correspondence.

Sardar Mangal Singh: Cannot the members of the Working Committee even look after their private property? The translation was done by Maulana Azad and if the Holy Quran is published we stand to gain.

The Honourable Sir Reginald Maxwell: Members of the Working Committee and other persons under detention are like Government servants; they are not allowed to carry on business.

BRITISH AND FOREIGN EXPERTS EMPLOYED BY GOVERNMENT.

444. *Sardar Sant Singh: (a) Will the Honourable the Home Member please state the number of British or other foreign experts who have been

employed by the Government of India as Advisers, etc., and the Departments in which they are working?

(b) What are the qualifications of these experts, and the pay they were getting before their employment in the Government of India and the pay they are getting now or were given on their employment by the Government of India?

The Honourable Sir Reginald Maxwell: I would refer the Honourable Member to my reply given on the 23rd February, 1944, to Mr. Ananga Mohan Dam's starred question No. 189.

PERCENTAGE OF MUSLIM AND HINDU STAFF IN SUPPLY DEPARTMENT, ETC.

445. *Sardar Sant Singh: (a) Will the Honourable the Home Member please refer to the answer to starred question No. 148, dated the 12th November, 1941, and state the percentage of Muslims and Hindus among officers in the office of the Chief Controller of Purchase and Supply, say, on the 1st October, 1940, 1941 and 1942, and the 1st March, 1943?

(b) What is the total number of peons in the Posts and Air Department? What is the percentage of Muslims and Hindus among these?

(c) What is the percentage of Muslims and Hindus among the so-called military police employed to guard the General Headquarters and allied offices?

(d) If the figures asked for in the preceding parts show that the percentage of Hindus in the said posts is much below what they should have been according to their population in the country, will Government consider guaranteeing a minimum percentage in all services under the Government of India to Hindus, as is done in the case of Muslims, based on population?

The Honourable Sir Reginald Maxwell: (a) It is presumed that the Honourable Member refers to the Purchase Branch of the Supply Department, since there is no such office as that of the "Chief Controller of Purchase and Supply". On that assumption I lay a statement on the table.

(b) Total No. of peons—37, percentage of Muslims 37.9, percentage of Hindus, 59.5.

(c) Muslims—80 per cent. Hindus—20 per cent.

(d) No.

Statement

Date	Office	Percentage of Muslims	Percentage of Hindus
*1-10-40	Indian Stores Department	16.3	62.8
	Contracts Directorate.	4.3	21.7
	*(There was no unified Purchase Branch on this date.)		
1-10-41	Purchase Branch of the Supply Department.	12.9	50.9
1-10-42	Ditto	26.3	51.2
1-3-43	Ditto	24.1	57.1

COMMUNAL COMPOSITION OF INDIAN AUDIT AND ACCOUNTS SERVICE OFFICERS AT GOVERNMENT OF INDIA HEADQUARTERS, DELHI.

446. *Sardar Sant Singh: (a) Will the Honourable the Finance Member please state the total number of officers belonging to the Indian Audit and Accounts Service now working at the headquarters of the Government of India at Delhi? How many of them are Europeans, and how many Indians? Amongst the Indians, how many are Muslims, Sikhs, Hindus, Indian Christians, etc.?

(b) What was the total number of such officers in 1928, 1933, and 1938? What was the communal composition of these numbers then?

(c) Is it a fact that there is no Sikh officer at Delhi? If so, why? Are Government prepared to consider the desirability of appointing a Sikh?

(d) Are Government aware that there is a strong feeling among the Sikhs that their interests are always neglected in such matters?

The Honourable Sir Jeremy Raisman: (a) Hindus, 30; Muslims, 12; other communities, nil: total 42.

(b) The information desired is not readily available and I consider that in present conditions the time and labour involved in collecting it could be spent to better advantage. I may mention, however, that one Sikh officer was in the Finance Department in 1928 and left it about 1933.

(c) Of the two Sikh officers now in the I. A. and A. S., neither is now in Delhi, but one is under orders of posting to Delhi.

(d) No.

Sardar Sant Singh: How is it that there is no Sikh in this Department since 1928?

The Honourable Sir Jeremy Raisman: I have said that there was a Sikh officer in the Finance Department in 1928 and he left it in 1933.

COMPLAINTS ABOUT SUPPLY OF COMMODITIES UNDER SUPPLY SCHEME.

†447. ***Sardar Sant Singh:** (a) Will the Honourable the Home Member please refer to his answer to starred question No. 176, dated the 15th November, 1943, and state what action was taken in the cases of complaints received by Government about the qualities of certain commodities supplied under the Supply Scheme? If no action was taken, why not?

(b) With reference to his answer to part (a); what procedure, if any, was followed to verify the statements of the dealers, and with what result? If no action was taken to check these statements, why not?

(c) Is the Honourable Member aware that a number of complaints have been made in the complaint books of Gupta Coal Company at Gol Market, and that every day a number of people go away from their shops?

(d) Is he aware that all these complaints have been so say white-washed by the Supervisory Staff employed by the Home Department? If not, has this man ever been penalised? If so, when and for what offence?

(e) Is the Honourable Member aware that this firm, as well as that of Jamaluddin at Gol Market, evade supplying stuff in the presence of the customers and try to persuade them to accept supply later on the plea of dearth of coolies or supplies?

(f) Is the Honourable Member aware that the dealers in the absence of the customers are able to put in as much small charcoal or coal dust in the supplies as they like, and after the supplies are delivered, the customers are helpless?

(g) Is the Honourable Member aware that in the case of charcoal, not only coal dust but a very large quantity of small pieces of coal, which cannot be retained in an average *angithi*, is supplied, and thus not only is the customer to pay a present day high price but suffer loss on account of wastage?

(h) Is the Honourable Member aware that though there have been no rains for the last several months, still the charcoal being supplied contains a lot of wet charcoal?

(i) Is the Honourable Member aware that the supervisory staff employed by him are unable to help customers against the different dealers?

(j) Is the Honourable Member aware that before this scheme was enforced and supplies were forthcoming, charcoal was separated by dealers into three parts, big enough pieces of charcoal were sold as good charcoal, small pieces of charcoal sold at nearly half the price of the former, and coal dust sold at a nominal price?

(k) Is the Honourable Member aware that now the coal dealer does not have to worry about these things and supplies charcoal from one side of a large heap, supplying the cheaper ingredients along with the good stuff, at the price of good coal?

(l) Is the Honourable Member aware that at Simla and at Delhi too, charcoal was sold as sifted and unsifted, with a difference of two or three annas per maund between the two?

(m) Will steps be taken to enable their staff to get reasonably good supplies of charcoal and other commodities? If any steps have already been taken, what are they?

The Honourable Sir Reginald Maxwell: (a) All complaints are investigated and suitable action taken wherever necessary. Written warnings have been issued to 15 dealers. In 7 cases the whole or a portion of the security deposited by the dealers has been forfeited. In one more case, the agreement with the dealer was terminated and the whole of his security deposit was forfeited. The agreements with 8 other dealers were not renewed after the period of their expiry.

(b) Supplies are usually issued to the retailers in the presence of the Inspectors appointed for the purpose. The retailers for wheat and rice have also been asked not to take delivery of any supplies which are inferior in quality to the approved samples. All disputes between them and the wholesalers are referred to the Inspectors and if their decision is not accepted, to the Supervisor whose decision is final.

(c) and (d). There is no firm known as Gupta Coal Company in Gol Market. The Honourable Member is presumably referring to "Hiralal Gupta and Co.". Complaints have been received that this dealer was supplying inferior qualities of charcoal and soft coke. For this he has been severely warned.

(e) No.

(f) No.

(g) It is true that in some cases charcoal supplied has contained a large quantity of small pieces of charcoal. Efforts are, however, being made to obtain better qualities of charcoal.

(h) No. Almost all charcoal which is now supplied is dry.

(i) No; on the contrary the supervisory staff do their best to help the customers.

(j) and (l). No; such practices might have prevailed before the war, but I have no definite information on these points.

(k) Yes.

(m) Yes. Several steps have already been taken to obtain better qualities of the commodities supplied under the Scheme. The Chief Commissioner is considering the question of reorganizing the present system of obtaining charcoal for Delhi. As regards foodgrains, the tender system has been introduced for obtaining supplies and there are practically no complaints now as regards the qualities supplied.

DESIRABILITY OF SUPPLY OF PULSES, MILK, ETC., AT CONCESSION RATES TO LOWER STAFF.

+448. *Sardar Sant Singh: (a) With reference to starred question No. 180, dated the 15th November, 1943 is the Honourable the Finance Member aware that wheat and rice only, which are being used at reduced rates by the staff getting salary up to Rs. 300, are not the only items on which the staff have to spend money?

(b) Is he aware that pulses, milk, ghee, vegetables, cloth, etc., which are essentials of life, are being purchased at 300 to 400 per cent. increased prices as compared to pre-war ones?

(c) Were the Government of India staff at Delhi being paid 300 or even 200 per cent. more in the form of pay than their actual requirements? If not, do Government consider that the amount of 25 per cent. subsidy on wheat and rice for staff getting up to Rs. 300 per mensem and the maximum dearness allowance of Rs. 11 to staff getting Rs. 125 per mensem, are sufficient to meet the 300 per cent. increase in the cost of living, as stated by him in reply to part (a) of the question under reference?

The Honourable Sir Jeremy Raisman: (a) Yes.

(b) and (c). Government are aware of the rise in prices. Since my reply to the Honourable Member's Starred question No. 180 of the 15th November,

+Answer to this question laid on the table, the questioner having exhausted his quota.

1948, Government have reviewed the situation. While the control measures instituted by Government have checked the rise in prices generally and in regard to several items, particularly cloth, effected a reduction, Government have decided to liberalise the present scheme of dearness allowance and intend to make an announcement in the next day or two.

So far as Delhi is concerned, apart from the relief afforded by the Grain price concession previously mentioned, and the opening of the shops at which Government servants can buy certain household requirements at reasonable prices, it is now proposed to raise the pay limit of eligibility for, and to increase the rates of dearness allowance. It is, however, impossible to compensate every one in full for the rise in prices.

SHORTAGE OF POTATOES AND EGGS IN NILGIRIS.

449. *Sir F. E. James: Will the Secretary of the War Department be pleased to state:

(a) if he is aware that there is a serious shortage of potatoes and eggs in the Nilgiris owing to the demands of the Defence Forces, and that it is causing great inconvenience and hardship to the civil population; and

(b) what steps are being taken by the military authorities and/or by the Government of Madras to ensure that a reasonable supply of these essential commodities is reserved or made available for the civil population in this district?

Mr. C. M. Trivedi: (a) and (b) I am aware of the complaint referred to by the Honourable Member. At the request of the Government of Madras, Headquarters, Southern Army, are limiting the quantity of potatoes taken from the area in question. Local Co-ordination Committees are also being set up to determine the sources of supply which should be tapped and to regulate consumption in order to avoid depletion of the civil markets. The Defence Services have introduced a development scheme whereby it is hoped to make the Army self-supporting so far as vegetables, eggs, poultry and potatoes are concerned. If my Honourable friend wishes any further information, I shall be glad to obtain it for him as far as possible.

Sir F. E. James: Is the Honourable Member aware that although the actual shortage of eggs and vegetables for civil consumption is less than it was the exorbitant prices which are now being charged are in fact limiting the consumption of these essential commodities in the lower income groups to a dangerously low level? I have that by telegram on the authority of prominent persons in the Nilgiris and I should like my Honourable friend to send a copy of this question and his answer to the Madras Government and the military authorities.

Mr. C. M. Trivedi: I will, Sir.

UNSTARRED QUESTION AND ANSWER.

INELIGIBILITY OF POLICE MEN FOR MILITARY SERVICES.

138. Mr. Kailash Bihari Lall: Will the War Secretary please state if there are any orders issued by the General Headquarters whereby police men or staff belonging to police are ineligible for military services including commissioned service? If so, does he propose to place a copy of such orders on the table of the House?

Mr. C. M. Trivedi: As regards the first part, orders have been issued to the effect that personnel of the Provincial Police Forces will not be recruited for service in the ranks or for commissions without the prior written consent of appropriate superior officers.

As regards the latter part, copies of orders are placed on the table.

India Army Order 979 of 1942.—Recruiting Indian Army.

It has become most important that the strength of Provincial Police Forces should in no way be depleted.

In no circumstances therefore will members of such Forces be approached with a view to joining or rejoining the Indian Army. If applications are received they will be dealt with in accordance with I.A.O. 2237/41. (Copy below.)

Disciplinary action will be taken against any officer or other rank of the army who disregards this order.

This order will be published every quarter in brigade, area and unit orders.
2. I.A.O. 447/40 is cancelled.

India Army Order 2237 of 1941.—Recruiting Indian Army.

No Government servant of a Civil Department will be considered for appointment to any branch of the Defence Services without the written permission of the head of his Department.

2. Similarly those who resign their civil appointments in order to be free to join the Defence Forces will not be accepted until a written certificate is produced from the head of the Department that the resignation has his concurrence.

3. I.A.O. 1538 current is cancelled.

NOTE.—Orders parallel to India Army Order 2237 of 1941 have also been issued in respect of the Royal Indian Navy and the Air Forces in India.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly: Sir, the following message has been received from the Council of State:

"I am directed to inform you that the Council of State at its meeting held on the 13th March, 1944, agreed without any amendment to the Bill further to amend the Cantonments Act, 1924, which was passed by the Legislative Assembly at its meeting held on the 23rd February, 1944."

THE GENERAL BUDGET—LIST OF DEMANDS—*contd.*

SECOND STAGE—*contd.*

Mr. President (The Honourable Sir Abdur Rahim): The House will now deal with the Demands for Grants. I think it is now the turn of the Independent Party to move their cut motions.

As regards cut motion No. 8 on the final list, in the name of Mr. Abdur Rasheed Choudhury, I find that it is not in order. The Honourable Member wants to move his cut motion under the head 'Central Excise Duties' in order to discuss the imposition of duty on tea and coffee. But, as the Honourable Member is aware, these cut motions are intended to give an opportunity to the House to discuss matters of administration under the existing law and not to discuss any question in respect of any future law sought to be enacted. I understand that there is a Bill relating to duty on tea and coffee which will come up before the House. If that is so, it will give an opportunity to the Honourable Member to discuss the subject.

The next cut motion to be moved is No. 9 on late list No. 1 (Demand No. 12).

Rao Bahadur N. Siva Raj (Nominated Non-Official): Sir, I will have to move cut motion No. 20 (under Demand No. 26) on late list No. 1.

Mr. President (The Honourable Sir Abdur Rahim): I take it, it relates to the Food Department.

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar (Supply Member): Sir, the position is this. The Food Member happens to be also the Vice-Chairman of the Post-war Reconstruction Committee of the Council. Perhaps it is under that impression that the Honourable Member has given notice of this cut motion under the Food Department. I suggest that it would be preferable if this motion is moved under the head 'Executive Council'. There is a cut motion in the name of the Honourable Member under the head 'Executive Council'—No. 9 on late list No. 1.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): How can that be? No money is available under that head.

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar: The cut motion may be amended.

Rao Bahadur N. Siva Raj: May I present my point? I have also given notice of a cut under demand No. 71—Miscellaneous—to discuss Post-war Reconstruction with special reference to the Scheduled Castes. I propose to move this cut motion.

DEMAND NO. 71—MISCELLANEOUS.

The Honourable Sir Jeremy Raisman (Finance Member): I think it will be all right. Sir, I move:

"That a sum not exceeding Rs. 2,81,01,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1945, in respect of 'Miscellaneous'."

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

"That a sum not exceeding Rs. 2,81,01,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1945, in respect of 'Miscellaneous'."

Post-War Reconstruction with special reference to the Scheduled Castes.

Rao Bahadur N. Siva Raj: Sir, I move:

"That the demand under the head 'Miscellaneous' be reduced by Rs. 100."

Sir, it may be a matter of some surprise to the Honourable Members of this House that I should seek to raise a debate on this question of post-war reconstruction with special reference to the community to which I belong. Ordinarily, Sir, in any other country such a thing would look somewhat curious, but here in our country unless steps are taken to see that special provision is made for the people called the 'untouchables' or the depressed classes no scheme of post-war reconstruction will actually redound to the benefit of the community. Sir, I think I had better start this debate by reading out this statement which I find in the Report of the Technical Sub-committee in the department of Roads and Transport:

"Civilization demands that all modern amenities which contribute to the national well-being and a better standard of life should be brought within the reach of all sections of the population."

Starting with that, I should like to examine the schemes that have been made and executed by the Governments in the past and even up to date and see how far such schemes have benefited the members of my community. I think, Sir, such benefits as accrued to the people of this country as a result of the action taken by the administrations, both Provincial and Central, have accrued in a very peculiar proportion. The benefits have accrued to the people in inverse proportion to the co-operation that they have given to the Government or in direct proportion to the condemnation that they have got at the hands of that section.

I can prove it this way. Taking all the schemes that have been introduced so far, whether in the matter of education or in the matter of provision of amenities, like public health, medical services and other things, we have noticed that the last place to be touched and very often never touched are the places where the depressed classes live. It is due either to the fact that those amenities are not allowed to be given to our people on account of a religious scruple or because of an administrative inconvenience or very often because, as they say, of financial difficulty. The object of many of the schemes is to improve, as they say, the standards of the people, but in its actual application, we find that those benefits have never reached us.

Even the other day, Lord Wavell in a speech at Calcutta pointed out the immediate urgency and the necessity for improving the lot of the slums and he probably is under the impression that the slums are to be found only in cities and that the slums are due to industrial causes. It is true so far as the cities are concerned, but the peculiarity of life in our country is that the slums are found not only in the cities but throughout India and if there are 600,000 villages in India there are 600,000 slums which are the places which are unfortunately inhabited by our people. So I wish to suggest to the Government, only categorically, having regard to the time at my disposal, certain things for their consideration.

In the first place they must not run away with the impression that mere preparation of plans and generalizations with regard to post-war reconstruction will be sufficient to improve the lot of our people. A mere enunciation of the policy simply will not do. It must immediately be followed up by certain means and methods which will be concrete and positive. Sir, I take the view that the subject of post-war reconstruction is as important as the

[Rao Bahadur N. Siva Raj.]

war effort itself. In fact in other countries, in the United States and in the United Kingdom post-war reconstruction is going on side by side with the war effort and I think it is also true to say that much of the post-war effort is in a sense a scheme or a part of a scheme of the post-war reconstruction in other countries, so that we in our country must also insist upon the Government of India to see that the post-war reconstruction goes on side by side with the work of the war effort.

Secondly I should insist that the post-war reconstruction or any scheme of post-war reconstruction ought not to be postponed until that happy or unhappy day when we in India are able to form what is called a National Government, because I know that post-war reconstruction is a world event and cannot afford to wait for anybody in particular. Whether or not it is possible for us to establish a National Government, it is essential that the Government of India should take up the question of post-war reconstruction immediately and go on with its work. It is not merely the question of waiting for the formation of a National Government that should stand in the way of post-war reconstruction. I should say that the present Government of India must do its work according to its lights and this work will be judged only later: it cannot be judged now. I am sure if they have been able to do the war effort and if they have been able to carry on the work of the war effort under such great stress and strain and have earned on account of that work the admiration of the United Nations as a whole, I am perfectly confident that the Government of India can do the work of post-war reconstruction equally well and also earn the admiration of the people of India.

The main objective of post-war reconstruction is and should be to remove inequalities in the social, economic and the educational fields: otherwise there is no meaning in saying that we are going to raise the standard of life of the people of India. I know, Sir, that unless the Government of India concentrates its attention upon making particular provision, having regard to the conditions in this country, for the securing of benefits to the scheduled castes, it will not in its mere general scheme of things be able to confer those benefits that they think they would in any scheme of post-war reconstruction. I can only take a few examples and indicate how it may prove to be a mere farce and a sham so far as the scheduled castes are concerned.

Take for instance the improvement of agriculture in India. Now they talk of better manuring: they talk of better marketing: they talk of irrigation facilities; and they also talk of other aids to agriculture. Now having regard to the fact that the land is held in a particular way and that there are three classes of people on the land whom we can roughly divide into the proprietors, of land, tenants, and landless labourers, who are the classes of people who will be benefited by the scheme that the Government of India might have in these matters? Certainly only the two classes—the proprietors and possibly a few favoured tenants, and certainly not the landless labourers. Again in the matter of education, we notice that there is what is called the Sargent's scheme. I take leave to point out here that the educational policy of the Government of India has not improved upon, what I call, the ancient Hindu plan of education, which had as its objective, that education should be given only to one particular class and that plan has been adopted in the past by the Government of India. If we examine the policy which has been adopted by the Government of India to spread education, as the means and inclinations of the people permit them to take advantage of education, the result has been that the people who benefited are, firstly, the priestly classes, secondly the merchant classes, and thirdly the salaried classes. But the system of education has left the ordinary worker and people like the scheduled classes and the depressed classes out of it altogether. I am glad to find that my esteemed and able friend, Dr. A. L. Mudaliar, who is the Vice-Chancellor of the Madras University, has made some observations about the Sargent Scheme, particularly with regard to the point of making a selection

of students for the purpose of admission to the High School as fit and not fit. He particularly doubted whether the Sargent Scheme will benefit the poorer classes. He says:

"Assuming the Sargent Scheme was implemented, it must be remembered in the initial stages they were going to bring into the system a large number of youths to whom education was a forgotten factor, who had no instincts for education of their families and who had no hereditary instincts—I will use the word 'rights'—for learning. Unless some special efforts were made for these groups, people, who through no fault of their own but through the injustice of social system that existed so long in this country were backward, would be denied possibilities of any educational advance."

I entirely endorse this view.

With regard to the provision of medical and public health, and other amenities, the scheduled castes suffer under similar handicaps. So I suggest that any post-war scheme to be really of any benefit to the Scheduled Castes must be organised in a different manner from the one in which the Government of India might do. Unfortunately, the Government of India's attitude in all these matters has been traditional. I want the Government of India to put their scheme on a rationalistic basis which will give justice to all sections of the people.

At Cawnpore the All-India Scheduled Castes Conference passed the following resolution with reference to this matter and, with your permission, I will read that resolution:

"This Conference is glad to find that the Government of India is considering questions relating to the reconstruction of India's economic and social life. This Conference at the same time wishes to impress upon the Government of India that reconstruction would be a sham and a mockery if it was not planned in the manner and with a purpose to elevate the economic condition of the Scheduled Castes of India. This Conference authorises the President of the Federation to appoint a Committee to frame an outline of Reconstruction from the point of view of the poor and the working classes of India."

Sir, I may inform this House that we are taking steps to submit a Scheme of Reconstruction to the Government of India. In the meantime we would draw the attention of the Government of India to the necessity of keeping the point of view of the Scheduled Castes and of making a special provision for the securement of the benefits of any post-war reconstruction scheme to these people. It is likely, I do not know what the views of the Government are, it is likely that a post-war reconstruction scheme may be held up for political reasons. We who belong to the Scheduled Castes are anxious that we must take advantage of the time factor and we also know that the world opinion is in favour of all classes like the Scheduled Castes and other poor classes of India. What can stop the raising of the standard of living and the welfare of the poor classes in India will only be the indifferent attitude of the Government. So, I would very much insist upon the Government to take this scheme immediately in hand and proceed at least with the work of the welfare of the Scheduled Castes and to that end I would also ask the Government to institute, if necessary, a separate fund for the development of the schemes for the benefit of the Scheduled Castes. I hope I have impressed upon the Government the necessity for considering a scheme, not merely a general scheme for the whole of India, because it will not benefit the Scheduled Castes, but a special provision be made in all these Reconstruction Schemes so that their benefits are enjoyed by the Scheduled Castes as well. Sir, in view of this I should like also to draw the attention of the Government to the resolutions that were passed in the Nagpur session of the All-India Scheduled Castes Federation in the year 1942. We have seen that in spite of the efforts made from many quarters to remove untouchability no advance has been made, and if any advance is made it has been made either by individuals or by instructions which has been of some help to certain members of the Untouchables to escape from untouchability, but no scheme, has yet been provided to eradicate untouchability. Our views were, therefore, expressed in a resolution which was passed by the All-India Scheduled Castes Federation at Nagpur, which asked for the establishment of separate agricultural settlements—call it by any name you like, agricultural colonies or villages for the Scheduled Castes—at the expense of Government and to have Land

[Rao Bahadur N. Siva Raj.]

Settlement Commissioners, if necessary, to settle these depressed classes, particularly on all those lands which are still available and are not cultivated but are cultivable, and to make a provision for other amenities for our people. As I said, Sir, it has not been possible even for Governments in the past to provide amenities for Scheduled castes

Mr. President (The Honourable Sir Abdur Rahim): Honourable Member has one minute more.

Rao Bahadur N. Siva Raj: The point that I should like to stress upon the Government is that problems for the Scheduled Castes should take the first priority in sharing whatever finances may be available or are made available for the post-war reconstruction schemes in India. With these words I move.

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

"That the demand under the head 'Miscellaneous' be reduced by Rs. 100."

Mr. Hooseinbhoy A. Lalljee (Bombay Central Division: Muhammadan Rural): Sir, I rise to support the motion made by my Honourable friend, Rao Bahadur N. Siva Raj. Sir, I do not think it is necessary for me to say that it is not only in greater circles, it is not only in meeting places outside this Assembly but I feel also even in this very Assembly the House is so very meagre on such an important question. I find, Sir, that on the Government Benches there are four Honourable Members. I find that the nominated gentlemen are four or five. I find on the Congress Benches about three or four and of the Muslim League Members there are just more than ten in number. There are only three or four on the Nationalist Party Benches.

An Honourable Member: What about your Party?

Mr. Hooseinbhoy A. Lalljee: Well, Sir, a question has been put to me about my Party. All those who are present here in Delhi are present just now in the House. After all we are very small in number, but those who are in large majority should have been present here. That shows what sort of interest all these great parties and the great Government take in matters relating to poor people of this country, a class of people who suffer so much.

An Honourable Member: How many are there from the European Group?

Mr. Hooseinbhoy A. Lalljee: There are only two gentlemen.

Now, Sir, this is a position of which, I think, we cannot be proud. No less than five crores of people have been put down in this country as untouchables and in their interest this is the interest that is being taken by the Government and the great and different parties opposite who after claim to represent the masses.

(At this stage, Sardar Sant Singh rose to interrupt the Honourable Member.)

Mr. President (The Honourable Sir Abdur Rahim): Order, order. The Honourable Member is not giving way.

Mr. Hooseinbhoy A. Lalljee: As regards reconstruction questions, all honour to those people who have raised these questions; the Europeans and the Americans have raised them.

Sir Muhammad Yamin Khan: Where is Dr. Ambedkar?

Mr. Hooseinbhoy A. Lalljee: Their countries have been destroyed by themselves, their people have been ruined, however, the first care they are taking even in the midst of the war is to see that their people become happier as soon as possible and that they are well fed and well off in every way. This must teach us a lesson. We are ourselves to blame, myself and you all as well as the Government. For more than 200 years of this rule nothing has been done for five crores of people. There is one class of people in Europe and elsewhere who have, owing to their ambitions or otherwise, gone into a bloody war, they have ruined the best of the cities, they have even attempted to ruin many of the countries. They are who are guilty, but there are others who also have only followed them to teach them a lesson, but the first thought that strikes them is to put their house in order at once so that there shall not be a single individual who is not well fed or well off. Now we are going to copy them. Is there any plan laid down for these 5 crores of poor untouchables?

Neither the Government nor my Bombay friends' plan—I have great regard for my Bombay friends—has clearly yet mentioned anything about them while this is the class of persons who first and foremost require redress. My Honourable friend, Rao Bahadur N. Siva Raj, has pointed out that in 600,000 villages in India which is a fact, and I may add that even in this capital town and other capital towns the depressed classes are living not in slums, because slums are for the poor human beings, but in places where often animals are stabled or living, where wild animals are living, many of them are even living in wild jungles. For them, no water, no drainage, no education, no medical relief, still not a word has been said, nor has the Government ever done anything in this respect for them. Is it not a serious question? But this is the position and the kind of interest! There is no provision for these people. I submit that the reconstruction scheme must provide first that none of the people of India shall ever remain as untouchable and live outside the cities and towns and villages. They should not be allowed to remain as they are. They must remain like all others within the busiest parts of the cities and towns and villages so that and then and then only can all concerned realise their true condition, if not out of regard for them, at least for the sake of their own safety, just as in this country many Sahibs do. The Sahibs always are very careful to see whether the servants' quarters are clean, so that the servants living in their compounds are free from diseases and their family members are properly vaccinated, whether there was proper drainage, lest something might happen to them in the bungalow itself which has got a big garden area. Unless we do some such thing I am afraid a sense of reality will never come that they are also human beings, born in this country and forming part and parcel of our own selves.

So far as poor agricultural condition is concerned, Government has realised, and all credit may be given to them—that the country has not sufficient to eat. Now they say they have been trying to improve the lot of the agriculturists and agriculture produce but in that scheme very important attention has to be paid to the working classes, the labouring classes. You cannot do anything tangible for them unless in the reconstruction scheme minimum wages are laid down. Not a word has come from my Honourable friend, the Labour Member, in all these 1½ years of his service—he has done very well, very nicely, in the interests of labour generally, but not a single enquiry or a scheme has been set up in any of the industries or otherwise where minimum wages has been found out and laid down. There are certain industries which are very well off and well organised, but no enquiry or scheme has been set up or come from the Government Benches as to the minimum wages that must be paid to these people in such and such industry, or in such and such undertaking. At least in two of the best industries which are paying heavy dividends, this could have been done, but still nowhere is a minimum wage laid down. I do not know why a minimum wage should not be found out and laid down. In all parts of the world where labour questions come up, the first question that the labour leaders ask is that there should be a minimum wage.

Then come housing, education, medical relief. Nothing has been done in any of these respects. In many of the villages there are no wells, there is no water nearby. Let the Government lay down that in every village there should be a well, that there should be pure water nearby to drink. Many of the villages have not any water facilities. Then about educational facilities. There are people who want, and rightly too, free and compulsory education, but in this country there are classes of people who cannot even afford to send their children to school because on their labour alone the poor people can maintain their families. As soon as a boy is 7 or 8 years old, the father and the mother have to send them to do some work and get an anna or 1½ annas. And if you force them—we have discussed this many a time in Bombay about free and compulsory education—then there will be starvation in the house. The whole family consisting of the father, mother and two children hardly earn a rupee a day, and if you take away the two children for education purposes, starvation will be the result. Have the Government ever considered that in such cases subsidies are the only remedy? Not a word has been uttered by the

[Mr. Hooseinbhoj A. Lalljee.]

Government or by anybody else on those questions—namely, neither on the minimum wage nor the inability of the parents to send their children to school although they desire that education should be given to them. Children of 7 or 8 years, whether a boy or a girl, have got to earn his own or her own living. This is the condition in which the poorer classes are. Have we ever heard of the Government of India making a provision in the budget for any of these objects? Or have they ever insisted upon the Provincial Governments which have now got provincial autonomy since 1935, to do these things? You have got the same amount of population in Great Britain, about 4½ or 5 crores of people. But they are the richest people of the world. Here the same amount of population in this country is starving, a boy or girl of 7 years has to earn his or her own livelihood, they are half starved, half naked. Great Britain prides itself on the fact that it is her care to look after Indian affairs. During debates on India in the Parliament 30 or 50 members out of 550 attend. But whatever it is, how it is that during these 150 years of British rule in India they have allowed these 5 crores of people to remain in this most pitiable condition as human beings, as compared with the same amount of population in England whom they have made the richest people in the world?

Sir, one feels it and I feel it very much that when such an important question has come up before the House there had been such poor attendance. Of course some of my friends of the Congress party are now here, for whom I have very great regard. So far no special scheme has been drawn up for the benefit of the scheduled castes is a fact and I really congratulate my friend, Rao Bahadur Siva Raj, for drawing the attention of the Government to this matter. In Europe now every attempt is being made to house their people nicely and to attend to all their welfare much better than they did before. It is largely due to the destruction caused by war that these improvements are taking place. But here up to now and for the last 150 years and more, nothing approaching that has been done for 5 crores of poor people and we find no provision has been definitely, clearly and specifically laid down. Let the President of the American Republic study and understand this position of these poor people for himself. When he wants to send so many troops here, if he wants to take advantage of the conditions of this country, let him see that the people of this country are a little more happy than beasts and animals. With these words, I support the motion moved.

Mr. Piare Lall Kureel (Nominated Non-Official): Sir, I rise to support my Honourable friend, Rao Bahadur N. Siva Raj. Before I take up the real subject of the cut motion, I wish to make it clear that the scheduled castes form a separate and distinct element in the national life of the country. They form a community apart from the Hindus and they have nothing in common with the Hindus. The social disabilities from which the scheduled castes suffer are too well known to be described here. Socially, they are at the lowest ebb; economically, they belong to the most exploited sections of the Indian population; educationally, they are the most backward community in India. Everybody knows that. I do not wish to give a detailed explanation for this. The Hindus have regarded the untouchables as animals and lifeless objects. Even today they are not allowed to take rich and healthful diet in some parts of the country. Even today they are not allowed to wear white and clean clothes. Even today they are not allowed to use public conveyances . . .

Pandit Lakshmi Kanta Maitra (Presidency Division: Non-Muhammadan Rural): What have these reflections got to do with the motion before the House?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can go on.

Mr. Piare Lall Kureel: When they are free and may speak against any section of the Assembly, then I should also be given the liberty to speak what I like. They have spoken against the Government in most contemptuous terms. They have spoken against the nominated Members in the most contemptuous terms and they have also spoken against many other Members of the Assembly.

Then, I should also be given the liberty to expose the realities. They have accused the Government of their inefficiency. They have called the Executive Council Members traitors, tyrants and what not. Why to pick a hole in another's coat? What about your efficiency? What about the democracy that exists in your society? What about the most shameful and inhuman regulations that you enforce against the untouchables in your society. You never feel ashamed of these regulations and rules against the untouchables. You speak of British domination. What about the slavery that exists in your society that is hundred times more odious and worth condemning than the British domination. You were never ashamed of it and when I come here and expose the realities you begin to interrupt me. You have spoken in such contemptuous terms that I cannot speak in those terms. You have denied the untouchables the most elementary rights of human beings, even those enjoyed by rude savages in Cannibal lands . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must address the Chair.

Mr. Piare Lall Kureel: I did not like to say anything against my friends. I said these words because they interrupted me and they did not like to listen to what I was saying.

Now, Sir, I must say a few words regarding the Hindus. Most of them are not present. (*An Honourable Member:* "Most of them are here".) The Nationalist Members are not present here. Many Hindu Members who boast they are doing a lot for us are not present here. They speak of their civilisation and culture in commendable terms. They boast of their civilisation and culture but their civilisation and culture have thrown 8 crores of human beings into the darkest cave of degradation and humiliation to live and die like dumb and dull brutes. They deny the elementary rights of human beings to several millions of their fellow men . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member will now deal with the cut motion.

Mr. Piare Lall Kureel: I do not like to say anything more. I now come to the real subject of the cut motion. First, I would like to point out to you the representation that has been given to the scheduled castes in the various Post-war committees. The representation of the scheduled castes in the said reconstruction committees is very inadequate. I have got here the names of persons who have been appointed on these committees. There is the General Policy Committee of the Reconstruction Committee of Council. Out of the three State representatives and 23 non-officials, there is only one representative of the scheduled castes and that is my Honourable friend, Rao Bahadur N. Siva Raj. I come to the Policy Committee No. 1—Resettlement and Re-employment. Out of the three State representatives and 25 non-official representatives there is only one representative of the scheduled castes and that is myself.

Mr. Abdul Qaiyum (North-West Frontier Province: General): Who made these appointments?

Mr. Piare Lall Kureel: I am not complaining against the Honourable Member.

Mr. Abdul Qaiyum: I put a question—as to who made these appointments.

Mr. Piare Lall Kureel: This is what I am going to explain.

Mr. D. K. Lahiri Chaudhury (Bengal: Landholders): Don't get excited, my friend. We are with you.

Mr. Piare Lall Kureel: Then I come to Policy Committee No. 2—Disposals, Contracts and Government purchases. Out of three State representatives and 17 non-officials, there is not a single member of the scheduled castes. Then I come to Policy Committee No. 3A on Transport. Out of three State representatives and 14 non-officials, there is not a single member of the scheduled castes. Then I come to Policy Committee No. 3B on Posts and Aviation. Out of 3 State representatives and 10 non-officials,

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there is not a single member of the scheduled castes. Then I come to Policy Committee No. 3C on Public Works and Electric Power. Out of three State representatives and 6 non-officials, there is not a single member of the scheduled castes. Then comes Policy Committee No. 4—Trade and Industry. Out of three State representatives and 22 non-officials, there is not a single member of the scheduled castes. Then I come to Policy Committee No. 5—Agriculture, Forestry and Fisheries. Out of three State representatives and 22 non-officials, there is not a single member of the scheduled castes. Now, this is the representation that the scheduled castes have got on the various reconstruction committees. (*An Honourable Member*: "You can censure the Government on that.") Sir, the scheduled castes deserve more consideration in this matter. They are very backward from every point of view and it becomes the duty of the Government to improve their condition with all the resources at their command.

Sir, the first thing that I want to point out is that their representation should be increased. The programme that has been chalked out for the post-war reconstruction is also inadequate so far as the scheduled castes are concerned because the social, economic and educational condition of the scheduled castes is very different from those of other communities. They are very backward, socially, economically, educationally and in fact in every respect.

Mr. President (The Honourable Sir Abdur Rahim): Honourable Members are not to read newspapers in the Chamber.

Mr. Piare Lall Kureel: Therefore, I would like the Government to make special arrangements for the scheduled castes. I would like the Government to establish separate colonies for the scheduled castes. In the present villages they are always at the beck and call of the caste Hindus, money-lenders and the land-owning classes. They live and cultivate on their lands and are therefore dependent on them. They cannot do anything for themselves. They cannot improve their condition according to their ability and capacity because for every thing they have to depend on them. They cannot take any initiative in any scheme or in anything that is meant for the improvement of the scheduled castes. Therefore, there should be separate colonies for the scheduled castes. My Honourable friend, Rao Bahadur Siva Raj, has sufficiently explained the scheme and I do not want to go into its details. A resolution for a separate settlement for the scheduled castes was passed at the All-India Scheduled Castes Federation held at Cawnpore this year and a similar resolution was passed previously also at Nagpur. The best way to improve the condition of the scheduled castes is to take deliberate steps for establishing separate colonies for them, where they will have their own lands, their own schools, tanks and wells, and they will not have to depend on others. There they will be in a position to improve their condition to the best of their ability and capacity. For this purpose, I would like the Government to raise a special fund as has been pointed out by the Honourable Rao Bahadur Siva Raj and I do not want to say more on that point.

In the end, I would like to say that the Government should not be afraid of other communities. If they all turn against the Government, the Government must bear in mind that they will have 10 crores of scheduled castes to help them in their adversity. With these words I support the cut motion moved by my Honourable friend, Rao Bahadur Siva Raj.

Mr. N. M. Joshi (Nominated Non-Official): Sir, I have great pleasure in supporting the cut motion which my Honourable friend Rao Bahadur Siva Raj, has placed before the House. My Honourable friend Mr. Lalljee was justified in complaining that some sections of the House do not show enough interest in the discussion of this subject. Improving the condition of the scheduled classes is as much necessary in my humble judgment for the sake of the scheduled classes as for the sake of the whole country. You cannot improve the condition of the whole country if you neglect the interests of the scheduled classes. I, therefore, feel that the House should give serious

consideration to the subject which has been placed before us this morning. I feel that in any scheme which we may make for the reconstruction of this country or of our society or in any plan which we may make for raising the economic or social condition of the people of this country, the interests of the scheduled classes cannot be neglected. I feel that special provision will have to be made in any plan or scheme for reconstruction for the scheduled classes. I have no doubt that if we make a good plan for the reconstruction of the society in this country and if proper provision is made for improving the lot of the poorest section of the cultivators in this country, for improving the lot of the landless labour in this country, and for improving the lot of the working classes in this country, those efforts will to some extent benefit the scheduled classes also because most of the scheduled classes belong to the poorest section of the cultivators, most of them are landless labourers and the remaining of them belong to the working classes. But I feel that even though the general efforts made to improve the condition of the poorer section of the cultivators and the general efforts made to improve the condition of the landless labourers and also the measures taken for improving the lot of the working classes may benefit the scheduled classes still I feel that special efforts are necessary in order to bring the scheduled classes to the level of other classes in this country. It will be wrong for us to try to make a scheme for reconstruction and not to make a special provision for improving the condition of the scheduled classes. I, therefore, feel that my Honourable friend Rao Bahadur Siva Raj, was justified also in making a complaint that the Government of India are guilty of neglecting the interests of the scheduled classes in forming the Reconstruction Committees. If you form a Reconstruction Committee and do not give adequate representation to the scheduled classes, which form one-fourth of the population, then your reconstruction is not going to be in the interests of the whole of the population. I, therefore, feel that the Government of India was wrong in neglecting to give adequate representation on the Reconstruction Committees which they have appointed. I have the same complaint to make as regards the representation of the general classes of workers on these Reconstruction Committees. But I shall not make that complaint today. But there is no doubt that the Government, whenever they appoint Committees to consider schemes for improving the condition of the working classes or generally of the people of this country, have ignored the interests of the scheduled classes and also of the working classes.

Then, Sir, I feel that not only special efforts are necessary but very big efforts are necessary. My Honourable friend, Rao Bahadur Siva Raj, said that the Government may spend 5 crores of rupees a year. I think he is too modest. The population of scheduled classes is 7 crores in this country and he asks for 5 crores a year. What can you do with one rupee per head? How can you improve the condition of the scheduled classes with one rupee per head? My suggestion to him is to cease to be moderate. If you are going to ask for 5 crores of rupees, then you will not be taken seriously. People have begun to talk in tens of thousands of crores of rupees.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Mr. Joshi has ceased to be a moderate now.

Mr. N. M. Joshi: My extremism is moderation itself.

I, therefore, feel that very big efforts are necessary. The mere expenditure of 5 crores of rupees a year will not do and it will not improve the condition of the scheduled classes in this country, who number 7 crores. I, therefore, feel that a very big plan is necessary to be made.

My suggestion to the Government of India is this. Let the Government of India appoint these General Reconstruction Committees. Let them give some representation to the scheduled classes, but let the Government of India appoint a Special Reconstruction Committee for the scheduled classes alone and

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Let that Committee be asked to make a plan so that the scheduled classes in this country may be brought to the level of the other sections of the population in, say, ten years' time. Let there be a plan so that the scheduled classes will be educated and at least brought to the level of other classes in education in ten years' time. Let that Committee recommend measures to bring the scheduled classes to the level of other classes in education, in economic matters and in every other matter within ten years' time. Let a ten-year plan be made and then after the plan is made and the costs worked out, the Government of India should make themselves bold to grant money. If you can spare money out of the revenues, well and good; if you cannot spare money, then take a loan. A loan will be justified for this purpose. If you can take a loan for war against Hitler, you can take a loan for improving the condition of the scheduled classes. There is nothing wrong in that. War is not a paying concern. If you spend money on a non-paying concern like war out of loans, why can't you spend money for waging a war against ignorance of the depressed classes and against their poverty. It is worth while fighting poverty, it is worth while fighting ignorance of the scheduled classes by raising loan. Whatever money is necessary should be spent out of loan and the Government of India should not hesitate to do that because you take loans on prosecuting the war. Any loan which you take for improving the condition of the scheduled classes will ultimately pay. It may not pay in five years time or in ten years time, but if the whole population of seven crores is improved, if their economic condition is improved, then they will be able to pay back the money which the Government of India may raise. Even if they do not directly pay back, the whole country will gain not only socially and morally, but the country will gain even economically. I, therefore, feel that there should be no hesitation on the part of the Government in spending large sums of money for improving the lot of the scheduled classes. I, therefore, hope that this motion will be passed.

Mr. Abdnl Qaiyum: Sir, there is no desire on this side of the House to intervene in the debate, because on a previous occasion when a similar cut motion was brought by the Honourable Mover, we had made the position of the Congress Party quite clear. We are in full sympathy with all the measures which aim at the betterment of the conditions of the depressed classes, and we have never lagged behind any other section in this country in helping the scheduled classes to come into their own. As far as this cut motion is concerned, we are in full sympathy with the principle involved, though we have no faith in the post-war reconstruction schemes of this irresponsible Government. If they are here in office after this war, this reconstruction will be carried in the interest of British imperialism, British capital and British finance. They are trying to reconstruct this country as a sort of subordinate unit which can be exploited by British capitalists. We have no faith in this Government, nor in any of their schemes of post-war reconstruction. We are all trying our best to get rid of this Government and the imperialist system for which they stand in this country. But as some Honourable Members had made pointed reference to the absence of the Congress Party, and as certain agencies which are working for the Government are only too eager to make use of any thing against us, therefore, I got up to say these few words. If my Honourable friend, Rao Bahadur Siva Raj, will press his Motion to a division, we will support it. I just wanted to clear that misunderstanding.

Pandit Lakshmi Kanta Maitra: Mr. President, Sir my justification for intervening in this debate at this stage is that an impression has got round that we are opposing the cut motion moved by my Honourable friend, Rao Bahadur Siva Raj. Sir, if I rose to a point of order in the course of the speech which my Honourable friend Mr. Piare Lal Kureel delivered, it was because I felt that he was unnecessarily attacking the caste Hindu community. I had no other intention. I am sure the House has noticed that on every conceivable occasion whenever this Honourable Member, Mr. Piare Lal Kureel, gets a change to speak on any subject, the first target of his attack is the cast Hindus and the Hindu

community. The other day, during the debate on Railway Budget we were discussing the question of having increasing representation of scheduled classes in the railway services. My Honourable friend, Mr. Piare Lal Kureel, turned round and twitted the caste Hindus saying, "you do not give your girls in marriage to the scheduled classes". I pointed out to him then that the cut motion under discussion was for "loaves and fishes" and not for getting girls and if he wanted girls, then let the Honourable Member for Railways provide them by all means. Sir, I really want to ask my Honourable friend, Mr. Piare Lal Kureel, and my Honourable friend Rao Bahadur Siva Raj whether really the interest of their community is served effectively by constantly maligning the Hindu community. We have never said anything against them. We have every sympathy with the scheduled classes. We have tried to associate ourselves with them in all measures which seek to ameliorate their condition. So far as I am concerned, so far as the Province from which I come, namely, Bengal is concerned, we have no such thing as untouchability in my Province. That is a well known fact. Even the Simon Commission had clearly expressed the view that the problem of the untouchable classes in Bengal was not of the same form or of the same proportion as it was in Madras. Sir, I am glad that my Honourable friend, Rao Bahadur Siva Raj, endorses my view. That being the case, that being the position, how does it lie in the mouth of my Honourable friend in season and out of season to fly off at a tangent, as he did today, to abuse the Hindu community. I may tell my Honourable friend that abuse does never pay.

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar: Hear, hear.

The Honourable Sir Jeremy Raisman: Hear, hear.

Pandit Lakshmi Kanta Maitra: I am glad that my Honourable friends on the Treasury Benches have expressed their appreciation of this remark. I do not have any delusion about it. Whatever motions we have been able to carry against them, they have been of no avail, they have not been able to change their minds; the Treasury Benches are dead to all sense of shame. I know this for a fact.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better come to the motion before the House. He need not dilate longer on these preliminaries.

Pandit Lakshmi Kanta Maitra: It is the interruptions that diverted me into this. So far as the cut motion before the House is concerned, I want to make it perfectly plain that in all schemes which seek to alleviate the misery and the sufferings of these so-called scheduled classes, in all schemes which seek the betterment of their lot they have our entire and wholehearted sympathy. Beyond that, we cannot do anything. We have very little faith in this Government. Personally, I think, and it is my considered opinion, that any scheme of post-war reconstruction which is being boosted so often in the midst of this war, is merely a deliberate attempt by the bureaucracy to by-pass India's demand for freedom. This reconstruction cry does not evoke any real interest or any response in me. I have no faith in that kind of slogan and, therefore, if my Honourable friends think that by moving such a cut motion and pressing it to a Division they will be able to compel the attention of the Government and as a result thereof their community will have an efficient share in the so-called reconstruction, then, I am afraid, they are hugging an illusion. I have no such illusions in my mind, and I would ask my Honourable friend to consider if he would in these circumstances force us to a division.

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar: Sir, I am indeed glad that my Honourable friend, Rao Bahadur Siva Raj, has tabled this motion on the floor of the House on a subject of great importance and a subject on which we certainly would like to have and to hear the views of members of the community that he represents in this House. I should like just briefly to touch on a preliminary question that has been raised both by my Honourable friend, the Mover of the resolution, and by some other Honourable friends; that is to say, the question of post-war reconstruction and the duty of this Government

[Dewan Bahadur Sir A. Ramaswami Mudaliar.]

as it is constituted at present with reference to post-war reconstruction. I am in entire agreement with my Honourable friend, the Mover, that the Government of the day, whatever its constitution and whatever its composition, has a prime duty to see that plans are made at the present time which will be put into effect in the post-war era whenever that post-war era dawns. I have no hesitation whatsoever in saying that the Government of the day will be failing in its duty if it were not, even now to have the blue-prints ready as far as possible on various subjects and on various matters which will be put into effect without much delay the moment conditions of war allow us to do so. It is obvious that during the course of the war itself at any rate, during a period such as we are having now at present, with the war in the present stage, it is not possible for any Government to have concurrently both the war effort carried out and also effect being given to post-war reconstruction schemes. But that is far from saying that proposals, plans, discussions and reports regarding post-war reconstruction should not now be got ready so that as far as possible when the time comes for giving effect to it there is no avoidable delay in this matter. And that is how every Government in every country is carrying out this work with reference to post-war reconstruction. I am sorry that during the last few weeks there has been a certain amount of change among certain sections of my countrymen who, for reasons I do not know and cannot analyse, are suggesting that post-war reconstruction schemes should all be laid aside and that some other Government which may come into existence at some future time should only take it up. It was only a few weeks back that the General Policy Committee on post-war reconstruction met and the members of that Committee representing various trades, industries and commerce and other interests asked the Government representatives to expedite their plans for post-war reconstruction, found fault with Government for delaying these plans, asked them what they were doing in the last two years and why they did not go ahead with these plans and have the schemes ready. What has come over these very gentlemen who now talk of post-war reconstruction schemes being put into operation or being even designed only after some change in the administration comes about is a matter, into the mysteries of the reasoning of which I am unable to enter at present.

Mr. Jamnadas M. Mehta (Bombay Central Division: Non-Muhammadan Rural): But they are not the same people. The people who asked you to expedite are still asking you to expedite.

Dr. P. N. Banerjee: Is this House represented on these Committees?

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar: Yes, some of the Members of this House are on these Committees. And I am surprised to find that my Honourable friend, Pandit Maitra, who is doing extraordinarily good work on one of these post-war reconstruction committees, being a member of that reconstruction committee, should now get up and say that he has no faith in this Government and he does not want this post-war reconstruction committee work to go on. That is a kind of logic which, I very humbly venture to suggest, I am unable to follow.

Pandit Lakshmi Kanta Maitra: Because it will all end in smoke.

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar: Now coming to the actual question that has been raised by my Honourable friend, Rao Bahadur Siva Raj, I should like to say that this Government cannot obviously be,—I shall not use the word 'unsympathetic',—disinterested in the progress and welfare of the scheduled classes. (Interruption by Mr. N. M. Joshi.) I wish my Honourable friend would not do any sniping from the back. If he wants to do any sniping let him snipe at us from the front.

Mr. N. M. Joshi: This seat was given to me by you, Sir.

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar: But not the authority to interrupt constantly.

Now, Sir, the main policy of post-war reconstruction in any country and the main policy in this country of any Government must be to raise the standard of living of the common man, to see that the underdog who has not had a chance

to have a fair living and fair existence must be given the proper rights that he is entitled to as a human being. And from that point of view there is no community which deserves more consideration in any scheme of post-war reconstruction than the community which my Honourable friend represents. It seems to me that it is an obvious proposition that any authority which plans for post-war reconstruction, which wants to raise the standard of living of the common man, which wants to see that as far as possible there is a general improvement in his standard of living, cannot but place the highest emphasis on the condition and the improvement of the condition of the members of the scheduled classes. These are not mere generalisations alone; if they were they would be of no use whatsoever.

Let me turn to a few aspects of post-war reconstruction to which my Honourable friend referred. He naturally attached the greatest importance to education and other amenities which the scheduled classes should have. As regards many of these subjects I am not merely putting forward an excuse but I venture now to remind myself of the fact that most of these activities are within the purview of the Provincial Governments. Except for the area which is directly under the administrative control of the Government of India,—Delhi and other areas,—these subjects are naturally administered by Provincial Governments. But I do not thereby suggest that the Central Government have no responsibility in this matter. They have two kinds of responsibility and they are prepared to discharge both these responsibilities. In the first place a certain amount of advice can be given from the Centre, and committees have been formed at the Centre with representatives of Provincial Governments, with educational authorities, just for the purpose of seeing that the advice of the Central Government is communicated to various Provincial Governments on these subjects which are primarily under the present constitution the sole responsibility of the Provincial Governments, without over-riding their jurisdiction, without encroaching on their powers and privileges, without dictating to them in any way what they should do and what they should not do. I think there is very great scope for the Central Government still by way of advice, by way of co-operative effort in this direction to do what they can to make the Provincial Governments concentrate their attention on problems of education and, in particular, on the problem of education of the scheduled castes.

There is another direction in which probably to a certain extent the Central Government may be able to help. It is possible that in these post-war reconstruction schemes the Central Government may be in a position to give certain financial grants to various Provincial Governments; and it is possible in that case to so give the grant or to so condition the grant that certain aspects of post-war reconstruction may be carefully considered and given effect to by the various Provincial Governments. These are the two directions in which the Central Government can help in these schemes. My Honourable friend referred to the report which has been popularly called the Sargent Committee report, the report of the Central Advisory Board of Education, and referred to the fact that according to that scheme in high-school education a certain selection will have to be made which will to some extent seriously affect the position of the scheduled castes. He also referred to a speech of the Vice-Chancellor of the Madras University on the subject. I think the recommendation that he was referring to was this:

“Entry to high school should be on a selective basis. Only those pupils should be admitted who show promise of taking full advantage of the education provided. Additional subjects may be provided for those not selected, provided that no cost falls on public funds.”

If this recommendation were there by itself and were not modified in any way by subsequent discussions or considerations I personally would have no hesitation whatsoever in saying that I agree with my Honourable friend, Rao Bahadur Siva Raj, and disagree with this recommendation. For it would mean that only those people who have had already somehow or other got an aptitude for this education would be selected for high school education, that large numbers of communities which have been by hereditary occupation or by hereditary rules or by embargoes of one kind or another been deprived of the benefits of

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higher education would continue to be so deprived on the basis that they do not come within the selective classes. But I understand that this recommendation is intended to be given effect to, or on further consideration it has been thought that it may be given effect to, when a state of universal education had been prevailing in the country for some years and when every section of the country, when every community and every caste has had the same opportunities and got to a certain level of common educational progress, when this process of selective admission to the high schools may be adopted. I understand that it did not mean that at this stage, when obviously there are classes who have

I P. M. been deprived for centuries of the facilities of education, by this new process of selective admission to high school a further embargo on a more scientific, refined and cruel basis will be added to the embargoes that they have suffered for so many centuries. That is not the intention of those who have framed the scheme and I am glad to assure my Honourable friend that it will not be the spirit with which this recommendation will be accepted. Sir, my Honourable friend may also be interested to know that in this Budget itself the Central Government have provided a sum of rupees three lakhs for scholarships to the scheduled classes

Rao Bahadur N. Siva Raj: That is not post-war.

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar: That is immediate; that is better than post-war. It is a thing which the community has got now, immediately.

Rao Bahadur N. Siva Raj: I am grateful for that.

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar: It means that even now, without waiting for the schemes to be given effect to in the post-war era, even now in this year and in the coming year before the war comes to an end, the Government of India have very vividly appreciated the condition of the scheduled castes and are prepared to do what they can and to give financial assistance to them in their educational progress.

My Honourable friend, Mr. Kureel, has spoken on this motion also. I am a Hindu, supposed to be a caste Hindu, and I take the view that however harsh the sentiments he may have given expression to we, who have allowed this system for so many centuries to continue, must listen with patience and must listen with a certain amount of forbearance to the complaints that the Honourable Member has made. It is undoubtedly not pleasant to have the whole past thrown at us and to hear the severe condemnatory language that has been used by the Honourable Member, but having a lively recollection of our own position—and I am certain that all Hindu Members in this House have a lively recollection of that position, so far as the society is concerned, though individually I am certain they have tried to do their best to get over those conditions—I would not be one of those who will feel either annoyed or upset at the condemnation that my Honourable friend has chosen to express in this House. After all, Mr. President,—

The toad beneath the harrow knows
Exactly where each tooth point goes!

And the Members of the scheduled castes know exactly what their sufferings have been and how, in spite of all their efforts, those sufferings have not been very considerably alleviated up to the present day. That is my only comment on the general remarks that my Honourable friend has made. He made a more specific complaint that in the organisation of this post-war reconstruction committees members of the Scheduled Castes have not been given proper representation. It is true that my Honourable friend, Rao Bahadur Siva Raj, is on the General Policy Committee which seeks to review the recommendations of all the other policy committees and which can be given in its own way a certain emphasis, perhaps a certain direction, a certain degree of recommendation for priorities as regards which particular recommendation of which Post-war Reconstruction Committees should be first carried out; and I can assure my Honourable friend, Rao Bahadur Siva Raj, that in that capacity he will have

not only a very useful but a very important role to play and that his observations will be very carefully considered by that Committee.

Sir F. E. James (Madras: European): May I ask my Honourable friend whether the Scheduled Castes have any representative on the Settlement Committee?

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar: I am coming to that. The next committee, which is equally important, is the Post-war Reconstruction Committee on Re-settlement of demobilized soldiers, sepoy and of demobilized skilled and unskilled workers employed in various war works. I consider that is one of the most important committees from the point of view even of the scheduled castes. Let us remember, Sir, that the part which the members of the scheduled castes have played in this war is second to that of no other community in this world, not merely in this country. I have had personal experience and personal knowledge of the part that they have played. In the Sappers and Miners Corps in North Africa along the road from El Alamien down to Tunis their part has been one of the most glorious in the whole history of this war. I have had opportunities of seeing not merely the accounts published in the press through the war correspondents from time to time, but I have had opportunities of seeing many more of these reports which are in the archives of the War Secretary's Department in Whitehall, and I can assure them and my Honourable friends in general that the achievements of the Indian Army and of the Sappers and Miners Corps in particular are not a hundredth conveyed by the reports which have been published in the newspapers. When the history of war comes to be written, they will find that a most glorious chapter will have to be devoted to them for the services they have rendered, for the part they have played, for the unique and unselfish way in which they have discharged their duties and responsibilities, not as mercenaries as some irresponsible people in this country have often suggested but as people who have felt that in that task, in fighting the enemy, lies the salvation of the world, the salvation of their own country and the upliftment of their own community. Now, Sir, in this Rehabilitation and this Demobilization Committee one of the most important tasks which may be allotted to the members of this committee will be to see that the demobilized soldiers and workers are given a fair chance in the post-war world, that the demobilized soldier is given facilities to settle down on land as far as possible. Honourable Members may be aware—and if they are not aware I should like to inform them—that in most provinces a survey has already been made of the lands which are free to be given to demobilized soldiers, a point that my Honourable friend, Rao Bahadur Siva Raj, referred to, and I have no doubt whatsoever that in those settlement schemes the interests of the depressed classes will be taken into consideration and proper allotment of land will be given to them, so that they can feel for the first time that they have an interest in the land and an interest in the country and are not merely landless labourers as they have been for generations past. But apart from these matters and apart from these two committees, there has been a complaint that they have not been represented in other Post-war Reconstruction committees and my Honourable friend, Mr. Kureel, gave a list of these Post-war Reconstruction committees and showed that the members of the scheduled castes are not on those committees. My Honourable friend, Mr. Joshi, representing labour, is always anxious to fish in troubled waters and I am willing to concede that on this occasion . . .

Mr. N. M. Joshi: I do not fish at all. Fishing is not one of my recreations.

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar: It is a recreation that my Honourable friend has learnt as a Member of this House and after he has come to this House in the still waters of this House. But I am willing to concede that my Honourable friend has hooked a very big fish indeed, and on behalf of Government I am prepared to give this assurance that we shall carefully consider the suggestion of my Honourable friend, Mr. Kureel, and see whether on other Post-war Reconstruction Committees the representatives of the Scheduled Castes, who are also the working classes mainly in this country,

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will not be represented. My Honourable friend, Mr. Joshi, said that on another occasion he will bring forward the question of working classes, but, Sir, what is the difference between the working classes and the depressed classes? I hope my Honourable friend, Mr. Joshi, will agree with me that representation on an extended scale is given to the members of the depressed classes, the Government of India will be at the same time facilitating the representation of the working classes and seeing to it that the points of view of all the working classes are adequately taken into consideration in the discussions of the other post-war reconstruction committees.

My Honourable friend, Mr. Siva Raj, referred to certain resolutions adopted at the conferences at Cawnpore and Nagpur of the Scheduled Classes and I was very much interested to hear from my friend that one of those resolutions was the suggestion to appoint a Committee which will draw up a post-war reconstruction scheme with special reference to the depressed classes. I would like to assure my Honourable friend that Government would welcome the report of that Committee and the sooner it is in the hands of the Government the better both for the Government and the scheduled castes. We are most anxious to have as much help as possible from every party and community which tries to put forward schemes of post-war reconstruction, and we are willing to examine these schemes, put them before the post-war reconstruction committees on which both officials and non-officials are represented and try to see how far a co-ordinated scheme, which will promote the interests of all classes in this country, could be framed.

I do not think I have very much more to add. The Government, as can be seen from what I have stated, is completely in sympathy with the objects of this motion which has prominently placed before it the interests of the scheduled castes in post-war reconstruction schemes. It proposes to consider the special point of view of the depressed classes too. I can assure my Honourable friends of the scheduled community and the House generally that it is the intention, desire and policy of the Government to have the interests of these communities carefully considered in any post-war plan that they are preparing.

Sir Muhammad Yamin Khan: I only wish to say two or three words on this motion. We have got sympathy with the aspirations of the depressed classes and we have shown always that we are prepared to give them whatever can be given to them under the existing conditions. But I would like to speak candidly on two or three observations which have been made by my friends, Mr. Kureel and by Rao Bahadur Siva Raj. I do not think it was necessary for Mr. Kureel to say if the other people fail, then his community will be ready to support the Government. I do not know what he meant. Which Government was he going to support if the other people failed? Did he mean that the present Government would continue with the support of his community, or was he talking of some future Government?

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): You have now forsaken the Government. Government has found new supporters.

Sir Muhammad Yamin Khan: My friend, Mr. Bajoria, when he finds support on the re-circulation of the Hindu Marriage Bill, will come forward to offer his services also.

Another thing which I would like to tell my friends, Rao Bahadur Siva Raj and Mr. Kureel, that though they are whatever they may call themselves, they should not ignore the fact that they form a section of the people of India as a whole.

Mr. President (The Honourable Sir Abdur Rahim): It is now quarter-past one.

Sir Muhammad Yamin Khan: I will take one minute more.

They should not stand in the way of the aspirations of the other sections of the community and they should not, in season and out of season, either by their votes or in any other way, work against the aspirations of the other people. If they do this then they will always have the support from this side of the House.

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. Deputy President (Mr. Akhil Chandra Datta): Sir Jeremy Raisman:

DEMAND No. 15.—HOME DEPARTMENT.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That a sum not exceeding Rs. 6,72,000 be granted to the Governor General in Council to defray the charges which will come in the course of payment during the year ending the 31st day of March, 1945, in respect of 'Home Department'."

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

"That a sum not exceeding Rs. 6,72,000 be granted to the Governor General in Council to defray the charges which will come in the course of payment during the year ending the 31st day of March, 1945, in respect of 'Home Department'."

Mr. Deputy President (Mr. Akhil Chandra Datta): I think it is now the turn of the Nationalist Party. Mr. Maitra.

Abuse of Powers under the Defence of India Act and Rules.

Pandit Lakshmi Kanta Maitra: Sir, I move motion No. 16 on Late List No. 1.

Dr. P. N. Banerjee: Sir, with your permission may my Honourable friend, Mr. Maitra, come here so that he may be more audible?

Pandit Lakshmi Kanta Maitra: No, no. Mr. Deputy President, I beg to move:

"That the demand under the head 'Home Department' be reduced by Rs. 100."

Sir, my purpose in moving this motion is to raise a debate on the question of misapplication of the Defence of India Act and the Rules framed thereunder. The House is well aware that very often from time to time we have by interpellations and by adjournment motions brought to the notice of this House typical, individual cases where the Defence of India Act and the rules have been misapplied. The provisions of the Act and of the rules made thereunder are not being applied for the specific purpose for which they were enacted. The Defence of India Act was meant mainly for the purpose of the defence of India and for the effective prosecution of the war and for the maintenance of law and order and for the maintenance of essential supplies. Early this Session we have shown that in certain cases which have more than local importance these rules and the powers under these rules have been abused for the purpose of carrying into jails and for gagging eminent men occupying high positions in the public life of this country. We have brought to the notice of the House cases in which lawyers for the only offence of defending political cases have been put behind the prison bars. We have debated questions where restrictions had been put on the movements of people. Restrictions have been put on the travel by railways preventing people from going to certain places. But, Sir, it is not possible by mere interpellations or by adjournment motions to touch even the fringe of this question of abuse which has assumed such formidable proportions. I will mainly confine myself now to some of the well-known cases of misapplication of these rules, as they have been noticed by the High Courts and by the Federal Court in India. To begin with, I will mention the famous or infamous—I do not know what it is—rule 26 which gives the executive of this country wide and arbitrary powers to put behind the prison bars thousands of our countrymen without trial or charge. It was only last year that this matter after passing through the Calcutta High Court and several other High Courts came up before the Federal Court. I would particularly mention the case of King Emperor *versus* Shivnath Banerjee reported on page 177 of the Federal Law Journal Report. Their Lordships held in connection with this case that even the provisions of rule 26 were not complied with by the executive and their Lordships observed, "we cannot condemn the procedure adopted in this case too strongly. It would be difficult to conceive of a more callous disregard of the provisions of the law and of the liberty of the peoples". This is the pronouncement of the highest judiciary in this land. Sir, we dealt with the case of Pandit Baijnath in an adjournment motion in which the learned Chief Justice of the Allahabad High Court pathetically exclaimed "the Defence of India Act and the rules had paralysed us." I have also before me the subsequent observations of the learned Chief Justice of the Allahabad High Court. He observed

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that he could not allow the law to be influenced by political considerations, politics must be kept aloof.

Sir, I now bring to the notice of the House the case of Mr. Pardiwala. It is interesting to note what transpired between the learned Judges and the learned Advocate who appeared on behalf of the petitioner. The impression is clear that a reign of terror was going on in the Lahore High Court, that there was a feeling of widespread panic in the Court itself. Several letters which were required to be sent to the Honourable Judges and to the Advocate General were intercepted by the police officers; and when this matter was brought to the notice of the High Court Judges, the police tried to get out of it by saying that the documents had been destroyed. I will, Sir, read out one or two passages from the report of what transpired between the learned Chief Justice and the other Judges and the counsels in that case:

"Chief Justice: So that a Chief Justice for receiving letters addressed to him or his brother judges should depend on the whims of a Sub-Inspector?"

Abdur Rahman J: If it is true that the letters had been destroyed, which I doubt, it does no credit to your clients.

Chief Justice: Letters meant for us here in the High Court destroyed by a Sub-Inspector is a serious matter!"

Later on, the Chief Justice observed:

"If any one puts in a petition in the High Court we cannot destroy it. But it seems the police can. What we cannot do they can. They are arrogating to themselves the rights of court."

And rightly the defence Advocate; Mr. Munshi, added:

"Much more than that, My Lord."

The Chief Justice pertinently observed in another case:

"There appears to be persistent endeavour on the part of the Executive these days not only to ignore and flout the Legislature, but even to interfere with and curtail the powers of the judiciary as well. The judiciary have therefore, got to be extra vigilant to preserve and maintain their authority and prestige in tact."

Sir, this is not from a Congress agitator. This is from a British Chief Justice of the Lahore High Court. Now, let me turn to Patna. Incidentally before I leave the Punjab, I may mention that their Lordships gave a stern warning to the Punjab Government not to interfere with applications which were meant for the Honourable Judges. The Honourable Judges warned that if in future they intercepted documents and letters which were meant for the Judges, they would be held guilty of interfering with the course of justice. In the Patna case the accused was one Mr. Narasingh Rai. He was implicated in a series of cases and eventually he was acquitted by the District Judge, but he could not get his release though acquitted. He sought the help of the Patna High Court. The High Court issued a rule and subsequently ordered his release. Even then he was not released. He was then given to understand that he was detained under rule 129 of the Defence of India Rules. Later on, they changed their front and said that it was a misprint. It was stated that it was a stenographer's mistake, and Mr. Narasingh Rai was really detained under rule 26(1)B. The learned Judge asked, "Is any care taken to ascertain the section?" The Advocate General replied in the affirmative but pleaded that that was a pure mistake. The Chief Justice intervened, "Is it the stenographer who inserts the section?" "No care had been shown at all." "No care is shown to orders." A stern warning also was given to the Government Advocate appearing in that case. This is how the Judges of the Indian High Courts have expressed themselves on the question of the application of the Defence of India Rules in so far as they related to curtailment of civil liberties. I ask the Honourable the Home Member, does he realise the disastrous consequence of all this on the morale of the Judges in this country? This executive high handedness on the part of the officers brings the administration of justice into utter contempt. It demonstrates the importance of even the Highest Courts in the land.

I want to tell the House that when the Defence of India Act was passed here it was modelled on the Defence Regulations and Defence Emergency Act of Great Britain. But in the course of the last four years the British Act has

undergone modifications stage by stage and the provisions as they stand to-day are far more liberal than those of the Defence of India Act and the rules made thereunder. In Britain they have got a safeguard while here we have none. There, under those Defence Regulations, under Regulation 18B they have got advisory committees with a number of sub-committees and panels spread all over the country. Their function is to go into the cases of these detainees; the detainees are permitted to make representation to them, and these advisory committees are constituted not exclusively of officials. There are some officials, but mostly they are composed of non-officials presided over by eminent lawyers of Great Britain. When powers analogous to those under Rule 26 of the Defence of India Rules were sought to be obtained in England, there was a tremendous uproar in the House of Commons. And what was the result? At once the Home Secretary had to arrange a conference between leaders of all schools of political thought within the House of Commons and an agreed draft, 18B Defence Regulation, was evolved with this salutary protection of advisory committees. I also want the House to bear in mind that in Great Britain according to a provision in the law, all rules made by Orders in Council have to be placed before the House of Commons, and if within 28 days any member of the House of Commons wants to make any change, suggest any modification, annulment or cancellation, he has the right, he has every facility to do so, and if House of Commons so desire, any rule could be abrogated. Here in this country the Defence of India Act was passed in 1939. A number of rules thereunder have been made and are being made and they are not placed on the table of the House. We have no opportunity to know, examine or criticise them. I ask any Honourable Member in this House, except those on the Treasury Benches whether he is in a position to tell me how many are the rules that have been framed so far under this Act, whether there is any compendium of them to be used as a sort of *vade-mecum*. None. As a matter of fact, the rules are multiplying so fast and are being evolved in such a manner and with such a total disregard of the civil liberties of the people, that it makes one simply sick of the whole thing. When Rule 26 was declared *ultra vires* by the Federal Court the detainees were entitled to unconditional and immediate release, but promptly an ordinance, Ordinance No. 14 of 1943, was enacted to validate a rule which was *ab initio* void. But when that also came to be challenged, well, the Government at once came forward with another ordinance, Ordinance No. 3 of 1944. I have before me a press report in which I find that as many as 351 security prisoners from different parts of Bengal and Assam had obtained rules from the High Court in the nature of *habeas corpus* under section 491 of the Criminal Procedure Code on the ground that their detention under Rule 26 was illegal. But these Rules obtained by them had to be discharged because the Chief Justice felt himself powerless in the face of this new Ordinance. By this new Ordinance III of 1944, they have completely ousted the jurisdiction of all Courts including the High Courts in all such matters. The position today is that any body in the land may be deprived of his liberty on any pretext and he has no relief. The highest courts in the land cannot give him any relief. They are absolutely powerless.

I want to tell the Honourable the Home Member that these rules have been in operation for over four years. Is it not time for him, before he leaves this country, at least to agree to set up something like the advisory committees that are in existence in England which will revise these rules, and bring them in a line with the law as it obtains in England today. If that is not done, there will be increasing conflict between the executives and their own systems of judicature in this country. At present there is a sort of race going on between the judiciary and the executive in this country. The executive makes rules. The judiciary says that the rules are *ultra vires*. Immediately the executive brings in another rule. The judges say 'No, this is no good'. Then follows another ordinance. This is the kind of ugly race that is going on and what is the result? Even the modicum of civil liberty, the slightest vestige of civil liberty which was left to the country has been wiped out. I ask the Honourable

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Members of this House to carefully consider the position. It is not possible within the brief space of 15 minutes to give a catalogue of all the types of misapplication of these rules but they are so common and so flagrant that it is not necessary for me to labour the point any further. What I have said is sufficiently illustrative and indicative of the way in which the law is being administered in this country.

The other day we were surprised to read in the newspapers the report which said that three *tongawallas* in Jhansi were sentenced to two months' rigorous imprisonment under D. I. R. What was their crime? Some British soldiers visited an interesting place, a house of ill-fame, of dancing girls and these poor *tongawallas* who carried them in their tongas were charged with being instruments for the visit of these members of His Majesty's forces to a house of ill-fame and thus being responsible for impairing the health of the British soldiers. May I ask the Honourable the Home Member what would have happened if these *tongawallas* had refused to carry these tommies? Would they have been left alive? No. They would have been killed outright and if we had complained we would have been told, 'Oh, you are agitators. This is a matter of military defence. These people have come to defend your country'. I therefore appeal to the House that it should view this matter in all seriousness. It is time that there should be an organised and united effort in this country to put these Defence of India Act and Rules on something like a rational basis. I believe there is still a section in this House which thinks that there is some rationalism left in this Government. It is for them to try and negotiate and persuade them to see if anything can be evolved. For us here, our duty is clear. We should bring these facts to the notice of the Government, off and on, as often as possible and censure them for all these by all constitutional means. With these words, Sir, I commend the motion to the acceptance of the House. Sir, I move.

Mr. Deputy President (Mr. Akhil Chandra Datta): Cut motion moved:

"That the demand under the head 'Home Department' be reduced by Rs. 100."

Mr. N. M. Joshi: I rise to support this motion. During the period of war, some more restrictions are placed upon the civil liberties of the citizens of various countries and I recognise that during such a period the citizens have to tolerate some special additional restrictions on their civil liberty but I feel that even during a period of war the additional restrictions which are to be placed upon the civil liberties of the citizens must be in connection with those matters which are directly connected with war or the defence of the country or matters which directly arise out of conditions due to the war or the defence of the country. But I feel in the first place that the Defence of India Act goes too far. The rules made thereunder also go too far in restricting the civil liberties of the citizens of this country. My Honourable friend, Mr. Maitra, has referred to a section of the British Act, the Defence of the Realm Act and section 18B. If you compare the British section with the Indian section, you will find that the Indian section goes too far and therefore the special law in India is unjustified. For instance, in Great Britain, section 18B does not enable the Government to use the Defence of the Realm Act to take any preventive action. The man who is to be deprived of his civil liberty or personal freedom must have done some overt act before he could be detained but in India a man need not do anything and the Government of India have power to detain that man. I consider that to be a wrong application of the situation which has arisen out of this war. According to 18B of the Defence of the Realm Act, in England, the Government takes upon itself the responsibility of making a report to Parliament on the cases of detention. The Government of India has no such responsibility. They can go on detaining people and make no report to the Legislature. It has already been said several times in this House that in Great Britain according to section 18B there is an examination by an independent committee. The Government of India have recently changed their law on this matter and provided for a review. But, Sir, the Government of India made no provision

for an independent review. Only this morning I asked a supplementary question with reference to the reply given by the Honourable the Home Member and asked him whether the reviewing authority will be an independent authority or will it be the same authority which is responsible for detaining a citizen in jail without an inquiry. I therefore feel that the Government of India is not entitled to use powers of detention without providing for an independent review but I shall not go into the question whether the law itself is right or wrong. On this occasion I propose to place before this House cases of the misapplication of the law. The Defence of India Act is intended to be used for situations arising out of the defence of the country or of war. But I have come across several cases where the Defence of India Act has been used to deal with ordinary

labour matters. It has been used in the case of workers of some industry who have nothing to do with the war and who want more wages or some changes in their conditions and the Provincial Governments have put these people in jail instead of looking into their grievances and securing a remedy for those grievances. Hundreds of such cases have occurred throughout the country. I feel that this is a wrong application of the Defence of India Act.

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Then, Sir, take, for instance, the present situation in the country as regards the right of citizens to hold meetings and processions. At present in this country there is absolutely no justification for not allowing the citizens of this country to hold meetings and processions without the permission of the police, but there is hardly any province in this country at present where meetings can be held without the permission of the police. I do not know what is the justification for allowing these rules and orders to exist in this country so that the citizens should be compelled to take the permission of the police for holding ordinary meetings. I remember the Bombay Police Commissioner asking me once to take permission of the police to hold a meeting of the Executive Committee of the Bombay Civil Liberties Union. The Executive Committee of this Union consists of about 20 or 25 persons and about a dozen of them attend the meeting and yet I was asked to take the permission of the police. Now, what is there in the situation of our country that that order regarding meeting should remain in existence still, so that the citizens shall have to take permission for holding even ordinary meetings? I feel that this is a wrong application of the power given to the Government of India under the Defence of India Act. There is nothing in the present situation for keeping the order prohibiting meetings without the permission of the police. I therefore, feel that the Government of India and the Provincial Governments have made wrong use of the powers which are given to them. Under these circumstances, I feel and I am justified in stating that the Government of India and Provincial Governments are using the Defence of India Act for a purpose which is different from the original purpose for which the Act was meant. At present the Defence of India Act is used in order to make administration easy. No bureaucracy likes to have any difficulties in the administration. If people hold meetings and processions, it is difficult for the bureaucracy to administer the country. They like to make administration easy and therefore they have been using special powers and the additional powers given to them under the Defence of India Act. I feel, therefore, that time has come when the Legislature should consider very seriously whether the Government of India and the Provincial Governments have not abused the powers which are given to them. I, therefore, suggest to the Legislature that they should insist upon some examination being made as regards how the powers given to the Government of India have been used by them and whether the powers have been used for the legitimate purpose of the defence of India or they have been abused in order to make the administration easy by the bureaucracy.

Then, I would also like an examination being made of the Defence of India Act itself, whether the powers given to the Government of India and the Provincial Governments ought not to have been given. I, therefore, suggest that the Legislature should insist upon a Committee being appointed to examine the

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Defence of India Act and the Rules, whether the powers given under the Act and the Rules are excessive and whether they have not been abused. If the powers already given are excessive and if powers given are abused, then the Committee should propose remedies. The Committee may propose that the present powers are excessive and therefore should be restricted. They may also propose safeguards for protecting the citizens from the abuse of the powers given to the Central Government and the Provincial Governments. I feel time has come when such an examination should be made and that it should be made by a Committee of the Legislature. I hope, Sir, even the Government of India could accept this cut motion because they have used the powers under the Defence of India Act for more than four years. If the Government of India have carefully examined the cases which have been dealt with under the Defence of India Act, they themselves may come to the conclusion that the Act has been abused. I, therefore, hope that the Government of India will not oppose this motion but will allow it to be carried and appoint a Committee for the proper examination, firstly, whether the powers already given to them have been excessive and, secondly, whether the powers given have been abused.

Sir Muhammad Yamin Khan: Sir, in the Simla Session of 1939, when the Bill was introduced which became the Defence of India Act, I gave the Government full support. My reasons for giving this support at that time were that the rules which will be framed will be administered under the authority of the Ministers and there should be no likelihood of their abuse. I had thought at that time that the rules would be administered by the Ministers and a proper consideration will be given to all things and facilities would be afforded for the trials and no injustice of any kind would be done to the individuals. I have come to realise since then that I made a great mistake in giving that support and I was wrong in thinking that the Government would not abuse those powers. I was to a great extent responsible for giving that weapon to the Government. I am now learning every day what an amount of abuse is made of the power which is given to the District Magistrates. Complaints come to me that those powers are being misused for other purposes than those which were the intentions of the Legislature. If the powers had been used only for the purpose of the prosecution of the war, I would not have minded it. But, Sir, I find that the powers are being used for other purposes and they are left absolutely at the whims of the executive officer in the districts to use them in any way he likes.

Sir, I will give you a glaring example of gross misuse that can possibly be made of the Defence of India Rules which made me think that I was wrong at that time and I suppose the Honourable Member himself will say that the power was wrongly given and transferred to these individuals. I am sure that if the then Law Member, Sir Muhammad Zafrullah Khan, had been here, he would have begun to weep on listening to the illustrations which I am giving before the House and he would regret at having been the author of such a kind of Bill which sought to put such arbitrary powers into the hands of the executive. I will take the instance in Nagpur. There, in Nagpur all public meetings have been banned since 1942. I knew, Sir, that in 1942 there was much commotion in the country and it was true that for a certain period of time meetings had to be prohibited. We would not mind that, because restoration of law and order is the primary duty of every Government, and if the Government had failed in that duty, we would have been the first to take them to task. After once law and order had been restored, to allow that condition to prevail in a town like Nagpur seems to me to be the grossest abuse of power and to put it mildly it is a most unreasonable attitude on the part of the Government of Central Provinces and Berar. Today nobody can hold a public meeting in Nagpur, not even a religious procession can be taken out. These are the orders in Nagpur. Not even the birthday of the Prophet Muhammad could be celebrated in several places. The birthday which is celebrated throughout the length and breadth of the whole world, was banned in several places and the Defence of India Rules

have been applied to stop meetings and processions on the Prophet day and to stop many things of that kind. No public meeting can be held in Nagpur and in other places in Central Provinces simply because the all powerful executive comes in under the Defence of India Rules. These are things which can be controlled under the ordinary law of the land. The ordinary law of the land is sufficient to deal with every situation. If war was not there, these Defence of India Rules would not have come into existence. Then the common law would have been administered. It is only in cases where there is immediate necessity or where the common law cannot be administered properly, then and then alone the Defence of India Rules should be administered, but not on lame excuses that because they do not find any other law, they open the book of the Defence of India Rules when they have no bearing on war.

I will show the House one instance of the greatest misuse that could possibly be perpetrated under the Defence of India Rules and this has come to my notice only today. Here is the notice in my hand. This is written in Hindi and it is signed by S.D.O., Sadar, Gaya. This bears the seal of S.D.O. Sadar, Gaya. This notice had been served on an Honourable Member of the Council of State and he is asked to appear before the S.D.O. at Gaya on the 15th March to give his explanation as to why he had not purchased war bonds and to show cause why he should not be prosecuted under the Defence of India Rules.

Mr. K. S. Gupta (Ganjam cum Vizagapatam: Non-Muhammadian Rural): Shame, shame.

Mr. D. K. Lahiri Chaudhury: Shame, shame.

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions: Muhammadian Rural): This is how they collect money for war funds.

Several Honourable Members: Read out the notice.

Sir Muhammad Yamin Khan: I do not know the language in which it is written, namely, Hindi. I got it transliterated word for word in Urdu and I will read out before the House in Urdu because it is in Hindi script which I do not know. Mind you, it is verbatim, word for word. No translation. It runs thus:

"Bajanab S. D. O. Sahib Bahadur, maqam Gaya.

Notice banam Sayyid Hossain Imam, Gaya, Chunki"—

I am ashamed of a man like this S.D.O. who does not even know how to write correct sentences or words. The notice continues:

"Chunki apko notice diya jata"—

My Honourable friend the Leader of the House will know what kind of language is this—

"Chunki apko notice diya jata hai ki report se zahir hota hai ke ap public logon ko war-bond kharidne se rokte hain."

Sir Cowasjee Jehangir (Bombay City: Non-Muhammadian Urban): That is serious.

Sir Muhammad Yamin Khan: The Honourable Member will hear further:

"aur khud bhi nahin kharidte hain,"

It means you are stopping people from buying war bonds nor are you buying yourself. The allegation against him is that he is not buying himself.

"isliye apko notice di jati hai ke batarikh 15th March, 1944, ko bawagt 10 baje din men hazir akar wajah dikhaen ke ap par dafa 38(5) Defence of India Rules ke mutabiq muqaddama kyon nahin chalayae jae."

Tarik 3-3-44."

Think of the gross abuse of power by this S.D.O. In the face of this if any Member of this House still supports the Government, I should be ashamed of that Member.

Mr. Abdul Qaiyum: It is disgraceful.

Sir Muhammad Yamin Khan: If an Honourable Member of the Council of State can be run in like this, who is the man who can escape the clutches of this all powerful Defence of India Rules. Simply what is the offence? That he should show cause at Gaya why he should not be dealt with under the Defence of India Rules. This man, this S.D.O. knows very well that the Honourable Mr. Hussain Imam is discharging his public duty here in the Council of State. This S.D.O. sends him this notice, which I can only characterise as idiotic, that is the mildest expression which I can use for this idiotic notice.

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which this fellow of an S.D.O. has sent to an Honourable Member of the other House to appear before him on the 15th March, leaving off all his duties and to respond to what? To show cause why he should not be punished under the Defence of India Rules. For what offence? For not purchasing war bonds.

Mr. P. J. Griffiths (Assam: European): But why should he stop other people from buying?

Sir Muhammad Yamin Khan: I would rather leave that aside for the present.

Mr. P. J. Griffiths: That is a serious offence, to dissuade people from buying.

Sir Muhammad Yamin Khan: Why should the Honourable Mr. Hussain Imam purchase war bonds when you are forcing people to buy.

Mr. P. J. Griffiths: But why should he stop others from purchasing?

Dr. P. N. Banerjee: But that has not been proved?

Sir Muhammad Yamin Khan: But why should he induce other people to purchase war bonds? Under what law can you call upon a man to induce people to purchase war bonds?

Pandit Lakshmi Kanta Maitra: Why don't you purchase, Mr. Griffiths?

Mr. P. J. Griffiths: We have put considerable sums.

Sir Muhammad Yamin Khan: What is the offence even if I advise people not to purchase if they do not want to do so? My Honourable friend, Mr. Griffiths, who seems to have roamed over the seven seas of the world at the expense of the poor Indian taxpayer

Mr. P. J. Griffiths: Sir,

Sir Muhammad Yamin Khan: I am not giving way. Don't interrupt me. I am surprised at the audacity of the Honourable Member in getting up in this House and trying to find fault with an Honourable Member of the Council of State for the alleged offence of inducing people not to purchase war bonds. I remember Mr. Griffiths once said in this House that if the British Government made any mistake, he will be the first to revolt and to take cudgels against them and in the same breath he now comes and defends an action like this on the part of the Government. You made a propaganda tour all over the world abusing Indians and now want to air such views here in this House also.

Mr. Abdul Qaiyum: National war front!

Sir Muhammad Yamin Khan: I advise the Honourable Member not to indulge in such cheap abuse lest he should excite this side of the House to say something which may not be palatable to the Group to which my Honourable friend belongs.

Mr. P. J. Griffiths: That side seems to be excited already.

Sir Muhammad Yamin Khan: You will see more if you continue in that strain. Under what rule or law, I ask, can the Government force a man to purchase war bonds?

Mr. P. J. Griffiths: The notice says to the contrary. That is not the charge in the notice. The notice says he dissuaded people from buying war bonds.

Sir Muhammad Yamin Khan: If any friend comes to me and asks my views I have every right to tell him whether it is profitable to invest in war bonds or whether it is more profitable to invest his money in some other shape. Have I not got that right when I am approached for advice by some one? May I know how much my Honourable friend has invested in war bonds or how much has his Group invested?

Pandit Lakshmi Kanta Maitra: Probably nil.

Sir Muhammad Yamin Khan: Why don't you induce members of your community to invest money in war bonds?

Mr. P. J. Griffiths: We have invested a good deal.

Pandit Lakshmi Kanta Maitra: It is all India's money on which you have been fattening yourself.

Mr. P. J. Griffiths: Nonsense.

Sir Muhammad Yamin Khan: People who are eating India's salt come and teach us a lesson as to what we should do and what we should not do. We, as patriotic people, have a right to defend our country. The greatest blow

to us will be if the Japs should come and conquer this country. My Honourable friend may talk glibly and taunt us, but the moment the enemy comes here, which will be our greatest curse, we have to defend our hearth and home, while my Honourable friend and his Group will leave this country after packing their suit cases. The defence of India is more important to us than to those friends of ours who come here only to make money and go back to die in their own country. But here is a notice which charges an Honourable Member with two offences. It says, "It appears from reports", etc. There is no specific allegation as to the persons who made the report, as to the persons induced or as to the circumstances or as to any definite charge that he has to meet. The notice quotes rule 38 of the Defence of India Rules, and that rule reads like this:

"No person shall without lawful authority or excuse do (a) any prejudicial act
(b) or obtain, collect, record, print or publish or distribute or communicate by any means whatsoever to any other person any information likely to assist the enemy, etc."

The whole rule deals with the publication and printing of material which may be prejudicial or help the enemy.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member has one minute more.

Sir Muhammad Yamin Khan: This rule has to be read with clause (5). That clause says:

"If any person contravenes any of the provisions of this rule he shall be punished with imprisonment for a term which may extend to five years."

That is the only clause which he has to meet and nothing else. What reply can Mr. Hussain Imam give to this? In what way has he contravened the provisions of the rule? Is this the sort of thing that appeals to an old bureaucrat, though retired, like Mr. Griffiths? Rule 38 only says that no one should give information to the enemy by saying or publishing anything which may be useful to the enemy and which may prejudice the defence of India. Supposing a man honestly believes and tells some widow or some poor relative that it is not a good investment and will not bring in a good return, where is the harm in his telling them that it is not profitable? But there are two charges, *viz.*, that he stopped others from purchasing and also that he did not buy himself; and therefore he was to be run in under a section under which he could be convicted for five years. I think the silliest fellow on the face of the earth is the man who can issue such notice. And is it right and proper that this House should be a party to the giving of power in the hands of these people who have to administer the law but who are ignorant of all law, who are themselves lawless and have no idea as to how justice should be done and how the liberties of the people are to be safeguarded?

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member's time is up.

Sir Muhammad Yamin Khan: I will finish in half a minute, Sir.

I said some time ago that Government is being carried on by Hitlers and Mussolinis; we cannot agree to this kind of Government. I have been trained in the traditions of British law, in one of the British Inns of Court which has got its own traditions. I have been trained according to British ideas as to the proper administration of the law and I am now constrained to say that I made a great mistake on the day I supported by my vote the passing of this law, under which power is entrusted in the hands of such people as this S. D. O. of Gaya.

Sardar Sant Singh (West Punjab: Sikh): Sir, experience makes many people wiser than they were a few years back. On the 20th September, 1939, when the Defence of India Bill was before this House I found my Honourable friend, Maulana Zafar Ali Khan, opposing me and making a terrible argument that the days of Dyers and O'Dwyers are gone to return no more. It was left to the Nationalist Party of which I was then the Secretary to oppose this measure. There were ten votes against the rest of the House in opposition to this Act. It was pointed out at the time that the effect of the Bill would be to entrust and delegate the most drastic rule-making powers to those whom we did not

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know, people who were not disclosed to us and who were unknown to the Legislature. At that time Sir Yamin Khan opposed me. In the very next budget Session of 1940 Maulana Zafar Ali Khan realised his mistake and openly said so in this House—It is gratifying to learn that Muslim League Party as a party have changed their views about the Defence of India Act. I am happy. An Honourable Member of the Upper House told me sometime back that a friend of his had got into trouble under the Defence of India Rules although he never acted in any manner which was prejudicial to the prosecution of the war. He ran up to the District Magistrate of his district and told him 'I made a blunder of my life in supporting the Government in passing this Act. It was Sardar Sant Singh who opposed it, I must admit that Sant Singh was right and I was wrong'.

Mr. Badri Dutt Pande (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Long live Sant Singh!

Sardar Sant Singh: Sir, at that time I pointed out that the Defence of India Rules would not be administered in the manner and for the purposes for which the Act was intended. When I pleaded for the right of appeal to the High Court against any act of the executive under the rules, I was told that I was not trusting the judges of the various High Courts. I was taken to task by the then Leader of the House in these words. Sir Zafrulla Khan in the course of his speech said:

"I was very sorry to notice that one Honourable Member made it his duty on every occasion in season and out of season to attack the honesty, the integrity, and the intelligence of the judiciary of this country."

Later on, he said:

"The judiciary of this country have to discharge heavy and responsible duties and on the whole they discharge them most creditably. I must also protest against the allegations made by the same Honourable Member who professed sympathy with my position *vis a-vis* this Bill—that I was acting under the directions of somebody else in piloting this Bill through the House."

I had then pointed out that the political India had very little faith in the judicial decisions when they related to political matters. But leaving that aspect of the question aside, may I ask the Government as to why the Government of India changed their attitude towards this very judiciary? There is a complete somersault in their outlook about these very same highest judicial tribunals. Is it because the judges found fault with the exercise of rule-making power by the executive under the Act, the Government have issued an Ordinance depriving the High Courts of the jurisdiction to hear *habeas corpus* applications? Section 491 of the Criminal Procedure Code gives jurisdiction to the High Courts to look into the legality or otherwise of sending a man behind the bars, or restricting his liberty. This jurisdiction has been taken away now. I doubt very much if there is any tribunal left to question their power in over-ruling the provisions of a statutory legislation by a rule-making power under the Act. It is a doubtful proposition of law, but the difficulty in India is that no court is left to question them now. High Courts' jurisdiction is completely taken away. I wonder whether the Federal Court can question the right of the executive in this country to virtually repeal the provisions of section 491 of the Criminal Procedure Code by which a petition for *habeas corpus* can lie in the High Court. The Government are powerful today. We have seen the powers being used by authorities for purposes which were never contemplated when the Defence of India Act was passed. The main provisions of the Act do not empower the Government to deal in a summary manner under the cover of Defence of India Rules with any matter that they find troublesome in the country. If a soldier's wife refuses to go to the soldier's father's house, the Defence of India Rules are applied because the prosecution of the war is being hampered by such a refusal.

An Honourable Member: Is it so?

Sardar Sant Singh: Yes, it has happened. If a person does not pay his land revenue, the Defence of India Act is used to collect the same. If a person is arrested and a counsel comes to defend the accused person, the counsel is safely

put in the Lahore Fort. What are we coming to? I will appeal now, Sir, to the conscience of my European colleagues . . .

An Honourable Member: If they have any.

Sardar Sant Singh: I have always felt that they have got conscience. . .

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadian): You are mistaken.

Sardar Sant Singh: I am not mistaken. I would rather judge them by their conduct . . .

Mr. Govind V. Deshmukh: Today.

Sardar Sant Singh: Yes. I will ask them: Do you think what is not palatable to your own people in England is palatable to us . . .

Dr. P. N. Banerjea: We are a subject race.

Sardar Sant Singh: . . . simply because we happen to be a subject race? If the House of Commons considers it necessary to appoint an Advisory Council to see to the proper application of these Rules, is it not only fair that you should vote with us and tell the Government that Advisory Councils must be appointed to see how the Rules are made and how they are administered? After all, what is this demand? It is a demand asking for protection of the elementary principles of liberty. Instances can be cited where people have been sent to jail on account of political party differences, on account of private grudges, and on account of personal ill-feelings. What will after all happen, may I ask, if this House agrees to appoint an Advisory Committee? Do you think those members who will be required to serve on that committee will not discharge their duty with that sense of responsibility which is necessary for discharging the same? I refuse to believe it, if you say that. I refuse to think that the country will not help you where you are justified in demanding help from the people. But I know that so much distrust and lack of confidence has come about between the present Government and the people of this country that there can be no solution of the difficulty through which the Government and the people are passing until this distrust and lack of confidence is removed. The Honourable Sir Reginald Maxwell probably thinks why should he bother, he is leaving the shores of this country very soon. May I tell him, Sir, it is never too late to mend before you are ended . . .

Dr. P. N. Banerjea: You are hoping against hope.

Sardar Sant Singh: During the last four years whenever instances showing the abuse of Defence of India Rules have been brought to his notice he had to take shelter behind the plea: 'This is the work of the Provincial Governments; I cannot interfere'. Well, Sir, why did you pass the Defence of India Rules, why don't you repeal them now if you are so helpless? If you will do so, the power will go out of their hands and the mischief will end then and there. If you cannot do that, then why not amend the Defence of India Rules and take away the powers from the hands of the Provincial Governments. Out of the eleven provinces, the majority of them are being ruled under section 93 of the Government of India Act. Others are your thumb ministries which take inspiration from their Governors. (Interruption.) I say that with a full sense of responsibility and here I cite an example. Take Punjab, for instance. It illustrates the whole position. Certain members of the Punjab Assembly who were political prisoners were released by the Government; immediately after their release the District Magistrate served them with a notice not to attend the Punjab Assembly.

Dr. P. N. Banerjea: Most disgraceful!

Sardar Sant Singh: One member of the Punjab Assembly, Mr. Bhagat Ram, brought this motion up in the Punjab Assembly and the Speaker declined to protect the member. May I ask, Sir, if a District Magistrate can over-rule the provisions of the Government of India Act?

Mr. Ananga Mohan Dam (Surma Valley *cum* Shillong: Non-Muhammadian): Disgraceful.

Sardar Sant Singh: The man is free but the District Magistrate says he shall not attend the Assembly.

Mr. Deputy President (Mr. Akhil Chandra Datta): You have one minute more.

Sardar Sant Singh: What is happening? You have abrogated all laws in the country. Your will is law today—as Sir Yamin Khan has rightly said, though rather very late in the day and after four years, that country is being ruled by Hitlers and Mussolinis. The name may be different, the clothing may be different, but the spirit underlying the whole show is the same.

Sir Muhammad Yamin Khan: The history of Czechoslovakia is being repeated in India.

Sardar Sant Singh: I ask you to take note of the direction in which the wind is blowing. There is too much discontent in the country. The way you have dealt with the security prisoners is shameful and yet you refuse to take advice from the representatives of the people. I, therefore, ask the European Group Members especially to vote with us if the Government refuse to accept this. We want an advisory council to administer these rules and nothing more. With these words, I support the motion.

Mr. Deputy President (Mr. Akhil Chandra Datta): Sir Sultan Ahmed.

The Honourable Sir Sultan Ahmed (Leader of the House): I won't take more than two minutes. A certain impression has been created by my Honourable friend, Sir Yamin Khan. He referred the House to Rule 38 which is mentioned in the notice and he thought that as a lawyer he was shocked to see that certain Magistrates think that anything done by the person who received the notice is punishable under Rule 38. He said;

"No person shall without lawful authority or excuse—

(a) do any prejudicial act."

(An Honourable Member from the Congress Benches stood up to speak.)

Mr. Deputy President (Mr. Akhil Chandra Datta): He is not giving way.

The Honourable Sir Sultan Ahmed: My Honourable friend did not know that there was another Rule where "prejudicial act" has been defined. "Prejudicial act" has been defined under Rule 34 sub-rule (6). "Prejudicial act" means *inter alia* any act which is intended or is likely to undermine public confidence in the national credit or in any Government loan or security or in any notes, coins or token which are legal tender in India or any part thereof, or prejudice the success of any financial measures taken or arrangements made by Government with a view to the efficient prosecution of the war. It is a matter of merit whether Mr. Hussain Imam has done any prejudicial act as defined under Rule 34 sub-rule (6). That is whether he has done anything which would undermine public confidence in any Government loan, etc . . .

Dr. P. N. Banerjee: That is not the charge.

Sir Muhammad Yamin Khan: Is that the charge? I read out the notice. You are undermining confidence.

The Honourable Sir Sultan Ahmed: . . . by preventing people from subscribing, but whether he did it or not is another matter. If he has done anything to prejudice the success of any financial measures taken or arrangements made by the Government, I suggest that the requirements of the Rule will be satisfied. So, as a pure question of law that notice is in order.

Dr. P. N. Banerjee: This is irrelevant.

The Honourable Sir Sultan Ahmed: Of course!

Mr. E. E. Gupta (Cities of the United Provinces: Non-Muhammadan Urban): I had no intention to intervene in this discussion but as I know, perhaps I may be hoping against hope, the Honourable the Home Member who in a few weeks will be leaving this country may like to see that the provisions of the Act which he got passed by this House on his personal assurances, are not misused by over-zealous officers. It is with this hope . . .

The Honourable Sir Reginald Maxwell (Home Member): On a point of personal explanation, I was not in this House when the Act was passed.

Mr. E. E. Gupta: May I take it that you don't want that the provisions of the Act are not misused by your subordinate officers? I still hope that you want them to be judicially used by them. It is with this hope that I stand to bring certain facts to the notice of the House and I will leave it to the House and the Honourable the Home Member himself to decide to what extent the provisions of Defence of India Rules are being judicially carried out .

I will tell you one story of what happened in Cawnpore. One evening one of the Sub-divisional officers took a person on the lorry with all his luggage to a house where another person was residing and forcibly got the latter removed, threw away all his household property and put the man whom he brought into this forcibly vacated house without giving him any previous notice. The gentleman who was forcibly removed from his House was a Government servant and he belonged to the Department of Sir Jeremy Raisman.

In the second case, Sir, in the same way one house which was occupied by a business man, was forcibly opened without any notice to the occupier and another man was put there.

In the third case, one *tongawallah* was sentenced at Jhansi. The charge was that he brought the two military gentlemen to a rotten place.

In the third case which is my own, I purchased a house in Nainital last year which was occupied by three or four persons. I requested them to vacate the house because I bought that house for my own residence. They vacated the house on my request. Just I have got a notice in which it is written that the District Magistrate has asked those persons, whoever they may be, to occupy my house. I do not know, Sir, how far the District Magistrate is justified, without asking for a new tenancy, in asking those persons to re-occupy that house. These are also the persons who usually go to Nainital for the summer season for a change as I do. They are retired persons and have got nothing whatever to do with Government service or with military service. The order which I have got, only described that the persons who occupied my house on a previous occasion have been asked to reoccupy that house.

Then, Sir, there is another case. Here I have to narrate a story of one of the villages in Aligarh District. An order was served on the residents of that village that they should present themselves at a particular time and at a particular place in the house of a respectable gentleman in that village to meet the *Darogah Sahib* of that *Thana*. When the *Darogah* came there he saw all these persons sitting there. Perhaps he forgot that at that particular time he had an engagement for shooting. He, therefore, asked these persons to wait there and he went for shooting. When he came back in the evening he told them 'well I called you here to pay subscription to the war fund or to purchase war bonds'. They said that they had already paid to that fund. The *Darogah* thereupon said that in that case they will have to pay towards the collective amount which has been fixed for their village to fight inflation. You should pay for that investment, I am not using the word fund, because it was a compulsory and obligatory contribution. Well, these people naturally replied that they had already paid the quota and that they had not got receipts for the full amount paid by them. That excited the anger of the *Darogah Sahib* and he immediately called for the help of some constables. Some of these respectable persons were made *Murga*. They were asked to stand like *Murga*. Put their heads on the floor and a lot of material was loaded on their back. They were asked to stand in that position for a very long time. Some of them were the persons who were income-tax payers which shows that some of them were actually very respectable persons.

Then, there is another case in which a party went to a village in order to collect war fund. They asked the men to pay something. One of them told them he had nothing to pay as he has nothing with him and said, "You can search my house, I have not got anything to pay to you". This excited the anger of the party and they resorted to shooting and the man died. When that man died another thing was done. There was a *Patwari's* house, near to that was a *chappar* where he used to keep his cows and buffaloes, fire was put to that *chappar*. An excuse was put forward that the party was coming from another village with certain collections and when the party reached this particular village an attack was made on the party to snatch away money from them, and therefore, in self-defence the party had to resort to firing and it was said that the villagers also burnt the house of the *patwari*. On that special police was

[Mr. R. R. Gupta.]

called from the District. Next day a lorry loaded with many police constables and other officers came on the spot and they plundered the whole village. Almost every able-bodied person in the village was arrested. I do not know the exact number of the persons who were arrested. A sort of *sulm* was inflicted on the villagers. When the matter came to the notice of other people they wanted to file a suit and to take up that case, immediately the matter was brought to the notice of a lawyer. The lawyer was prevented to take up that suit, otherwise he will be dealt with by D. I. R. Sir, these are the few instances of the *sulm* which is being inflicted on the people under the garb of D. I. R.

I come to another type of injustice inflicted upon the trading community. Under these Defence of India Rules recently an order has been issued by the Industries Department according to which certain cloths are to be sealed and price-marked and that cloth cannot be sold beyond a certain time. There are hardly three or four persons appointed to carry on the work of sealing and price-marking on the cloth. In every shop they come and they take at least fifteen days time to complete the marking at one shop, and there are hundreds and thousands of shops in this particular District. Hence in many shops cloth has not been sealed and prices are not affixed on the cloth. The result is the cloth cannot be sold. It will take another six months before these persons are able to put prices on all the cloth and by that time the time allowed for selling the cloth will be finished. When anybody goes and makes a complaint, he is told whatever we ask you to do you should do that, otherwise there are the Defence of India Rules. Cases have come to my notice that where anybody has cared or dared to make complaints against certain officers, what happened in those cases was that investigations of those complaints were entrusted to the same officer against whom the complaint was lodged and the result was that the person who made the complaint was further harassed. The result is that a feeling has developed in the country that it is better to suffer all sorts of hardships and all sorts of injuries without speaking a word, otherwise they will have to face further trouble and further injuries. I think it is not a happy position. I do not think that the Government of India wants that this sort of position should be created in this country and it is with this hope that I have brought these facts to the knowledge of the Honourable the Home Member. I hope it is a most reasonable demand and it is in their own interest that Government should accede to the request of the Opposition to appoint an Advisory Committee to supervise the working of the Defence of India Rules. With these words I support the motion.

Mr. G. Rangiah Naidu (Madras City: Non-Muhammadan Urban): Mr. Deputy President, I have very carefully heard the speeches that have been made by my Honourable friends in this House. Whatever they said it was true and it was genuine. Sir, the administration of this Government is being abused and misused by the weapons of these Defence of India Rules. Sir, if these Defence of India Rules have not been abused or misused, I would not have been arrested on the 16th December, 1940, without committing any offence and put or sent to the jail for one year. Alright I admit they are right in arresting me, because I have been a political K. D. I have been a known depredator for the last 30 years. They have arrested boys who were playing marbles in the public streets and sent them to jail with me.

An Honourable Member: Just to keep company with you

Mr. G. Rangiah Naidu: Sir, children that were suckling the milk of their mothers have been arrested. Sir, what have these children done? They have done nothing wrong against the rules of this British Government. Such is the condition of this Government, such is the way in which they are misusing their rules and their enactments. My Honourable friend, Mr. Gupta, referred to the collections of war funds and collections of money against war bonds. Sir, I have witnessed so many atrocities that were committed in the villages

on petty merchants and agriculturists. Sir, the duty of collecting money has been entrusted to so many people—in the police department, the police sub-inspector, the police circle inspector, the police deputy superintendent, the police superintendent,—then the Collector, the deputy collector, the tahsildar, the revenue inspector, the village munsif and the village *karnam*. So many officers worry the people in the country in respect of collections of money. The war fund collections are stopped now, but the collection of money against war bonds is going on in the country now which is killing the people. A sub-inspector goes to some merchant and asks. "Where is my money? Take these two war bonds for Rs. 200". The merchant has not got even two pies to pay. Still the man is worried. If he is not in a position to pay, or if he refuses to pay, "All right. The weapon is in my hands, a special weapon, that is, the Defence of India Rules. I will arrest you. Even under the Police Act I can arrest you under some section". The man borrows some money and pays. But then another officer turns up—this time the circle inspector. "Where is my money?" "I have already paid Rs. 200, Sir. I have no money, Sir. I have already borrowed and paid, Sir, against two war bonds". "I do not care. My quota you must pay to the Government". The man has to pay. Then comes the tahsildar. Sir, I have got records here. Is this Government justified in taxing foodgrains? I have got a circular which was issued by the tahsildar of a taluq in the Kistna district.

An Honourable Member: Give the name.

Mr. G. Rangiah Naidu: No, I won't give the name. But this was issued by the tahsildar of a taluq in the Kistna district taxing foodgrains. I will read that to you, Sir, if it is intelligible. Per candy means 20 maunds. Groundnuts—Rs. 3 per candy; paddy Rs. 5 per candy; *cholam* or *jowar* in Hindustani Rs. 6 per candy; *mirchi* or *chillies* Rs. 10; tobacco Rs. 10. All these commodities are intended for human consumption. This Government want to "grow more food", but what for? Is it for taxation? To get more taxes? Are these circulars issued under the orders of any Government? I wrote in the papers, I have addressed letters to the Provincial Government asking whether under their orders or anybody else's orders this sort of circular has been issued to the village munsiffs?

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

Again, in this circular you will find the amount that is to be collected from different parties—from merchants, from cultivators; there will not be entry in individual names. Is it the order of the Government, I asked. Nobody answered, no answer at all. In the same circular it is also said that this money is going to be used after the war for the development of the same village. That means post-war reconstruction.

An Honourable Member: Railway fare!

Mr. G. Rangiah Naidu: Post-war reconstruction is all humbug I know, it is a mere humbug. We are going to see it after the war! So many promises have been made during the last war, don't you remember? What was the result? The Rowlatt Act was one result. The second result was the atrocities committed by General Dyer in the Jallianwala Bagh in the Punjab.

An Honourable Member: There are many Dyers now also.

Mr. G. Rangiah Naidu: I dare say that some Rowlatt Act is going to be imposed upon the people to restrict their activities. That will be the result, nothing more than that. I warn my friends not to believe these promises of this British Government—that they are collecting money for post-war reconstruction work. It will not be used for that purpose; that money will also be carried away to some place for some purpose. Only tax after tax will be heaped upon us. Even betel nuts are being taxed. The poor man's betel nut, the poor man's coffee and tea—during these days of crisis when foodgrains are not available, the poor men drink tea and coffee and pass their time. I have been

[Mr. G. Rangiah Naidu.]

seeing that with my own eyes, such is the suffering of the people. Even Rangoon broken rice is not available, and to tax tea which is used by the poor man in the absence of foodgrains—what are you going to do? There are two reasons—exigencies of general revenues and post-war reconstruction. These two things are killing us. They have taxed the poor man's tea and coffee, they are taxing the poor man's betel nut, and what remains? Only poll tax. There are 40 crores of heads in this country and those 40 crores of heads are going to be taxed, and that is what is going to happen. With these few words I strongly support the cut motion that has been moved.

The Honourable Sir Reginald Maxwell: Sir, it is a pleasure to me to be able to take part in one more debate on the Defence of India Act and Rules before I quit India (*An Honourable Member:* "So, it is no offence to say 'Quit India'?"') particularly on this occasion when the Congress Party are present today to take part in the debate, no doubt with the full approval and consent of the Congress Parliamentary Board.

Mr. D. K. Lahiri Chaudhury: The Congress Parliamentary Board has been banned, my dear friend.

Mr. Badri Dutt Pande: The Parliamentary Board wishes you good luck.

The Honourable Sir Reginald Maxwell: Sir, every good citizen becomes fed up with defence regulations before the end of a war. It was the same in the last war, when I remember in my own country D. O. R. A. was regarded as the enemy of all decent people. But our impatience at these tiresome but temporary restrictions should not induce us to take a jaundiced view of the whole subject. We must at least be prepared to be fair to this Defence of India Act and Rules which we are discussing.

Now, Sir, I am in a curious position today because the Defence of India Act was passed by this House in my absence. I was still on the high seas when it was passed by this House and now they seek to father it on me and blame me for it. (*An Honourable Member:* "For misusing it.") Another disadvantage under which I am suffering today is that this cut motion has been made against the grant of the Home Department. That in itself tends to put the whole subject in a wrong perspective and one against which I want to warn this House. The debate, as I expected, has proceeded as though the Defence of India Act and Rules were brought into existence and employed solely for the purpose of maintaining public order or interfering with political or other such activities. Now, I want to remind the House that the Defence of India Act was not primarily a penal enactment. It was, as its Preamble says, "an Act to provide for special measures to ensure the public safety and interest and the defence of British India and the trial of certain offences", and any one who reads the Act can see that a great portion of it deals only with the creation of those powers which are necessary for any Government to exercise in war time. Of course, the enforcement of those powers requires the prescription of certain penalties, but the object of the Act is different. It is not a penal enactment. It is designed for quite a different purpose. (*An Honourable Member:* "You penalise people all right.") In order to illustrate the actual use that has been made of the Act, I have here a statement of all the persons convicted under the Defence of India Rules up to the beginning of this year. I find that the progressive total of convictions under those Rules up to the beginning of this year is roughly 94,500 persons. But when I look at the analysis of those convictions I find that, for instance, 13,482 of them deal with offences relating to the control of lights and sounds.

Sir Cowasjee Jehangir: Lights and sounds?

The Honourable Sir Reginald Maxwell: Yes, mostly in Bombay, 16,866 convictions relate to the control of industry, etc. That is chiefly under Rule 81, which is well known to the House. Again 13,781 are under other rules of a non-political character. So, out of these 94,500 convictions which I spoke of, some 48,500 are totally non-political and deal with matters entirely separate from the public order matters, which have so much interested the House today.

The actual number of persons convicted under those rules who were still undergoing sentences of imprisonment on the 1st January was only 8,972 and I would submit to this House that, when a complaint is made against the use of the Defence of India Rules, the total number of convictions, 94 thousand odd which I mentioned, is not in itself a large number as the record of 4½ years of war in a population of 300 millions. No one can say that this country has been ground down and the life of the people has been interfered with under the Defence of India Rules, if that is all that has happened. (*An Honourable Member*: "What is the percentage in England?") It is very much higher. Out of this 94,500, only about half of the offences, of which persons were convicted, were of the nature which has been discussed today.

Another point on which too much attention has been focussed in connection with these rules is the fact that certain persons can be detained under them without trial. On the 1st of January, about 5,000 persons were still under detention out of the total population of India. The peak number, that is, the progressive total of persons detained, was 17,572 up to that date, so that some 12,383 persons who had been detained had already been released by the authorities who had ordered their detention. That does not look as if the Provincial Governments were anxious to keep people under detention longer than they thought was necessary and I am very glad to be able to meet the House with such a low figure of persons actually under detention for political reasons at the present moment.

As regards this question of detention without trial, certain observations have been made in the course of the debate and my Honourable friend, Mr. Joshi, compared the Defence Regulation 18B of the United Kingdom. He then made, to me, the strange assertion that this power of detention in England could only be used against persons against whom some substantive act can be shown. The actual Regulation reads:

"If the Secretary of State has reasonable cause to believe any person to be of hostile origin or associations, or to have been recently concerned in acts prejudicial to the public safety or the defence of the realm or in the preparation or instigation of such acts, and that by reason thereof it is necessary to exercise control over him, he may make an order against that person directing that he be detained."

All that is needed for the application of the Defence Regulation 18B in the United Kingdom is "reasonable cause to believe". Now, another comparison has been made between what used to be Defence Rule 26 and Defence Regulation 18B. Mention has been made of the fact that Rule 26 has now been superseded by a new Ordinance III of 1944, which gives these powers in a self-contained form. Some criticism has been levelled against the nature of that Ordinance. It has been pointed out that it does not, as in Defence Regulation 18B of the United Kingdom, provide for Advisory Committees to consider the cases of persons against whom detention orders have been passed. That is true and I have already discussed the reasons for it in another place. But I would point out that as against that—and it is a point that Government considered very seriously before Ordinance III was approved—we have incorporated a liberalising provision which does not exist even in Defence Regulation 18B of the United Kingdom. We have prescribed that no person can be detained for more than six months under Ordinance III unless his case has been specifically reviewed and a fresh order has been passed. That, I submit, is a very definite advance and to a considerable extent removes the necessity of Advisory Committees, because the cases of all persons must automatically be reviewed by the Executive itself throughout. That, I admit, does not go as far as this House would like in that respect, but I did consider the point very carefully and the whole Government considered it very carefully as to whether we could set up Advisory Committees in this country of the kind which are in use in the United Kingdom, and it was considered that the practical difficulties were too great and that it would, to a very large extent, meet the nature of the case if the period of detention were limited in the way we have done. The House will admit that although there may be no Advisory Committees, it does still make a difference to the prospects of a person detained

[Sir Reginald Maxwell.]

that every detention order has a definite date of determination. There is no longer such a thing as indefinite detention and the provision for review is made statutory and compulsory. Although, as I said, we were unable to go as far as this House might have liked in the way of Advisory Committees, we have done a good deal to meet the sentiment which has, from time to time, been expressed in this House. And I would tell the House that in considering these matters, Government are not so unresponsive to the opinions expressed in this House as is sometimes believed. I take note of all these opinions and I find the general trend of them and see whether we can go any distance to meet them. I was conscious in the framing of this new Ordinance that I was going some way to meet the apprehensions which had been expressed in the past by Honourable Members such as my Honourable friend, Mr. Joshi. (Interruption.) I thank the Honourable Member for reminding me of that point. There has been some criticism of Ordinance III on the ground that it prescribes that no Court shall have power to make any order under section 491 of the Code of Criminal Procedure, that being the *habeas corpus* provision. Now, I would remind this House that the law of the country, as it exists in the Criminal Procedure Code and has existed ever since that Code was passed, prescribes that nothing in section 491 applies to persons detained under the Bengal State Prisoners Regulation, the Madras Regulation or the Bombay Regulation or the State Prisoners Acts of 1850 or 1858, so that in giving the same status to orders passed under Ordinance III we have done nothing that was not an accepted principle of law. At least in the case of a man who is detained without trial it does not matter from his point of view whether he is detained under the Bengal State Prisoners Regulation or the Bombay Regulation or Ordinance III of 1944. In these cases the accepted law of the country is that *habeas corpus* provisions do not apply to State prisoners who are detained without trial and there is no new restriction in principle imposed on High Courts in that respect. But as I have pointed out in another place, the mere inclusion of section 491 in Ordinance III does not, in effect, prevent the High Court from looking at orders which, it appears, have been passed without legal authority or under a misapprehension such as that of identity or in cases where the order is clearly *mala-fide*. High Courts have always held, so far as I know, that they are not precluded by section 491(3) from going into those things even in cases which were included in that sub-section and that position is not altered by the inclusion of this Ordinance in that sub-section.

Pandit Lakshmi Kanta Maitra: The Chief Justice of the Calcutta High Court has definitely pronounced otherwise.

Mr. President (The Honourable Sir Abdur Rahim): Order, order. Let the Honourable Member proceed.

The Honourable Sir Reginald Maxwell: It shows no fresh distrust of High Courts.

Now, Sir, I wish to deal with the matter somewhat more generally. I cannot, of course, in reply to a cut motion go into detailed instances such as those which have been mentioned on the floor of the House. But I would remind the House that complaints of misuse of the Defence of India Rules proceed on the assumption that there ought to be more control from the Centre of provincial action in the sphere of public order, otherwise there would be no reason for moving a cut motion against this Government in that respect. Actions of the kind which have been mentioned in the course of this debate are all, I think every one of them without exception, taken by provincial officers under the control of their own Governments. The only argument on which this Government could possibly be censured in respect of instances of that kind is that they have not done something to prevent Provincial Governments from using their powers. Now, I would freely admit to this House that when we were framing the Defence of India Rules, we might have divided them into Provincial and Central sections. In fact, we thought of doing so. But it was obvious at an early stage of consideration that in the circumstances of war there

must be considerable overlapping or blurring of spheres of responsibility, because almost any aspect of public activities may in some respect or other affect the defence of the country. We, therefore, found it impossible to make a clear-cut division of that kind. Therefore, the Act provided that the Defence of India Rules should be made by the Central Government, but it also provides that the powers may very often be concurrent and it also makes full provision for the delegation of powers. In fact, it even makes provision for the investment of provincial officers with powers in Central subjects or Central officers to be given powers in relation to provincial subjects.

It has always been recognised and was recognised in the debates which took place in this House when the Act was passed that public order is a thing which affects the defence of India. That does not mean that the Centre had to take over the whole subject merely because it passed the rules. The responsibility remained where it is placed by the constitution and necessarily so, since the Provinces still have their primary responsibility for the maintenance of public order under all other existing laws relating to public order. And not only so, but the Provinces possess all the machinery necessary for the preservation of public order and the enforcement of those laws. It would have been impossible to go to the Provinces and say "Discharge your tasks up to the point at which the Defence of India Rules are needed and then, from that point, the Centre will take detailed control, but still the machinery must be yours and remain yours". Such divided control would be impossible. We cannot leave the Provinces in control of order up to a certain point or in the use of certain laws and then suddenly draw the line where the Centre steps in and takes over the machinery and relieves the Provinces of their responsibility. Public order in a country of the size of India must require decentralisation to a very great extent and all that the Centre could do in matters affecting public order was to take or direct action or policy where all-India interests were involved or where non-Provincial or inter-provincial considerations arose. These are the only matters where the Centre can step in and have some voice in the control of public order, but where that is not so we are bound to leave it to the Provinces. How much the defence of India has been affected by matters of public order during this war, I need hardly remind this House. Some of them, I hope, have seen the pamphlet that was written some time ago, "some facts about the disturbances" and I need hardly remind the House of cases in which officers and policemen were burnt alive, trains were derailed with great loss of life, innocent passengers bombed to death, including women and children, schools and hospitals burnt and destroyed and innumerable other acts of sabotage were committed.

Dr. P. N. Banerjee: Does one wrong justify another?

Sardar Sant Singh: Have you not had sufficient reprisals in 1942 for those alleged acts. You killed men and women in hundreds.

The Honourable Sir Reginald Maxwell: No one can possibly deny that occurrences of that kind vitally affected the defence of India in relation to the war position.

Sir Muhammad Yamin Khan: Nobody says that.

The Honourable Sir Reginald Maxwell: It is in no way possible to say that the Defence of India Rules were not required for this kind of thing or that they were not properly used against it.

Sardar Sant Singh: They were not properly used. I question the Honourable Member's statement on that point.

The Honourable Sir Reginald Maxwell: I would say in reply that the Defence of India Rules have, in fact, helped us to carry India through very great dangers and I would say that the country might well be thankful, if it takes a dispassionate view of the matter, that those rules were there; otherwise I would make bold to say that Honourable Members would not have been able to step into their luxurious third class carriages and come to this House today in order to criticise us and draw double first class travelling allowance for doing so.

[Sir Reginald Maxwell.]

I would therefore submit to this House that the allegations of misuse of these rules have not been substantiated.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North-Arcot: Non-Muhammadan Rural): But you never believed that they were misused.

The Honourable Sir Reginald Maxwell: I know that a number of single alleged instances have been brought up in this House, but instances of that kind are not enough to establish a case against the Defence of India Rules as such. Had misuse of these Rules been of the kind and character alleged in this House, much more would have been heard about it than we have heard hitherto.

Sardar Sant Singh: Read the strictures of High Court Judges about the misuse of your Defence of India Rules.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had his say in his speech. He ought not to interrupt.

The Honourable Sir Reginald Maxwell: I would remind the House that our critics, even those among the High Court Judges, have very seldom seen the evidence on which the various Governments have acted in the use of these Rules. In the nature of the case, the evidence cannot be placed before them and it would be a great mistake to suppose that merely because certain criticisms or allegations have been made, the Governments of the Provinces concerned had no good reason, no *bona fide* reasons for making an order or taking the action complained of. Cases of alleged failure of responsible Governments to exercise sufficient administrative control over their officers would not, even if they could be established, be sufficient to discredit the Defence of India Rules as such. Indeed my Honourable friend, Sir Muhammad Yamin Khan, in reading out Rule 38, apparently found nothing to complain of in that rule. What he complained of was that some action which ought not to have come under it was deemed to have come in, but he read out with evident approval the provisions of the rule itself. That is all we are responsible for—the rule itself. The persons responsible for its application or control are the officers who use those powers

Sir Muhammad Yamin Khan: But why do you bring the charge against him of not purchasing defence bonds?

The Honourable Sir Reginald Maxwell: What I am saying is that in order to make good this cut motion, it would be necessary to show that there had been wilful misuse not by individual officers but by Provincial Governments themselves of the powers conferred on them.

Sir Muhammad Yamin Khan: Why don't you chuck off this S. D. O. who has misused his powers?

The Honourable Sir Reginald Maxwell: The point is whether the Provincial Governments have wilfully misused those powers. I am quite aware that from time to time there has been voiced in this House a demand for more detailed control by the Central Government and by this House. The fact that this House passed the Defence of India Act and the Central Government framed rules under it does not, of course, transfer the executive authority to the Centre any more than happens when legislation takes place in the concurrent field. Nor did section 126-A contemplate taking away the executive authority from the Provinces. Any Honourable Member who looks at the terms of the section would see that it only authorises the Central Government to give directions to Provinces as to the exercise of the executive authority thereof, and section 126-A, sub-section (b) places clear restrictions on any encroachment by the Central Government even by legislation on provincial powers. But when the Defence of India Act and Rules were passed, the principle was accepted by the Legislature that both the Central and the Provincial authorities should have the powers they needed for exercise within their own spheres and that those authorities could be trusted to use them properly.

Sardar Sant Singh: But why do you not deprive them by another Act?

The Honourable Sir Reginald Maxwell: It is true that it was not then known, when this Act was passed or when the present rules were framed, that the Congress Ministries would resign rather than discharge their responsibilities for the defence of India. But their resignation does not alter the principle accepted by this House or create a reason for not allowing the six non-Congress Ministerial Governments the powers which they then thought suitable for all alike. I would submit to this House that there cannot at any time in this country exist two legislatures, each claiming to exercise control over the same matter. Still less can we envisage the Central Legislature asserting the claim to exercise such control in detail over the actions of officers who are employed by and responsible to the Governments of their own Provinces. We must, I think, in considering this matter avoid what would be fundamentally an unsound position. I know that this demand for the control of everything at the Centre is really only a plea for a strong Centre as against Provincial autonomy. But you cannot have both together and we cannot alter the constitution at this moment; we have to take it for what it is. I admit too before this House that in the situation which I have described the relations between the various authorities are not always clearly defined and that they are sometimes puzzling. They are obviously sometimes puzzling to this House and they have at times puzzled me. I fully admit the great interest which this Assembly takes in matters affecting the liberties of the subject in the provinces; and so far as I have been able to do so in my present position, I have sought to meet the interest of this Assembly by giving it such material as I had at my command and by being prepared to discuss subjects in this House which were not strictly within my own responsibility. But in a case like the Defence of India Rules there is bound to be some blurring of responsibility; and in that case the proper course is not for the Centre to try to take powers out of the hands of the Provinces but rather to have understanding and co-operation between all the various authorities who are working for the common object of the safety and security of India. And that specially happens in the field of public order to which this cut motion mainly relates. I would, therefore, submit that this Assembly should not be misled by allegations of individual instances of misuse of powers which, as I said, I cannot answer because I have not got the means of verifying them or answering readily about the details of those cases. The Assembly should not be misled into attempting or demanding what would be impossible. I submit, Sir, that no case has been made out for this cut motion, that practically all the complaints which have been made have related to matters in which either responsible Provincial Ministries were concerned or, at any rate, this Central Government have not got the machinery to take direct responsibility and be answerable to this House. I therefore oppose the motion.

Mr. Abdul Qaiyum: Sir, I rise to support the motion. It is very difficult to convince the Honourable the Home Member even at a time when he is about to leave this country that he is wrong. It is harder still to convince the Government of which he forms a part that they can ever make mistakes. In fact when we listen to their speeches we begin to think that they have implicit and unshakable faith in their infallibility. The Honourable the Home Member in the course of his speech compared the provisions of the Defence of India Rules to corresponding provisions that exist in the British enactment, and tried to make out a case that the provisions which obtain in this country are similar to those which have been enforced in Great Britain. But may I ask the Honourable the Home Member if the Government of Great Britain is as irresponsible to the people of that country as this Government is to the people of this country? May I ask him if the Chancellor of the Exchequer could have the courage to rise in the House of Commons and say like the Honourable Sir Jeremy Raisman, that he does not care for twenty censure motions, that we can pass censure motion after censure motion but that they do not care two straws about them? Can such a thing happen in the House of Commons? Can the Chancellor of the Exchequer make the sort of statement which the Honourable the Finance Member made yesterday? Then, Sir, may I know if in

[Mr. Abdul Qaiyum.]

England it is possible for a candidate who is defeated in a parliamentary election to be appointed a Minister of the Crown, while his successful opponent is made to rot in jail all his life till he is dead? The last time that Mr. Satyamurti was arrested the state of his health was such that any one who had the least knowledge about his health knew that he would not survive his sentence of imprisonment. And that is what happened and what happens. Would it be possible for the Prime Minister of Great Britain to appoint a defeated candidate as a Minister of the Crown and give him extension after extension? Would it be possible for the defeated candidate to rise in the House and have the effrontery to tell the Opposition,—the elected representatives of the people,—that they are children who are being led astray? May I ask if such a thing can happen in Great Britain? Then why compare this wretched and irresponsible Government, these servile henchmen of British Imperialism, to a free country and a free Government—like they have in England? It is precisely because they are not responsible to the people of this country that we on this side of the House are anxious that some sort of control, some measure of check, should be exercised over the manner and the method in which they exercise and put these Defence of India Rules into practice. Just now my Honourable friend, Sir Muhammad Yamin Khan, brought to the notice of this House a very glaring instance of the abuse of the Defence of India Rules. If these rules are really intended for the defence of India, not even the arguments of the Leader of the House can convince us that this order can be justified. I hope the Public Prosecutor of the district town in Bihar, wherever it may be, will not take his cue from the *ex-Advocate-General* of Bihar who got up and started citing chapter and verse to justify the order. I am really amazed that anything and every thing can be defended by the Members of this Government.

Sir, if the Defence of India Act is really meant for the defence of India against foreign aggression we on this side of the House are whole-heartedly for it and we would be the last people to criticise it. But we know that in actual practice the Defence of India Act and the Defence of India Rules, are all intended for the defence of British Imperialism against Indian nationalism, that they are being misapplied day in and day out, that they are being repeatedly abused in practice by Government officers. And I can say without fear of contradiction that if a gentleman of the standing of the Honourable Mr. Husain Imam can be hounded in this manner, anything is possible. One of the charges against him is that he himself was not subscribing to the defence loans. Why should he subscribe money to the defence loans? Was he consulted when this war was declared? Was any countryman of his consulted when this war was declared? Is this war really being fought for the defence of India or is it being fought that Great Britain might recover all those countries over which she held sway before Japan came on the scene and snatched them away with one lightning stroke and deprived them of their ill-gotten gains? They are simply smarting to get back those countries, their oil and rubber, and to exploit them as they did before. What interest have we in this war? If a gentleman of the standing of Mr. Husain Imam can be treated like this, is it fair on the part of the Home Member to say that a single instance does not prove a case? If a man of his standing can be served with a notice like this, there must be thousands and thousands more in these seven lakhs of Indian villages who are being forced to give money to Government not because they want to give it but because it is forced out of their hands. Extortions and acts of extortions are being committed by Government servants and I can say without any fear of contradiction that the promotion of Government servants depends on the amount of extortion which they can levy. Then you say, "What do you know about this; these are general allegations". The other day the Honourable the Supply Member jumped up in his seat when I told him that the Supply Department was a department about which one could say, that corruption and Supply Department are interchangeable terms. He simply got up and tried to refute. What was the object of my remark? My object was that the stench of corruption should be removed from this Department. But what was the effect?

The Honourable the Supply Member got up and tried to convince the Members of this House that there was nothing wrong with the Department which was reeking with the stench of corruption . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member should not revive a debate which is finished.

Mr. Abdul Qaiyum: All right, Sir. I was just giving an analogy.

Similarly, this notice which has been served on the Honourable Mr. Husain Imam should act as an eye-opener to the Honourable the Home Member and he should take immediate steps to stop this abuse of the Defence of India Rules. We are told that there is such a thing as a provincial sphere and there is such a thing as a Central sphere, and we are told that such is the tender-hearted regard which this Government entertain for the provinces that they simply do not wish to interfere in their activities. Now, let us examine the situation. Most of the provinces even today are being governed under Section 93 of the Government of India Act. You passed the Defence of India Act, and you framed the Defence of India Rules. Section 93 Governments are directly under you. And as regards the Provincial Governments where provincial autonomy seems to prevail, I think that the situation was admirably summed up by the Honourable the Deputy Leader of the Muslim League in the course of his speech when he said that Provincial Governments are simply helpless because due to the war conditions you have simply made it impossible for them to function. The provinces are helpless. It is the Government of India which is, in fact, responsible for all manner of wrongs which are being committed on the people.

I wanted to go on, Sir, but the time is limited. I hope that the House will 5 P. M. pass this cut motion and that every elected member will vote for this cut motion.

Some Honourable Members: 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 demand under the head 'Home Department' be reduced by Rs. 100."

The Assembly divided:

AYES—53.

Abdul Ghani, Maulvi Muhammad.	Lahiri Chaudhury, Mr. D. K.
Abdul Qaiyum, Mr.	Lalchand Navalrai, Mr.
Abdullah, Mr. H. M.	Lalljee, Mr. Hooseinbhoj A.
Azhar Ali, Mr. Muhammad.	Liaquat Ali Khan, Nawabzada Muhammad...
Bajoria, Babu Baijuath.	Maitra, Pandit Lakshmi Kanta.
Banerjee, Dr. P. N.	Mangal Singh, Sardar.
Bhutto, Mr. Nabi Baksh Illahi Baksh.	Mehta, Mr. Jamnadas M.
Chattopadhyaya, Mr. Amarendra Nath.	Murtuza Sahib Bahadur, Maulvi Syed.
Chettiar, Mr. T. S. Avinashilingam.	Naidu, Mr. G. Rangiah.
Chetty, Mr. Sami Venkatachalam.	Nairang, Syed Ghulam Bhik.
Choudhury, Mr. Abdur Rasheed.	Nauman, Mr. Muhammad.
Choudhury, Mr. Muhammad Hussain.	Neogy, Mr. K. C.
Dam, Mr. Ananga Mohan.	Pande, Mr. Badri Dutt.
Datta, Mr. Akhil Chandra.	Parma Nand, Bhai.
Deshmukh, Mr. Govind V.	Ramayan Prasad, Mr.
Essak Saity, Mr. H. A. Sathar H.	Raza Ali, Sir Syed.
Fazl-i-Haq Piracha, Khan Bahadur Shaikh.	Reddiar, Mr. K. Sitarama.
Gupta, Mr. K. S.	Sant Singh, Sardar.
Gupta, Mr. R. R.	Sham Lal, Lala.
Habibar Rahman, Dr.	Siddique Ali Khan, Nawab.
Hegde, Sri K. B. Jinaraja.	Siddiquee, Shaikh Rafiuddin Ahmad.
Hostmani, Mr. S. K.	Subbarayan, Shrimati K. Radha Bai.
Ismail Khan, Hajee Chowdhury Muhammad.	Umar Aly Shah, Mr.
Joshi, Mr. N. M.	Yamin Khan, Sir Muhammad.
Kailash Bihari Lall, Mr.	Yusuf Abdoola Haroon, Seth.
Kazmi, Qazi Muhammad Ahmad.	Zafar Ali Khan, Maulana.
Krishnamachari, Mr. T. T.	

NOES—44.

Ahmad Nawaz Khan, Major Nawab Sir.	Kushal Pal Singh, Raja Bahadur.
Ambedkar, The Honourable Dr. B. R.	Lawson, Mr. C. P.
Ayers, Mr. C. W.	Maxwell, The Honourable Sir Reginald.
Benthall, The Honourable Sir Edward.	Miller, Mr. C. C.
Bewoor, Sir Gurunath.	Muazzam Sahib Bahadur, Mr. Muhammad.
Bhagchand Soni, Rai Bahadur Seth.	Mudaliar, The Honourable Dewan Bahadur
Caroe, Sir Olaf.	Sir A. Ramaswami.
Chapman-Mortimer, Mr. T.	Ogilvie, Sir Charles.
Chatterji, Mr. S. C.	Piars Lall Kureel, Mr.
Dalal, Dr. Sir Ratanji Dinshaw.	Raisman, The Honourable Sir Jeremy.
Dalpat Singh, Sardar Bahadur Captain.	Richardson, Sir Henry.
Griffiths, Mr. P. J.	Roy, The Honourable Sir Asoka.
Gwilt, Mr. E. L. C.	Shahban, Khan Bahadur Mian Ghulam Kadir
Habibur-Rahman, Khan Bahadur Sheikh.	Muhammad.
Haidar, Khan Bahadur Shamsuddin.	Sheehy, Sir John.
Imam, Mr. Saiyid Haidar.	Siva Raj, Rao Bahadur N.
Inskip, Mr. A. C.	Spence, Sir George.
Ismail Alikhan, Kunwer Hajee.	Stokes, Mr. H. G.
Jawahar Singh, Sardar Bahadur Sardar Sir.	Sultan Ahmed, The Honourable Sir
Jehangir, Sir Cowasjee.	Sundaesan, Mr. N.
Kamaluddin Ahmad, Shamsul-Ulema.	Thakur Singh, Capt.
Khare, The Honourable Dr. N. B.	Trivedi, Mr. C. M.
Krishnamoorthy, Mr. E. S. A.	Tyson, Mr. J. D.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 16th March, 1944.